TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL ON THURSDAY, AUGUST 7, 2008

THREE HUNDRED YEARS
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NOTICE OF PUBLIC HEARING
CITY COUNCIL OF THE CITY OF ALBUQUERQUE

TO ALL CITIZENS AND PARTIES IN INTEREST:

Notice is hereby given that the City of Albuquerque Land Use Hearing Officer will hold a public hearing on **FRIDAY, August 22, 2008,** at **9:00 a.m.** in the Council Committee Room, 9th Floor, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, to consider the following:

AC-08-016 – 08DRB-70146 & 08DRB-70147- PROJECT # 1006822 – Silver Hill Neighborhood Association, appeal the decision of the Development Review Board (DRB) to approve a vacation of public right-of-way for all or a portions of Lot(s) 1 & 2, Block 76, Terrace Addition, together with vacated portions of Terrace Street, Gold Avenue and Buena Vista Drive SE, known as 2000 Gold Avenue SE.

Details of the above may be examined at the Development Review Division of the Planning Department, 3rd Floor, Plaza del Sol Building, 600 Second St. NW, Monday thru Friday, between 9 am - 4 pm.

Brad Winter
City Council President

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Council office at least one day before the meeting date at 768-3100. TTY users please call New Mexico Relay Network toll free at 1-800-659-8331.

APPROVED: Russell D. Brito, Division Manager
Development Review Division

CHAVEZ LAW FIRM, P.C.

STEVEN M. CHAVEZ
ATTORNEY AT LAW

September 4, 2008

Gordon Rerselt
Appellant
1515 Silver Ave. SE
Albuquerque, NM 87106

Kevin J. Curran
City of Albuquerque Legal Dept.
P.O. Box 2248
Albuquerque, NM 87103
Via Fax: 768-4525

Russell D. Brito
Planning Department
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Via Fax: 924-3339

RE: Albuquerque Appeal
No. AC-08-16

Dear Parties:

Enclosed is a copy of my recommendation on the above referenced appeal matter. The Original has been forwarded to the City Council with the Exhibits, if any. Please call the City Council for information about when this matter will be reviewed by the Council. Thank you.

Cordially,

CHAVEZ LAW FIRM, P.C.

By: _____
Saydee Lindsey for
STEVEN M. CHAVEZ
Land Use Hearing Officer

cc/ Office of the City Council

643 U.S. Highway 314, S.W., Suite C • P.O. Box 2415 • Los Lunas, N.M. 87031
telephone: (505) 565-3650 • facsimile: (505) 565-3651 • chavezlawfirm@earthlink.net

LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-08-016,
Project No. 1006822;

SILVER HILL NEIGHBORHOOD ASSOCIATION, Appellant,

CITY OF ALBUQUERQUE PLANNING DEPARTMENT, Party Opponent.

I. PROCEDURAL BACKGROUND

This appeal concerns a decision of the Development Review Board (DRB) approving a proposal to vacate three strips of public right-of-way and one private property lot line (to consolidate two parcels), pursuant to Section 14-14-7-2(B)(3) of the City of Albuquerque Subdivision Regulations (Hereinafter the "Regulations"). On March 20, 2008, an application for the vacation proposal was submitted to the City Planning Department by Surveys Southwest, Ltd, agents for 2000 Gold Ave., LLC. (Landowners).[1] The proposed vacation and subject parcels are located between Terrace Street, Gold Avenue, and Buena Vista Drive, SE. The record demonstrates that the stated purpose of the vacation action is "to prepare the property for residential condominiums."[2]

While the Landowners' vacation proposal was pending before the DRB, the Landowners also had a pending application before the City Council for a zone map amendment to change the zoning of the subject parcels. On June 16, 2008, the City Council unanimously denied the Landowners application for the zone change.

After some postponements, on June 18, 2008, the DRB approved the vacation application. Appellants in this matter are the Silver Hill Neighborhood Association (SHNA). The SHNA is represented by association member, Gordon R,erselt. The Appellants' appeal does not include the part of the vacation that consolidates the two parcels. Their appeal concerns only the vacation of the right-of-ways. Appellants filed their timely appeal of the DRB decision on July 3, 2008. The Party Opponent, the City Planning Staff, is acting on behalf of the Landowners. The Landowners did not appear at the Land Use appeal hearing.

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[1] In their application, Landowners proposed to also vacate a private property boundary line in order to consolidate two platted parcels.

[2] See Letter from Surveys Southwest, Ltd. dated March 19, 2008, Page 27 of the record.

II. ISSUES PRESENTED BY APPELLANTS

Appellants have raised several issues. Their main point of contention with the DRB's action, however, is that the City Council, in denying the zone change, in effect, denied the expansion of the subject parcels. They argue that the DRB, however, ignored the City Council action. The DRB, and the Planning Staff take the position that the matter before the DRB is completely independent of the action taken by the City Council regarding the subject site because the vacation action has nothing to do with has nothing to do with the zone change and the site development plan that was rejected by the City Council.

Appellant also takes the position that the DRB decision approving the vacations lacks the requisite rationale for its decision. That is, Appellant claims that the DRB failed to demonstrate that the public welfare is not served by retaining the existing property boundaries of the subject parcels.

III. STANDARD OF REVIEW

A review of an appeal is a whole record review to determine if there is error:

1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
2. In the appealed action or decision, including its stated facts;
3. In acting arbitrary, capriciously or manifestly abusive of discretion.

The decision and record must be supported by a preponderance of the evidence to be upheld. The Land Use Hearing Officer may not substitute his judgment for that of the reviewing Body below. The Land Use Hearing Officer's opinion is advisory to the City Council. The Land Use Hearing Officer may recommend that the Council "grant, in whole or in part, an appeal, deny, in whole or in part, an appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement the record, or if the remand would expeditiously dispose of the matter."[3]

IV. DISCUSSION

After reviewing the record of this appeal and the decision of the City Council regarding its denial of the site development plans and zone amendment proposal, I find that the DRB erred. Although the City Council action denying the plans and zone amendment was an independent action from the vacation proposal before the DRB, the vacation proposal is inextricably associated with a general plan to develop and change the status quo of setbacks measurements from those of the surrounding buildings in the area. In affect the vacation proposal opens the door to future

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[3] See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

development of the kind that was denied by the City Council.

Moreover, the DRB failed to provide any reasoning for its stated conclusion that the 'Public welfare is in no way served by retaining the [public right of-way]." There is no evidence in the record to support the decision of the DRB, nor is there any evidence that the DRB even defined the public welfare as it may relate to the proposal.

The City of Albuquerque Subdivision Regulations provide the framework for a DRB decision on vacating public right-of-way. Section 14-14-7-2(B) of these Regulations requires that the applicant demonstrate:

a. The public welfare is in no way served by retaining the [right-of way] or easement; or

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

c. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.[4]

The Planning Staff asserts that the first and second prong of the analysis are disjunctive and that it may choose between applying either the first or second prongs. I agree.[5] However, in its written decision, the DRB merely recited the first prong as a conclusion without any explanation on how it arrived at its decision.

The Planning Staff maintain that the DRB safeguarded the public welfare by requiring the applicant to maintain the sidewalk and streetscape in its existing condition. That is, although the property boundary lines are pushed back into the sidewalk, the Landowner cannot remove the City sidewalk or otherwise modify the streetscape. I disagree that this presumed safeguard satisfies the all the issues that are presented as "public welfare."

The heart of Appellants' contention has to do with the how development will finally appear as a result of the vacation action when setbacks are measured; and it has much to do with the findings of the City Council, as they relate to the subject site. Although the City Council's decision, denying a site plan and zone amendment, did not specifically include a denial of expanding the applicant's land into the public right-of-way, they made specific findings regarding the scale of development on the subject parcels. And although, there is no evidence that the project previously rejected by the City Council has anything to do with the vacation proposal approved by the DRB,

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[4] See City of Albuquerque Subdivision Regulation, Section 14-14-7-2 Vacation of Public Right of Way, Private Ways and Easements.

[5] Notably, Appellants did not argue that the DRB erred with respect to its finding regarding the third prong.

the City Council made specific findings about mass, density and setbacks in relation to the subject site. It found that the proposal at this site created "a building with height and mass significantly greater, and setbacks much smaller, than those of surrounding buildings that characterize the neighborhood."[6] It also found that if the massing, densities and setbacks were modified it "would not strengthen the identity and cohesiveness of the neighborhood."[7]

Appellants claim that the purpose of the DRB's vacation action is to allow the Landowners to increase densities, pushing setbacks further out into the public right-of-way. Moreover, they claim that pushing the property lines into the public's right-of-way will effectively allow setbacks to appear reduced and out of line (or uniformity) with buildings in the surrounding areas. I agree.

There is a nexus between increasing the relative size of the property, at the expense of public right-of-way, with increasing building mass. There is no other reason the Landowners are proposing the vacation action. And, the record is clear that the purpose of the vacation action is to prepare and pursue the development of residential condominiums.[8] For the DRB to ignore the stated purpose of the vacation proposal is erroneous and slights any real objective analysis of the public welfare. The purpose and result of the vacation on the neighborhood character, in my opinion, will run afoul of the City Council's findings with regard to these elements. The City Council was clear about maintaining densities and the uniformity in the area and with these parcels.

I note that when the City Council rejected the zone change, it was very emphatic about how an increase in density, massing, and the reduction setbacks would be a detriment to this neighborhood. Similarly, moving the private property boundary lines into the public's right-of-way effects how setbacks will finally appear when and if development occurs on the parcels. Although technically, setbacks may be satisfied when development occurs, the resulting effect will allow a building to be placed closer to the sidewalk and street. Buildings on these parcels would then be out of alignment with the buildings in the immediate area. Thus, I agree that the public welfare will likely be affected as a result of the vacation action.

And, although, the vacation action should not technically alter the streetscape or the sidewalks fronting the affected parcels, it will pave the way for development to be pushed further out and closer to the sidewalks.[9] There is no argument about this point. Thus, I have to agree with

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[6] Official Notice of Decision, City of Albuquerque City Council, August 13, 2008, Page 4, appeal Record, Exhibit" A."

[7] Id.

[8] See Letter from Surveys Southwest, Ltd., to the DRB dated March 19, 2008, Page 12 of the Record.

[9] Notably, even though City Staff stated in the appeal hearing that the landscaping and the sidewalks would not be altered by this vacation, the final written decision is silent about

Appellants' contention, that the unique character of the neighborhood would be changed as a result. This is one of the many reasons the City Council rejected the zone change and site development plan.

I therefore find that the vacation of the right-of-ways on each of the three sides does not serve the public welfare in this regard. I further find that the vacation action will result in development that would appear out of uniformity with the setbacks in the surrounding area and in a manner that the City Council specifically rejected for the subject parcels.

Finally, I find that the DRB erred in applying the law to the facts of this case. I also find that, by not analyzing the public welfare in relation to the clear purpose and intent of the applicants' proposal, the DRB acted arbitrarily in concluding that the public welfare is not served by retention of the right-of-way. For all the reasons stated above, I respectfully recommend that the City Council uphold Appellants' appeal, reversing the DRB and deny the vacation proposal as it relates to the three right-of-ways only.

September 2, 2008

Steven M. Chavez, Esq.
Land Use Hearing Officer

requiring that the sidewalks and landscaping be left unaltered.

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Notice is hereby given that the City of Albuquerque Land Use Hearing Officer will hold a public hearing on **FRIDAY, August 22, 2008,** at **9:00 a.m.** in the Council Committee Room, 9th Floor, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, to consider the following:

AC-08-016 – 08DRB-70146 & 08DRB-70147- PROJECT # 1006822 – Silver Hill Neighborhood Association, appeal the decision of the Development Review Board (DRB) to approve a vacation of public right-of-way for all or a portions of Lot(s) 1 & 2, Block 76, Terrace Addition, together with vacated portions of Terrace Street, Gold Avenue and Buena Vista Drive SE, known as 2000 Gold Avenue SE.

Details of the above may be examined at the Development Review Division of the Planning Department, 3rd Floor, Plaza del Sol Building, 600 Second St. NW, Monday thru Friday, between 9 am - 4 pm.

Brad Winter
City Council President

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APPROVED: Russell D. Brito

Russell D. Brito, Division Manager
Development Review Division

CITY OF ALBUQUERQUE

Planning Department
Richard Dineen, Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF HEARING

August 7, 2008

Silver Hill Neighborhood Assoc.
1701 Silver Ave. SE
Albuquerque, NM 87106

AC-08-016 – 08DRB-70146 & 08DRB-70147- PROJECT # 1006822 – Silver Hill Neighborhood Association, appeal the decision of the Development Review Board (DRB) to approve a vacation of public right-of-way for all or a portions of Lot(s) 1 & 2, Block 76, Terrace Addition, together with vacated portions of Terrace Street, Gold Avenue and Buena Vista Drive SE, known as 2000 Gold Avenue SE.

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Friday, August 22, 2008.** The hearing begins at **9:00 am** in the Council Committee Room, 9th Floor, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

Submittal of new information or questions regarding the hearing with the City Council should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

If you would like a copy of the record submitted to the City Council, copies are available upon request by calling (505) 924-3883.

Sincerely,

Dora Henry
Administrative Assistant

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

cc: Surveys Southwest LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
2000 Gold Ave LLC – Phillip Raby Principal – P.O. Box 7897, Albuquerque, NM 87194
Bill Cobb – 1701 Silver SE – Albuquerque, NM 87106
Ellen Cline – 2000 Silver SE – Albuquerque, NM 87106
Tom Ocken – 1612 Silver SE – Albuquerque, NM 87106
Edward Rivera – 1924 Silver Ave SE, Albuquerque, NM 87106
Gordon Rerselt – 1515 Silver Ave SE – Albuquerque, NM 87106
Richard Braziel – 1900 Silver Ave SE – Albuquerque, NM 87106
Tom Widney – 1902 Silver Ave SE – Albuquerque, NM 87106
Ruth Koury – P.O. Box 4754 – Albuquerque, NM 87196
Elizabeth Doyle – 1606 Silver Ave SE – Albuquerque, NM 87106
Scott Howell, COA Real Property
Marilyn Maldonado, Planning
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB File

Enclosure: LUHO Rules of Procedure and Qualifications (6 pages)

CITY OF ALBUQUERQUE

Planning Department
Richard Dineen, Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF APPEAL

July 7, 2008

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on July 3, 2008. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer.**

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY COUNCIL APPEAL NUMBER: **AC-08-16**

PLANNING DEPARTMENT CASE FILE NUMBERS: **1006822**
08DRB-70146
08DRB-70147

APPELLANT(s): **Silver Hill Neighborhood Association**
1701 Silver Ave S.E.
Albuquerque, NM 87106

cc: Surveys Southwest LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
2000 Gold Ave LLC – Phillip Raby Principal – P.O. Box 7897, Albuquerque, NM 87194
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DRB File
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DEVELOPMENT REVIEW BOARD

MINUTES

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

June 18, 2008

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (K-15)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Martin Garcia – ABQ Engineering Inc. – 600 2nd St. NW – Albuquerque, NM 87102

PERSONS PRESENT IN INTEREST:

Bill Cobb -1701 Silver Ave SE – Albuquerque, NM 87106

MR. MARTIN GARCIA SWORN IN

MR. GARCIA: Martin Garcia, ABQ Engineering 6739 Academy, here as agent for 2000 Gold. Mr. Chair, we're back to request approval of the plat that vacates right-of-way along Terrace, Buena Vista and Gold and also consolidate the two lots into one.

MR. CLOUD: We do have one person signed up. Bill Cobb did you wish to speak today?

MR. BILL COBB SWORN IN

MR. COBB: Good morning Mr. Chairman. Mr. Chairman I'm here again to express the neighborhood and the objection of the people who live around this particular property to any consideration of vacation of public right-of-way at this time. I know that's it's been the sort of the position of this panel that the vacation of right-of-way is separate from what's going to actually go on the lot and we disagree with that. The vacation of right-of-way could effect the size and massing and location of this building and that is one of the issues that is in contention in terms of this project. The community, the people of the community who've participated in the project for approval of this project overwhelmingly objected to the size and massing scale and location of how the building is located on the lot. The EPC agreed with us Monday night, the Council also rejected the idea. We would respectfully request that you either deny this request at this time because it's premature or defer it indefinitely until we know exactly what the project is going to entail. And that's why I'm here today, and it's why I didn't ask more neighborhoods to come... I think we've made it... more neightborhood members to come. I think we've made it pretty clear what our objection is.

MR. CLOUD: Okay, thank you. Is there anyone else here that was interested in agenda item number 2 that didn't sign up? Okay. We did receive exhibit – do you have that large scale one? I think I left mine upstairs so. Just again to go over what the board had considered. We are very concerned about maintaining the streetscape around this project. And we do believe the vacation is independent of any site plan control it's whether you're going to put a single house on there or a multi-family dwelling, the vacation is basically "what are we doing with the public right-of-way, and what's the streetscape, what are the public improvements going to look like in that right-of-way." We did ask at the last meeting, we did receive an exhibit that shows the proposed property lines *vis a vie* the curb lines and the sidewalks. We are maintaining the 6 foot sidewalk on Gold Avenue with a 7 ½ foot landscape buffer between the sidewalk and the curb. Similarly on Terrace and Buena Vista we will have I believe it's a 5 foot sidewalk – yes with about a 4 ½ to 5 foot landscape buffer on those two streets, again consistent with the other streets in the area going north – south. so we

believe that the vacation is independent of the site plan and it could stand on its own and that we will be maintaining the streetscape and the public infrastructure as it is in the adjoining areas so, just one more time around for the board. Christina any other comments on vacation or the plat?

MS. CHRISTINA SANDOVAL: No but just for the record, we didn't support the vacation with the removal of the existing trees that are maintained by Parks and Rec. within the right-of-way. That has been modified so are supporting the vacation at this time.

MR. CLOUD: Okay, City Engineer, Curtis?

MR. CURTIS CHERNE, HYDROLOGY ALTERNATE: I have no objection to the vacation and no comments on the plat.

MR. CLOUD: Water Authority, Roger?

MR. ROGER GREEN: I have no objection to the requests.

MR. CLOUD: Okay, Transportation development, Kristal?

MS. KRISTAL METRO: Okay, as we've discussed, with myself and the City Engineer, the placement of these public roadway easements will take care of our requirements for the sidewalk and all of that. The only comment I have is to define the proposed right-of-way width on the plat. The copy I have still shows the existing.

MR. GARCIA: And we have that shown on the current version. And Mr. Chair in the interest of keeping the City Surveyor satisfied with what his requirements are, we show the existing right of way width and the proposed right-of-way width on the plat.

MR. CLOUD: Okay. Thank you. And just for your information I'm going, I'll give you mine and keep this one and we'll call this the exhibit B for the file as to what we are approving in terms of vacation and one thing we wanted to note, we do need to continue the sidewalk all the way past the edge of the property so this has been marked up to show that as well.

MR. GARCIA: And that is our intention Mr. Chair.

MR. CLOUD: Okay. I'm assuming your client does understand that this plat has to be filed within one year.

MR. GARCIA: Yes sir.

MR. CLOUD: Okay. We do have an appeal period, if you like you can appeal this decision. Anybody that signed up the previous hearings will get a notice of decision and there will be a 15 day appeal period. If there are no further comments from the board though, then we'll approve the vacation subject to as shown on exhibit B, and subject to the finding and conditions of the subdivision ordinance. Do you want to show that plat to Kristal, and Kristal if it's got the right-of-way you'll be able to sign the plat?

MS. METRO: Yes.

MR. CLOUD: Okay. Roger you'll be able sign? Everybody else could sign? Okay, we'll approve the preliminary plat, we'll delegate final sign off to Planning pending completion of the 15 day appeal period. And also AMAFCA, I'm sorry.

DEVELOPMENT REVIEW BOARD

MINUTES

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

June 11, 2008

MEMBERS:

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Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
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Edward Rivera - 1924 Silver Ave SE – Albuquerque, NM 87106

MR. MARTIN GARCIA SWORN IN

MR. GARCIA: Good morning. Martin Garcia with ABQ Engineering, agent's for 2000 Gold Avenue LLC. Mr. Chair we are here to request a vacation of some right-of-way along Buena Vista, Terrace Street, and Gold Avenue and also request a lot consolidation for lot one and lot two of the Terrace Addition. Mr. Chair this case was before the DRB some time ago, probably about a month and a half ago and we'd deferred on a few occasions to try and iron out the issues with site distance triangles and those types of things and I think today we have everything that was necessary all taken care of.

MR. JACK CLOUD, DRB CHAIR: Okay this stuff is, we've got several different exhibits here and I am sorry but I still am not sure I'm very clear on all this. I think there's some notes on your plat that need to be revised. We are going to end up with 55 feet of right of way on Terrace is that right?

MR. GARCIA: That's correct.

MR. CLOUD: Okay, well you're showing 60. And we've got two different exhibits regarding the site plan and so if I understand this, we're going to have a 5 foot sidewalk on Terrace?

MR. GARCIA: That's correct sir.

MR. CLOUD: Okay.

MR. GARCIA: The intent of the exhibits, and there's two of them for one reason. The first exhibit I sent you did not show the dimensions for the overlap between the public roadway easement that's granted by the plat, public access easement. Mr. Chair what we're tying to do is the vacation is necessary for the building second, third floor balconies to overhang into that space and so we are requesting the vacation of right-of-way to be able to allow that on the building and then we're turning right back and granting a public access easement so that the sidewalk which is now planned right of against the building can have public access.

MR. CLOUD: Okay.

MR. GARCIA: So we're taking the "public identity", I should say "public ownership identity" away from that property, but we're also giving it a public use back.

MR. CLOUD: Okay.

MR. GARCIA: And the primary reason for that are the balconies that are planned as part of the building.

MR. CLOUD: Okay I think what I'm going to need to know then, I mean you're showing on Gold you're showing a 7 ½ foot landscaping strip. Is that consistent with what's out there now?

MR. GARICA: Along Gold? Yes. Mr. Chair we are not proposing to make any changes along Gold from what is out there currently.

MR. CLOUD: Okay. I think I'd greatly benefit from a single exhibit.

MR. GARCIA: I'd like to replace the two exhibits you have with another one that I brought today that has dimensions for everything. It combines the two. I only brought 3 copies of it because I knew that you and Kristal that were primarily the ones looking at it.

MS. KRISTAL METRO: Okay this new exhibit doesn't match the widths you're showing on the plat along Gold. You show 4.14 feet you're showing 4.43 feet on the plat.

MR. GARCIA: No it should be 4.43 feet – it's identified. Oh gosh he printed the old one. I'm sorry. Mr. Chair I need to take that back.

MR. CLOUD: I just want to be clear that the 7 ½ feet landscape strip is existing and proposed.

MR. GARCIA: Yes. To the best of my knowledge it is what is existing out there. And the space between the proposed new property line and the back of the sidewalk along Gold is 4.43 feet.

MR. CLOUD: I guess what I'd like to see would be a stamped plan that shows existing conditions of right-of-way, curb, sidewalk, and then with a dashed line proposed property line and with another type of dashed line public roadway easement. You can take off the site plan I just want to see existing conditions, location of property line to curb, sidewalk to curb, and then proposed property line and proposed roadway easement, nothing else and if you could stamp that please.

MR. GARCIA: Okay.

MS. METRO: In looking at your exhibit its still a little unclear as to whether you will need to do a public roadway easement along Buena Vista. Parts of the sidewalk look like they may not be within your proposed property line.

MR. GARICA: To the best of my knowledge the back of that sidewalk is at the building line which is at the property line. That's why we did not show a public roadway easement in there. I think there was an inch and a half overlap when

we first looked at it and we shifted the sidewalk over. It's kind of hard to make any sense out of that with that small of a dimension.

MS. METRO: And you said all new sidewalk you're proposing 5 feet in width?

MR. GARCIA: Yes, but I think it's proposed as part of the master plan for that area.

MR. CLOUD: We do have some people that have signed up. Bill Cobb?

MR. BILL COBB SWORN IN

MR. COBB: Good morning. The survey that was just given to you we haven't seen it so I can't really comment on it. But I will reiterate the comments we made when we had, last had a public hearing. This site is surrounded on two sides by a historic district and its an integral part of an overall streetscape that includes the parkways. What we're calling parkways is the piece of real estate between the sidewalk and the curb. The Parks Department maintains the grass and trees along Gold and also along Silver Avenue. The Municipal Development has money and plans for continuing to landscape at least with trees. The rest of the parkways run north and south along Buena Vista and Terrace. Another important element of our neighborhood are the setbacks and the massing and scale of the building. This project went before the EPC and their decision dated April 18th with regard to the sector plan map finding 8 is "the development shall be evaluated in light of its effect upon the building environment. The development proposal would allow a multi-story building with height mass significantly greater and setbacks much smaller than those than the surrounding buildings that characterize the neighborhood." That summarizes largely our objection to any vacation of any right-of-way on this parcel. Even if you vacate the part of the right-of-way that's been, what is it, back of the sidewalk it allows anything built there to be built at a larger scale with different setbacks than the rest of the neighborhood. And since we're talking about a project that is now under appeal before the Council and we don't know what the building's ultimately going to look like it seems like a decision about the vacation of public right-of-way at this point would be a little premature. Also in their findings on number 4 is "though contiguous to the existing urban facilities that service the proposed residential building is likely to affect the integrity of the existing neighborhood because of the building size and scale." That is our objection to any vacation of the right-of-way. I would like to submit to the record if I could the EPC decision and also the appeal by the developer who doesn't challenge those two findings in this appeal. So they are not arguing that this building won't be out of scale with the rest of the neighborhood.

MR. CLOUD: Okay.

MR. COBB: We object to that.

MR. CLOUD: You may submit that if you like but for the record we are not having anything to do with the building here today. We've talking about the public right-of-way, the public form of public infrastructure and that's if you were listening to my earlier comments, we were trying to determine that we maintain curb lines and sidewalks that are consistent to the area. We are not looking at anything inside the property lines at this hearing. It's just about what are we going to be doing with the public form, where's the property line that defines the private property so if you'd like to turn that in but its really I don't believe its relevant to what we're doing because...

MR. COBB: Well I mean its just relevant to our objection of vacating any, if your considering vacating any right-of-way, back of the sidewalk, it encourages this. The other issue is, in many, many cases this body has required that the alley be widened for new development throughout the neighborhoods. That's not the case in this situation. This will be a very intense development on a very small parcel of land and I don't know that there's any discussion about asking them to give you give the City the 2 feet. This is a 16 foot alley.

MR. CLOUD: Well as you stated, the site plan was denied so there was no condition of approval to require a widening of the alley so that's again we are not looking at the development we are looking at the public right-of-way, what's going to be the form of the improvements in the public right-of-way, that's all we're hearing with this request. If you want to give that to us we'll take it. Thank you Next is Ellen Cline?

MS. ELLEN CLINE SWORN IN

MS. CLINE: I was here list time this was heard I guess, it was a few months ago. A number of neighbors came out then and just to remind you of what we discussed at that time, like Bill Cobb said this is a historic area. The landscaping is an integral part of the historic district. What they seem to be requesting although we don't really know because we haven't seen any updated plans, is it seems that they are requesting a change to the landscaping so that would be inconsistent with the rest of the area and I think and that's what people are objecting to. They are also objecting to their original idea of moving the sidewalk out the curb for safety reasons and like Bill Cobb talked about, the EPC did find against them. I know you're not talking about the building, but part of their overall plan is to change sidewalks, to change the planting strips that we call the parkways that have the trees and the historic plantings in them that have been recently restored by the City and that are maintained by the City. The State has also put a lot of money into this and planned re-design of landscaping is supposed to start extending onto Terrace and Buena Vista. Those will be the next streets after Silver and Gold which have already been done.

MR. CLOUD: That was our discussion we were having earlier this morning about maintaining the landscape buffer, the planting area that we're talking about so...

MS. CLINE: On Gold I guess it was hard for me to understand all of what you were talking about...

MR. CLOUD: On Gold, Terrace and Buena Vista.

MS. CLINE: I didn't know if you were talking about Terrace and Buena Vista also and we don't have a plan to look at either so...

MR. CLOUD: We do have a new exhibit in the file so you'll be welcome to look at that if you like, and we just asked for another exhibit today to combine these exhibits so we can clearly see those.

MS. CLINE: And like Mr. Cobb talked about, also the alley. I live at 2000 Silver so I'm right there. The alley is an old alley its very narrow and they are proposing to build right up to the edge of all sides of that little lot so they would be just looming right over the backyard of my neighbors so I think the width of the alley is relevant because there's so little space and also for the traffic that would be coming into that building if that building is ever built.

MR. CLOUD: Thank you. Next, Tom Ocken?

MR. TOM OCKEN SWORN IN

MR. OCKEN: I'm a neighbor at 1612 Silver and because of the historic build up of the landscaping and reforestation and the proposed reforestation of Terrace, Buena Vista and all the cross the streets eventually, we'd like to do that, I'm objecting to their request for vacation of the property.

MR. CLOUD. Okay, thank you. Next Edward Rivera?

MR. EDWARD RIVERA SWORN IN

MR. RIVERA: I'm here to object to vacation of the property that's been discussed. Its evasive to the neighborhood, its not friendly to handicapped persons like myself. We have a lot of people who do their therapy through our neighborhood, people who are blind. I myself am going through macular degeneration and epoxia and I take my little walks through there. The increased traffic would be detrimental to our wheelchair veterans. And to myself it would invade reforestation, it would add added traffic to our community please preserve our neighborhoods we need family dwellings not motels or hotels in our neighborhoods. Thank you have a pleasant day, please adhere to professional ethics.

MR. CLOUD: And again we are not here to have any approval authority whatsoever over the building on the private property. We are looking at the proposed property line and the proposed improvements in the public right-of-way. Was there anyone else who wanted to speak on agenda item 4? Okay. Martin I think we'd like to have a chance to look at one final exhibit if we could, the one I mentioned before, if you could put a stamp on it and show the existing street width, the location of the curb to the property line and the...

MR. GARCIA: We have the property line in reference to the curb, the existing property line....

MR. CLOUD: Exiting and proposed property line.

MR. GARICA: And then we have the space from the sidewalk to the curb, and then the proposed access easement in reference to all correct?

MR. CLOUD: Correct.

MS. METRO: Please call out the width of the proposed sidewalk as well. It's scaling off different widths on each street, I have a 4, a 5, and a 6.

MR. GARCIA: Okay.

MR. CLOUD: Yes I think you can give us a larger scale drawing.

MR. GARCIA: Yeah, we'll get you a good scale on that. Mr. Chair I need to clarify that this plan that is presented to you, the intent of that is we have obtained a copy of the streetscape master plan from the City, and this plan is intended to comply with that. The reason we've gone through this exercise is I'm trying to make sure that we've got all these access easements and everything else that are proposed is to make sure that when its all said and done, that the streetscape master plan can be realized on all these 3 streets. That is definitely our intent.

MR. CLOUD: And that's our intent as well is to maintain the uniformity particularly along Gold Avenue with the public investment.

MR. GARCIA: But there is existing right-of-way along Buena Vista and along Terrace and the DPM only requires 55 feet of that so we'd like to capture some of that. The primary reason is so that if the building, when and if the building comes up that those balconies won't encroach into the public right-of-way and will fit into the correct space.

MR. CLOUD. Okay. I appreciate the patience of the neighborhood in this. I know this has been deferred several times, but we still do not have enough information

to act on this and we are asking for one more exhibit and hopefully Martin you can get that to us by tomorrow?

MR. GARCIA: Yes sir.

MR. CLOUD: Okay. We did receive this stuff from last time but we'll put everybody on notice, we are going to receive a new exhibit tomorrow. It will be available in our office upstairs here to take a look at. We'll defer this one more week. It does appear though where we're headed with this just for your information. We are going to maintain the sidewalks on Gold to be consistent with the rest of the landscape project there. We will end up with a public roadway easement which will cover the sidewalk. It will serve same as right-of-way in that it will be a public sidewalk and it will still be ADA accessible and we will maintain the landscape setback between the curb and the sidewalk, but we're not going to approve that today, we're going to wait one more week so we have an exhibit we can say this is the basis for our decision.

MR. GARCIA: Mr. Chair I'll call you sometime this afternoon so I can go over the exhibit and make sure that I have all they items that you've asked for.

MR. COULD: Okay, I think that would be a good idea. We are going to defer this one more week to the meeting of June 18th.

MS. METRO: And as discussed we do want the plat to show the proposed right-of-way.

MR. CLOUD: Right.

MR. GARCIA: Yes. I'll coordinate with Glen. Good. I'll coordinate with him on that. Thank you.

MR. CLOUD: Thank you all.

DEVELOPMENT REVIEW BOARD

MINUTES

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

April 16, 2008

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (K-15)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Dan Graney – Survey's Southwest Ltd – 333 Lomas Blvd NE – Albuquerque, NM 87102
Martin Garcia – ABQ Engineering Inc. – 600 2nd St. NW – Albuquerque, NM 87102

PERSONS PRESENT IN INTEREST:

Bill Cobb -1701 Silver Ave SE – Albuquerque, NM 87106
Gordon Rerselt - 1515 Silver Ave SE – Albuquerque, NM 87106
Richard Braziel - 1900 Silver Ave SE - Albuquerque, NM 87106
Tom Whidney - 1902 Silver Ave SE – Albuquerque, NM 87106
Tom Ocken - 1612 Silver Ave SE – Albuquerque, NM 87106

Ellen Cline - 2000 Silver Ave SE – Albuquerque, NM 87106
Edward Rivera - 1924 Silver Ave SE – Albuquerque, NM 87106
Ruth Kourey - P.O. Box 4754 – Albuquerque, NM 87196
Elizabeth Doage - 1606 Silver Ave SE – Albuquerque, NM 87106

MR. JACK CLOUD DRB CHAIR: Would you state your name please and go over your requests?

MR. DAN GRANEY: Dan Graney, Surveys Southwest. The request is for vacation of right-of-way and replat. This is to get the property ready for a condominium development.

MR. MARTIN GARICIA: Martin Garcia with ABQ Engineering. We're just here to support Dan obviously and clarify and questions you all may have.

MR. CLOUD: Okay, thank you. Angela do we have some people signed up? Okay. If you gentlemen would allow people to come up so they can be sworn in and testify. First up is this Bill Rob? We've got room for more. Next would be Gordon RERSELT. We'll get you two at a time here.

MR. BILL COBB AND MR. GORDON RERSELT SWORN IN

MR. COBB: Good morning Mr. Chair, board members, my name is Bill Cobb. I'm the zoning chairman for the Silver Hill Neighborhood Association – a long time board member of the neighborhood association, a member of the Silver Hill Reforestation Task Force. We're here today to object to this vacation of right-of-way. We believe that may I give you some pictures to look at?

MR. CLOUD: If we can keep them, yes.

MR. COBB: Okay. As I read the conditions under which a public right-of-way is vacated, the public welfare is no way served by retaining the right-of-way, private way or easement. There is no net benefit to the public welfare because the development made possible. That indication is currently more beneficial to the public welfare than the minor detriment resulting from the vacation, and there is no convincing evidence of any substantial property right being abridged against the will of the owner of the right. This proposed vacation of right-of-way is proposing to remove the parkways, the strip of land between the sidewalk and what we call the parkways it has different names, the piece of real estate between the sidewalk and the curb. This neighborhood is on the state and federal register of historic neighborhoods. One of the elements that contributed that designation is the historic streetscape. The medians on Silver and the parkways up throughout the neighborhood that were planted with Siberian Elms

were planted during Clyde Tigley's term. Many of them are dead and dying or removed. In 1999 the neighborhood in cooperation with the administration with the legislature and with a lot of other people began a process of reforesting the neighborhood. We created with the help of funding from the legislature and the help of the county parks department, the Silver Hills Historic District Master Plan for streetscape and landscape improvement which includes all of these parkways throughout our neighborhood. We already have a plan for this public right-of-way and we've already begun the process of restoration. The photos you see there are the trees and grass we've planted on Gold last summer, and I believe you may be familiar with this particular document. This is the Gold Street landscape improvement blueprint which I believe had to come before this body for final sign off. I spoke with the Parks Department yesterday, this piece of real estate along the currently, the part that has been restored is under the maintenance of the Parks department. Removing the, or vacating the right-of-way, moving the sidewalk over to cover that impedes their ability to maintain the water lines underneath it and the power lines although its not unprecedented, it wasn't intended. The neighborhoods have worked literally for 30 years diligently for, since 1999 to restore this and we seriously object to the vacation of this right-of-way. The legislature has and the City have appropriated almost 2 million dollars, there's another 250 thousand that was appropriated in not this legislative session but the one before to begin landscaping. The connecting streets between Silver and Lead, I mean between Gold and Lead and the first one on the docket tentatively is Buena Vista which would be vacated by this request. We've had the support, the tremendous support of Mayor Chavez as a matter of fact he added the turf to our design. We've had the support of Gail Chasey our two legislators, the last 3 City Councilors, the County Commission. It's been an extremely cooperative effort and these areas are highly prized as part of the character of the neighborhood and we are here to object to the vacation of right-of-way.

MR. RERSELT: Good morning, my name is Gordon Rerselt. I'm with the Silver Hills Neighborhood Association. I've been in the neighborhood for 25 years now and I just wanted to point out and add onto something that Bill said. It doesn't seem to me that the public welfare is served by the giving of the City property that's cared for and maintained by Parks and Recreation to an out of state developer. There's another issue that I noticed that has been brought up by transportation development and that is there's a line of sight easement that may be required, and that issue is still unresolved. So for those reasons, I would object. Thank you.

MR. CLOUD: Thank you. Richard is it Brazil and Tom Whitney? Would you be sworn in please?

MR. RICHARD BRAZIEL AND MR. TOM WIDNEY SWORN IN

MR. BRAZIEL: Richard Braziel, I live at 1900 Silver SE, been there since 2000, own my home. One of the wonderful characteristics of our neighborhood is, are the trees. We've worked hard to get them, its part of the historic district. To come in and take one block of this out is very disruptive. It's disruptive to the site, it's disruptive to the consistent parkways that are throughout the entire neighborhood, and I strongly, strongly object to it. I see no public benefit. I see damage to the neighborhood as a whole and that is the stance I'm hearing from every single neighbor that I talk to.

MR WIDNEY: Good morning, my name is Tom Widney. I've lived in the neighborhood since 1980. Basically I've been riding a wheelchair since 1980 and this is the first time in years I've been able to use the sidewalks. They've finally got all the cracks out of them, we've got ramps, you know, its nice to have access where I don't have to go out in a very highly densely populated road where you have a lot of traffic, can't see over the cars in a wheelchair, people are "zoom, zoom, zoom." It's nice to be a little safe for once, especially around the alleys where you go along the sidewalks and all of a sudden you have just a gravel pit for an alley entrance and stuff. That stuff, especially in this neighborhood, it's just been fixed. Its really nice to have that. It's also nice to have that little buffer area of grass in case some accident goes down and you got a little bit of leeway room, you know, because a bicycle comes, and push you out in the – a whole lot of scenarios and then like, I was hurt in the early 70's working for the Scouts and I've been dealing with the wheelchair issue throughout the whole issue, you know and one of the nice things about Viet Nam is it brought in awareness with the ADA and the whole situation, I've been seeing ramps and bathrooms and all sorts of accessibility issues come up and I'd say that you know like its really nice to have the sidewalks fixed finally after all these years, have that little buffer zone of protection in case something goes wrong on the street which you can't foretell, and I'd appreciate if we could keep it that way. Thank you very much.

MR. CLOUD: Thank you. Tom Ocken, and Ellen Cline?

MR. TOM OCKEN AND MISS ELLEN CLINE SWORN IN

MR OCKEN: My name is Tom Ocken and I live at 1612 Silver Avenue. I've been in the neighborhood 10 years. What I see by vacating the parkway or the City right-of-way is that it allows the building to push right up to what's going to be the sidewalk and I think it's just historically the wrong way to have a building in that neighborhood. It just effects the historic standing of the neighborhood. That's all.

MS. CLINE: My name is Ellen Cline and I own a house at 2000 Silver SE. I have been involved with the neighborhood association since I moved into the neighborhood in 1985. I've been on the Board over the years, I've been the President over the years, and even way back in 1986 when the area was just

being designated as an historic district, the landscaping was a big part of the historic district nomination and approval. The trees, both the median and the parkways were part of what gave the area character and still do. Even in this little book that was put out in 1986, landscaping was a huge issue and they talked about the trees and the parkways and as Bill Cobb and some others have said the neighborhood association has worked for many, many years to get the reforestation plan in place. There's been all kinds of funding as was pointed out and this street on of the side streets here, Buena Vista is next on the list to be landscaped Gold has already been done so it doesn't really seem to make sense that millions of dollars have been spent by the State and the City and now somebody's going to come in and take that for free and get this extra property. Its just doesn't make sense to put a big hole in the middle of the historic district and all the landscaping that goes around with that, so I am very much against this proposal. I think it's a very bad precedent for the historic district, and if it was passed I would think that the City has no interest in protecting any of the historic places in the City.

MR. CLOUD: Thank you. Ed Rivera and Ruth Kourey?

MR. EDWARD RIVERA AND MS. RUTH KOUREY SWORN IN

MR RIVERA: My name is Edward Rivera. I've been in the neighborhood and own my home since 1962 on Silver Avenue – 1924 Silver. I have physical limitations at this time, and I take little walks throughout the neighborhood there. If you permit the sidewalks to be moved up to the curb it would be detrimental to me, since I am suffering now also from Macular Degeneration and Epoxia and it would destroy the ambiance of the neighborhood. I see no reason why the City should allow a conglomerate to freely occupy that part of the City, which the citizens have paid takes for to renovate and to improve. It would take a tremendous amount of beauty away from our neighborhoods, and would not attract families which we need in our neighborhoods. We need mamas and papas and children in our neighborhoods and a high rise edifice occupied by a conglomerate from Chicago would not be beneficial to us. Thank you.

MS KOUREY: Ruth Kourey, I'm Chair of the Zoning Committee for the Sycamore Neighborhood Association. Just a few things to point out that the zone for this property requires set backs, but the request wants to relinquish to setbacks meaning that the vacation would allow a development with no setbacks that would then forcibly eliminate the parkways. It would also add to the private property. Neither of those is compatible with the neighborhood of the historic district as a note, Sycamore neighborhood began preserving and protecting these same what Silver Hills is calling "parkways" or planting strips since ever I can remember, but officially through case by case development since the early 90's we've had help from zoning enforcement in remodeling development, renovation development to preserve this pattern throughout the neighborhood. By vacating the public right-of-way, the building is allowed to become a much

more massive project, they gain that much more land. That allows the massing and the scale of the project to be completely inconsistent with the neighborhood and the historic district. It cannot be in the public interest in part because, as you've heard, the community doesn't want it, but it also destroys the scale and character of the neighborhood and the district. The public interest here is clearly in maintaining the scale of development and the landscape pattern. This project is also contrary to the comprehensive plan for the historic district. The goals for the historic district within the comp plan talk about protecting and enhancing the historic district, so it cannot be in the public interest to approve a project that is contrary to the public interest of maintaining and preserving that historic district. I can imagine that the developer here might argue that there is benefit to the community from the project. The question is not weather there is benefit, there is a difference between having some benefit and what is more beneficial. It is clearly more beneficial in the case to preserve the right-of-way by the community's wishes and also by the regulations, so we also remain opposed.

MR. CLOUD: Thank you. Elizabeth Doage?

MS. DOAGE: Hello my name is Elizabeth Doage, thanks for the opportunity...

MS. DOAGE SWORN IN

MS. DOAGE: I'll be brief. my neighbors have been very eloquent. I am an owner on Silver Avenue at 1606 and I've worked on the neighborhood board for 7 years. I've watched my neighbors diligently, and I've participated in many *charets,* there's a document that dovetails with the historic Silver Hill Master Plan its called the Streetscape Manifesto and many, many neighbors participated in *charets* and obviously the tree landscape which is a signature landmark of our neighborhood, actually forms the, another architecture in our neighborhood that's been promoted by the neighbors obviously as you've heard and there's been thousands of dollars of tax dollar investment including for Gold Avenue which I want to mention specifically, 200 thousand dollars appropriated during the 2006 legislative session for installation. This was supported by our State Senator and our State Rep. and as well, 100 thousand dollars designated by our City Counselor in November 2006 to complete the Gold installation. That construction began in the spring of last year. Thank you for your consideration.

MR. CLOUD: Thank you. Is there anyone else that wishes to speak on agenda item number two? Okay, Dan, Martin, do you want to come back up here? And just to, I'm sorry I didn't explain more at the beginning, this is not a hearing on a Site Plan or any waivers, set backs or anything like that, this is just a hearing on vacation of public right-of-way. And if this were to be vacated it would have to be purchased from the City, it's not given to them, so I want to make that clear.

MR. GARCIA: Mr. Chair, as a clarification, our request, the DPM, the City DPM allows for 55 foot of right-of-way on Buena Vista and Terrace and our request is

just to go from the existing 60 down to that limit. We are not proposing to eliminate any of those buffers that typically are used for the landscaping or sidewalk. There is still adequate space for those and are still proposed as part of the project at the end and that's going to be addressed though the site plan at EPC.

MR CLOUD: Okay, we do have comments from other agencies that we'll go over, and then we'll take comments from the board. There's no comment from AMAFCA or Council of Governments, Transit or Zoning Enforcement, Neighborhood Coordination does indicate the Silver Hills Neighborhood Association was contacted. I do have an informational comment from Albuquerque Public Schools, no comments from Police Department, Fire Department or Utilities or Environmental Health or Conservancy District, and the Open Space had no adverse comment. Parks and Recreation, Christina?

MS. CHRISTINA SANDOVAL: I guess I, based on what you just said Martin, we wouldn't have any objection if indeed the parkways as they're being called, remain, but I would like the opportunity just to touch base with Park Management who does maintain these. I was not aware of that situation prior to today so I would, I think we have some other issues so, I would like that opportunity just to speak with them and get some additional feedback from Park Management.

MR. CLOUD: City Engineer, Hydrology, Brad?

MR BRAD BINGHAM: Your exhibit did show a sidewalk up against the back of curb.

MR GARCIA: That's correct.

MR. BINGHAM: And that, your saying there is going to be a planting strip...

MR. GARCIA: Between the sidewalk and the building.

MR BINGHAM: That is different than every other block within the neighborhood. That would stand out.

MR. GARCIA: Currently the site has no landscaping at all along Terrace or Buena Vista. There is some landscaping along Gold and is typical of the properties across the street to the East and the West. But there is a landscaping strip between the sidewalk and the building that is proposed.

MR. BINGHAM: Well I guess my opinion, and I'm going to defer mostly to Transportation, is that the sidewalk remain, you could vacate up to the back of the sidewalk. I don't know that I'd be in favor of pushing the sidewalk toward the back of curb. But I'm going to defer to Transportation.

MS. SANDOVAL: Just a point of clarification, the landscaping on Gold that was recently put in would be removed as part of this project and then your...

MR. BINGHAM: Replaced...

MS. SANDOVAL: Replaced, okay.

MR. GARCIA: It's going to be modified to some level.

MR. CLOUD: Transportation Development, Kristal?

MS. KRISTAL METRO: Okay, as noted in my comments, we had some concerns about the site distance. I did recently receive a site distance diagram. I've had the chance to preliminarily review it and it does not appear that there would be a site distance issue, however we would require line of site easements at the corner of Terrace and Gold and Buena Vista and Gold if this went through. We do not do a lot of line of site easements therefore I would not want to do that today. We'd need to get the language approved by Kevin Curran, City Attorney and there'd be additional research that would need to be done.

MR. GARCIA: Mr. Chair we are prepared to work with Kristal on those details, on those, we've presented her with the site distance information and we are certainly willing to show those easements on the property. Its just how we specifically define those hasn't been completely determined yet.

MR. CLOUD: Right, Okay. Water Authority, Roger?

MR. ROGER GREEN: On my staff report comments, I said no objection because I didn't need the right-of-way for water or sewer services but as a board member I'd like to defer to Jack on the interpretation of the vacation meeting the ordinance. And I also think it's wrong to put the sidewalk at the back of curb for sure. I think it's premature to act on a vacation until EPC has approved a site plan. So I'd recommend deferral because I think its premature at this point.

MR. CLOUD: I guess on the last point I disagree, again this snot a site plan hearing, regardless of what a proposed development would be I think we could hear the vacation but I also share concerns. I think we should have a standard separation landscape buffer between the curb and the sidewalk. We really need to have better field information I believe before we could act on this because I'm not really sure you know the street curbs line up now and what the true right of way is. I understand the plat says 60 feet but just the remote information I'm looking at says its already down to 55 so I would really like to have a lot more survey information to verify that that's 60 feet right now. And I think I'd agree if there's any, anything up to the back of the sidewalk, if there's right-of-way behind the sidewalk I'd probably be in favor of vacating that, but not to move the sidewalks out from the current alignment.

MR. GARCIA: Mr. Chair, I guess a point of clarification, the plat that is recorded is all the document we have to refer back to which says its 60 feet of right-of-way so um, if you went out there to the site right now its hard to determine where the property line is because it goes from sidewalk to asphalt – it's a parking lot right now. It's a parking lot out there so it's difficult to see exactly where the property line is. And there's not enough information as you look south weather those walls are on the property or not on the adjacent property so, but the document we have to rely on is the recorded plat that does say its 60 feet. And we were basing our request off of that.

MR. CLOUD: Okay, well in order to consider your vacation I'm requesting that we get some field survey information to show us exactly where these property lines are in relation to the existing improvements.

MR DAN GRANEY: We have that and can provide that to you.

MR. CLOUD: Okay. So we cannot, I don't believe act on oday. We probably need to defer this, I think one week might be a little short, but if you think you can get us that information right away.

MR. GRANEY: Well we already have this information, we just need to put the distances of the curb to curb and things on that for your benefit so you're not scaling. We do have the field data already, but two weeks would be appropriate because there's other issues we'd like to resolve with Transportation, and look at the sidewalk issue.

MR.CLOUD: We are going to defer this request 2 weeks. That will be the meeting of April 30th. We will not send you a mailed notice of this deferral. This is your notice of the deferral. We'll meet here again in two weeks to continue this item. Thank you all for your patience.

MR. GARCIA: Thank you.

MR. GRANEY: Thank you.

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW,** on **Wednesday, April 16, 2008,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project# 1003099
08DRB-70144 MAJOR - 2YR EXTENSION OF SUBDIVISION IMPROVEMENTS

MARK GOODWIN AND ASSOCIATES PA agent(s) for STV INVESTMENTS VII LLC request(s) the above action(s) for all or a portion of Lot(s) 7-12, 21-26, Tract(s) A, **NORTH ALBUQUERQUE ACRES/OAKLAND ESTATES,** zoned R-D, located BETWEEN EAGLE ROCK AVE NE AND OAKLAND AVE NE, WEST OF LOUISIANA BLVD NE containing approximately 10.6574 acre(s). (C-18)

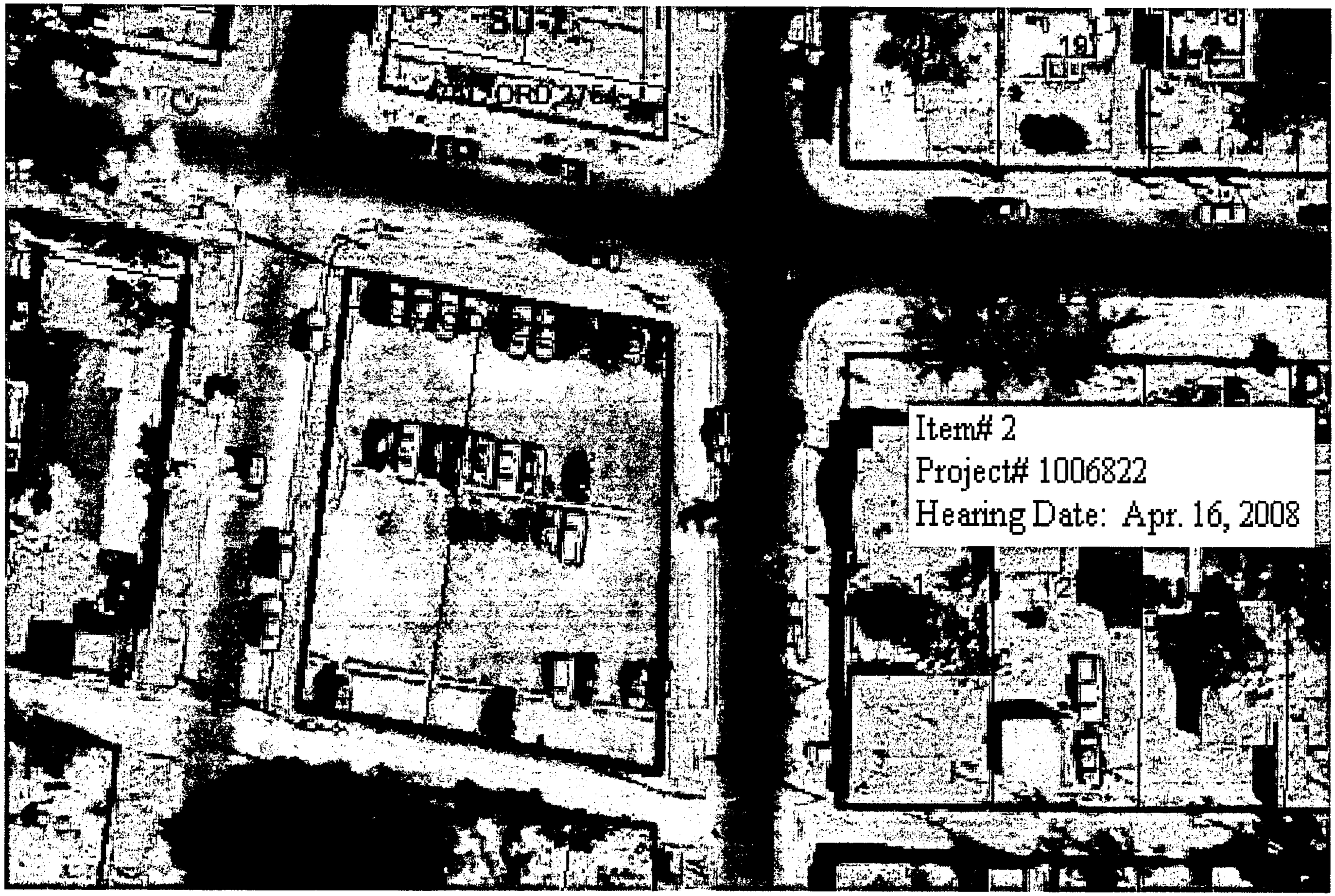
Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately .411 acre(s). (K-15)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Jack Cloud, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, APRIL 1, 2008.


Item# 2
Project# 1006822
Hearing Date: Apr. 16, 2008

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 16, 2008

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately .411 acre(s). (K-15)

AMAFCA

No comment.

COG

MRCOG staff have no comment on this proposal. For informational purposes, Eagle Rock Av and Oakland Av have a functional classification of urban local road.

TRANSIT

No comments received.

ZONING ENFORCEMENT

No Adverse comments.

NEIGHBORHOOD COORDINATION

Letters sent to: **Silver Hill NA (R)**

APS

Terrace Addition, Lots 1 and 2, Block 76, is located Gold Ave SE between Terrace St SE and Buena Vista Dr SE. The owner of the above property requests approval for a Vacation of Public Right-of-Way and a Minor Preliminary/Final Plat Approval for to prepare for a development that will consist of 51 multi-family units. This will impact Monte Vista Elementary School, Jefferson Middle School, and Albuquerque High School. Monte Vista Elementary School is exceeding capacity; Jefferson Middle School and Albuquerque High School have excess capacity.

Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available
312	Monte Vista	483	468	-15
425	Jefferson	834	888	54
590	Albuquerque	1,792	2,100	308

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
  - Construct new schools or additions

- Add portables
- Use of non-classroom spaces for temporary classrooms
- Lease facilities
- Use other public facilities

- Improve facility efficiency (short term solution)
  - Schedule Changes
    - Double sessions
    - Multi-track year-round
  - Other
    - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
  - Boundary Adjustments / Busing
  - Grade reconfiguration
- Combination of above strategies

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

POLICE DEPARTMENT

None.

FIRE DEPARTMENT

No Adverse comments.

PNM ELECTRIC & GAS

No comments received.

COMCAST

No comments received.

QWEST

No comments received.

ENVIRONMENTAL HEALTH

No comments received.

M.R.G.C.D

No Adverse Comments.

OPEN SPACE DIVISION

Open Space has no adverse comments

CITY ENGINEER

The Hydrology section has no objection to the vacation request.

TRANSPORTATION DEVELOPMENT

As previously discussed (3/10/08), sight distance diagrams must be submitted for the intersections of Terrace St / Gold Ave and Buena Vista Dr / Gold Ave. A line of sight easement may be required for this site. Explain the unusual method of providing curve data. Why are curves C12, C13, and C14 shown in the same area as curve C4?

PARKS AND RECREATION

Defer to transportation regarding the vacation request.
No objection to the plat.

ABCWUA

No objection to Vacation request.
No objection to Plat approval.

PLANNING DEPARTMENT

The Albuquerque Geographic Information System indicates existing right of way of only 55 feet for Terrace Street. Please refer to comments from Transportation Development regarding the proposed vacation.

The zoning note (No. 9) needs to be removed. Previously vacation of Gold Avenue needs to be documented and referenced on plat. The plat needs to distinguish between previously platted right-of-way and remaining right-of-way. For future reference, please revise solar note to be

specific to this type of request, i.e. replace the words "REQUESTED FINAL ACTION" with the words "THIS PLAT" at the beginning of the note, and delete the words "OR SITE DEVELOPMENT PLAN FOR SUBDIVISION" at the end of the note.
If approved, the Planning Department will need to record the plat to complete the vacation action.

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

Cc: Surveys Southwest, LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
Cc: 2000 Gold Ave. LLC – P.O. Box 7897 – Albuquerque, NM 87194

City of Albuquerque
Parks and Recreation Department

PO Box 1293, Albuquerque, New Mexico 87103
Inter-Office Correspondence

Development Review Board Comments

Project Number: 1006822
Application Number: 08DRB-70146

DRB Date: 4/30/2008
Item Number: 3

Subdivision:

Lots 1 & 2, Block 76, Terrace Addition

Zoning: SU-2/PR

Zone Page: R-15

New Lots (or units) : 0

Request for:

- [ ] Sketch Plat Review & Comment
- [ ] Bulk Land Variance
- [ ] Site Development Plan for Subdivision
- [ ] Site Development Plan for Building Permit
- [x] Preliminary Plat
- [x] Final Plat
- [x] Vacation of Public RoW
- [ ] Vacation of Public Easement
- [ ] Vacation of Private Easement
- [ ] Temp. Deferral of Sidewalk Construction
- [ ] Sidewalk Variance
- [ ] SIA Extension
- [ ] Other

Parks and Recreation Comments:

5 trees (Lacebark Elms) were planted as part of a City Project providing tree canopy, a consistent look, and other improvements to the site. They are in apparent good health requiring only routine maintenance as they grow. Trees were spaced closely for greatest and quickest effect. The length of Gold St was designed for a continuous effect in canopy trees as is evident along adjoining streets. Providing shade trees is the primary objective in this design.

Moving the trees would disturb the site design
Tree rooting area could be paved over with pervious materials for pedestrian use but not vehicles
Any paving or changes in site may require sleeving of existing underground utilities
They should not reduce rooting area for any reason. Its minimal for five shade trees already

Parks does not support a vacation request if the trees which were recently planted with Public funds are removed.

Signed: CS

Christina Sandoval, (DMD) Phone: 768-3808

Dft
to 6/4/08

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1006822 AGENDA ITEM NO: 4

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
VACATION OF PUBLIC RIGHT-OF-WAY

ENGINEERING COMMENTS:

A line of sight easement is required for this site (10' x 10' triangle).
A public roadway easement is required.
Explain the unusual method of providing curve data. Why are curves C12, C13, and C14 shown in the same area as curve C4?
A revised vacation exhibit is required.

RESOLUTION:

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

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

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

SIGNED: Kristal D. Metro
Transportation Development 505-924-3991

DATE: MAY 21, 2008

#4

DRB CASE ACTION LOG (Final)

REVISED 10/08/07

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.: 08DRB-70147 Project # 1006822
Project Name: Terrace Addn
Agent: Surveys Southwest Phone No.:

Your request was approved on _____ by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- ☐ TRANSPORTATION:
- ☐ UTILITIES:
- ☐ CITY ENGINEER / AMAFCA:
- ☐ PARKS / CIP:
- ☑ PLANNING (Last to sign): - AMAFCA
  - 15 day Appeal Period
- ☑ **Planning must record this plat. Please submit the following items:**
  - -The original plat and a mylar copy for the County Clerk.
  - -Tax certificate from the County Treasurer.
  - -Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
  - -Tax printout from the County Assessor.
  - ☐ **3 copies of the approved site plan. Include all pages.**
  - ☐ **County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
  - ☐ **Property Management's signature must be obtained prior to Planning Department's signature.**
  - ☐ **AGIS DXF File approval required.**
  - ☐ **Copy of recorded plat for Planning.**

Created On:

6822

DXF Electronic Approval Form

DRB Project Case #: 1006822

Subdivision Name: TERRACE ADDITION BLOCK 76 LOT 1A

Surveyor: ANTHONY L HARRIS

Contact Person: SARAH AMATO

Contact Information: 998-0303

DXF Received: 3/31/2008 Hard Copy Received: 3/31/2008

Coordinate System: NMSP Grid (NAD 83)

Approved

03·31·2008
Date

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

AGIS Use Only

Copied fc **6822** to agiscov on **3/31/2008** Contact person notified on **3/31/2008**

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1006822 **AGENDA#** 5 **DATE:** 6/4/08

1. Name: _____ Address: _____ Zip: _____
2. Name: _____ Address: _____ Zip: _____
3. Name: _____ Address: _____ Zip: _____
4. Name: _____ Address: _____ Zip: _____
5. Name: _____ Address: _____ Zip: _____
6. Name: _____ Address: _____ Zip: _____
7. Name: _____ Address: _____ Zip: _____
8. Name: _____ Address: _____ Zip: _____
9. Name: _____ Address: _____ Zip: _____
10. Name: _____ Address: _____ Zip: _____
11. Name: _____ Address: _____ Zip: _____
12. Name: _____ Address: _____ Zip: _____
13. Name: _____ Address: _____ Zip: _____
14. Name: _____ Address: _____ Zip: _____
15. Name: _____ Address: _____ Zip: _____
16. Name: _____ Address: _____ Zip: _____
17. Name: _____ Address: _____ Zip: _____

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1006822 **AGENDA#** 4 **DATE:** 6/21/08

Cobb

1. **Name:** Bill Cobb **Address:** 1701 Silver SE **Zip:** 87106
2. **Name:** Ellen Cairp **Address:** 2000 Silver SE **Zip:** 87106
3. **Name:** Tom OCKEN **Address:** 1612 SILVER SE **Zip:** 87106
4. **Name:** Edward J Rivera **Address:** 1924 Silver Ave SE **Zip:** 87106
5. **Name:** Rivera **Address:** **Zip:**
6. **Name:** **Address:** **Zip:**
7. **Name:** **Address:** **Zip:**
8. **Name:** **Address:** **Zip:**
9. **Name:** **Address:** **Zip:**
10. **Name:** **Address:** **Zip:**
11. **Name:** **Address:** **Zip:**
12. **Name:** **Address:** **Zip:**
13. **Name:** **Address:** **Zip:**
14. **Name:** **Address:** **Zip:**
15. **Name:** **Address:** **Zip:**
16. **Name:** **Address:** **Zip:**
17. **Name:** **Address:** **Zip:**

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1006822 **AGENDA#** 2 **DATE:** 4/16/70

1. **Name:** Bill Lobb **Address:** 1701 Silver **Zip:** 87106
2. **Name:** Gordon Reiselt **Address:** 1515 Silver SE **Zip:** 87106
3. **Name:** Richard Brazil **Address:** 1900 Silver SE **Zip:** 87106
4. **Name:** Tom Widney **Address:** 1902 Silver SE **Zip:** 87106
5. **Name:** Tom Ocken **Address:** 1612 SILVER **Zip:** 87106
6. **Name:** Ellen Cline **Address:** 2800 Silver **Zip:** 87106
7. **Name:** Ed Rivera **Address:** 1924 Silver Ave SE **Zip:** 87106
8. **Name:** Ruth Koury **Address:** POB 4754 **Zip:** 87196
9. **Name:** Elizabeth Dopk **Address:** 1606 Silver Ave SE **Zip:** 87106
10. **Name:** **Address:** **Zip:**
11. **Name:** **Address:** **Zip:**
12. **Name:** **Address:** **Zip:**
13. **Name:** **Address:** **Zip:**
14. **Name:** **Address:** **Zip:**
15. **Name:** **Address:** **Zip:**
16. **Name:** **Address:** **Zip:**
17. **Name:** **Address:** **Zip:**

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1006822 **AGENDA#** 2 **DATE:** 6/18/08

1. **Name:** Bill Lobb **Address:** 1701 Silverse **Zip:** 87106
2. **Name:** _____ **Address:** _____ **Zip:** _____
3. **Name:** _____ **Address:** _____ **Zip:** _____
4. **Name:** _____ **Address:** _____ **Zip:** _____
5. **Name:** _____ **Address:** _____ **Zip:** _____
6. **Name:** _____ **Address:** _____ **Zip:** _____
7. **Name:** _____ **Address:** _____ **Zip:** _____
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13. **Name:** _____ **Address:** _____ **Zip:** _____
14. **Name:** _____ **Address:** _____ **Zip:** _____
15. **Name:** _____ **Address:** _____ **Zip:** _____
16. **Name:** _____ **Address:** _____ **Zip:** _____
17. **Name:** _____ **Address:** _____ **Zip:** _____

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 18, 2008

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08, 5/21/08, 6/4/08 & 6/11/08.]*

At the June 18, 2008 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

(A)(1) The vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

Based on maintaining the public streetscape through appropriate public easement, (B)(1) the public welfare is in no way served by retaining the right-of-way.

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

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office

2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

The Preliminary/Final Plat was approved with final sign off delegated to Planning for 15 day appeal period, AMAFCA signature, and to record.

If you wish to appeal this decision, you must do so by July 3, 2008 in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

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

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Jack Cloud, AICP, DRB Chair

Cc: Surveys Southwest LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
Cc: 2000 Gold Ave LLC – Phillip Raby, Principal – P.O. Box 7897 – Albuquerque, NM 87194
Cc: Bill Cobb – 1701 Silver SE – Albuquerque, NM 87106
Ellen Cline – 2000 Silver SE – Albuquerque, NM 87106
Tom Ocken – 1612 Silver SE – Albuquerque, NM 87106
Edward Rivera – 1924 Silver Ave SE – Albuquerque, NM 87106
Gordon Rerselt – 1515 Silver Ave SE – Albuquerque, NM 87106
Richard Braziel – 1900 Silver Ave SE – Albuquerque, NM 87106
Tom Widney – 1902 Silver Ave SE – Albuquerque, NM 87106
Ruth Koury – P.O. Box 4754 – Albuquerque, NM 87196
Elizabeth Doyle – 1606 Silver Ave SE – Albuquerque, NM 87106

Cc: Scott Howell
Cc: Marilyn Maldonado
File

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB CASE NO/PROJECT NO: 1006822 **AGENDA ITEM NO: 4**

SUBJECT:

Vacation of Public ROW
Preliminary/Final Plat Approval

ENGINEERING COMMENTS:

The Hydrology section has no objection to either request.

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED X 5-21-08; 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: **DATE**: 5-14-08
Curtis Cherne
City Engineer Designee
924-3695

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006822 **AGENDA ITEM NO: 2**

SUBJECT:

Vacation
Final Plat
Preliminary Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the subject request.

RESOLUTION:

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

4-30-08

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
924-3986

DATE: April 16, 2008

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006822 **AGENDA ITEM NO: 5**

SUBJECT:

Vacation

ACTION REQUESTED:

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

PO Box 1293

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the vacation request.

Albuquerque

NM 87103

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED ___X___ 6-11-08; COMMENTS PROVIDED ___; WITHDRAWN

www.cabq.gov

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

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

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee
924-3986

DATE: June 4, 2008

edi
regenerating architecture

May 20, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for May 21, 2008 to the new date of June 4, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
J. stace mcgee ■
michael ryan ■

■ 142 Truman St. NE
Albuquerque, NM 87108

Tel 505.242.2851
Fax 505.242.2852

■ 1198 SW 5th Court
Boca Raton, FL 33432

Tel 561.391.3981

www.edi-arch.com

edi
regenerating architecture

June 3rd, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for June 4, 2008 to the new date of June 11, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
j. stace mcgee ■
michael ryan ■

■ 142 Truman St. NE
Albuquerque, NM 87108

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■ 1198 SW 5th Court
Boca Raton, FL 33432

Tel 561.391.3981

www.edi-arch.com

Dif to 6/4/08

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1006822 AGENDA ITEM NO: 4

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
VACATION OF PUBLIC RIGHT-OF-WAY

ENGINEERING COMMENTS:

A line of sight easement is required for this site (10' x 10' triangle).
A public roadway easement is required.
Explain the unusual method of providing curve data. Why are curves C12, C13, and C14 shown in the same area as curve C4?
A revised vacation exhibit is required.

RESOLUTION:

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

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

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

SIGNED: Kristal D. Metro
Transportation Development 505-924-3991

DATE: MAY 21, 2008

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regenerating architecture

May 12, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for May 14, 2008 to the new date of May 21, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
J. stace mcgee ■
michael ryan ■

■ 142 Truman St. NE
Albuquerque, NM 87108

Tel 505.242.2851
Fax 505.242.2852

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Boca Raton, FL 33432

Tel 561.391.3981

www.edi-arch.com

Item# 2
Project# 1006822
Hearing Date: Apr. 16, 2008

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB CASE NO/PROJECT NO: 1006822 **AGENDA ITEM NO: 2**

SUBJECT:

Vacation of Public ROW
Plat Approval

ENGINEERING COMMENTS:

The Hydrology section has no objection to vacation request.
No adverse comments on the plat.

RESOLUTION: as shown on Exhibit B

APPROVED X; 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: **DATE:** 6-18-08

Curtis Cherne
City Engineer Designee
924-3695

phone calls to speak

P.O. Box 1293
Albuquerque
New Mexico 87103
www.cabq.gov

City of Albuquerque
Parks and Recreation Department

PO Box 1293, Albuquerque, New Mexico 87103
Inter-Office Correspondence

Development Review Board Comments

Project Number: 1006822
Application Number: 08DRB-70146

DRB Date: 4/30/2008
Item Number: 3

Subdivision:
Lots 1 & 2, Block 76, Terrace Addition

Request for:

- [ ] Sketch Plat Review & Comment
- [ ] Bulk Land Variance
- [ ] Site Development Plan for Subdivision
- [ ] Site Development Plan for Building Permit
- [x] Preliminary Plat
- [x] Final Plat
- [x] Vacation of Public RoW
- [ ] Vacation of Public Easement
- [ ] Vacation of Private Easement
- [ ] Temp. Deferral of Sidewalk Construction
- [ ] Sidewalk Variance
- [ ] SIA Extension
- [ ] Other

Zoning: SU-2/PR

Zone Page: R-15

New Lots (or units) : 0

Parks and Recreation Comments:

5 trees (Lacebark Elms) were planted as part of a City Project providing tree canopy, a consistent look, and other improvements to the site. They are in apparent good health requiring only routine maintenance as they grow. Trees were spaced closely for greatest and quickest effect. The length of Gold St was designed for a continuous effect in canopy trees as is evident along adjoining streets. Providing shade trees is the primary objective in this design.

Moving the trees would disturb the site design
Tree rooting area could be paved over with pervious materials for pedestrian use but not vehicles
Any paving or changes in site may require sleeving of existing underground utilities
They should not reduce rooting area for any reason. Its minimal for five shade trees already

Parks does not support a vacation request if the trees which were recently planted with Public funds are removed.

Signed: CS

Christina Sandoval, (DMD) Phone: 768-3808

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006822 **AGENDA ITEM NO: 4**

SUBJECT:

Vacation

ACTION REQUESTED:

REV/CMT:0 APP:(x) SIGN-OFF:0 EXTN:0 AMEND:0

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the vacation request.

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED X; COMMENTS PROVIDED ___; WITHDRAWN 6-4-08

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
924-3986

DATE: May 21, 2008

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006822 **AGENDA ITEM NO: 3**

SUBJECT:

Vacation
Preliminary Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

No adverse comments.

RESOLUTION:

APPROVED ____; DENIED _____; DEFERRED X; COMMENTS PROVIDED ___; WITHDRAWN 5-14-08

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
924-3986

DATE: April 30, 2008

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 16, 2008

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately .411 acre(s). (K-15)

AMAFCA
No comment.

COG
MRCOG staff have no comment on this proposal. For informational purposes, Eagle Rock Av and Oakland Av have a functional classification of urban local road.

TRANSIT
No comments received.

ZONING ENFORCEMENT
No Adverse comments.

NEIGHBORHOOD COORDINATION
Letters sent to: **Silver Hill NA (R)**

APS
Terrace Addition, Lots 1 and 2, Block 76, is located Gold Ave SE between Terrace St SE and Buena Vista Dr SE. The owner of the above property requests approval for a Vacation of Public Right-of-Way and a Minor Preliminary/Final Plat Approval for to prepare for a development that will consist of 51 multi-family units. This will impact Monte Vista Elementary School, Jefferson Middle School, and Albuquerque High School. Monte Vista Elementary School is exceeding capacity; Jefferson Middle School and Albuquerque High School have excess capacity.

Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available
312	Monte Vista	483	468	-15
425	Jefferson	834	888	54
590	Albuquerque	1,792	2,100	308

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
  - Construct new schools or additions

- Add portables
- Use of non-classroom spaces for temporary classrooms
- Lease facilities
- Use other public facilities

- Improve facility efficiency (short term solution)
  - Schedule Changes
    - Double sessions
    - Multi-track year-round
  - Other
    - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
  - Boundary Adjustments / Busing
  - Grade reconfiguration
- Combination of above strategies

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

POLICE DEPARTMENT

None.

FIRE DEPARTMENT

No Adverse comments.

PNM ELECTRIC & GAS

No comments received.

COMCAST

No comments received.

QWEST

No comments received.

ENVIRONMENTAL HEALTH

No comments received.

M.R.G.C.D

No Adverse Comments.

OPEN SPACE DIVISION

Open Space has no adverse comments

CITY ENGINEER

The Hydrology section has no objection to the vacation request.

TRANSPORTATION DEVELOPMENT

As previously discussed (3/10/08), sight distance diagrams must be submitted for the intersections of Terrace St / Gold Ave and Buena Vista Dr / Gold Ave. A line of sight easement may be required for this site. Explain the unusual method of providing curve data. Why are curves C12, C13, and C14 shown in the same area as curve C4?

PARKS AND RECREATION

Defer to transportation regarding the vacation request.
No objection to the plat.

ABCWUA

No objection to Vacation request.
No objection to Plat approval.

PLANNING DEPARTMENT

The Albuquerque Geographic Information System indicates existing right of way of only 55 feet for Terrace Street. Please refer to comments from Transportation Development regarding the proposed vacation.

The zoning note (No. 9) needs to be removed. Previously vacation of Gold Avenue needs to be documented and referenced on plat. The plat needs to distinguish between previously platted right-of-way and remaining right-of-way. For future reference, please revise solar note to be

specific to this type of request, i.e. replace the words "REQUESTED FINAL ACTION" with the words "THIS PLAT" at the beginning of the note, and delete the words "OR SITE DEVELOPMENT PLAN FOR SUBDIVISION" at the end of the note.
If approved, the Planning Department will need to record the plat to complete the vacation action.

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

Cc: Surveys Southwest, LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
Cc: 2000 Gold Ave. LLC – P.O. Box 7897 – Albuquerque, NM 87194

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW,** on **Wednesday, April 16, 2008,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project# 1003099
08DRB-70144 MAJOR - 2YR EXTENSION OF SUBDIVISION IMPROVEMENTS

MARK GOODWIN AND ASSOCIATES PA agent(s) for STV INVESTMENTS VII LLC request(s) the above action(s) for all or a portion of Lot(s) 7-12, 21-26, Tract(s) A, **NORTH ALBUQUERQUE ACRES/OAKLAND ESTATES,** zoned R-D, located BETWEEN EAGLE ROCK AVE NE AND OAKLAND AVE NE, WEST OF LOUISIANA BLVD NE containing approximately 10.6574 acre(s). (C-18)

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately .411 acre(s). (K-15)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Jack Cloud, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, APRIL 1, 2008.

CITY OF ALBUQUERQUE

Planning Department

UNITED STATES POSTAGE
PITNEY BOWES
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0004219022 MAR 28 2008
MAILED FROM ZIP CODE 87102

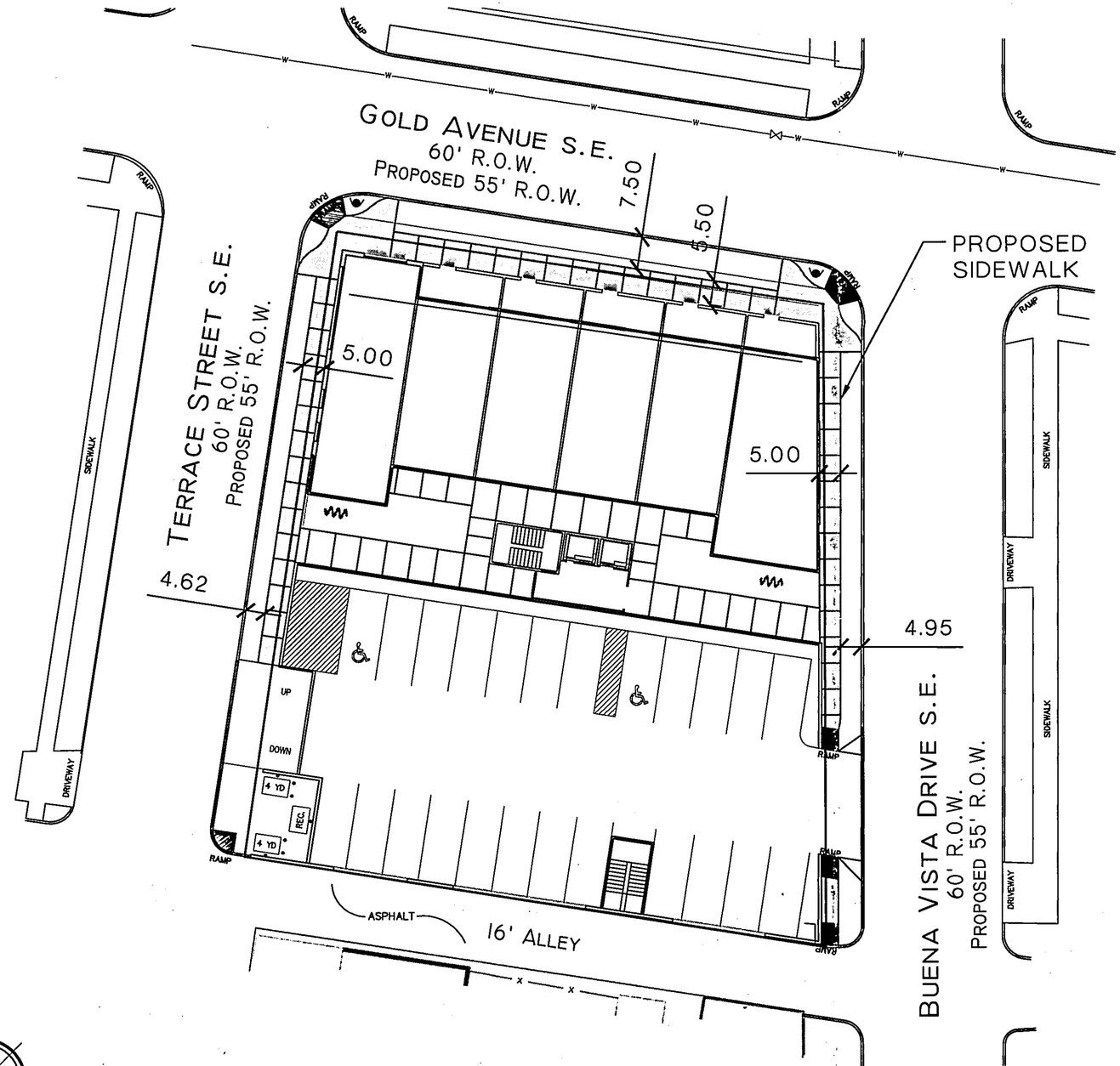
OR CURRENT RESIDENT
101505744426510606
O'NEAL ROBERT V
8909 OSUNA RD NE
ALBUQUERQUE, NM 87111

NIXIE 871 CE 1 70 04/02/08
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
BC: 87103129393 *0968-06846-28-35

DRB

87103129393

P O Box 1293 Albuquerque, New Mexico 87103



15 0 15 30 60

1" = 30'

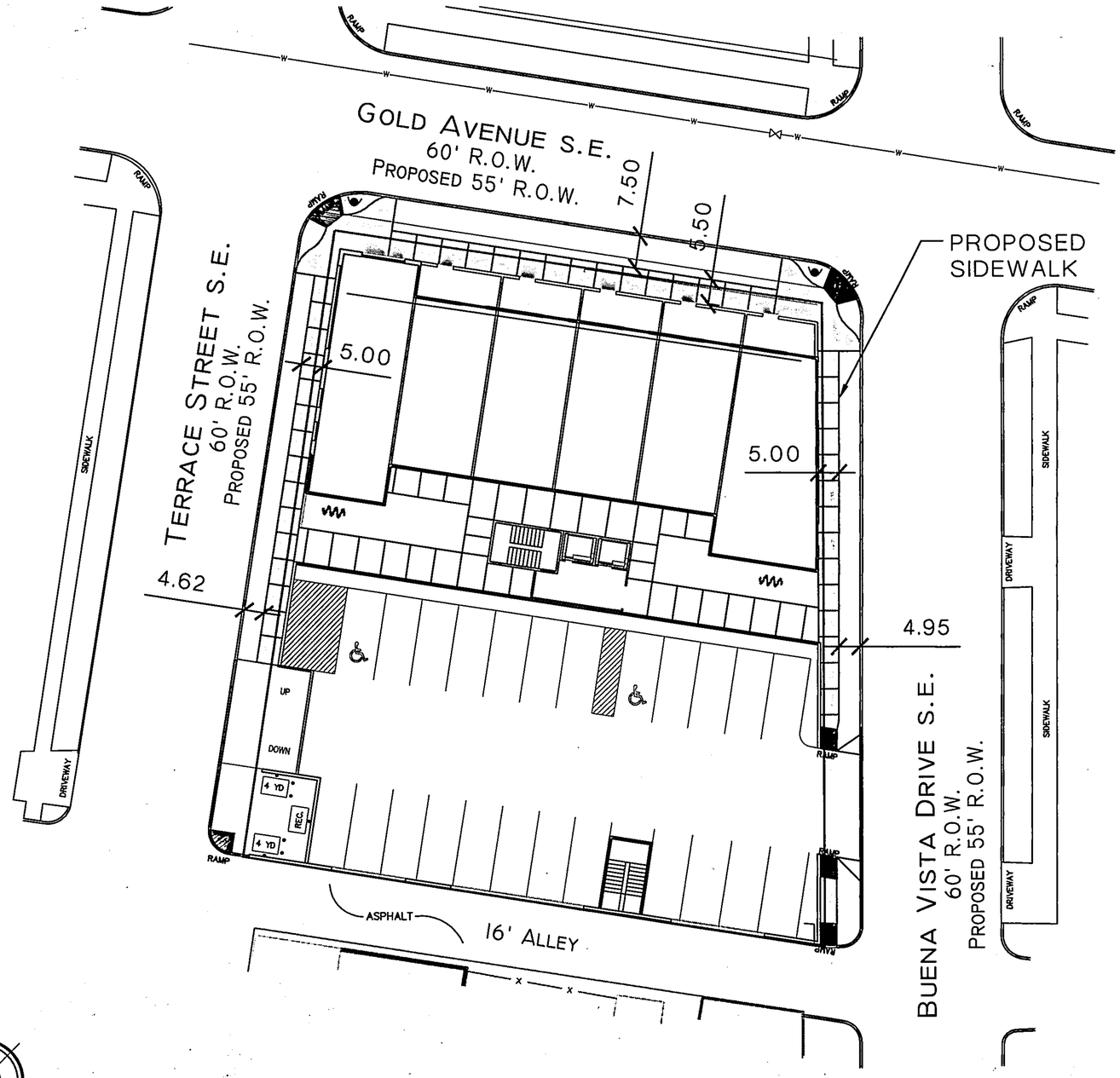
ABQ
Engineering, Inc

·Engineers ·Planners ·Construction Services
6739 Academy Rd. NE, Suite 130 Albuquerque, NM 87109
505-255-7802 FAX 505-255-7902 ABQ Project: 27108

SHEET TITLE: SIDEWALK EXHIBIT

PROJECT: 2000 GOLD AVENUE S.E.

SHEET 1 of 1



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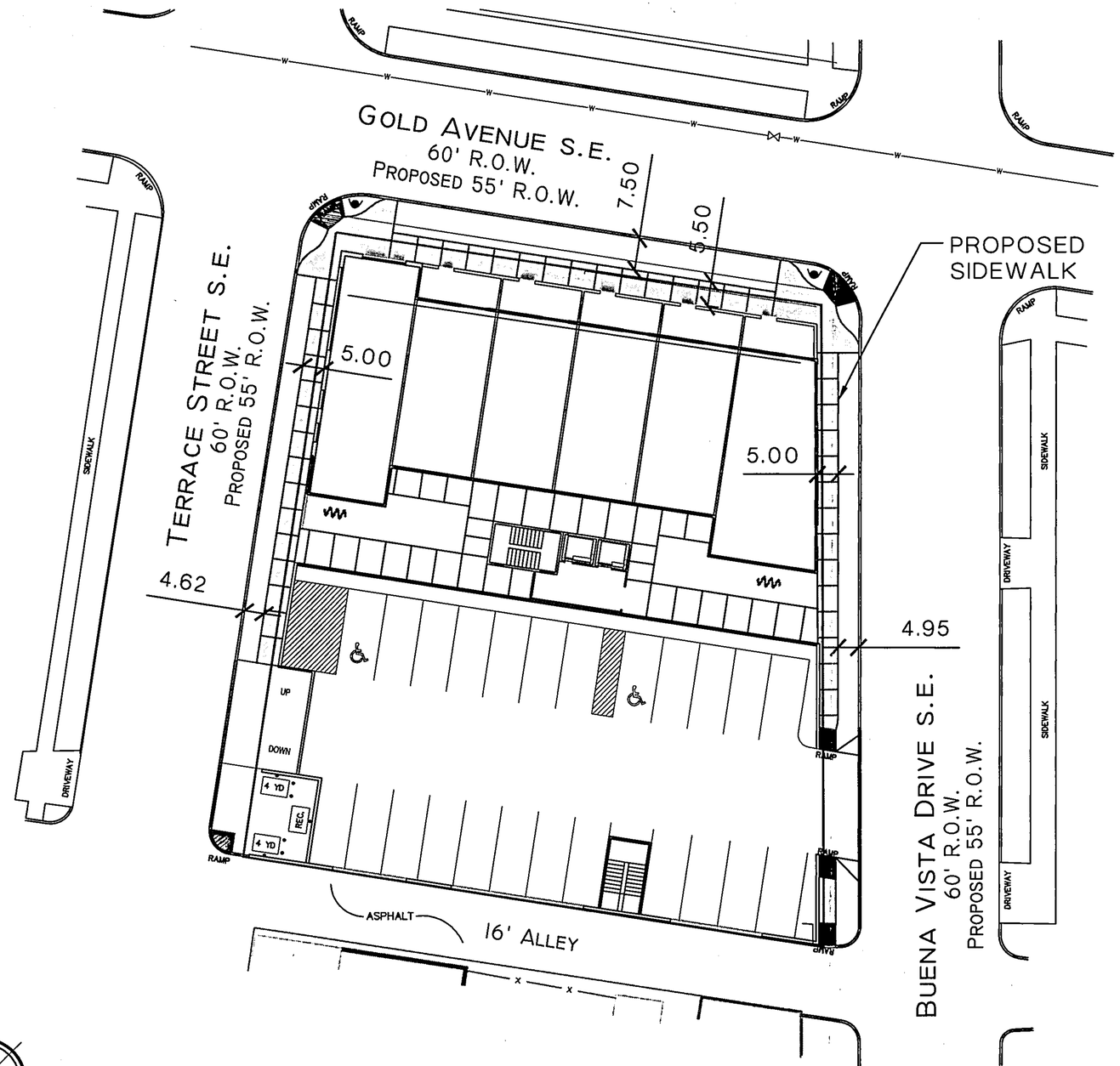
	SHEET 1 of 1



15 0 15 30 60

1" = 30'

ABQ Engineering, Inc

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6739 Academy Rd. NE, Suite 130 Albuquerque, NM 87109

505-255-7802 FAX 505-255-7902 ABQ Project: 27108

SHEET TITLE:	SIDEWALK EXHIBIT
PROJECT:	2000 GOLD AVENUE S.E.
	SHEET 1 of 1

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Martin J. Chávez

INTER-OFFICE MEMORANDUM July 28, 2008

TO: Brad Winter, President, City Council

FROM: Richard Dineen, Planning Department Director

SUBJECT: **AC-08-016 – 08DRB-70146 & 08DRB-70147- PROJECT # 1006822** – Silver Hill Neighborhood Association, appeal the decision of the Development Review Board (DRB) to approve a vacation of public right-of-way for all or a portions of Lot(s) 1 & 2, Block 76, Terrace Addition, together with vacated portions of Terrace Street, Gold Avenue and Buena Vista Drive SE, known as 2000 Gold Avenue SE.

BACKGROUND: This request for vacation of public right-of-way is associated with (but *not* dependent upon) a zone change and site development plan which was previously denied by the Environmental Planning Commission (EPC). That action was appealed by the applicant, and because it included a zone map amendment the appeal was directly to the City Council. The City Council granted the appeal in part (for the zone change) but denied the appeal in part, upholding the EPC's denial of the site development plan.

ISSUES

1. The appellant contends the DRB vacation action is dependent upon the Site Development Plan application for the same site. However, vacation actions are independent of any site plan or zone change, and this was reviewed as such. Even if a site plan or zone change were conditionally approved subject to a future vacation, the vacation request must stand upon its own merits and comply with the requirements of the Subdivision Ordinance.
2. The appellant contends it is unclear what was approved. The approved Exhibit B as well as the approved plat show that 5 feet of right of way was vacated on Buena Vista Drive and Terrace Street, and 4 feet of right of way was vacated on Gold Avenue.
3. The appellant contends that the public welfare can only be served by retaining the right of way. The DRB found that by retaining a Public Roadway Easement consistent with § 14-14-7-2 (C) that the curb, gutter, landscape buffer/ parkway and sidewalks would conform with the adjacent streets as well as be consistent with the desires of the Silver Hill Neighborhood

Association regarding these items, and therefore the public welfare would not be served by retaining the right-of-way.

4. The appellant contends that the vacation is contrary to the requirements of the Parks and Recreation Department. The representative for Parks and Recreation on the DRB believed the request was consistent with the Parks Department memo of April 30, 2008 (which she had signed) and voted to approve the vacation. The landscaping itself is not under the purview of the DRB, but curb, gutter and sidewalks are. This was consistently noted as the streetscape in the DRB hearings, and the vacation as approved would not result in the removal of the recently installed trees or impede the Parks Department's ability to maintain that new landscaping.
5. The appellant contends that the vacation conflicts with § 6-5-5-4 (a.k.a. 'The Sidewalk Ordinance') based on that ordinance definition of "sidewalk," which in turn references a certain area of the "public right of way." The DRB refers to the definition of "pubic right of way" in the same ordinance, which definition allows for "land deeded, reserved by plat or otherwise acquired by the city." The DRB did reserve a Public Roadway Easement by plat, which is consistent with the ordinance. Public Roadway Easements are commonly used, and serve the public welfare with the same effect as dedicated right of way.
6. See No. 5 above; New sidewalks are typically constructed concurrent with construction on the private property which abuts an area which will receive a new sidewalk.
7. The constructed improvements on Gold Avenue (curb, gutter and sidewalk) are not as straight and true as a surveyed property line. As previously noted, the vacation of right-of-way on Gold Avenue is nominally 4 feet, but the sidewalk was constructed such that the required Public Access Easement varies from 4 feet to 4.43 feet. Again, the purpose is to maintain the existing sidewalk in its existing location, and not affect the parkway/ landscape buffer and trees as requested by the Silver Hill Neighborhood Association.

The appellant contends that the DRB has 'override[n]' a decision made by City Council to deny this vacation request, but in fact the purpose of this appeal is to allow the City Council an opportunity to override the decision of the DRB. The vacation approved by the DRB is independent of any site plan for the abutting property, whether it is for a multi-family building, a single family dwelling, a parking lot, or whatever.

APPROVED:

Jack Cloud, Chair
Development Review Board

x:share/council/appeals/2008/ac-08-16

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: March 28, 2008
Zone Atlas Page: K-15
Notification Radius: 100 Ft.

Project# 1006822
App#08DRB-70146
08DRB-70147

Cross Reference and Location:GOLD AVE SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE

Applicant: PHILLIP RABY PRINCEPAL
2000 GOLD AVE LLC
PO BOX 7897
ALBUQUERQUE, NM 87194

Agent: SURVEYS SOUTHWEST LTD
333 LOMAS BLVD NE
ALBUQUERQUE, NM 87102

Special Instructions:

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

Date Mailed: MARCH 28, 2008
Signature: ERIN TREMLIN

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z	ZONING & PLANNING
✓ Major Subdivision action PRELIM / FINAL			___ Annexation
✓ Minor Subdivision action			___ County Submittal
✓ Vacation OF PUBLIC R-O-W	V		___ EPC Submittal
___ Variance (Non-Zoning)			___ Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P		___ Sector Plan (Phase I, II, III)
___ for Subdivision			___ Amendment to Sector, Area, Facility or Comprehensive Plan
___ for Building Permit			___ Text Amendment (Zoning Code/Sub Regs)
___ Administrative Amendment (AA)			___ Street Name Change (Local & Collector)
___ IP Master Development Plan			
___ Cert. of Appropriateness (LUCC)	L	A	**APPEAL / PROTEST of...**
STORM DRAINAGE	D		___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
___ Storm Drainage Cost Allocation Plan			

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

APPLICANT INFORMATION:

Professional/Agent (if any): SURVEYS SOUTHWEST, LTD PHONE: 998-0303
ADDRESS: 333 LOMAS BLVD NE FAX: 998-0306
CITY: ALBQ STATE NM ZIP 87102 E-MAIL:

APPLICANT: 2000 GOLD AVE LLC, PHILLIP RABL, PRINCIPAL c/o JULIO RABL PHONE: 232-3017
ADDRESS: P.O. BOX 7897 FAX:
CITY: ALBQ STATE NM ZIP 87194 E-MAIL:
Proprietary interest in site: OWNER List all owners: N/A

DESCRIPTION OF REQUEST: COMBINE TWO EXISTING LOTS & THREE VACATED PORTIONS OF RIGHTS-OF-WAY INTO ONE NEW LOT & DEDICATE ADDITIONAL R-O-W AS SHOWN HEREON.

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

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

Lot or Tract No. LOTS 1 & 2 Block: 76 Unit: N/A
Subdiv/Addn/TBKA: TERRACE ADDITION, TOGETHER W/ VACATED PORTIONS OF TERRACE ST, GOLD AV. & BUENA VISTA DR.
Existing Zoning: SU-2 / PR Proposed zoning: N/A
Zone Atlas page(s): K-15-Z UPC Code: 1-015-057-455-246-42904 MRGCD Map No N/A

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-75-26, PROJ # 1006822

CASE INFORMATION:

Within city limits? ✓ Yes Within 1000FT of a landfill? NO
No. of existing lots: 2 No. of proposed lots: 1 Total area of site (acres): 0.4110 AC
LOCATION OF PROPERTY BY STREETS: On or Near: GOLD AVE SE
Between: TERRACE ST. SE and BUENA VISTA DR. SE

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

SIGNATURE Dan Grane DATE 3-20-08
(Print) Dan Grane Applicant: ☐ Agent: ☒

FOR OFFICIAL USE ONLY

Form revised 4/07

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

Application case numbers	Action	S.F.	Fees
08DRB - 70146	VRW		$ 995.00
08DRB - 70147	PSF		$ 215.00
	CMF		$ 20.00
	ADV		$ 70.00
			$
			Total $ 1210.00

Hearing date April 16, 2008

3/21/08
Planner signature / date

Project # 1006822

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

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

☐ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Your attendance is required.**

__ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ List any original and/or related file numbers on the cover application

☐ **EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)** **Your attendance is required.**

__ Preliminary Plat reduced to 8.5" x 11"
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ Copy of DRB approved infrastructure list
__ Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
__ List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)** **Your attendance is required.**

__ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
__ Design elevations & cross sections of perimeter walls **3 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
__ Copy of recorded SIA
__ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
__ List any original and/or related file numbers on the cover application
__ DXF file and hard copy of final plat data for AGIS is required.

☑ **MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)** **Your attendance is required.**

N/A 5 Acres or more: Certificate of No Effect or Approval
✓ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings
N/A Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
N/A Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
VACANT Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
✓ Zone Atlas map with the entire property(ies) clearly outlined
✓ Letter briefly describing, explaining, and justifying the request
✓ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
N/A Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
✓ Fee (see schedule)
✓ List any original and/or related file numbers on the cover application
N/A Infrastructure list if required **(verify with DRB Engineer)**
✓ DXF file and hard copy of final plat data for AGIS is required.

☐ **AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03)** **Your attendance is required.**

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

__ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
__ List any original and/or related file numbers on the cover application

Amended preliminary plat approval expires after one year

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

Dan Graney
Applicant name (print)

Dan Graney 3-20-08
Applicant signature / date

Form revised **October 2007**

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

Application case number
08DRB-_____-7042
_____-_____-_____
_____-_____-_____

3/21/08
Planner signature / date

Project # 1006822

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP CODE	PROPERTY CLASS	TAX DISTRICT	LEGAL
1	1015057 4552464 2904	BPPM LLC	103 ANN ARBOR DR	LOS GATOS	CA	95032	V	A1A	76 LOTS 1 & 2 TERRACE ADDN & SO 10' VACATED GOLD AVE ADJ
2	1015057 4322494 2808	SALA DAVID R & DOLORES M	6 DANCING HORSE LN	CORRALES	NM	87048	R	A1A	* 003 073TERRACE ADDN & S 10 FT VACATED GOLD AVE
3	1015057 4752294 3002	MAYNOR RUSSELL	600 ALCALDE PL SW APT 4D	ALBUQUERQUE	NM	87104	R	A1A	* 019 002BUENA VISTA HEIGHTS
4	1015057 4702294 3001	REPIK JOHN JOSEPH VI	4523 VALLEY GARDENS DR SW	ALBUQUERQUE	NM	87105	R	A1A	* 020 002BUENA VISTA HEIGHTS
5	1015057 4602304 2903	NELSON JEAN L & BALIS JONATHAN	1655 KIT CARSON AVE SW	ALBUQUERQUE	NM	871041018	R	A1A	* 005 076TERRACE ADDN
6	1015057 4562304 2902	FRANCIS DOUGLAS T	3116 CALLE DE ALAMO NW	ALBUQUERQUE	NM	87104	R	A1A	* 004 076TERRACE ADDN
7	1015057 4352334 2804	ROBINETTE LARRY W & JOAN L	49 MARIGOLD BLVD	LOS LUNAS	NM	87031	R	A1A	* 011 073TERRACE ADDN
8	1015057 4512314 2901	STEVENS MARTHA	515 N FRANKLIN ST	JUNEAU	AK	88901 1123	R	A1A	* 003 076TERRACE ADDN
9	1015057 4452721 0607	WILKENING JAMES WESLEY & MARY M TRUSTEES WILKENING RVT	72 PINON HILL PL NE	ALBUQUERQUE	NM	87112	R	A1A	* 012 074TERRACE ADDN N66 FT L12
10	1015057 4442651 0606	O'NEAL ROBERT V	8909 OSUNA RD NE	ALBUQUERQUE	NM	87111	R	A1A	* 012 074S 66FT LOT 12 BLK 74 TERRACE ADDN N 10FT VACATED GOLD AVENUE
11	1015057 4702671 0801	HICKMAN HARRIET TRU 2103 GOLD AVE ST TRU %AMEDI SHABTAY & M CELIA	PO BOX 40743	ALBUQUERQUE	NM	871960743	R	A1A	* 020 001BUENA VISTA HTS
12	1015057 4422474 2806	KANG NANCY & DAVID BRADLEY DAVIS	1924 GOLD AVE SE	ALBUQUERQUE	NM	87106	R	A1A	* 001 073TERRACE ADDN & S 10 FT VACATED GOLD AVE
13	1015057 4402324 2805	1923 LTD PTNS	1923 SILVER AVE SE	ALBUQUERQUE	NM	87106	R	A1A	* 012 073TERRACE ADDN
14	1015057 4572671 0701	BPPM LLC	103 ANN ARBOR DR	LOS GATOS	CA	95032	R	A1A	075TER ADD LOTS 2 & 3 & THE N 10FT VACATED GOLD AV
15	1015057 4792794 3018	TRUJILLO EDDIE A & GRACE B	119 SUNSET DR	ESPANOLA	NM	87532	R	A1A	* 003 002BUENA VISTA HTS AND E 10 FT OF LT2
16	1015057 4732454 3019	TRUJILLO EDDIE A & GRACE B	119 SUNSET DR	ESPANOLA	NM	875329549	R	A1A	* 002 002BUENA VISTA HEIGHTS W40 FT L2
17	1015057 4702454 3020	APODACA THERESA L	2100 GOLD AVE SE	ALBUQUERQUE	NM	871064006	R	A1A	* 001 002BUENA VISTA HEIGHTS
18	1015057 4402691 0605	CRAIG KELLY ANNE & DANA	1919 GOLD AVE SE	ALBUQUERQUE	NM	871064058	R	A1A	LT 11 BL 74 TERRACE ADDN & N 10 FT VACATED GOLD AVE
19	1015057 4372484 2807	RITCHIE KENDALL R & JACQUELINE	1920 GOLD AVE SE	ALBUQUERQUE	NM	87106	R	A1A	* 002 073TERRACE ADDN & S 10 FT VACATED GOLD AVE

2 0	1015057 4752671 0802	LIU JEW CHYI & LOU BIH SHO W	1923 COAL PL SE	ALBU QUER QUE	N M	871 06	R	A1 A	* 019 001BUENA VISTA HTS

OR CURRENT RESIDENT
101505744023242805
1923 LTD PTNS
1923 SILVER AVE SE
ALBUQUERQUE, NM 87106

OR CURRENT RESIDENT
101505744026910605
CRAIG KELLY ANNE & DANA
1919 GOLD AVE SE
ALBUQUERQUE, NM 87106 4058

OR CURRENT RESIDENT
101505744224742806
KANG NANCY & DAVID BRADLEY DAVIS
1924 GOLD AVE SE
ALBUQUERQUE, NM 87106

OR CURRENT RESIDENT
101505746023042903
NELSON JEAN L & BALIS JONATHAN
1655 KIT CARSON AVE SW
ALBUQUERQUE, NM 87104 1018

OR CURRENT RESIDENT
101505743724842807
RITCHIE KENDALL R & JACQUELINE
1920 GOLD AVE SE
ALBUQUERQUE, NM 87106

OR CURRENT RESIDENT
101505745123142901
STEVENS MARTHA
515 N FRANKLIN ST
JUNEAU, AK 88901 1123

Project# 1006822
SURVEYS SOUTHWEST LTD
333 LOMAS BLVD NE
ALBUQUERQUE, NM 87102

Project# 1006822
BILL COBB
Silver Hill NA
1701 SILVER AVE SE
ALBUQUERQUE, NM 87106

OR CURRENT RESIDENT
101505747024543020
APODACA THERESA L
2100 GOLD AVE SE
ALBUQUERQUE, NM 87106 4006

OR CURRENT RESIDENT
101505745623042902
FRANCIS DOUGLAS T
3116 CALLE DE ALAMO NW
ALBUQUERQUE, NM 87104

OR CURRENT RESIDENT
101505747526710802
LIU JEW CHYI & LOU BIH SHOW
1923 COAL PL SE
ALBUQUERQUE, NM 87106

OR CURRENT RESIDENT
101505744426510606
O'NEAL ROBERT V
8909 OSUNA RD NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
101505743523342804
ROBINETTE LARRY W & JOAN L
49 MARIGOLD BLVD
LOS LUNAS, NM 87031

OR CURRENT RESIDENT
101505747927943018
TRUJILLO EDDIE A & GRACE B
119 SUNSET DR
ESPANOLA, NM 87532

Project# 1006822
PHILLIP RABY, PRINCIPAL
2000 GOLD AVE LLC
PO BOX 7897
ALBUQUERQUE, NM 87194

OR CURRENT RESIDENT
101505745524642904
BPPM LLC
103 ANN ARBOR DR
LOS GATOS, CA 95032

OR CURRENT RESIDENT
101505747026710801
HICKMAN HARRIET TRU 2103 GOLD AVE ST TRU %AMEDI SHABTAY & M CELIA
PO BOX 40743
ALBUQUERQUE, NM 87196 0743

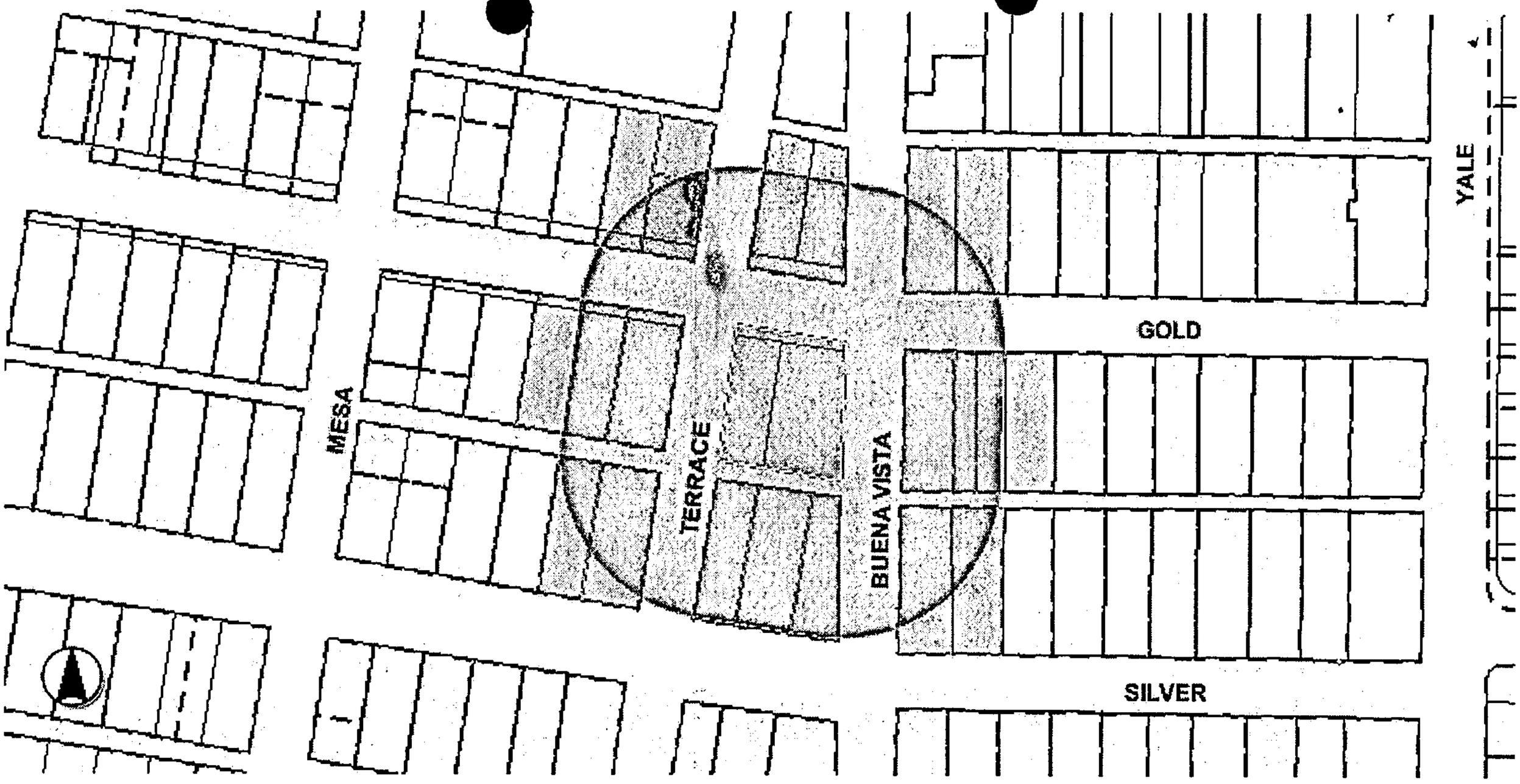
OR CURRENT RESIDENT
101505747522943002
MAYNOR RUSSELL
600 ALCALDE PL SW APT 4D
ALBUQUERQUE, NM 87104

OR CURRENT RESIDENT
101505747022943001
REPIK JOHN JOSEPH VI
4523 VALLEY GARDENS DR SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101505743224942808
SALA DAVID R & DOLORES M
6 DANCING HORSE LN
CORRALES, NM 87048

OR CURRENT RESIDENT
101505744527210607
WILKENING JAMES WESLEY & MARY M TRUSTEES WILKENING RVT
72 PINON HILL PL NE
ALBUQUERQUE, NM 87112

Project# 1006822
GORDON REISELT
Silver Hill NA
1515 SILVER SE
ALBUQUERQUE, NM 87106


YALE
GOLD
MESA
TERRACE
BUENA VISTA
SILVER

City of Albuquerque

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

Date: March 20, 2008

TO CONTACT NAME: Sarah Amato
COMPANY/AGENCY: Surveys Southwest LTD.
ADDRESS/ZIP: 333 Lomas Blvd. NE 87102
PHONE/FAX #: 998-0303 998-0306

Thank you for your inquiry of March 20, 2008 (date) requesting the names of **ALL Affected Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at Lots 1 & 2 Blk 76, Terrace Addition

zone map page(s) K-15.

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

Silver Hill N.A.

Neighborhood or Homeowner Association
Contact: Gordon Reiselt
1515 Silver SE 87106
242-3345(h)
Bill Cobb
1701 Silver Ave. SE 87106
247-8296(h)

Neighborhood or Homeowner Association
Contact:

See reverse side for additional Neighborhood and/or Homeowner Associations Information: YES { } NO {X}

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

Sincerely,

Dalia L Carmona
OFFICE OF NEIGHBORHOOD COORDINATION

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

Planningnacontactformltr (12/03/07)

Surveys Southwest, Ltd

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306*

March 20, 2008

SILVER HILL NEIGHBORHOOD ASSOCIATION
GORDON REISELT
1515 SILVER SE
ALBUQUERQUE, NM 87106

REF: LOT 1-A, BLOCK 76, TERRACE ADDITION

Dear Gordon Reiselt:

This letter is a notice of action being taken on Terrace Addition, located Gold Avenue SE between Terrace Street SE and Buena Vista Drive SE.

Surveys Southwest, Ltd is submitting the above referenced property for a vacation action to vacate portions of rights-of-way and a preliminary / final plat to combine two existing lots into one new lot. A copy of the proposed plat is attached. When approved, this will become the final plat for the above referenced property.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is April 16, 2008.

If you have any questions please feel free to contact me.

Sincerely,

Dan Graney
President

7004 1350 0000 0744 7906

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

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

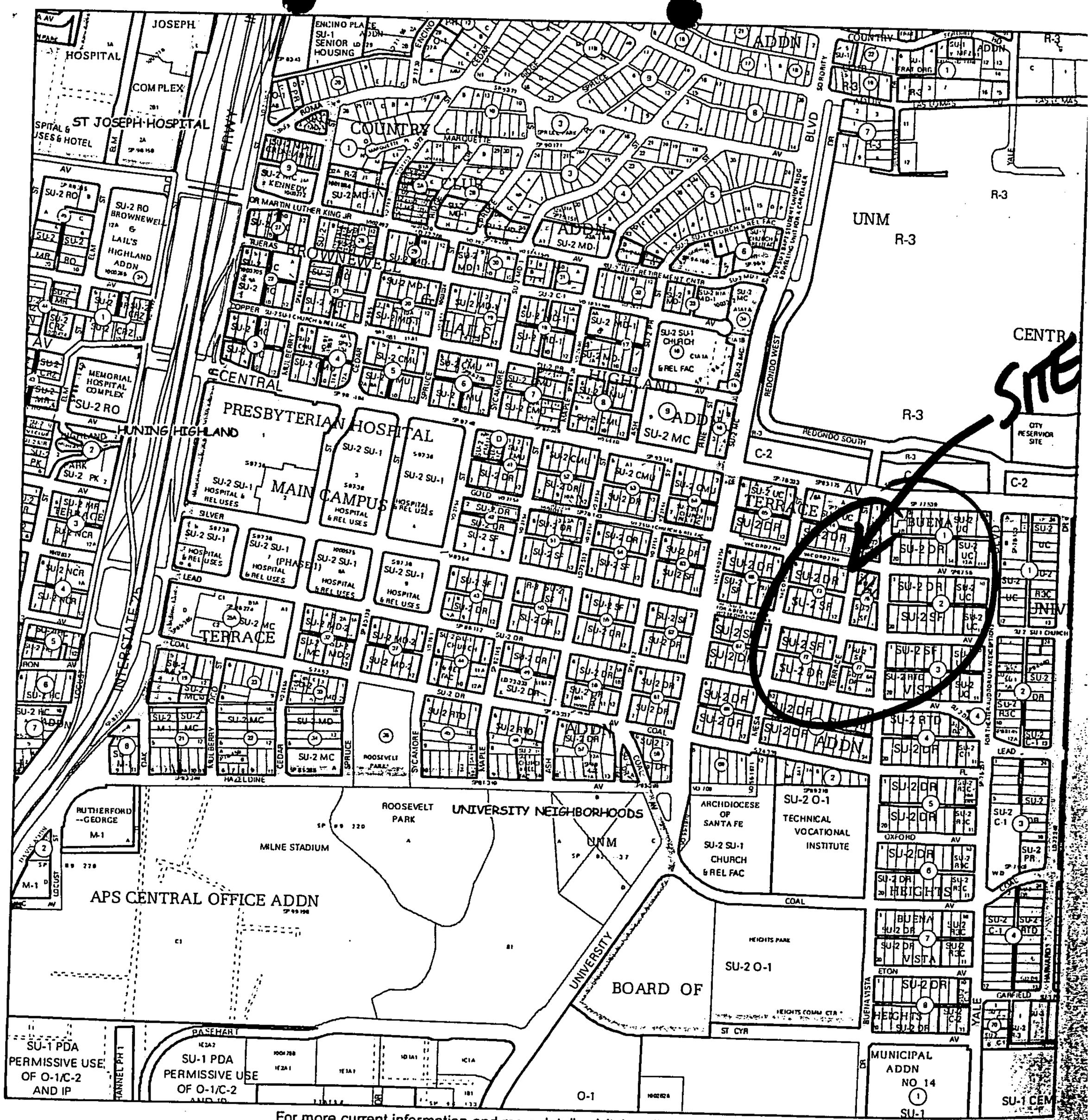
OFFICIAL USE

Postage	$ .97
Certified Fee	$2.65
Return Reciept Fee (Endorsement Required)	$2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.77

Postmark Here 3/20/08

Sent To GORDON REISELT
Street, Apt. No.; or PO Box No. 1515 SILVER SE
City, State, ZIP+4 ALBUQ. N.MEX 87106

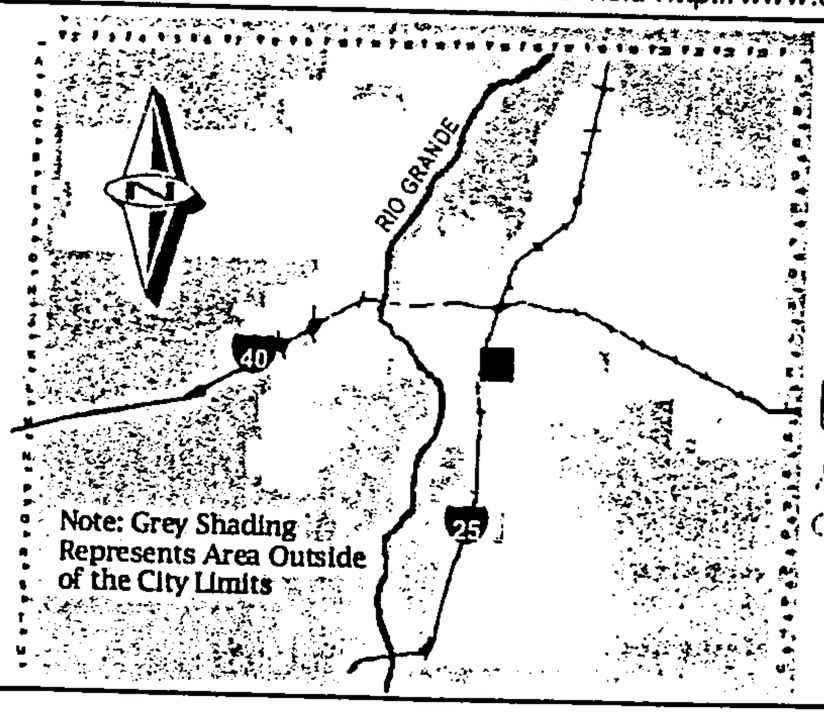
PS Form 3800, June 2002 See Reverse for Instructions



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

AGIS
Albuquerque Geographic Information System

Map amended through: 10/25/2006



Zone Atlas Page:

K-15-Z

Selected Symbols

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

0 750 1,500 Feet

FORM V: SUBDIVISION VARIANCES & VACATIONS

☐ **BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**

__ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
__ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
__ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
__ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
__ Sign Posting Agreement
__ Fee (see schedule)
__ List any original and/or related file numbers on the cover application

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

☐ **VACATION OF PUBLIC EASEMENT (DRB27)**
☑ **VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**

✓ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.** (Not required for City owned public right-of-way.)
✓ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
✓ Zone Atlas map with the entire property(ies) clearly outlined
✓ Letter briefly describing, explaining, and justifying the request
✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
✓ Sign Posting Agreement
✓ Fee (see schedule)
✓ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

☐ **SIDEWALK VARIANCE (DRB20)**
☐ **SIDEWALK WAIVER (DRB21)**

__ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the variance or waiver
__ List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

☐ **SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**

__ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the variance
__ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
__ Sign Posting Agreement
__ Fee (see schedule)
__ List any original and/or related file numbers on the cover application

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

☐ **TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
☐ **EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**

__ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the deferral or extension
__ List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

☐ **VACATION OF PRIVATE EASEMENT (DRB26)**
☐ **VACATION OF RECORDED PLAT (DRB29)**

__ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
__ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
__ Letter of authorization from the grantors and the beneficiaries (private easement only)
__ Fee (see schedule)
__ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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

Dan Graney
Applicant name (print)

Dan Graney 3-20-08
Applicant signature / date

Form revised 4/07

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

Application case numbers
08DRB - ____ - 70146
____ - ____ - ____
____ - ____ - ____

3/21/08
Planner signature / date

Project # 1006822

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AC-08-16

(08-DRB-70146 & 08DRB-70147
PROJECT # 1006822)

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City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z	**ZONING & PLANNING**
___ Major Subdivision action			___ Annexation
___ Minor Subdivision action			___ County Submittal
___ Vacation	V		___ EPC Submittal
___ Variance (Non-Zoning)			___ Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P		___ Sector Plan (Phase I, II, III)
___ for Subdivision			___ Amendment to Sector, Area, Facility or Comprehensive Plan
___ for Building Permit			
___ Administrative Amendment (AA)			___ Text Amendment (Zoning Code/Sub Regs)
___ IP Master Development Plan			___ Street Name Change (Local & Collector)
___ Cert. of Appropriateness (LUCC)	L	A	**APPEAL / PROTEST of...**
STORM DRAINAGE	D		X Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
___ Storm Drainage Cost Allocation Plan			

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

APPLICANT INFORMATION:

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

ADDRESS: ___ FAX: ___

CITY: ___ STATE ___ ZIP ___ E-MAIL: ___

APPLICANT: Silver Hill Neighborhood Assoc PHONE: 247-8296

ADDRESS: 1701 Silver Ave SE FAX: ___

CITY: Albuquerque STATE NM ZIP 87106 E-MAIL: Silverhillnet@aol.com

Proprietary interest in site: ___ List all owners: ___

DESCRIPTION OF REQUEST: Appeal of DRB decision in the case of project #1006822 - 08DRB-70146 & 08DRB-70147

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

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

Lot or Tract No. Lots 1+2, Blk 76 Block: 76 Unit: ___

Subdiv/Addn/TBKA: Terrace Addition

Existing Zoning: ___ Proposed zoning: ___

Zone Atlas page(s): ___ UPC Code: ___ MRGCD Map No ___

CASE HISTORY:

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

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill? ___

No. of existing lots: ___ No. of proposed lots: ___ Total area of site (acres): ___

LOCATION OF PROPERTY BY STREETS: On or Near: 2000 Gold Ave SE

Between: Terrace Street and Buena Vista Drive

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

SIGNATURE Bill Cobb DATE 7-3-08

(Print) Bill Cobb Applicant: ☐ Agent: ☐

FOR OFFICIAL USE ONLY Form revised 4/07

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

Application case numbers	Action	S.F.	Fees
08CC-___-3001A	APPEAL	___	$ 190.00
___-___-___	ADV	___	$ 50.00
___-___-___	___	___	$ ___
___-___-___	___	___	$ ___
___-___-___	___	___	$ ___
			Total $ 240.00

Hearing date ___

Sandra Hand Lon 07/02/08 Project # 1006822

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

☐ **DECISION OF THE ZONING HEARING EXAMINER** **(BOA01)**

__ Project number of case being appealed: _____

__ Application number of case being appealed: _____
__ 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)

Appeal to the Landmarks and Urban Conservation Commission regarding:

☐ **CERTIFICATE OF APPROPRIATENESS**
DECISION OF THE PLANNING DIRECTOR OR STAFF

__ Project number of case being appealed: _____

__ Application number of case being appealed: _____
__ 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)

Appeal to the Environmental Planning Commission regarding:

☐ **DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER** **(EPC09)**
☐ **DETERMINATION OF THE IMPACT FEE ADMINISTRATOR** **(EPC10)**

__ Project number of case being appealed: _____

__ Application number of case being appealed: _____
__ 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)

Appeal to the City Council through the Land Use Hearing Officer regarding:

☐ **ADMINISTRATIVE AMENDMENT OR**
DECISION OF THE PLANNING DIRECTOR OR STAFF
☐ **DETERMINATION OR ACTION OF THE EPC**
☒ **DETERMINATION OR ACTION OF THE DRB**
☐ **ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL**
☐ **DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION**

X Project number of case being appealed: 1006822 - 08DRB-70146 + 08DRB-70147

__ Application number of case being appealed: _____
X Reason for the appeal *
X Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
X 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.

Bill Cobb for Silver Hill NA
Applicant name (print)

Bill Cobb 7-3-08
Applicant signature / date

Form revised 04/2007

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

Application case numbers
08CC - _____ - 30014
_____ - _____ - _____
_____ - _____ - _____

Sandy Handler 07/03/08
Planner signature / date

Project # 1006822

2

Silver Hill Neighborhood Association

Summary of the appeal and its basis: This is an appeal of the June 18, 2008, decision by the Development Review Board (DRB) to grant a vacation of public right of way on all or portions of Lot(s) 1 & 2, Block 76, Terrace Addition, together with vacated portions of Terrace Street, Gold Avenue and Buena Vista Drive SE, known as 2000 Gold Avenue SE, and the associated preliminary/final plat approval. This property was the subject of an application for a zone map amendment and Site Development Plan that included the vacation of the public right of way. 07EPC-40054 Project #1006822. The City Council considered the issues as part of an appeal of the Environmental Planning Commission (EPC) decision and on June 16, 2008, the Council denied the Site Plan for Development for this the property. AC-08-11. The appellant asks that the decision be set aside because the Development Review Board lacks the authority to override a decision of the City Council. Further, the DRB decision is unclear and does not meet the requirements for a vacation and associated plat approval.

Standing: The Silver Hill Neighborhood Association is the recognized neighborhood association for the location at issue.

Detailed reasons for the appeal:

The appellant believes that there are several reasons why the DRB erred in granting the vacation and associated plat approval. If the Land Use Hearing Officer agrees with any of the reasons, the DRB decision must be set aside.

---

1. The City Council denied the Site Development Plan, including the vacation, and the DRB lacks authority to override the City Council decision. The vacation of this public right of way is clearly part of an application for Site Development Plan approval of this property. (See attached **Exhibit 1**, a copy of the first page of the site plan and **Exhibit 2**, a copy of the cover letter from Dan Graney of Southwest Survey, the agents for the applicant.) The DRB granted the vacation on June 18, even though the City Council denied the Site Plan for Development for the project, which included the same vacation of public right of way request on June 16. (**Exhibit 3**.) The DRB was informed of that action by Bill Cobb at the hearing on June 18. The DRB does not have the authority to overrule the City Council. §14-14-1-5

2. The DRB decision is unclear and contrary to the requirements for a vacation. From the Official Notice of Decision, it is not possible to know what was approved, as the decision does not clearly describe the approval and the Plat submitted, dated March 2008, and "Exhibit B," dated June 11, 2008, and referenced in the vacation approval, are inconsistent with each other in important aspects. Such an unclear and inconsistent decision is contrary to the requirements of §14-14-7-2.

3. The DRB decision is contrary to the requirements for a vacation. The DRB decision regarding the vacation is erroneous in stating that "the public welfare is in no way served by retaining the right-of-way." On the contrary, the public welfare can only be served by

maintaining the long-existing right-of-way. In three separate public hearings in this matter the DRB received significant public comment in opposition to the vacation request because it is contrary to the public welfare and not a single public comment in favor. This property includes public improvements of trees and landscaping that was installed in August of 2007 along Gold Avenue. Funding is available to extend the Silver Hill public landscaping improvement project along the 60 feet right of way on Terrace and Buena Vista. Thus, the basis to approve the vacation does not exist.

4. The DRB decision is contrary to the requirements of the Parks and Recreation Department. We have included as **Exhibit 4**, written comments by the Parks and Recreation Department dated April 30, 2008. The comments note that Parks would not support a vacation that included removal of the recently installed trees or any changes that would impede their ability to maintain the new landscaping. The Notice of Decision refers to "maintaining the public streetscape," but the decision does not describe what landscaping would be required and maintained in the public streetscape, nor does Exhibit B show any detail of the public streetscape. Thus, the decision does not meet the requirement for a vacation. §14-14-7-2.

5. The DRB decision conflicts with the requirement that sidewalks be in the public right of way. The approval of the vacation places the new property line on the existing sidewalks surrounding the lot, contrary to the sidewalk ordinance, which requires sidewalks to be in the public right of way. §6-5-5-4. Moreover, neither the plat, nor Exhibit B, show the existing sidewalks along Terrace and Buena Vista, which would be within the new property, contrary to the sidewalk ordinance that requires sidewalks to be in the public right of way. §6-5-5-4.

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6. The DRB decision conflicts with the requirement that sidewalks be in the public right of way and does not require new sidewalks that would meet that requirement. If the intent of the DRB were to require new sidewalks along Terrace and Buena Vista, the decision does not so state. Moreover, a new sidewalk along Terrace would still partially be within the new property, contrary to the requirements of the sidewalk ordinance. §6-5-5-4.

7. The DRB decision is inconsistent with the vacation request and the change was not publicly noticed. The plat submitted with the vacation request shows that the request is for a 4-foot street right-of-way vacation on Gold Avenue, but Exhibit B shows a 5-foot right-of-way vacation on Gold Avenue. The DRB provided no basis for granting the additional right-of-way and the public was provided no notice of the change.

The appellant requests that their appeal be approved and that the Land Use Hearing Officer recommend to the City Council that the appeal be approved because the DRB lacks the authority to override a decision previously made by the Council to deny this vacation request. Further, the DRB's decision is unclear and does not meet the requirements for a vacation or for plat approval.

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 18, 2008

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08, 5/21/08, 6/4/08 & 6/11/08.]*

At the June 18, 2008 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

(A)(1) The vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

Based on maintaining the public streetscape through appropriate public easement, (B)(1) the public welfare is in no way served by retaining the right-of-way.

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

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office

2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

The Preliminary/Final Plat was approved with final sign off delegated to Planning for 15 day appeal period, AMAFCA signature, and to record.

If you wish to appeal this decision, you must do so by July 3, 2008 in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

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

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Jack Cloud, AICP, DRB Chair

Cc: Surveys Southwest LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
Cc: 2000 Gold Ave LLC – Phillip Raby, Principal – P.O. Box 7897 – Albuquerque, NM 87194
Cc: Bill Cobb – 1701 Silver SE – Albuquerque, NM 87106
Ellen Cline – 2000 Silver SE – Albuquerque, NM 87106
Tom Ocken – 1612 Silver SE – Albuquerque, NM 87106
Edward Rivera – 1924 Silver Ave SE – Albuquerque, NM 87106
Gordon Rerselt – 1515 Silver Ave SE – Albuquerque, NM 87106
Richard Braziel – 1900 Silver Ave SE – Albuquerque, NM 87106
Tom Widney – 1902 Silver Ave SE – Albuquerque, NM 87106
Ruth Koury – P.O. Box 4754 – Albuquerque, NM 87196
Elizabeth Doyle – 1606 Silver Ave SE – Albuquerque, NM 87106

Cc: Scott Howell
Cc: Marilyn Maldonado
File

DEVELOPMENT REVIEW BOARD
ACTION SHEET

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

June 18, 2008 9:00 AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

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

1. **Project# 1002856**
08DRB-70233 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS

MARK GOODWIN AND ASSOCIATES PA agent(s) for ANDERSON HILLS LLC request(s) the referenced/ above action(s) for all or a portion of **BLOSSOM RIDGE, PHASE 1,** zoned RLT, located on the west side of UNSER BLVD SW BETWEEN DENNIS CHAVEZ BLVD SW AND ANDERSON HIIL RD SW containing approximately 23.9505 acre(s). (N-9, P-9) **A ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED**

2. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08, 5/21/08, 6/4/08 & 6/11/08.]* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD AND AMAFCA SIGNATURE AND TO RECORD.**

3. **Project# 1003794**
08DRB-70238 MAJOR – SITE DEVELOPMENT PLAN FOR BUILDING PERMIT
{*TO BE HEARD NEXT WEDNESDAY, JUNE 25, 2008*}

GEORGE RAINHART & ASSOC agent(s) for PETERSON PROPERTIES request(s) the above action(s) for Lots 3 and 4, **VOLCANO POINT SHOPPING CENTER,** zoned SU-2 / PCA, located on the northwest corner of 98TH ST NW AND CENTRAL AVE NW containing approximately 1.9833 acre(s). (K-9) **DEFERRED TO 6/25/08 AT THE AGENT'S REQUEST.**

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

4. **Project # 1002455**
06DRB-01649 EPC SDP FOR BUILDING PERMIT

RIO GRANDE SURVEYING CO. agent(s) for SAN ANTONIO PROPERTIES LLC request(s) the above action(s) for all or a portion of Lot(s) 3-7, **JJ SUBDIVISION,** zoned SU-1 for C-1 USES, located on SAN ANTONIO NE between INTERSTATE 25 NE and FOREST HILLS NE containing approximately 6.5044 acre(s). *[Deferred from 5/30/07, 5/28/08, 6/4/08 & 6/11/08]* (E-18) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND TO PLANNING TO CHECK WITH CAROL TOFALETTI. 3 COPIES OF THE APPROVED SITE PLAN MUST BE PROVIDED TO PLANNING.**

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

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5. **Project# 1000945**
08DRB-70260 MAJOR - 2YR SUBD IMP AGMT EXT (2YR SIA)

MARK GOODWIN AND ASSOCIATES PA agent(s) for EAGLE ROCK PROPERTIES LLC request(s) the above action(s) for all or a portion of Lot(s) 22, Block(s) 26, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) B,** zoned SU-2 FOR IP, located on EAGLE ROCK NE BETWEEN LOUISIANA NE AND WYOMING NE containing approximately .8557 acre(s). (C-18) **AN EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED THROUGH JUNE 11, 2009.**

6. **Project# 1004857**
08DRB-70261 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

RAIMUND MCCLAIN agent(s) for SUNNY HILLS LLC, JAMES REED request(s) the above action(s) for all or a portion of Lot(s) 7 & 8, Block(s) 2, **SUNRISE CALL ADDITION Unit(s) 1,** zoned R-1, located on GIRARD NE BETWEEN REVERE PL NE AND BRONTIER AVE NE containing approximately .277 acre(s). (J-16) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AMAFCA SIGNATURE.**

7. **Project# 1005244**
08DRB-70268 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

CONSENSUS PLANNING agent(s) for K & M DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) 17-20 13-19, Block(s) 29 & 30, **RAYNOLDS ADDITION/ HUNING CASTLE ADDITION** zoned SU-2 MFR, located on COAL AVE SW BETWEEN 14TH ST SW AND LEAD AVE containing approximately 1 acre(s). (K-13) **DEFERRED TO 6/25/08 AT THE AGENT'S REQUEST.**

8. **Project# 1006760**
08DRB-70265 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

CARTESIAN SURVEYS INC agent(s) for MARTHA A STAHNKE AND MIKE RAIDA request(s) the above action(s) for all or a portion of Lot(s) 28, Block(s) 27, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) B,** zoned SU-2 IP, located on OAKLAND AVE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 1.0125 acre(s). (C-18) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR EXHIBIT SHOWING LOCATION OF SIDEWALK AND TO DEFINE THE DISTANCE OF FACE OF CURB TO THE PROPERTY LINE, AND FOR AMAFCA SIGNATURE. A COPY OF THE RECORDED PLAT MUST BE PROVIDED TO PLANNING.**

9. **Project# 1007281**
08DRB-70266 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

ALPHA PROFESSIONAL SURVEYING INC agent(s) for SUNCREEK APTS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) E-3, **OSO GRANDE SUBDIVISION** zoned SU-1 PRD, located on SPAIN RD NE BETWEEN EUBANK BLVD NE AND MORRIS ST NE containing approximately 14.788 acre(s). (F-21) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR EXHIBIT SHOWING LOCATION OF SIDEWALK AND THE DISTANCE OF FACE OF CURB TO PROPERTY LINE FOR SPAIN ROAD, AND TO PLANNING FOR AFAMCA SIGNATURE AND TO RECORD.**

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

10. **Project# 1007335**
08DRB-70262 SKETCH PLAT REVIEW AND COMMENT

DREAM BUILDERS OF THE SOUTH WEST request(s) the above action(s) for all or a portion of Lot(s) A, zoned C-3, located on QUINCY NE BETWEEN PROSPECT NE AND MENAUL NE (H-17) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

11. **Project# 1007337**
08DRB-70263 SKETCH PLAT REVIEW AND COMMENT

JACKS HIGH COUNTRY INC agent(s) for AUGUSTINE ROMERO AND NANCY LOPEZ request(s) the above action(s) for all or a portion of Tract(s) A, located on GABALDON RD NW BETWEEN BEACH NW AND CARLOTA NW containing approximately 1.4959 acre(s). (H-12) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

12. **Project# 1003576**
08DRB-70267 SKETCH PLAT REVIEW AND COMMENT

MARK GOODWIN AND ASSOCIATES PA agent(s) for THE HASKELL COMPANY request(s) the above action(s) for all or a portion of Lot(s) B-9E-1-A, & B-9F-1, **SEVEN BAR RANCH TBKA: CIBOLA LOOP SUBDIVISION** zoned SU-1 / R-2 USES, located on ELLISON DR NW BETWEEN EAST CIBOLA LOOP NW AND WEST CIBOLA LOOP NW containing approximately 26.4 acre(s). (A-13) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

13. Approval of the Development Review Board Minutes for 3/5/08 and 3/12/08.

Other Matters: None

ADJOURNED: 10:00

Legal Description

LOTS 1 AND 2, BLOCK 76 OF THE TERRACE ADDITION.

Zoning

EXISTING ZONING SU-2 PR
EXISTING AREA: .3769 ACRES

PROPOSED ZONING SU-2/SU-1 FOR PRD
PROPOSED AREA: .4205 ACRES

UPC

101S-067-455-245-429-04

Proposed Use

RESIDENTAL CONDOMINIUMS

OVERALL SQUARE FOOTAGE 47,500 S.F.

Parking Calculations

Parking Requirements

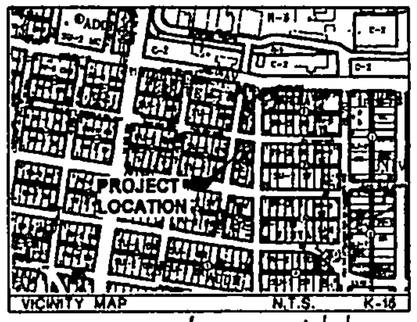
2001 Gold – Required Parking*	
Residential Condo Units	25 spaces
Total	25 spaces
2000 Gold – Required Parking	
Residential Condo Units**	49 spaces
Handicap Spaces	4 spaces
Total	53 spaces
Total Spaces	78 spaces
10% credit for Bus Line	-7 spaces
Total Spaces Required	71 Spaces
2000 and 2001 Spaces Provided	
Standard Spaces	69 spaces
Handicap Spaces	3 spaces
Total Spaces Provided	72 Spaces***

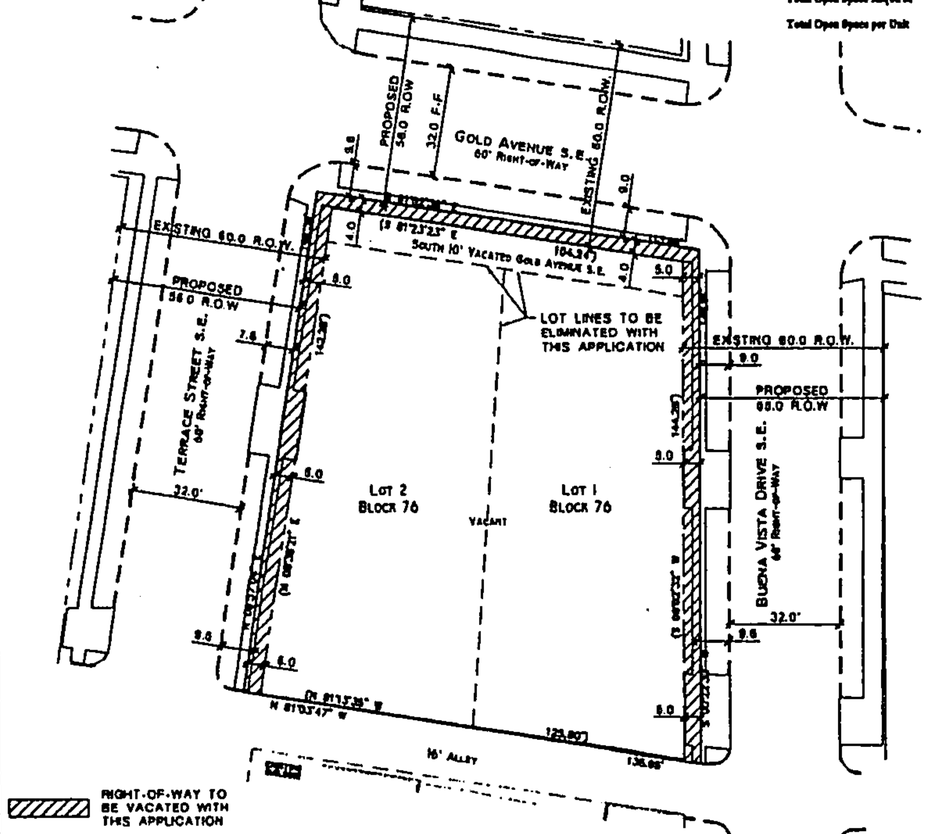
*26 Per ZHE Conditions for 2001 Gold Avenue with 1 on-street parking space approval
**Calculated at 1 space per bedroom – 39 1-Bedrooms and 7 2-Bedrooms
***4 Motorcycle Spaces are also provided

Open Space Calculations

Usable Open Space Calculations:
January 2000

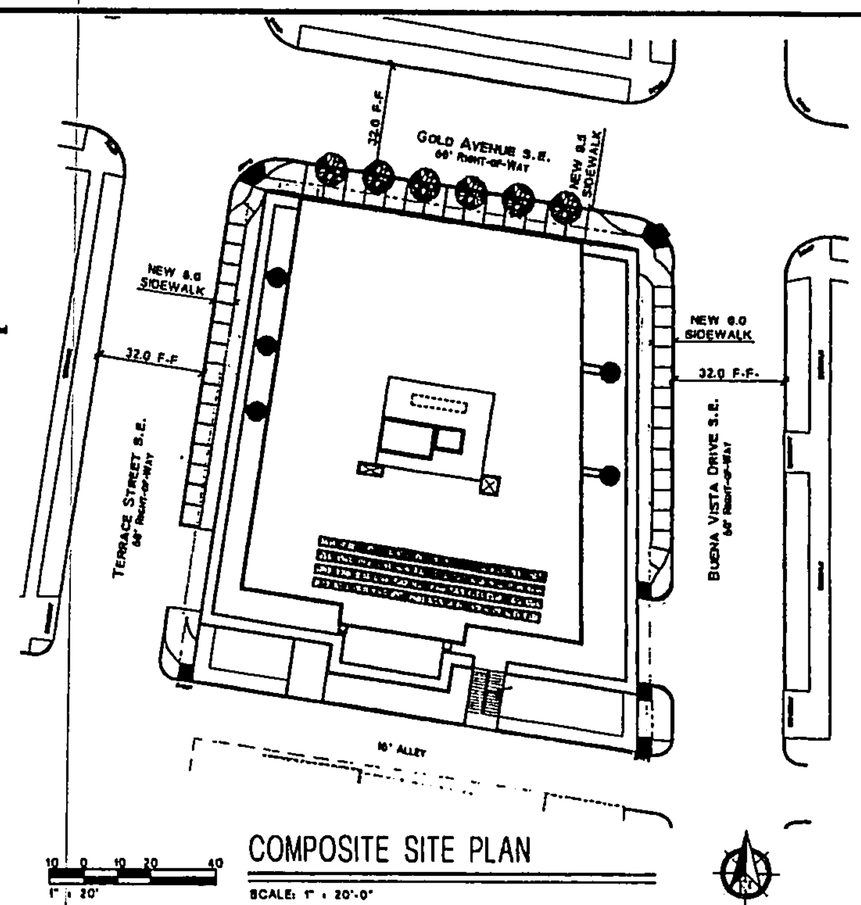
Usable Open Space by Floor	
Ground Floor	3,450 sq. ft.
2nd Floor	2,153 sq. ft.
3rd Floor	3,196 sq. ft.
4th Floor	6,114 sq. ft.
Roof	8,930 sq. ft.
Total	23,843 sq. ft.
Required Usable Open Space	
0 sq. ft. per unit – Established Urban	0 sq. ft.
Total Open Space Required	0 sq. ft.
Total Open Space per Unit	800 sq. ft.





PROPOSED SITE BOUNDARY MODIFICATIONS

SCALE: 1" = 20'-0"



COMPOSITE SITE PLAN

SCALE: 1" = 20'-0"

Drawing Index

C-101A	COVER SHEET/COMPOSITE DRAWING
C-101B	SITE PLAN
C-102	GRADING PLAN
C-103	SITE UTILITY PLAN
L-101	LANDSCAPE SITE PLAN
L-102	LANDSCAPE DETAILS
A-201	NORTH & SOUTH ELEVATIONS
A-202	EAST & WEST ELEVATIONS
A-203	SITE DIAGRAMS
SL-101	SITE LIGHTING PLAN
SL-102	SITE LIGHTING DETAILS

PROJECT NUMBER: _____

Application Number: _____

This plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated _____ and the Findings and Conditions in the Official Notification of Decision are satisfied. Is an Infrastructure List required? ( ) Yes ( ) No. If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

[illegible] SITE DEVELOPMENT PLAN SUBMITTAL APPROVAL

Traffic Engineering, Transportation Division _____ Date

Utility Department _____ Date

Parks and Recreation Department _____ Date

City Engineer _____ Date

Environmental Health Department* _____ Date

Solid Waste Management _____ Date

DRB Chairperson, Planning Department _____ Date

*Environmental Health, if necessary

ABQ

DESIGNERS STAMP

DO NOT SCALE DRAWINGS
CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. NOTIFY ENGINEER/ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING CONSTRUCTION

2000 GOLD
ALBUQUERQUE, NEW MEXICO

REV NO	REV DATE	DESCRIPTION

PROJECT NUMBER	2700B
DATE	JANUARY 4, 2008
DESIGNED BY	N.GARCIA
DRAWN BY	N.GARCIA
CHECKED BY	N.GARCIA
CAD FILE NAME	SITEPLAN-C101

SHEET TITLE

COVER SHEET AND COMPOSITE SITE PLAN

C-101A

SHEET of

Exhibit 1

Surveys Southwest, Ltd

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306*

March 19, 2008

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

REF: LOTS 1 & 2, BLOCK 76, TERRACE ADDITION

Dear Board Members:

The purpose of this vacation action and replat is to prepare the property for residential condominiums. The reduced street width will accommodate setbacks.

If you have any questions please feel free to contact me.

Sincerely,

Dan Graney
President

Exhibit 2

City of Albuquerque

Action Summary

City Council

Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM 87102

Council President, Brad Winter, District 4
Vice-President, Debbie O'Malley, District 2

Council Members: Ken Sanchez, District 1;
Isaac Benton, District 3; Michael J. Cadigan, District 5;
Rey Garduño, District 6; Sally Mayer, District 7;
Trudy E. Jones, District 8; Don Harris, District 9

TTY Phone # - 1-800-659-8331
For Weekly Schedule of Meetings Call: 768-4777

Monday, June 16, 2008 **5:08 PM** **Vincent E. Griego Chambers**
One Civic Plaza
Albuquerque/Bernalillo County
Government Center

O-08-24 A Franchise Ordinance Granting Time Warner Municipal Authority To Rent, Use and Occupy Rights-of-Way and Other Public Places In The City of Albuquerque, New Mexico, and Fixing The Terms and Conditions Thereof (Jones)

Motion: ***Postpone, due back on August 4, 2008***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

O-08-7 Amending Sections 13-3-1-2, 13-3-1-4, 13-3-1-6 and 13-3-1-8 ROA 1994, The Business Solicitations Ordinance; Amending Definitions; Requiring Permit And Bond; Include No Knock Provisions (Sanchez, by request)

Motion: ***Postpone, due back on August 18, 2008***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

R-07-343 Requiring City Participation In A Multi-Jurisdictional Study To Determine The Location of Transportation Corridors/Roads, Open Space Preserves, Storm Water Sheds And Land Use Development To Serve Future Growth West of Albuquerque Including Portions of Bernalillo County, Rio Rancho and Southern Sandoval County (Sanchez)

Motion: ***Postpone, due back on August 18, 2008***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

Exhibit 3

AC-08-6 Bruce Caird Appeals the Board of Appeal's Approval of a Special Exception: a Variance of 4' to the 5' side yard setback area requirement for a proposed addition to the dwelling: and a Variance of 9' to the required 10' separation between buildings, On all or a portion of Lot A, Block 43, Perea Addition, Zoned SU-2 SF, Located at 1525 Granite Ave. NW

Motion: ***To Accept the Land Use Hearing Officer Recommendation***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

AC-08-11 2001 Gold Avenue, LLC, Appeals the Environmental Planning Commission's Denial of a Zone Map Amendment for Lots 1 & 2, Terrace Addition and the South 10 feet Vacated Gold Ave. Adjacent, from SU-2/P-R to SU-2/SU-1 for PRD and PR Located on Gold Ave SE, Between Terrace St. and Buena Vista Dr., Containing Approximately 0.4 Acres

Motion: ***Grant in Part, Deny in Part, Findings to be Adopted at a Later Date***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-143 Declaring Tracts B & C, Lava Trails Subdivision, Non-Essential for Municipal Purposes

Motion: ***Approve***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-178 Mayor's Appointment of Ms. Becky Lee to the Metropolitan Parks & Recreation Advisory Board

Motion: ***Confirm***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-179 Mayor's Reappointment of Mr. Gerald Worrall to the Metropolitan Parks & Recreation Advisory Board

Motion: ***Confirm***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-183 Recommendation of Award to ABQ Downtown Development Team to Provide a Multi-Purpose Center Development

Motion: ***Approve***

Status: Passed
Votes: For: 7 - Council Members: O'Malley, Benton, Cadigan, Garduño, Mayer, Jones and Harris
Against: 2 - Council Members: Winter and Sanchez

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City of Albuquerque
Parks and Recreation Department
PO Box 1293, Albuquerque, New Mexico 87103
Inter-Office Correspondence

Development Review Board Comments

Project Number: 1006822
Application Number: 08DRB-70146

DRB Date: 4/30/2008
Item Number: 3

Subdivision:
Lots 1 & 2, Block 76, Terrace Addition

Zoning: SU-2/PR

Zone Page: R-15

New Lots (or units) : 0

Request for:
- [ ] Sketch Plat Review & Comment
- [ ] Bulk Land Variance
- [ ] Site Development Plan for Subdivision
- [ ] Site Development Plan for Building Permit
- [x] Preliminary Plat
- [x] Final Plat
- [x] Vacation of Public RoW
- [ ] Vacation of Public Easement
- [ ] Vacation of Private Easement
- [ ] Temp. Deferral of Sidewalk Construction
- [ ] Sidewalk Variance
- [ ] SIA Extension
- [ ] Other

Parks and Recreation Comments:

5 trees (Lacebark Elms) were planted as part of a City Project providing tree canopy, a consistent look, and other improvements to the site. They are in apparent good health requiring only routine maintenance as they grow. Trees were spaced closely for greatest and quickest effect. The length of Gold St was designed for a continuous effect in canopy trees as is evident along adjoining streets. Providing shade trees is the primary objective in this design.

Moving the trees would disturb the site design
Tree rooting area could be paved over with pervious materials for pedestrian use but not vehicles
Any paving or changes in site may require sleeving of existing underground utilities
They should not reduce rooting area for any reason. Its minimal for five shade trees already

Parks does not support a vacation request if the trees which were recently planted with Public funds are removed.

Signed: CS

Christina Sandoval, (DMD) Phone: 768-3808

Exhibit 4

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 18, 2008

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08, 5/21/08, 6/4/08 & 6/11/08.]*

At the June 18, 2008 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

(A)(1) The vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

Based on maintaining the public streetscape through appropriate public easement, (B)(1) the public welfare is in no way served by retaining the right-of-way.

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

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office

2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

The Preliminary/Final Plat was approved with final sign off delegated to Planning for 15 day appeal period, AMAFCA signature, and to record.

If you wish to appeal this decision, you must do so by July 3, 2008 in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

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

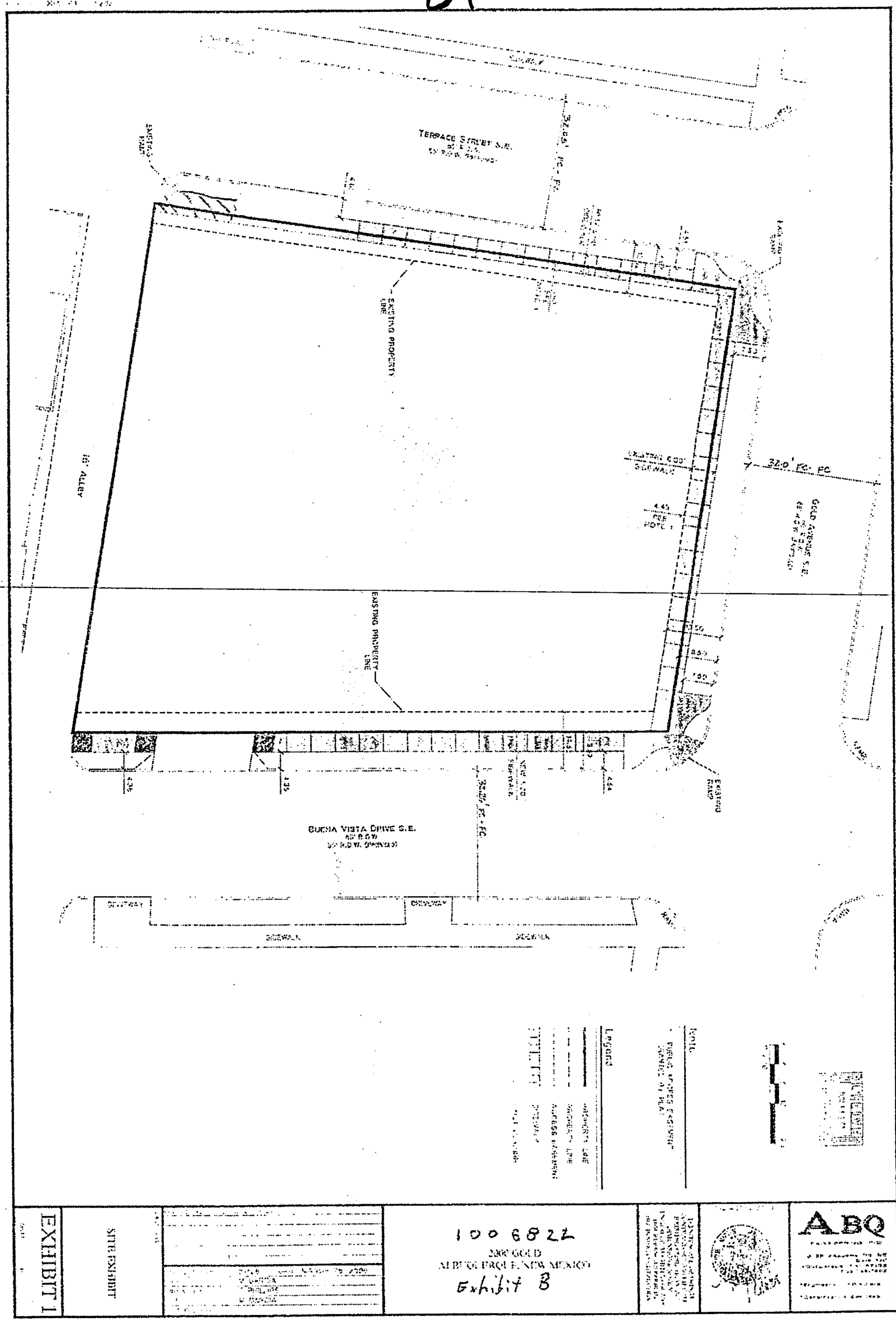
Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Jack Cloud, AICP, DRB Chair

Cc: Surveys Southwest LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
Cc: 2000 Gold Ave LLC – Phillip Raby, Principal – P.O. Box 7897 – Albuquerque, NM 87194
Cc: Bill Cobb – 1701 Silver SE – Albuquerque, NM 87106
Ellen Cline – 2000 Silver SE – Albuquerque, NM 87106
Tom Ocken – 1612 Silver SE – Albuquerque, NM 87106
Edward Rivera – 1924 Silver Ave SE – Albuquerque, NM 87106
Gordon Rerselt – 1515 Silver Ave SE – Albuquerque, NM 87106
Richard Braziel – 1900 Silver Ave SE – Albuquerque, NM 87106
Tom Widney – 1902 Silver Ave SE – Albuquerque, NM 87106
Ruth Koury – P.O. Box 4754 – Albuquerque, NM 87196
Elizabeth Doyle – 1606 Silver Ave SE – Albuquerque, NM 87106

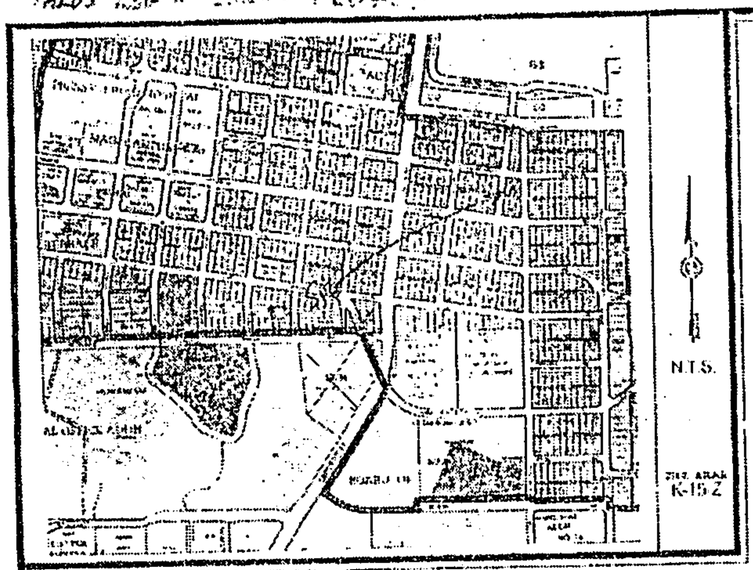
Cc: Scott Howell
Cc: Marilyn Maldonado
File

81


TERRACE STREET S.E.
EXISTING PROPERTY LINE
16' ALLEY
EXISTING CURB SIDEWALK
32.0' FC - FC
GOLD AVENUE S.E.
EXISTING PROPERTY LINE
EXISTING RAMP
BUENA VISTA DRIVE S.E.
DRIVEWAY
DRIVEWAY
SIDEWALK
SIDEWALK
Legend
EXHIBIT 1
SITE EXHIBIT
1006822
200 GOLD
ALBUQUERQUE NEW MEXICO
Exhibit B
ABQ

TALOS Log # 2008-120446

PLAT OF
LOT 1-A, BLOCK 76
TERRACE ADDITION
TOWN OF ALBUQUERQUE GRANT
PROJECTED SECTION 21, T. 10 N., R. 3 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
MARCH, 2008
SHEET 1 OF 2



Vicinity Map

LEGAL DESCRIPTION

A certain tract of land being and comprised of Lots numbered One (1) and Two (2) in Block Numbered Seventy-six (76) of the TERRACE ADDITION to the City of Albuquerque as the same is shown and designated on said plat thereof, filed in the Office of the Probate Clerk and Ex-officio Recorder of Bernalillo County, New Mexico on November 15, 1910, Volume C2, folio 71, TOGETHER WITH portions of vacated right of way of Terrace Street SE, Gold Avenue SE and Buena Vista Drive SE, being more particularly described as follows: BEGINNING at the Northwest corner of said tract being a point on the South right of way of Gold Ave SE, whence the City of Albuquerque Monument 6-K15 bears N 01°03'14" E, 453.79 feet; thence from said point of beginning along said right of way S 81°13'22" E, 76.08 feet to a point of curvature to the right having a central angle of 3°37'52", with a radius of 200.00 feet, a distance of [illegible] feet; thence [illegible] S 81°13'22" E, 0.76 feet to the beginning of a curve of said tract being a point on the West right of way of Buena Vista Drive SE, thence [illegible] W, [illegible] of said curve to the right having a central angle of [illegible], with a radius of 20.00 feet, a distance of 14.45 feet to the right [illegible] S 30°[illegible] 14.14 feet to a point of tangency, thence S 40°12'35" W, 101.95 feet along said right of way to a point of curvature to the right having a central angle of 3°[illegible], with a radius of 18.00 feet, a distance of [illegible] feet, chord bearing S 38°30'30" W, 19.91 feet; thence S 07°12'24" W, 17.07 feet to the Southwest corner of said tract, being a point on the [illegible] along said right of way N 81°03'14" W, 20.07 feet; thence N 61°03'24" W, 21.28 feet; thence N 61°03'25" W, 19.94 feet to the Southwest corner of said tract, being a point on the East right of way of Terrace Street SE, thence along said right of way N 08°40'22" E, 9.95 feet to a point of curvature to the right having a central angle of 38°52'12", with a radius of 25.00 feet, a distance of 16.96 feet, chord bearing N 18°37'44" W, 16.81 feet to a point of tangency, thence N 68°16'22" E, 101.34 feet to a point of curvature to the right having a central angle of 41°21'35", with a radius of 20.00 feet, a distance of 14.45 feet, chord bearing N 29°30'39" E, 14.14 feet; thence N 08°40'22" E, 2.76 feet; thence S 81°13'22" E, 2.99 feet to a point of curvature to the right having a central angle of 56°52'12", with a radius of 20.00 feet, a distance of 12.87 feet, chord bearing N 61°20'32" E, 12.68 feet to the POINT OF BEGINNING and containing 0.4111 acres, more or less.

DISCLOSURE STATEMENT

THE PURPOSE OF THIS PLAT IS TO COMBINE TWO (2) EXISTING LOTS AND THREE (3) VACATED PORTIONS OF RIGHT-OF-WAY INTO ONE (1) NEW LOT AND TO DEDICATE ADDITIONAL RIGHT-OF-WAY AS SHOWN HEREON.

CITY APPROVALS: PROJECT NO. [illegible] APPLICATION NO. SD08-10146 SD08-10147

CITY ENGINEER — DATE 3-16-08

TRAFFIC ENGINEERING, TRANSPORTATION DIVISION — DATE

PARKS & RECREATION DEPARTMENT — DATE

ABCWUA — DATE

AMAFCA — DATE

CITY ENGINEER — DATE

DRB CHAIRPERSON, PLANNING DEPARTMENT — DATE

REAL PROPERTY DIVISION — DATE

SUBDIVISION DATA/NOTES

1. TOTAL AREA TO BE SUBDIVIDED (GROSS DATA & ACTUAL FIELD SURVEY)
2. LINEAR FEET OF NEW STREETS (CENTERLINE)
3. LINEAR FEET OF NEW WATER LINES
4. TOTAL NUMBER OF LOTS CREATED
5. BLOCKS AND DISTANCE BETWEEN INTERSECTIONS (ALONG THE PERIMETER OF SUBDIVISION)
6. GROSS ACREAGE
7. NUMBER OF TRACTS CREATED
8. NUMBER OF LOTS CREATED: 1
9. PROPERTY ZONED: SU-2 PD

IN ACCORDANCE WITH THE DEVELOPMENT PROCESS MANUAL, A CONDITION OF APPROVAL FOR THIS PLAT IS THAT THE OWNER AND SUBDIVIDER SHALL COMPLETE THE INSTALLATION OF THE IMPROVEMENTS SHOWN ON THE APPROVED CONSTRUCTION PLAN WITHIN THE AREA OF PROPOSED PLAT. THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THE PLAT, OR SUBMITTED CONSTRUCTION PLAN OR DRAWING.

FREE CONSENT

THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S) OF THE PROPERTY DESCRIBED HEREON DO HEREBY CONSENT TO THE PLATTING OF SAID PROPERTY AS SHOWN HEREON AND THE SAME IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THEIR WISHES AND SAID OWNERS WARRANT THAT THEY HOLD COMPLETE AND UNCONDITIONAL TITLE TO THE LAND SURVEYED AND DO HEREBY DEDICATE ADDITIONAL STREET RIGHT OF WAY TO THE CITY OF ALBUQUERQUE IN FEE SIMPLE WITH WARRANTY COVENANTS.

OWNER(S) SIGNATURE: [illegible] DATE: 3/14/2008
OWNER(S) PRINTED NAME: [illegible]
ADDRESS: [illegible]
ACKNOWLEDGED BY
STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

OFFICIAL SEAL
[illegible]
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: [illegible]

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS [illegible] DAY OF March, 2008
BY [illegible]
MY COMMISSION EXPIRES: [illegible]
NOTARY PUBLIC

UTILITY APPROVALS

PNM GAS SERVICES/PNM ELECTRIC SERVICES — DATE

QWEST TELECOMMUNICATIONS — DATE

COMCAST CABLE — DATE

SURVEYORS CERTIFICATION

I, Anthony L. Harris, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and the subdivision as prepared by me or under my supervision, shows all easements as shown on the plat of record or as may be found to exist by the owner and/or proprietors of the subdivision shown hereon, utility companies and the public service commission and meets the minimum requirements for monumentation and surveys of the Albuquerque Subdivision Ordinance, and further meets the Minimum Standards for Land Surveying in the State of New Mexico and is true and correct to the best of my knowledge and belief.

Anthony L. Harris — Date 3-10-08
New Mexico Professional Surveyor, 11463

THIS IS TO CERTIFY THAT TAXES ARE CURRENTLY PAID ON
UPC#:
PROPERTY OWNER OF RECORD:

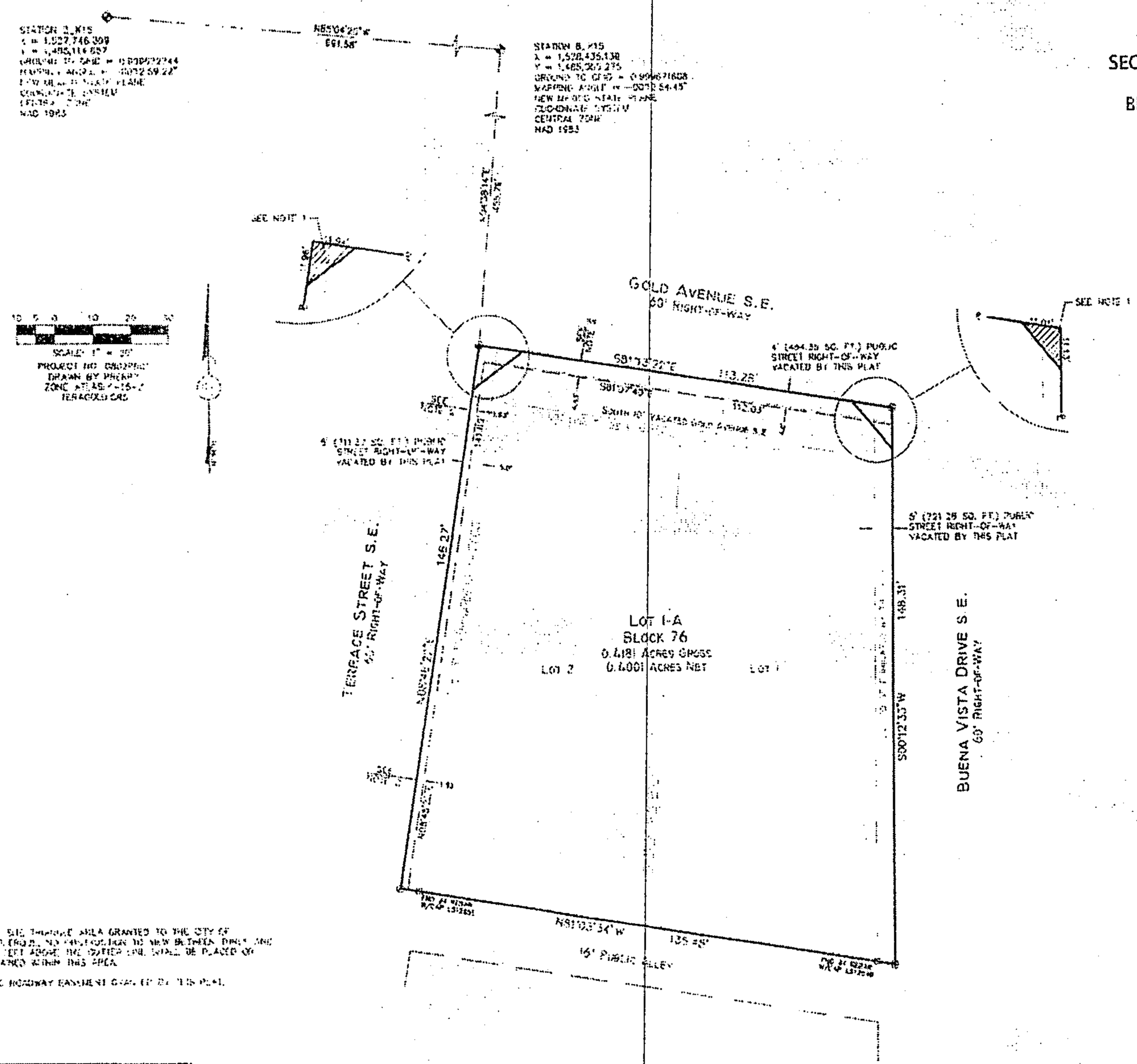
BERNALILLO COUNTY TREASURER'S OFFICE

SURVEYS SOUTHWEST LTD.
333 LOMAS BLVD., N.E.
ALBUQUERQUE, NEW MEXICO
87102
PHONE: (505) 998-0303
FAX: (505) 998-0306

T10N R3E SEC. 21

PLAT OF
LOT 1-A, BLOCK 76
TERRACE ADDITION

TOWN OF ALBUQUERQUE GRANT
SECTION 21, T. 10 N., R. 3 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
MARCH, 2008
SHEET 1 OF 2



SURVEYS SOUTHWEST LTD.
333 LOMAS BLVD., N.E.
ALBUQUERQUE, NEW MEXICO
87102
PHONE: (505) 998-0303
FAX. (505) 998-0306

T10N R3E SEC. 21

02

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z	ZONING & PLANNING
✓ Major Subdivision action PRELIM / FINAL			___ Annexation
✓ Minor Subdivision action			___ County Submittal
✓ Vacation OF PUBLIC R-O-W	V		___ EPC Submittal
___ Variance (Non-Zoning)			___ Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P		___ Sector Plan (Phase I, II, III)
___ for Subdivision			___ Amendment to Sector, Area, Facility or Comprehensive Plan
___ for Building Permit			
___ Administrative Amendment (AA)			___ Text Amendment (Zoning Code/Sub Regs)
___ IP Master Development Plan			___ Street Name Change (Local & Collector)
___ Cert. of Appropriateness (LUCC)	L	A	**APPEAL / PROTEST of...**
STORM DRAINAGE	D		___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
___ Storm Drainage Cost Allocation Plan			

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

APPLICANT INFORMATION:

Professional/Agent (if any): SURVEYS SOUTHWEST, LTD PHONE: 998-0303
ADDRESS: 333 LOMAS BLVD NE FAX: 998-0306
CITY: ALBQ STATE NM ZIP 87102 E-MAIL:

APPLICANT: 2000 GOLD AVE LLC, PHILLIP RABL, PRINCIPAL c/o JULIO RABL PHONE: 232-3017
ADDRESS: P.O. BOX 7897 FAX:
CITY: ALBQ STATE NM ZIP 87194 E-MAIL:
Proprietary interest in site: OWNER List all owners: N/A

DESCRIPTION OF REQUEST: COMBINE TWO EXISTING LOTS & THREE VACATED PORTIONS OF RIGHTS-OF-W INTO ONE NEW LOT & DEDICATE ADDITIONAL R-O-W AS SHOWN HEREON.

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

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

Lot or Tract No. LOTS 1 & 2 Block: 76 Unit: N/A
Subdiv/Addn/TBKA: TERRACE ADDITION, TOGETHER W/ VACATED PORTIONS OF TERRACE ST, GOLD AV. BUENA VISTA
Existing Zoning: SU-2 / PR Proposed zoning: N/A
Zone Atlas page(s): K-15-Z UPC Code: 1-015-057-455-246-42904 MRGCD Map No N/A

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-75-26, PROJ # 1006822

CASE INFORMATION:

Within city limits? ✓ Yes Within 1000FT of a landfill? NO
No. of existing lots: 2 No. of proposed lots: 1 Total area of site (acres): 0.4110 AC
LOCATION OF PROPERTY BY STREETS: On or Near: GOLD AVE SE
Between: TERRACE ST. SE and BUENA VISTA DR. SE

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

SIGNATURE Dan Graney DATE 3-20-08
(Print) Dan Graney Applicant: ☐ Agent: ☒

FOR OFFICIAL USE ONLY Form revised 4/07

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
☒ All checklists are complete	98DRB - 70146	YRW		$ 995.00
☒ All fees have been collected	98DRB - 70147	P&F		$ 215.00
☒ All case #s are assigned		CMF		$ 20.00
☐ AGIS copy has been sent		ADV		$ 70.00
☒ Case history #s are listed				$
☐ Site is within 1000ft of a landfill				Total
☐ F.H.D.P. density bonus				$ 1210.00
☐ F.H.D.P. fee rebate	Hearing date April 16, 2008			

3/21/08 Project # 1006822

21

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

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

☐ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Your attendance is required.**

- __ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ List any original and/or related file numbers on the cover application

☐ **EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)** **Your attendance is required.**

- __ Preliminary Plat reduced to 8.5" x 11"
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ Copy of DRB approved infrastructure list
- __ Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- __ List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)** **Your attendance is required.**

- __ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- __ Design elevations & cross sections of perimeter walls **3 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- __ Copy of recorded SIA
- __ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- __ List any original and/or related file numbers on the cover application
- __ DXF file and hard copy of final plat data for AGIS is required.

☑ **MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)** **Your attendance is required.**

- N/A 5 Acres or more: Certificate of No Effect or Approval
- ✓ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings
- N/A Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- N/A Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- VACANT Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- ✓ Zone Atlas map with the entire property(ies) clearly outlined
- ✓ Letter briefly describing, explaining, and justifying the request
- ✓ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- N/A Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- ✓ Fee (see schedule)
- ✓ List any original and/or related file numbers on the cover application
- N/A Infrastructure list if required **(verify with DRB Engineer)**
- ✓ DXF file and hard copy of final plat data for AGIS is required.

☐ **AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03)** **Your attendance is required.**

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

- __ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- __ List any original and/or related file numbers on the cover application

Amended preliminary plat approval expires after one year

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

Dan Graney
Applicant name (print)

Dan Graney 3-20-08
Applicant signature / date

Form revised **October 2007**

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

Application case number(s)
08DRB-____-7042
____-____-____
____-____-____

3/21/08
Planner signature / date

Project # 1006822

22

FORM V: SUBDIVISION VARIANCES & VACATIONS

☐ **BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**
- __ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
- __ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
- __ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- __ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- __ Sign Posting Agreement
- __ Fee (see schedule)
- __ List any original and/or related file numbers on the cover application

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

☐ **VACATION OF PUBLIC EASEMENT (DRB27)**
☑ **VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
- ✓ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.** (Not required for City owned public right-of-way.)
- ✓ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
- ✓ Zone Atlas map with the entire property(ies) clearly outlined
- ✓ Letter briefly describing, explaining, and justifying the request
- ✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ✓ Sign Posting Agreement
- ✓ Fee (see schedule)
- ✓ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

☐ **SIDEWALK VARIANCE (DRB20)**
☐ **SIDEWALK WAIVER (DRB21)**
- __ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the variance or waiver
- __ List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

☐ **SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**
- __ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the variance
- __ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- __ Sign Posting Agreement
- __ Fee (see schedule)
- __ List any original and/or related file numbers on the cover application

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

☐ **TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
☐ **EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
- __ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the deferral or extension
- __ List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

☐ **VACATION OF PRIVATE EASEMENT (DRB26)**
☐ **VACATION OF RECORDED PLAT (DRB29)**
- __ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
- __ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
- __ Letter of authorization from the grantors and the beneficiaries (private easement only)
- __ Fee (see schedule)
- __ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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

Dan Graney
Applicant name (print)

Dan Graney 3-20-08
Applicant signature / date

Form revised 4/07

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

Application case number
08DRB - ____ - 70146
____ - ____ - ____
____ - ____ - ____

3/21/08
Planner signature / date

Project # 1006822

23

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

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

1. LOCATION
   - A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
   - B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
   - C. No barrier shall prevent a person from coming within five feet of the sign to read it.
2. NUMBER
   - A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
   - B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.
3. PHYSICAL POSTING
   - A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
   - B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.
4. TIME

Signs must be posted from April 1, 2008 To April 16 2008

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

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

Sarah Lamato (Applicant or Agent) 3/21/08 (Date)

I issued 4 signs for this application, 3/21/08 (Date) [signature] (Staff Member)

DRB PROJECT NUMBER: 10006822

Rev. 1/11/05

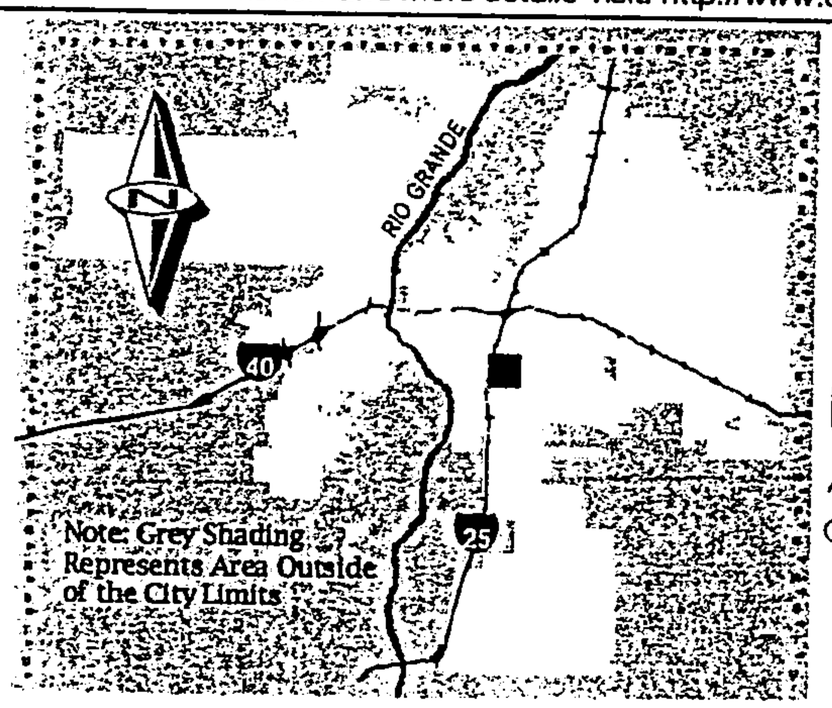
24

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

Albuquerque Geographic Information System

Map amended through: 10/25/2006

25



Zone Atlas Page:

K-15-Z

Selected Symbols

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

0 750 1,500

sheffield
partners
LLC

March 19, 2008

Mr. Jack Cloud, Chairman
Development Review Board
600 Second Street NW
Albuquerque, NM 87102

RE: 2000 Gold Avenue SW

Dear Mr. Cloud:

The purpose of this letter is to authorize Survey's Southwest, ABQ Engineering, Environmental Dynamics, and Consensus Planning, Inc. to act as our agent on a request to vacate a portion of the adjacent rights-of-way on Gold Avenue, Buena Vista, and Terrace Streets. The property is located between Terrace, Gold, Buena Vista, and a public alley. The property is legally described as Lots 1 and 2, Terrace Addition and the south 10' of vacated Gold Avenue.

Thank you for your assistance on this project.

Sincerely,

Phillip Juno Raby
Sheffield Partners

4200 Silver Avenue SE | Albuquerque, New Mexico 87108 | p. 505.232.3017 | f. 505.232.3018 | www.sheffieldpartners.com

N210

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

March 19, 2008

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

REF: LOTS 1 & 2, BLOCK 76, TERRACE ADDITION

Dear Board Members:

The purpose of this vacation action and replat is to prepare the property for residential condominiums. The reduced street width will accommodate setbacks.

If you have any questions please feel free to contact me.

Sincerely,

Dan Graney
President

Legal Description

LOTS 1 AND 2, BLOCK 76 OF THE TERRACE ADDITION.

Zoning

EXISTING ZONING SU-2 PR
EXISTING AREA: 3789 ACRES

PROPOSED ZONING SU-2/SU-1 FOR PRD
PROPOSED AREA: 4208 ACRES

UPC

1015-067-455-246-429-04

Proposed Use

RESIDENTAL CONDOMINIUMS

OVERALL SQUARE FOOTAGE 47,500 S.F.

Parking Calculations

Parking Requirements

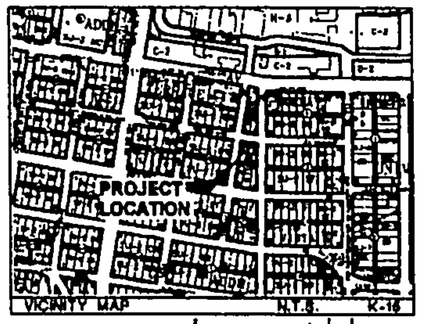
2000 Gold – Required Parking*	
Residential Condo Units	23 spaces
Total	23 spaces
2000 Gold – Required Parking	
Residential Condo Units**	45 spaces
Handicap Spaces	1 space
Total	23 spaces
Total Spaces	73 spaces
10% credit for Bus Line	-7 spaces
Total Spaces Required	71 Spaces
2000 and 2001 Spaces Provided	
Standard Spaces	69 spaces
Handicap Spaces	3 spaces
Total Spaces Provided	72 Spaces***

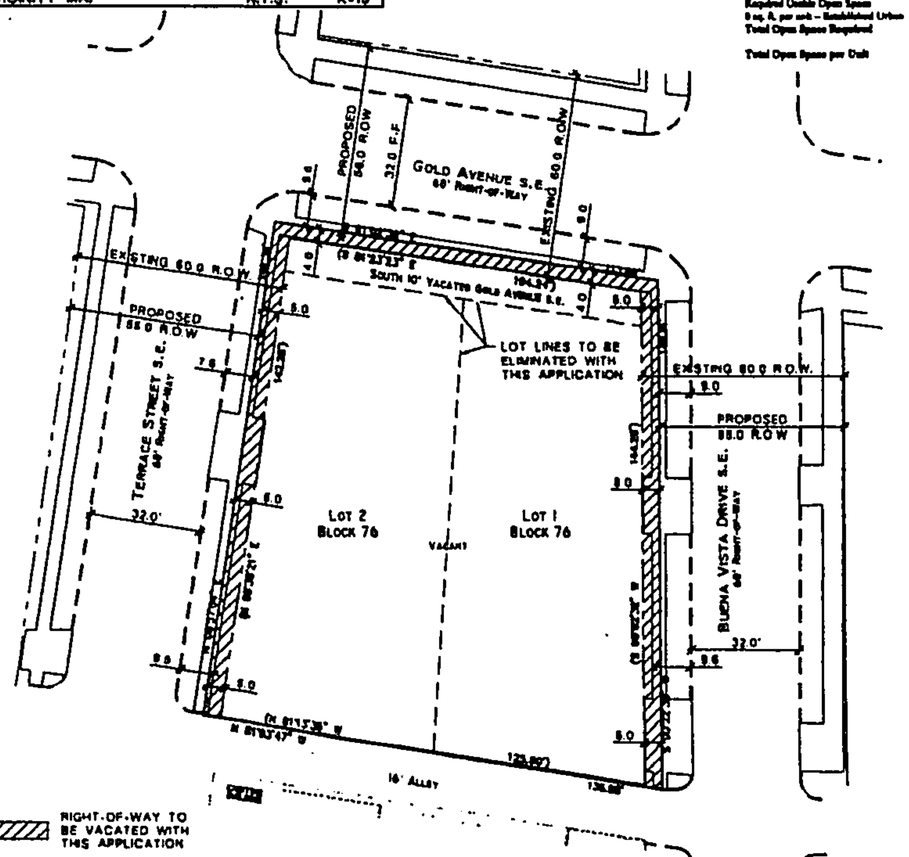
*26 Per ZHE Conditions for 2001 Gold Avenue with 1 on-street parking space approved
**Calculated at 1 space per bedroom – 39 1-Bedroom and 7 2-Bedroom
***4 Motorcycle Spaces are also provided

Open Space Calculations

Usable Open Space Calculations
January 2000

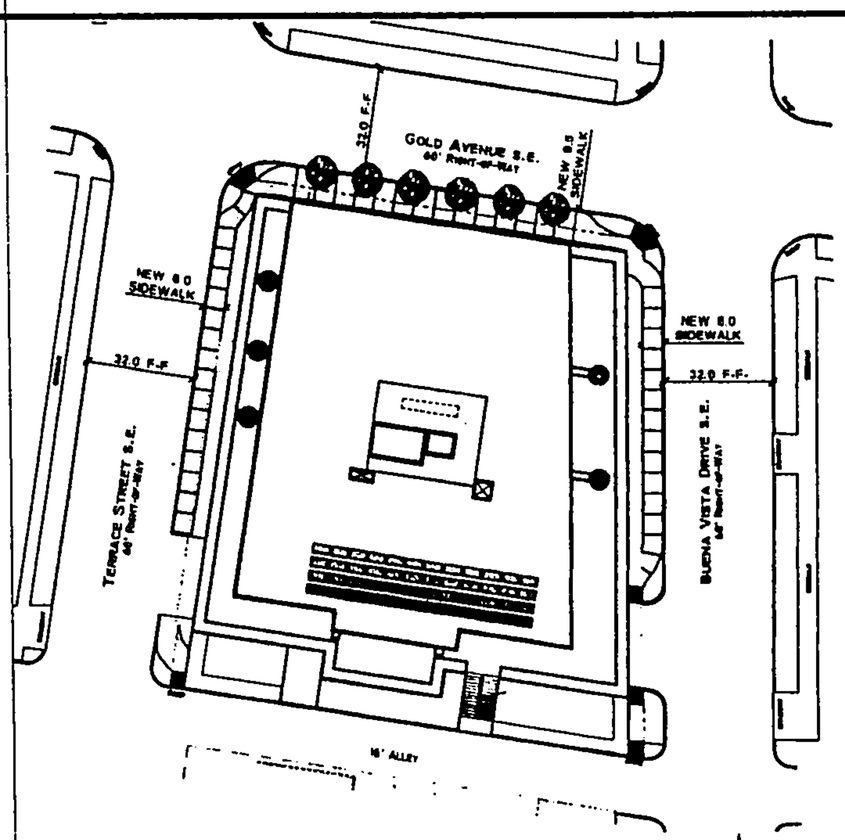
Usable Open Space by Floor	
Ground Floor	3,450 sq. ft.
2nd Floor	3,253 sq. ft.
3rd Floor	3,196 sq. ft.
4th Floor	3,114 sq. ft.
Roof	9,830 sq. ft.
Total	22,843 sq. ft.
Required Usable Open Space	
0 sq. ft. per unit – Established Urban	0 sq. ft.
Total Open Space Required	0 sq. ft.
Total Open Space per Unit	800 sq. ft.





PROPOSED SITE BOUNDARY MODIFICATIONS

SCALE: 1" = 20'-0"



COMPOSITE SITE PLAN

SCALE: 1" = 20'-0"

Drawing Index

C-101A	COVER SHEET/COMPOSITE DRAWING
C-101B	SITE PLAN
C-102	GRADING PLAN
C-103	SITE UTILITY PLAN
L-101	LANDSCAPE SITE PLAN
L-102	LANDSCAPE DETAILS
A-201	NORTH & SOUTH ELEVATIONS
A-202	EAST & WEST ELEVATIONS
A-203	SITE DIAGRAMS
SL-101	SITE LIGHTING PLAN
SL-102	SITE LIGHTING DETAILS

PROJECT NUMBER: _____

Application Number: _____

This plan is consistent with the approved Site Development Plan approved by the Environmental Planning Commission (EPC), dated _____ and the Findings and Conditions in the Official Notification of Decision are satisfied to an Infrastructure List required? ( ) Yes ( ) No. If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

[redacted]

Traffic Engineering, Transportation Division	Date
Utility Development	Date
Parks and Recreation Department	Date
City Engineer	Date
*Environmental Health Department	Date
Solid Waste Management	Date
DRB Chairperson, Planning Department	Date

*Environmental Health, if necessary

ABQ

DO NOT SCALE DRAWINGS. CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. NOTIFY ENGINEER/ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING CONSTRUCTION

2000 GOLD
ALBUQUERQUE, NEW MEXICO

REV NO.	REV DATE	DESCRIPTION

PROJECT NUMBER: 27108
DATE: JANUARY 4, 2000
REVISED BY:
DRAWN BY: N.GARCIA
CHECKED BY: N.GARCIA
CAD FILE NAME: SitePlan-C-101

SHEET TITLE

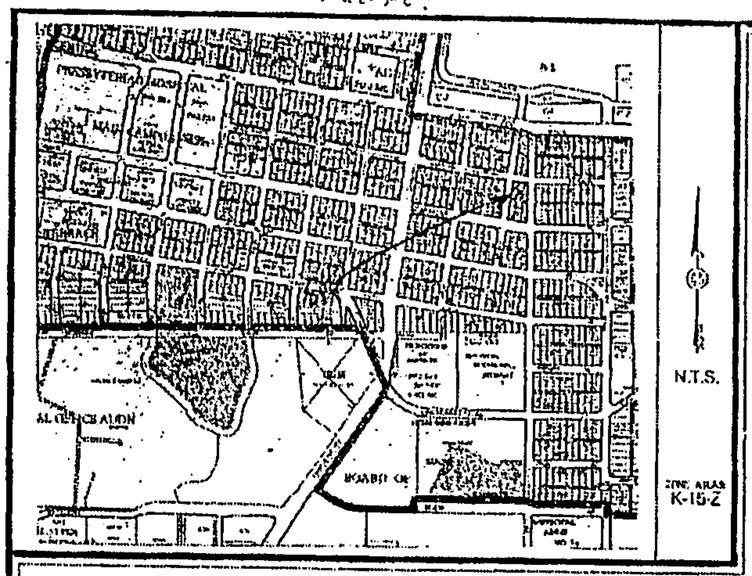
COVER SHEET AND COMPOSITE SITE PLAN

C-101A

SHEET OF

86

TALOS LOG # 2008 - 120404



Vicinity Map

PLAT OF
LOT 1-A, BLOCK 76
TERRACE ADDITION
TOWN OF ALBUQUERQUE GRANT
PROJECTED SECTION 21, T. 10 N., R. 3 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
MARCH, 2008
SHEET 1 OF 2

LEGAL DESCRIPTION

A certain tract of land being and comprised of Lots numbered One (1) and Two (2) in Block numbered Seventy-six (76) plat of the TERRACE ADDITION to the City of Albuquerque as the same is shown and designated on said plat thereof, filed in the Office of the Probate Clerk and Ex-officio Recorder of Bernalillo County, New Mexico on November 15, 1910, Volume C2, folio 71; TOGETHER WITH portions of vacated right-of-ways of Terrace Street SE, Gold Avenue SE and Buena Vista Drive SE; being more particularly described as follows: BEGINNING at the Northwest corner of said tract, being a point on the South right-of-way of Gold Ave SE; whence the City of Albuquerque Station B-K15 bears N 04° 30' 14" E, 455.74 feet distant; thence from said point of beginning along said right-of-way S 81° 13' 22" E, 76.08 feet to a point of curvature to the right having a central angle of 38° 52' 12", with a radius of 20.00 feet, a distance of 12.67 feet (chord bearing S 62° 47' 16" E, 12.65 feet) thence S 81° 13' 22" E, 0.76 feet to the Northeast corner of said tract, being a point on the West right-of-way of Buena Vista Drive SE; thence S 00° 12' 33" W, 0.60 feet to a point of intersection with a curve to the right having a central angle of 41° 24' 35", with a radius of 20.00 feet, a distance of 14.45 feet (chord bearing S 20° 29' 44" E, 14.14 feet) to a point of tangency; thence S 41° 12' 33" W, 101.90 feet along said right-of-way to a point of curvature to the right having a central angle of 38° 52' 12", with a radius of 25.00 feet, a distance of 16.95 feet (chord bearing S 18° 36' 31" W, 16.61 feet) thence S 00° 12' 33" W, 43.37 feet to the Southwest corner of said tract, being a point on the North right of a public alley; thence along said right-of-way N 81° 03' 14" W, 24.07 feet; thence N 81° 03' 34" W, 81.38 feet; thence N 81° 03' 25" W, 19.91 feet to the Southwest corner of said tract, being a point on the East right of way of Terrace Street SE; thence along said right-of-way N 08° 46' 22" E, 9.05 feet to a point on curvature to the right having a central angle of 38° 52' 12", with a radius of 25.00 feet, a distance of 16.95 feet (chord bearing N 08° 37' 44" W, 16.61 feet) to a point of tangency; thence N 08° 46' 22" E, 101.34 feet to a point of curvature to the right having a central angle of 41° 24' 35", with a radius of 20.00 feet, a distance of 14.45 feet (chord bearing N 29° 28' 29" E, 14.14 feet) thence N 08° 46' 22" E, 2.70 feet; thence S 81° 13' 03" E, 2.09 feet to a point of curvature to the right having a central angle of 38° 52' 12", with a radius of 20.00 feet, a distance of 12.67 feet (chord bearing N 80° 29' 52" E, 12.65 feet) to the POINT OF BEGINNING and containing 0.4111 acres, more or less.

DISCLOSURE STATEMENT

THE PURPOSE OF THIS PLAT IS TO COMBINE TWO (2) EXISTING LOTS AND THREE (3) VACATED PORTIONS OF RIGHT(S)-OF-WAY INTO ONE (1) NEW LOT AND TO DEDICATE ADDITIONAL RIGHT-OF-WAY AS SHOWN HEREON.

CITY APPROVALS: PROJECT NO.: _____ APPLICATION NO.: _____

CITY SURVEYOR _____ DATE 3-18-08

TRAFFIC ENGINEERING, TRANSPORTATION DIVISION _____ DATE _____

PARKS & RECREATION DEPARTMENT _____ DATE _____

A.B.C.W.U.A _____ DATE _____

AMAFCA _____ DATE _____

CITY ENGINEER _____ DATE _____

DRB CHAIRPERSON, PLANNING DEPARTMENT _____ DATE _____

REAL PROPERTY DIVISION _____ DATE _____

SUBDIVISION DATA / NOTES

1. PLAT WAS COMPILED USING EXISTING RECORD DATA & ACTUAL FIELD SURVEY.
2. BEARINGS ARE NEW MEXICO STATE PLANE GRID BEARINGS, CENTRAL ZONE, NAD 1927, AND ARE BASED ON ACS CONTROL MONUMENTS 2, K15 AND 8, K15, AS SHOWN HEREON.
3. DISTANCES ARE GROUND DISTANCES.
4. PLAT SHOWS ALL EASEMENTS OF RECORD.
5. BEARINGS AND DISTANCES IN PARENTHESES ( ) ARE PER THE BOUNDARY SURVEY PLAT OF LOTS 2 & 3 BLOCK 75 & LOTS 1 & 2 BLOCK 76, TERRACE ADDITION, FILED IN BERNALILLO COUNTY, NEW MEXICO ON DECEMBER 14, 1988 IN BOOK 88C, PAGE 216.
6. GROSS AREA: 0.41 ACRES
7. NUMBER OF EXISTING LOTS: 5
8. NUMBER OF LOTS CREATED: 1
9. PROPERTY IS ZONED SU-2 RC
10. NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BINDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT. THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT, OR SITE DEVELOPMENT PLAN FOR SUBDIVISION.

FREE CONSENT

THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S) OF THE PROPERTY DESCRIBED HEREON DO HEREBY CONSENT TO THE PLATTING OF SAID PROPERTY AS SHOWN HEREON AND THE SAME IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRES AND SAID OWNERS WARRANT THAT THEY HOLD COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE LAND SUBDIVIDED AND DO HEREBY DEDICATE ADDITIONAL STREET RIGHT-OF-WAY TO THE CITY OF ALBUQUERQUE IN FEE SIMPLE WITH WARRANTY COVENANTS.

OWNER(S) SIGNATURE: [illegible] DATE: 3/14/2008
OWNER(S) PRINT NAME: [illegible]
ADDRESS: [illegible]

ACKNOWLEDGMENT
STATE OF NEW MEXICO)
) SS
COUNTY OF BERNALILLO)

OFFICIAL SEAL
Sonia Smith
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: [illegible]

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF March, 2008
BY: Philip Baird, President, and Gold Tree LLC

MY COMMISSION EXPIRES: 10/01/07

[illegible]
NOTARY PUBLIC

UTILITY APPROVALS

PNM GAS SERVICES/P.N.M. ELECTRIC SERVICES _____ DATE _____

QWEST TELECOMMUNICATIONS _____ DATE _____

COMCAST CABLE _____ DATE _____

SURVEYOR'S CERTIFICATION

I, Anthony L. Harris, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and description were prepared by me or under my supervision, shows all easements as shown on the plat of record or made known to me by the owners and/or proprietors of the subdivision shown hereon, utility companies and other parties expressing an interest and meets the minimum requirements for monumentation and surveys of the Albuquerque Subdivision Ordinance, and further meets the Minimum Standards for Land Surveying in the State of New Mexico and is true and correct to the best of my knowledge and belief.

Anthony L. Harris
New Mexico Professional Surveyor, 11463

11463 — 3-10-08
Date

THIS IS TO CERTIFY THAT TAXES ARE CURRENT & PAID ON
UPC#: _____
PROPERTY OWNER OF RECORD.

BERNALILLO COUNTY TREASURER'S OFFICE

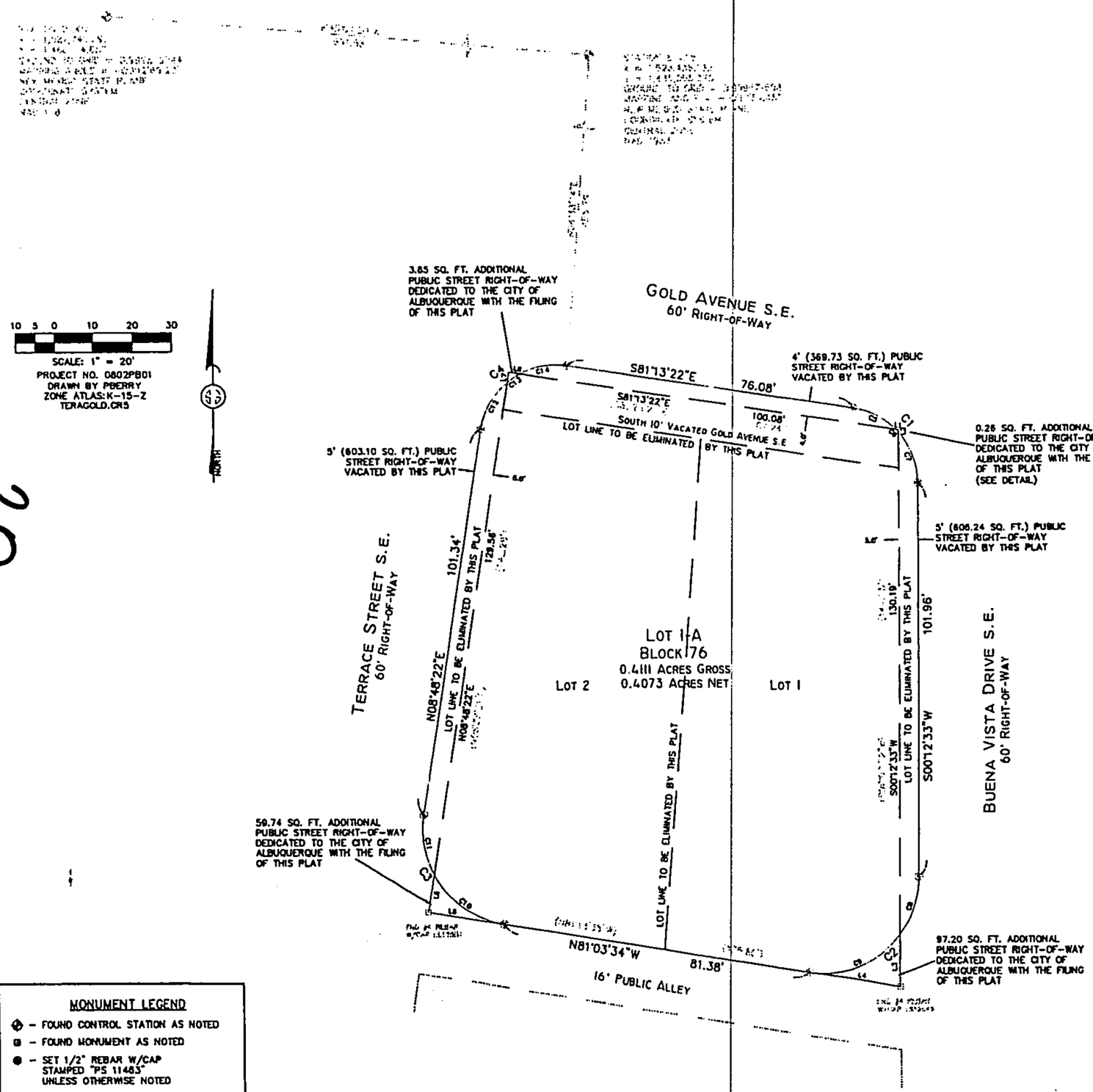
SURVEYS SOUTHWEST LTD.
333 LOMAS BLVD., N.E.
ALBUQUERQUE, NEW MEXICO
87102
PHONE: (505) 998-0303
FAX: (505) 998-0306

0802P001

T10N R3E SEC. 21

PLAT OF
LOT 1-A, BLOCK 76
TERRACE ADDITION

TOWN OF ALBUQUERQUE GRANT
SECTION 21, T. 10 N., R. 3 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
MARCH, 2008
SHEET 1 OF 2



LINE TABLE		
LINE	BEARING	LENGTH
L1	S81°13'22"E	0.78'
L2	S00°12'33"W	0.69'
L3	S00°12'33"W	13.37'
L4	N81°03'14"W	24.07'
L5	N81°03'25"W	19.94'
L6	N08°48'22"E	9.85'
L7	N08°48'22"E	2.78'
L8	S81°13'03"E	2.89'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	20.00'	28.43'	81°25'55"	S40°30'25"E	26.09'
C2	25.00'	43.08'	98°43'53"	S49°34'30"W	37.94'
C3	25.00'	39.21'	89°51'56"	N36°07'36"W	35.31'
C4	20.00'	31.41'	89°58'16"	N53°47'30"E	28.28'
C5	20.00'	12.87'	36°52'12"	S62°47'16"E	12.65'
C6	20.00'	1.10'	3°09'09"	S42°48'38"E	1.10'
C7	20.00'	14.45'	41°24'35"	S20°29'44"E	14.14'
C8	25.00'	16.09'	36°52'12"	S18°38'38"W	15.81'
C9	25.00'	26.99'	61°51'41"	S68°00'35"W	25.70'
C10	25.00'	23.12'	52°59'44"	N54°33'42"W	22.31'
C11	25.00'	16.09'	36°52'12"	N09°37'44"W	15.81'
C12	20.00'	14.45'	41°24'35"	N29°30'39"E	14.14'
C13	20.00'	4.08'	11°41'30"	N56°03'42"E	4.07'
C14	20.00'	12.87'	36°52'12"	N80°20'32"E	12.65'

MONUMENT LEGEND

- ◆ – FOUND CONTROL STATION AS NOTED
- ■ – FOUND MONUMENT AS NOTED
- ● – SET 1/2" REBAR W/CAP STAMPED "PS 11483" UNLESS OTHERWISE NOTED

SURVEYS SOUTHWEST LTD.
333 LOMAS BLVD., N.E.
ALBUQUERQUE, NEW MEXICO
87102
PHONE: (505) 998-0303
FAX: (505) 998-0306

0802PB01

T10N R3E SEC. 21

30

ON ORIGINAL (PRECEDING) PLAT

SCALE : 1 inch 150 ft.

streets 60'

alleys 16'

lots [illegible]

(lot, block and total dim)

this was with 60' R/W's, this included the change of some of the R/W's to 60' which would [illegible] of [illegible] to 32'

TWP 9/10/1997

Amended Map of

THE TERRACE ADDITION

To The

City of Albuquerque

Filed By

~~M. J. Spence~~ Albuquerque, N.M.

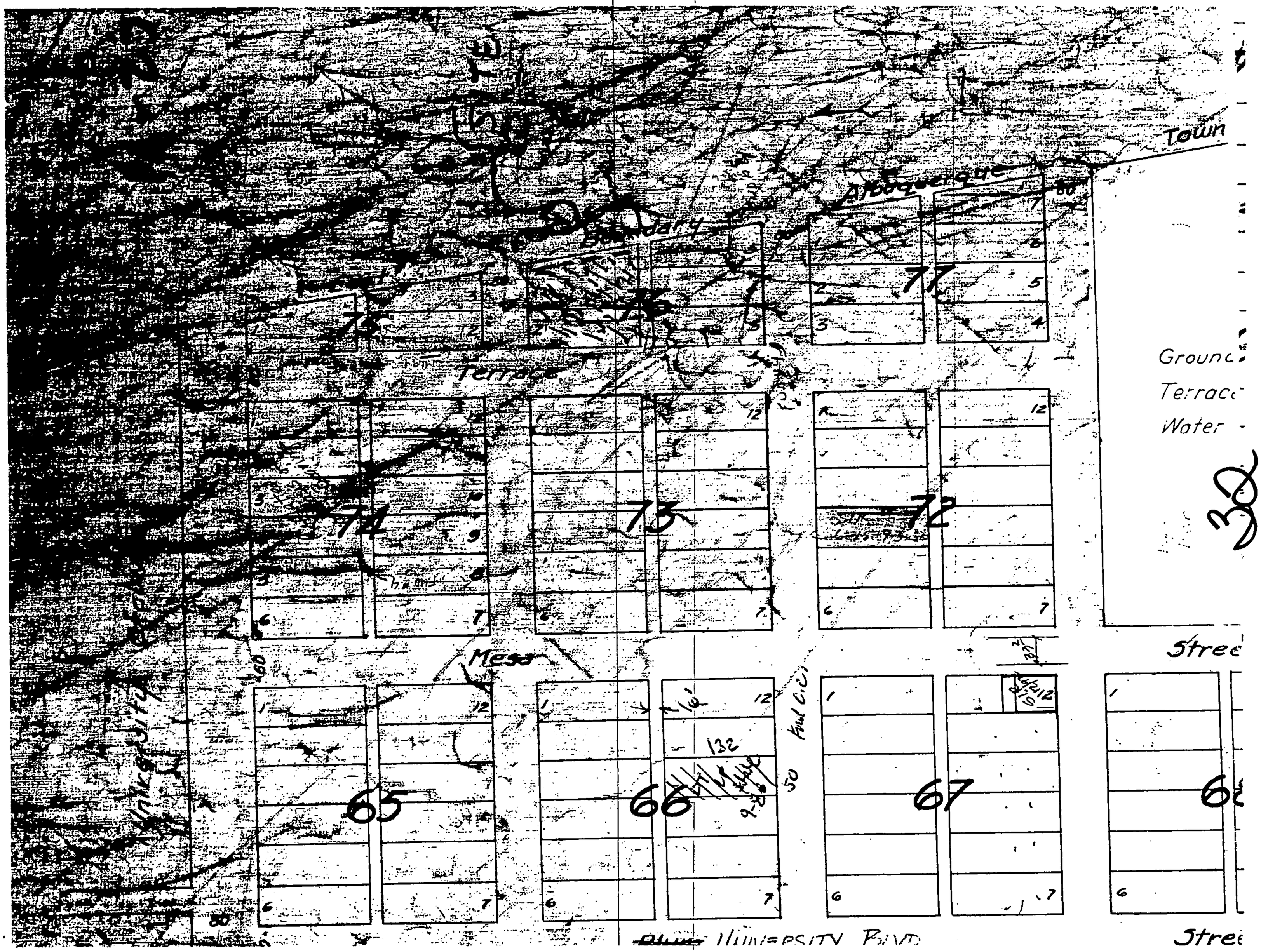
Scale - 1 in 150 ft

I hereby that this map was filed in my office on the 15th day of November 1910 at 10:15 o'clock A.M.

s/ A. E. Walker

Probate Clerk & Recorder

31


Town
Albuquerque
Boundary
Terrace
Mesa
Ground
Terrace
Water
Street
Street
University Blvd
Fwd C.C.
74
73
72
65
66
67
77
38

Surveys Southwest, Ltd

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306*

March 20, 2008

SILVER HILL NEIGHBORHOOD ASSOCIATION
BILL COBB
1701 SILVER AVENUE SE
ALBUQUERQUE, NM 87106

REF: LOT 1-A, BLOCK 76, TERRACE ADDITION

Dear Bill Cobb:

This letter is a notice of action being taken on Terrace Addition, located Gold Avenue SE between Terrace Street SE and Buena Vista Drive SE.

Surveys Southwest, Ltd is submitting the above referenced property for a vacation action to vacate portions of rights-of-way and a preliminary / final plat to combine two existing lots into one new lot. A copy of the proposed plat is attached. When approved, this will become the final plat for the above referenced property.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is April 16, 2008.

If you have any questions please feel free to contact me

Sincerely,

Dan Graney
President

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7004 1350 0000 0746 7613

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OFFICIAL USE

Postage	$ .97
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.77

Postmark Here 3/20/08

Sent To BILL COBB
Street, Apt. No.; or PO Box No. 1701 SILVER AVE SE

Surveys Southwest, Ltd

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306*

March 20, 2008

SILVER HILL NEIGHBORHOOD ASSOCIATION
GORDON REISELT
1515 SILVER SE
ALBUQUERQUE, NM 87106

REF: LOT 1-A, BLOCK 76, TERRACE ADDITION

Dear Gordon Reiselt:

This letter is a notice of action being taken on Terrace Addition, located Gold Avenue SE between Terrace Street SE and Buena Vista Drive SE.

Surveys Southwest, Ltd is submitting the above referenced property for a vacation action to vacate portions of rights-of-way and a preliminary / final plat to combine two existing lots into one new lot. A copy of the proposed plat is attached. When approved, this will become the final plat for the above referenced property.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is April 16, 2008.

If you have any questions please feel free to contact me.

Sincerely,

Dan Graney

Dan Graney
President

34

7004 1350 0000 0744 7404

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Postage	$ .97
Certified Fee	$2.65
Return Reciept Fee (Endorsement Required)	$2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.77

Postmark Here 3/20/08

Sent To GORDON REISELT
Street, Apt. No.; or PO Box No. 1515 SILVER SE
City, State, ZIP+4 ALBUQUERQUE, NM

City of Albuquerque

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

Date: March 20, 2008

TO CONTACT NAME: Sarah Amato
COMPANY/AGENCY: Surveys Southwest LTD.
ADDRESS/ZIP: 333 Lomas Blvd. NE 87102
PHONE/FAX #: 998-0303 998-0306

Thank you for your inquiry of March 20, 2008 (date) requesting the names of **ALL Affected Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at Lots 1 & 2 Blk 76, Terrace Addition

zone map page(s) K-15.

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

Silver Hill N.A.

Neighborhood or Homeowner Association

Contacts: Gordon Reiselt
1515 Silver SE 87106
242-3345(h)
Bill Cobb
1701 Silver Ave. SE 87106
247-8296(h)

Neighborhood or Homeowner Association

Contacts:

See reverse side for additional Neighborhood and/or Homeowner Associations

Information: YES { } NO {X}

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

Sincerely,

Dalia R Carmona
OFFICE OF NEIGHBORHOOD COORDINATION

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

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NOTICE TO APPLICANTS - SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

INFORMATION FROM THE OFFICE OF NEIGHBORHOOD COORDINATION

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

[X] ONC's "Official" Letter to the applicant (*if there are associations*). A copy must be submitted with application packet -OR-

[ ] The ONC "Official" Letter (*if there are no associations*). A copy must be submitted with application packet.

[X] Copies of Letters to Neighborhood and/or Homeowner Associations (*if there are associations*). A copy must be submitted with application packet.

[X] Copies of the certified receipts to Neighborhood and/or Homeowner Associations (*if there are associations*). A copy must be submitted with application packet.

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

* *

(Below this line for ONC use only)

36 Date of Inquiry: 3-20-08 Time Entered: 9:20 AM ONC Rep. Initials: DA

#2 DLB AGENDA

DRI Project # 1006822

APS Cluster Albuquerque

EXHIBIT B

FINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and PHILLIP RABL, 2001 GOLD AVE LLC, MANAGER ("Developer") effective as of this 9th day of APRIL, 2008, and pertains to the subdivision commonly known as TERRACE ADDITION, and more particularly described as LOT 1-A, BLOCK 76, TERRACE ADDITION, PROJECTED SECTION 21, T10N, R3E, N.M.P.M, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO.

(the "Subdivision".) The following individual lots comprise the subdivision:

[List lots by street address and new legal description; Lots which will be used for multi-family residences should be marked "multifamily-46units" with the number of units filled in.]

Doc# 2008042250
04/15/2008 10:08 AM Page: 1 of 3
AGRE R:$13.00 M. Toulouse, Bernalillo County

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance;

DRI oject # 1006822

APS Cluster Albuquerque

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees to pay to APS a facilities fee for each dwelling unit to be constructed in the Subdivision.

2. The amount of the fee shall be:

- If the building permit is issued on or after January 1, 2007, the fee shall be $1875 per dwelling unit.
- If the building permit is issued on or after July 1, 2008, the fee shall be $2425 per dwelling unit.
- If the permit is issued on or after January 1, 2010, the fee shall be $2975 per dwelling unit.

The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60 %) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.

4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.

5. This contract shall be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."

6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.

DR(roject # 1006822

APS Cluster Albuquerque

Signature

PHILLIP RABY, MANAGER
2001 GOLD AVE LLC.

Name (typed or printed) and title

Developer

OFFICIAL SEAL
Sarah Amato
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 10/01/09

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on APRIL 9TH, by PHILLIP RABY as MANAGER of 2001 GOLD AVE LLC, ~~a corporation~~.

Sarah Amato
Notary Public

(Seal)

My commission expires: 10/01/09

ALBUQUERQUE PUBLIC SCHOOLS

By:
Signature

BETTY KING, PLANNER, APS CMP
Name (typed or printed) and title

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 4-11-08, by Betty King as Planner, APS, CMP of the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under the laws of the State of New Mexico.

April L. Whitney
Notary Public

(Seal)

My commission expires: May 18, 2011

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

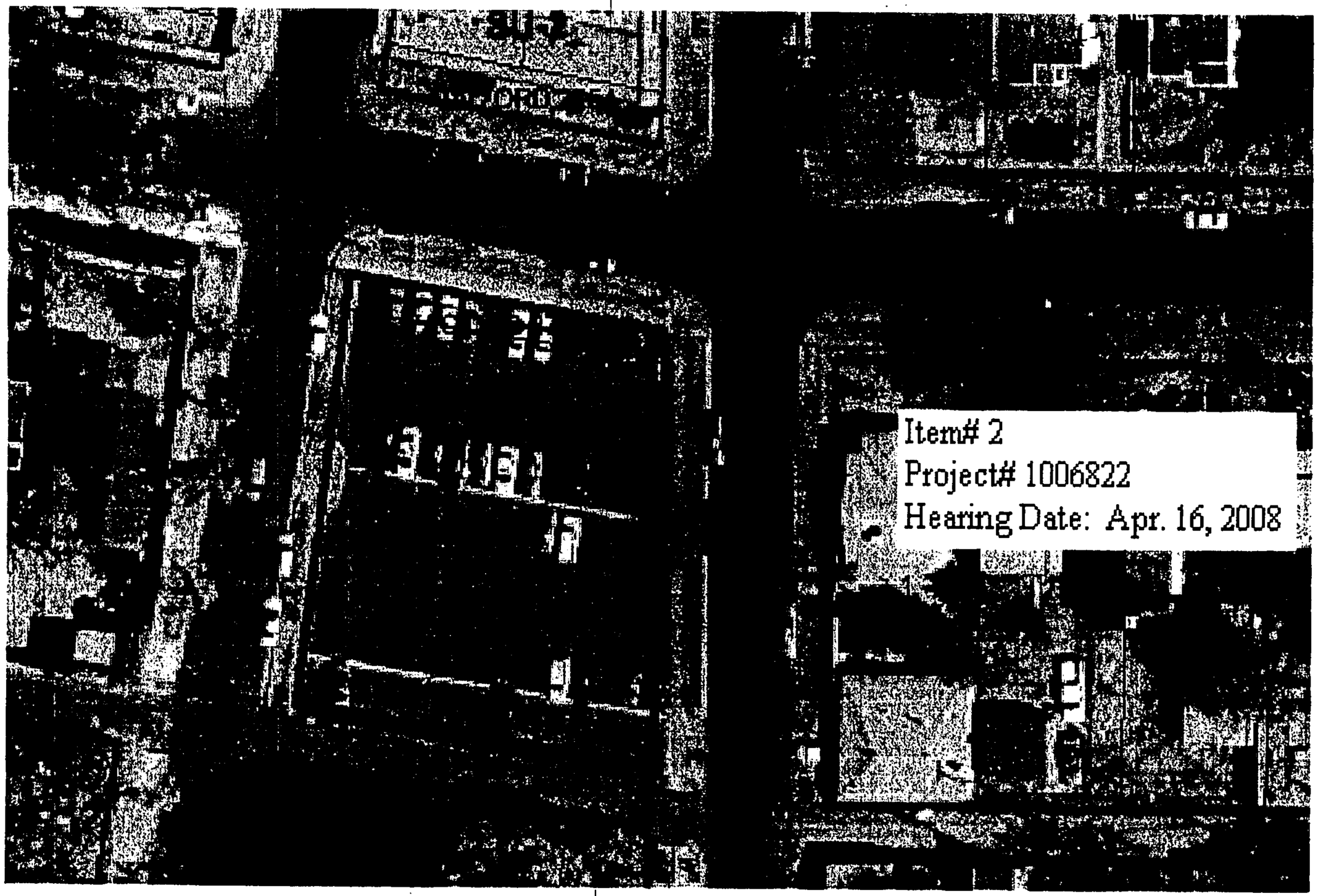
Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW,** on **Wednesday, April 16, 2008,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project# 1003099 08DRB-70144 MAJOR - 2YR EXTENSION OF SUBDIVISION IMPROVEMENTS	MARK GOODWIN AND ASSOCIATES PA agent(s) for STV INVESTMENTS VII LLC request(s) the above action(s) for all or a portion of Lot(s) 7-12, 21-26, Tract(s) A, **NORTH ALBUQUERQUE ACRES/OAKLAND ESTATES,** zoned R-D, located BETWEEN EAGLE ROCK AVE NE AND OAKLAND AVE NE, WEST OF LOUISIANA BLVD NE containing approximately 10.6574 acre(s). (C-18)
Project# 1006822 08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY 08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL	SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately .411 acre(s). (K-15)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Jack Cloud, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, APRIL 1, 2008.



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CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 16, 2008

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately .411 acre(s). (K-15)

AMAFCA

No comment.

COG

MRCOG staff have no comment on this proposal. For informational purposes, Eagle Rock Av and Oakland Av have a functional classification of urban local road.

TRANSIT

No comments received.

ZONING ENFORCEMENT

No Adverse comments.

NEIGHBORHOOD COORDINATION

Letters sent to: **Silver Hill NA (R)**

APS

Terrace Addition, Lots 1 and 2, Block 76, is located Gold Ave SE between Terrace St SE and Buena Vista Dr SE. The owner of the above property requests approval for a Vacation of Public Right-of-Way and a Minor Preliminary/Final Plat Approval for to prepare for a development that will consist of 51 multi-family units. This will impact Monte Vista Elementary School, Jefferson Middle School. and Albuquerque High School. Monte Vista Elementary School is exceeding capacity; Jefferson Middle School and Albuquerque High School have excess capacity.

Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available
312	Monte Vista	483	468	-15
425	Jefferson	834	888	54
590	Albuquerque	1,792	2,100	308

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
  - Construct new schools or additions

- Add portables
- Use of non-classroom spaces for temporary classrooms
- Lease facilities
- Use other public facilities

- Improve facility efficiency (short term solution)
  - Schedule Changes
    - Double sessions
    - Multi-track year-round
  - Other
    - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
  - Boundary Adjustments / Busing
  - Grade reconfiguration
- Combination of above strategies

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

POLICE DEPARTMENT
None.

FIRE DEPARTMENT
No Adverse comments.

PNM ELECTRIC & GAS
No comments received.

COMCAST
No comments received.

QWEST
No comments received.

ENVIRONMENTAL HEALTH
No comments received.

M.R.G.C.D
No Adverse Comments.

OPEN SPACE DIVISION
Open Space has no adverse comments

CITY ENGINEER
The Hydrology section has no objection to the vacation request.

TRANSPORTATION DEVELOPMENT
As previously discussed (3/10/08), sight distance diagrams must be submitted for the intersections of Terrace St / Gold Ave and Buena Vista Dr / Gold Ave. A line of sight easement may be required for this site. Explain the unusual method of providing curve data. Why are curves C12, C13, and C14 shown in the same area as curve C4?

PARKS AND RECREATION
Defer to transportation regarding the vacation request.
No objection to the plat.

ABCWUA
No objection to Vacation request.
No objection to Plat approval.

PLANNING DEPARTMENT
The Albuquerque Geographic Information System indicates existing right of way of only 55 feet for Terrace Street. Please refer to comments from Transportation Development regarding the proposed vacation.

The zoning note (No. 9) needs to be removed. Previously vacation of Gold Avenue needs to be documented and referenced on plat. The plat needs to distinguish between previously platted right-of-way and remaining right-of-way. For future reference, please revise solar note to be

specific to this type of request, i.e. replace the words "REQUESTED FINAL ACTION" with the words "THIS PLAT" at the beginning of the note, and delete the words "OR SITE DEVELOPMENT PLAN FOR SUBDIVISION" at the end of the note.
If approved, the Planning Department will need to record the plat to complete the vacation action.

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

Cc: Surveys Southwest, LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
Cc: 2000 Gold Ave. LLC – P.O. Box 7897 – Albuquerque, NM 87194

City of Albuquerque
Parks and Recreation Department
PO Box 1293, Albuquerque, New Mexico 87103
Inter-Office Correspondence

Development Review Board Comments

Project Number: 1006822
Application Number: 08DRB-70146

DRB Date: 4/30/2008
Item Number: 3

Subdivision:

Lots 1 & 2, Block 76, Terrace Addition

Zoning: SU-2/PR

Zone Page: R-15

New Lots (or units) : 0

Request for:

- [ ] Sketch Plat Review & Comment
- [ ] Bulk Land Variance
- [ ] Site Development Plan for Subdivision
- [ ] Site Development Plan for Building Permit
- [x] Preliminary Plat
- [x] Final Plat
- [x] Vacation of Public RoW
- [ ] Vacation of Public Easement
- [ ] Vacation of Private Easement
- [ ] Temp. Deferral of Sidewalk Construction
- [ ] Sidewalk Variance
- [ ] SIA Extension
- [ ] Other

Parks and Recreation Comments:

5 trees (Lacebark Elms) were planted as part of a City Project providing tree canopy, a consistent look, and other improvements to the site. They are in apparent good health requiring only routine maintenance as they grow. Trees were spaced closely for greatest and quickest effect. The length of Gold St was designed for a continuous effect in canopy trees as is evident along adjoining streets. Providing shade trees is the primary objective in this design.

Moving the trees would disturb the site design
Tree rooting area could be paved over with pervious materials for pedestrian use but not vehicles
Any paving or changes in site may require sleeving of existing underground utilities
They should not reduce rooting area for any reason. Its minimal for five shade trees already

Parks does not support a vacation request if the trees which were recently planted with Public funds are removed.

Signed: CS

Christina Sandoval, (DMD) Phone: 768-3808

Dif
to 6/4/08

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1006822 AGENDA ITEM NO: 4

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
VACATION OF PUBLIC RIGHT-OF-WAY

ENGINEERING COMMENTS:

A line of sight easement is required for this site (10' x 10' triangle).
A public roadway easement is required.
Explain the unusual method of providing curve data. Why are curves C12, C13, and C14 shown in the same area as curve C4?
A revised vacation exhibit is required.

RESOLUTION:

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

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

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

SIGNED: Kristal D. Metro
Transportation Development 505-924-3991

DATE: MAY 21, 2008

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CONSENSUS PLANNING

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

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

May 2, 2008

Mr. Brad Winter, President
Albuquerque City Council
9th Floor, One Civic Plaza
Albuquerque, New Mexico 87102

Dear President Winter:

Pursuant to Section 14-16-4-4 of the Comprehensive Zoning Code, 2001 Gold Avenue LLC hereby files an appeal of the Environmental Planning Commission's denial of Project # 1006822. The hearing was held on April 17, 2008 and the Official Notification of Decision (see attached) was dated April 18, 2008. The appeal of these actions is directly to the City Council since there is a zone map amendment as part of this application.

The purpose of this letter is to clearly articulate the reasons for the appeal as provided for in the Zoning Code. The Environmental Planning Commission erred in applying adopted city plans, policies, and ordinances in arriving at the decision, in the appealed action or decision, including its stated facts; and in acting arbitrarily or capriciously or manifestly abusive of discretion.

Background: The proposed project is located at 2000 Gold Avenue SE and is a request to facilitate the redevelopment of the existing parking lot that is south of Gold Avenue SE, west of Buena Vista Drive SE, and east of Terrace Street SE. The property contains 0.37 acres and is described as Lots 1 and 2 Terrace Addition and the south 10' of the vacated Gold Avenue adjusted. The property is currently zoned SU-2 for PR within the University Neighborhoods Sector Plan.

2000 Gold is a project that first and foremost addresses sustainability. The project is located on an infill property that is currently underutilized as a surface parking lot. It is located within the 1960 boundaries in the "fully served" area per the Planned Growth Strategy. The property is located within convenient walking distance to commercial services, restaurants, UNM, and Transit. The 2000 Gold project is located to take advantage of these neighborhood amenities and allow for residents to meet a significant amount of their travel needs without the use of a private automobile. This is also the type of "catalytic" project that will stimulate additional redevelopment of the commercial area to the north along Central Avenue.

2000 Gold is planned to be Albuquerque's first multi-family Leadership in Energy and Environmental Design (LEED) certified building featuring 46 modern homes on four levels. The current use of the site is a parking lot. The new building will provide a total of 74 off-street parking spaces. The ground floor units have courtyards and all of the units on the second and third floors have gracious balconies. The fourth floor has private garden roof terraces. The building is capped by a sustainable,

PRINCIPALS
Karen R. Marcotte, AICP
James K. Strozier, AICP
Christopher J. Green, ASLA

ASSOCIATES
Jacqueline Fishman, AICP

living, green roof. There is a large common two-story atrium space in the center of the second and third floors. This project will have a highly insulated building envelope, highly efficient mechanical equipment, and will provide energy efficiency throughout each home.

Council and Administrative Goals: This is not just an idea brought forth by the owner/developer of this project, but it is clear from the Mayor's recent green building initiatives that he and the City are supporting innovation in the design of new buildings in Albuquerque – especially as it relates to energy and environmental sustainability. In 2005, Mayor Chávez set a new standard for building and renovating that requires all city buildings adhere to standards set by the U.S. Green Building Council. More recently, Mayor Chávez issued Executive Instruction No. 20 which called for Adopting Energy Efficient Green Building Performance "2030 Challenge" Targets for New Municipal Projects. Mayor Chávez issued an Executive Order establishing high performance green building standards for City projects. This was the first step in creating a "Green Path Program". Mayor Chávez feels strongly that City government should lead the way in setting green standards and providing financial incentives for businesses to build green. This project has already been accepted as the first project in the Green Path program (letter from Mr. John Bucholz is in the record).

The City Council recently passed amendments to the building code to promote green building. Also, in a recent Albuquerque Journal editorial (April 21, 2008) entitled *"Subsidized Growth on Fringes of City Wrong Policy"* by Councilors Benton, Cadigan, and Garduño they stated: "If we're going to reduce pollution and protect what we love about our community, we need to end incentives that drive development to our edges and instead promote smart, infill development and redevelopment."

Problem Statement: The EPC erred in its decision and was not fully represented. There is one vacancy that has not been filled and the Chair was absent. This only left 7 EPC Commissioners at the meeting. Four of the Commissioners are relatively new and this was the first hearing for one of the commissioners. The most experienced member of the commission, the Chair, was absent. At the EPC Hearing, the commissioners seemed to ignore the staff's presentation and recommendation, they also made no reference to the supplemental information provided by the applicant, and dismissed testimony from Mr. John Bucholz, the City's Green Path Program Director. If the City wants to provide an alternative to suburban style fringe development then comments like "it is a great project, but a little too dense, a little too big, and in the wrong place" are misguided at best and more likely counter to the City's stated goals and objectives.

Statement of Appeal: The Environmental Planning Commission erred in their decision regarding the proposed development at 2000 Gold Avenue SE:

1. In applying adopted city plans, policies, and ordinances in arriving at the decision.

The EPC incorrectly weighed the concerns raised by the neighborhood to the south and west as being more important than the immediate neighbors in support of the project and other policies in the Comprehensive Plan. As stated by staff at the hearing and in the staff report "the project furthers a preponderance of goals and policies as articulated by the Comprehensive Plan". The EPC incorrectly applied the policies in the Comprehensive Plan in their decision.

The EPC also erred in not applying the Planned Growth Strategy (the basis for the recent amendments to the Comprehensive Plan) and Section 14-13-2-3 (B) Infrastructure and Growth Plan (this section of the code is entitled Planning; Goals and Objectives). The policies from these documents were clearly articulated in the Supplemental Report transmitted to staff on March 21, 2008 and made a part of the record. These policies specifically support redevelopment and infill and increased densities in the fully-served Center City. It appears that these policies were not discussed since they did not further several of the commissioners' bias that the proposed project was "too big".

The EPC also erred in its application of Section 14-16-2-22 SU-1 Zone. The EPC relied on the statement "The PRD uses and development are compatible with adjacent properties, including public open spaces, public trails and existing neighborhoods and communities. The standards for compatibility shall include the design requirements in subsection (b)", without looking at the explanatory text in subsection (b) which states:

"with specific design requirements that include, but are not limited to: maximum and minimum number of dwelling units and/or density; maximum and minimum lot size(s); maximum building height; minimum building setbacks; architectural design standards, including but not limited to exterior wall materials and colors, roof materials and colors; placement of mechanical units; preliminary grading and drainage plan; landscape design standards; parking; site lighting; design of walls and fences visible from public rights-of-way; and pedestrian amenities."

The level of design for this project was at the highest level with specific testimony concerning the arrangement of building steps, setbacks for open balcony/patio areas, green roof design, landscaping at every level of the building to soften the building edges, street trees and pedestrian scale landscaping along all three street edges, and high quality materials and a complementary pallet of colors. Testimony was also provided outlining the changes that had occurred to the building design and massing in response to the initial concerns expressed by staff and the neighbors.

The EPC erred in its dismissal of staff's recommendation that the project, while not mapped as a Major Activity Center, did meet the characteristics as defined in the Comprehensive Plan and so the EPC could consider the policies for a Major Activity Center in their review of this application. The EPC chose not to utilize these policies in their decision.

2. In the appealed action or decision, including its stated facts;

Finding #10 for the Sector Plan Amendment and Finding #9 for the Site Plan are both in error. These findings state that the subject site is surrounded on three sides by single family homes, while the properties to the north and east are multi-family and the surrounding area is clearly mixed use. The surrounding land uses were discussed at the hearing and the nature and mix of uses outside the historic district were described, including the nearby University district.

There is no evidence in the record to support Finding #9 for the Sector Plan Amendment and Finding #8 for the Site Plan. The staff/agency comments by Transportation Development, Transportation Planning, Traffic Engineering Operations, and Street Maintenance do not state any concerns or request any additional information concerning "roadway capacity". The third sentence begins with "It is unknown", which is inappropriate when presented as a finding of fact.

Several of the findings use terms that are not indicative of a fact based finding and appear to be subjective including: "partially furthers", "other intentions are not fulfilled when it comes to project specifics", and "likely to affect the integrity of the existing neighborhood". The main concern with statements like this is that they generally assume information that is not in the record and actually, facts contrary to these statements have been provided in the supplemental report and testimony that is in the record.

The findings do not speak to the existing use and zoning for the property, which is currently a surface parking lot and its zoning permits the development of a multi-story parking garage. Several of the neighbors testified that they felt that the existing zoning and use were negatively impacting them and that the potential for a parking structure would have a negative impact on the neighborhood and their properties.

3. In acting arbitrarily or capriciously or manifestly abusive of discretion.

The EPC acted arbitrarily in their application of the City plans and policies by picking and choosing which policies applied and which did not; by ignoring the staff's recommendation and analysis; by dismissing the testimony of Mr. John Bucholz, Green Path Program Director; and their disregard for the neighbors that are most impacted by the project (those immediately north across Gold Avenue) and their impassioned statements of support. In addition, the City has adopted numerous policies and plans that discourage "sprawl on the fringe" and encourage higher densities as infill and redevelopment within the established areas of our city. It is arbitrary and capricious to then deny a sustainable redevelopment project within the 1960 boundaries of the City because it is "too big", even though there are no adopted criteria for what is "too big". Denial of this type of redevelopment project sends a message to the development community that the City will not support actual infill/LEED certified projects, that they are desired in theory and not allowed in practice.

Conclusion: Based upon the information provided in this appeal we respectfully request that the City Council overturn the decision of the Environmental Planning Commission. The decision is in direct conflict with the goals and policies put forth by the City and will not further its stated desired outcomes.

Sincerely,

James K. Strozier, AICP
Principal

#51

sheffield
partners
LLC

May 1, 2008

Mr. Brad Winter, President
Albuquerque City Council
1 Civic Plaza, 9th Floor
Albuquerque, NM 87102

RE: Letter of Authorization

Dear President Winter:

The purpose of this letter is to authorize Consensus Planning, Inc. to act as our agent on this Appeal to the City Council of a Determination of the Environmental Planning Commission regarding EPC project number 1006822; 07EPC 40052 and 40054 . The property is known as 2000 Gold, is located on the south side of Gold Avenue, west of Buena Vista Drive, and east of Terrace Street. The property is described as Lots 1 and 2, Terrace Addition and the south 10' of vacated Gold Avenue.

Please feel free to call Consensus Planning at 764-9801 with any questions or concerns.

Sincerely,

Rick Goldman,
Principal
Sheffield Partners, LLC

Ø 52

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

Date: April 18, 2008

OFFICIAL NOTIFICATION OF DECISIOI

FILE: **Project# 1006822**
07EPC-40052 AMNDT TO UNIVERSITY NEIGHBORHOODS SECTOR DEV PLAN
07EPC-40054 SITE DEVELOPMENT PLAN - BUILDG PRMT

2001 Gold Avenue LLC
P.O. Box 7897
Albuq. NM 87194

LEGAL DESCRIPTION: for all or a portion Lots 1 & 2, Terrace Addition and SOUTH VACATED Gold Ave. zoned SU-2 PR to S 2/SU-1 for PRD and PR located on GOLD A SE BETWEEN TERRACE ST. SE A BUENA VISTA DR. SE contain approximately .4 acre. (K-15) Catalina Leh Staff Planner

On April 17, 2008 the Environmental Planning Commission voted to deny Project 1006822/07E 40052, a request for a sector development plan map amendment from P-R to SU-2/SU-1 for PRD and for Lots 1 & 2, Terrace Addition and the south 10 ft. vacated Gold Avenue adjacent, located on G Avenue SE, based on the following Findings.

FINDINGS:

1. This request is for a sector development plan map amendment for an approximately 0.4 acre located on Gold Avenue SE, about one block south of Central Avenue, between Terrace Street Buena Vista Drive. A request for a site development plan for building permit (07EPC-40(accompanies this request.

2. The applicant proposes to change the subject site's zoning from P-R (Parking Reserve) to S /SU-1 for PRD and PR (Special Use Zone, Planned Residential Development and Par Reserve) in order to develop a four-story residential building consisting of 46 units.

3. The subject site is located within the boundaries of the University Neighborhoods Sect Development Plan, which uses SU-2 zoning to indicate sector plan control of sites within boundaries. A change of zoning would affect the sector plan's zoning map. Therefore, this requ is referred to as a sector development plan map amendment and not a zone map amendment.

4. The proposal *does not further* the following relevant land use policies in the Comprehensive Pla
   A. Policy II.B.5d— The proposed residential building would be about twice as tall as residential/office building across the street and would appear out of scale at the propos location, adjacent to an established neighborhood of mostly single-family homes and sin story buildings. Neighbors are concerned about height, scale and mass.
   B. Policy II.B.5e— Though contiguous to existing urban facilities and services, the propo residential building is likely to affect the integrity of the existing neighborhood because of building's size and scale.
   C. Policy II.D.5h— The subject site is not in a designated Activity Center and the propo residential building would not face similar or higher density development. Nor would provide a transition with existing adjacent land uses.
   D. Policy II.D.5m—The proposed residential building would provide unique views for reside only, and would do so at the expense of the existing residents whose views will not maintained.

5. The Activity Centers Goal of the Comprehensive Plan is *not furthered*. The subject site is located in a designated Activity Center. The University of New Mexico (UNM) Major Acti Center begins north of Central Avenue. The subject site is located outside of the Activity Cent boundaries. Medium to high density residential development and buildings three stories and hig are intended to occur inside the designated Activity Centers, not outside of them.

6. The proposal *does not further* the following relevant Activity Center policies:
   A. Policy II.B.7b—Net densities of 30 DU/acre should generally be within Major Acti Centers. The proposed residential development, approximately 109 DU/acre, would be loca outside of the UNM Major Activity Center and would not serve as a transition to neighborhood, which is characterized by mostly single-story buildings.
   B. Policy II.B.7c—The height and mass of the proposed structure would be significantly la than any others in its surroundings and therefore shall be located only in a Major Acti Center. The proposed residential development, however, would be located outside of the U Major Activity Center.
   C. Policy II.B.7f—Intense uses in Activity Centers shall be located away from nearby l density residential development. The proposed residential development (approximately DU/acre) would be located outside of the UNM Major Activity Center and would surrounded on three sides by single-family homes.
   D. Policy II.B.7.i—The proposed multi-unit housing would be appropriate inside the bounda of a designated Activity Center, but the subject site is not located inside such boundaries.

10 54

7. The Community Identity and Urban Design Goal of the Comprehensive Plan is *not furthered*. Tl proposal would not preserve and enhance the built characteristics and historical features th identify the surrounding neighborhoods as a distinct community. The scale and mass of t proposed structure would contrast with the single-story and two story residential uses that typi the neighborhood a few blocks south of Central Avenue.

8. The proposal *does not further* the following relevant Community Identity and Urban Desi policies:
   A. Policy II.C.9b—Development shall be evaluated in light of its effect upon the bu environment. The development proposal would allow a multi-story building with height a mass significantly greater, and setbacks much smaller, those that of surrounding buildings tl characterize the neighborhood.
   B. Policy II.C.9c—The proposed multi-story building would be located outside of the designat Major Activity Center, which was located appropriately and to respect the unique character the community. The proposal would not strengthen the identity and cohesiveness of neighborhood.

9. The Transportation and Transit Goal of the Comprehensive Plan is *partially furthered*. Dens housing generally encourages the usage of non-vehicle transportation modes. However, the G also calls for providing sufficient roadway capacity. It is unknown if capacity on the adjac streets would be sufficient given the proposed density and the area's history of traffic and park problems.

10. The proposal *does not further* the following Basic Goals in the University Neighborhoods Sec Development Plan (UNSDP):
   A. Goal 2—The neighborhood's unique qualities would not be conserved and renewed. combination of historic homes and one or two story apartments, which give the neighborh a defining quality, would be dramatically altered.
   B. Goal 3—The UNSDP encourages infill residential construction in appropriate places. subject site, removed from Central Avenue and surrounded by single-family homes on th sides, is not an appropriate location for infill development that is out of scale with surroundings.

11. The Planned Growth Strategy (PGS) provides a framework for managing urban growth in Albuquerque area. The PGS aims to promote infill development, utilize existing infrastructure create pedestrian/transit friendly neighborhoods, as well as preserve neighborhood characteris and encourage compact development without crowding. The proposed multi-story developn helps fulfill some of these intentions in a broad sense, though other intentions are not fulfi when it comes to the proposal's specifics.

12. The proposal *partially furthers* some relevant policies and Goals in a general sense w considering the sector development plan map amendment. However, because SU-1 zonin requested, a site development plan is required. The associated site development plan for buil permit (07EPC-40054) addresses specifics such as height, density and parking which contribut not furthering applicable policies and Goals that could be furthered in a broader sense (ex. L Use Policies II.B.5a and e, Transportation and Transit Policy II.D.4c and UNSDP Goal 3).

13. The applicant has not adequately justified the zone change request pursuant to Resolution 1980:
    A. Section A: Some of the explanations of how applicable Goals and policies relate to the req are acceptable, though others should have been more thoroughly elaborated upon. applicant has not demonstrated that the proposed development is consistent with the Ci health, safety, morals and general welfare, particularly for the adjacent reside neighborhood.
    B. Section B: Stability of land use and zoning is insufficiently addressed. An explanation of the proposal would contribute to land use stability in the area, especially the adja residential neighborhood, is lacking. The burden is on the applicant to provide the rationale
    C. Section C: In some instances, the explanation of *how* the request furthers each cited policy goal is acceptable. In other instances, the explanation is not well-developed because elements of the policy or goal are insufficiently addressed. Certain relevant policies Activity Center policies b, c and f) are not included in the discussion.
    D. Section D: The applicant's explanation fails to show how changed community conditions being more advantageous to the neighborhood or community render the existing zo inappropriate. The approval of a conditional use for the Silver Hill Lofts created one char condition, though overall the area has changed little. The applicant has not demonstrated the proposal would be more advantageous to the existing, surrounding neighborh particularly the adjacent property owners.
    E. Section E: The applicant states that the proposed zone change would not be harmfu adjacent properties, the neighborhood or the community, but does not explain why it w not be harmful, especially with respect to adjacent properties.
    F. Section F: The development will not require any major or unprogrammed capital expendit by the City.
    G. Section G: Economic considerations pertaining to the applicant, which come into play w determining project scale through the associated site development plan, have become determining factor in this request. The large and mass and scale of the proposed building necessary to achieve an economic return acceptable to the applicant.
    H. Section H: The subject site is not located on a designated collector or major street, which applicant should have stated even though several important arterials are within short wal distance.

I. Section I: The requested zoning is not needed to implement a project consistent witl applicable plans, goals and policies; such consistency can be achieved through other zon categories that already exist in the University Neighborhoods Sector Development Plan.

J. Section J: This zone change request would not result in strip commercial zoning. Th proposed project is for a residential use.

14. Pursuant to Zoning Code §14-16-2-22, a site development plan is required when SU-1 zoning requested. The general idea of residential development on the subject site does not seem inconsistent with relevant goals and policies. In this case, site development plan specific regarding height and density make the proposed planned residential development (PRD) unable be "compatible with adjacent properties" as required and too intense given the subject site context.

15. The affected neighborhoods are the Silver Hills Neighborhood Association (NA), the Universi Heights NA and the Sycamore NA. Two facilitated meetings were held, one in October 2007 a the other in January 2008. The neighborhoods generally oppose the proposal on the grounds th the building would not be a good fit for this particular location in terms of scale, density a adjacency to single-family homes.

16. Staff has received several letters of both opposition and support. The letters of oppositi generally express concern regarding height, density, effect on the existing historic neighborho and parking. Not one letter of opposition, however, questions the importance of green principl The letters of support generally favor the proposal because it would be an infill development t would implement green principles.

On April 17, 2008 the Environmental Planning Commission voted to deny Project 1006822/ 07E 40054, a site development plan for building permit for Lots 1 & 2, Terrace Addition and the south 1(vacated Gold Avenue adjacent, located on Gold Avenue SE, based on the following Findings.

FINDINGS:

1. This is a request for a site development plan for building permit for an approximately 0.4 acre located on Gold Avenue SE, about one block south of Central Avenue, between Terrace Street Buena Vista Drive.

2. A request for a sector development plan map amendment (07EPC-40052) accompanies th request. The sector development plan map amendment (zone change) request has not be adequately justified pursuant to the policies and criteria of R270-1980.

3. The proposal *does not further* the following relevant land use policies in the Comprehensive Pla
   A. Policy II.B.5d— The proposed residential building would be about twice as tall as t residential/office building across the street and would appear out of scale at the propos location, adjacent to an established neighborhood of mostly single-family homes and sin story buildings. Neighbors are concerned about height, scale and mass.
   E. Policy II.B.5e— Though contiguous to existing urban facilities and services, the propos residential building is likely to affect the integrity of the existing neighborhood because of building's size and scale.
   B. Policy II.D.5h— The subject site is not in a designated Activity Center and the propo residential building would not face similar or higher density development. Nor would provide a transition with existing adjacent land uses.
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   A. Policy II.B.7b—Net densities of 30 DU/acre should generally be within Major Acti Centers. The proposed residential development, approximately 109 DU/acre, would be loc outside of the UNM Major Activity Center and would not serve as a transition to neighborhood, which is characterized by mostly single-story buildings.
   B. Policy II.B.7c—The height and mass of the proposed structure would be significantly la than any others in its surroundings and therefore shall be located only in a Major Acti Center. The proposed residential development, however, would be located outside of the U Major Activity Center.
   C. Policy II.B.7f—Intense uses in Activity Centers shall be located away from nearby density residential development. The proposed residential development (approximately DU/acre) would be located outside of the UNM Major Activity Center and woul surrounded on three sides by single-family homes.
   D. Policy II.B.7.i—The proposed multi-unit housing of this scale would be appropriate insid boundaries of a designated Activity Center, but the subject site is not located inside boundaries.

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   B. Goal 3—The UNSDP encourages infill residential construction in appropriate places. subject site, removed from Central Avenue and surrounded by single-family homes on th sides, is not an appropriate location for infill development that is out of scale with surroundings.

10. The Planned Growth Strategy (PGS) provides a framework for managing urban growth in Albuquerque area. The PGS aims to promote infill development, utilize existing infrastructure create pedestrian/transit friendly neighborhoods, as well as preserve neighborhood characteris and encourage compact development without crowding. The proposed multi-story developn helps fulfill some of these intentions in a broad sense, though other intentions are not fulfi when it comes to the proposal's specifics.

11. The proposal *partially furthers* some relevant policies and Goals in a general sense wh considering the sector development plan map amendment. However, because SU-1 zoning is bei requested, a site development plan is a required component of the request. The associated s development plan for building permit (07EPC-40054) addresses specifics such as height, dens and parking which contribute to not furthering applicable policies and Goals that are furthered i broader sense (ex. Land Use Policies II.B.5a and e, Transportation and Transit Policy II.D.4c a UNSDP Goal 3).

12. The parking requirement for the residential building at 2001 Gold Avenue must be met on subject site. This was a condition of the Zoning Hearing Examiner's (ZHE) decision to gran conditional use to allow a residential use in a C-2 zone (02ZHE 00217). The Board of Appe (BOA) decision to uphold the ZHE decision states that "The applicant is to provide a minimum 26 spaces if the property is developed fully at 17 residential units", which is the case. applicant is prohibited from removing the parking requirement from the subject site. A Tra Impact Study (TIS) was not required.

13. Because SU-1 zoning is requested, the EPC determines how much parking is sufficient. Us Zoning Code parking requirements, the proposed project would need 76 spaces. Using applicant's methodology based on one space per bedroom, less one on-street parking space, spaces would be required. 74 spaces (including handicap spaces) are proposed. Motorc parking is in addition to these spaces.

14. The proposed building, at 47 feet 10 inches, would be significantly taller than the 2001 C Avenue residential building (26 feet) to the north and the existing one story single-family ho and apartments in the immediate area.

15. Pursuant to Zoning Code §14-16-2-22, a site development plan is required when SU-1 zonir requested. The general idea of residential development on the subject site does not s inconsistent with relevant goals and policies. In this case, site development plan spec regarding height and density make the proposed planned residential development (PRD) unab be "compatible with adjacent properties" as required and too intense given the subject s context.

16. The affected neighborhoods are the Silver Hills Neighborhood Association (NA), the Unive Heights NA and the Sycamore NA. Two facilitated meetings were held, one in October 2007 the other in January 2008. The neighborhoods generally oppose the proposal on the grounds the building would not be a good fit for this particular location in terms of scale, density adjacency to single-family homes.

160

17. Staff has received several letters of both opposition and support. The letters of oppositic generally express concern regarding height, density, effect on the existing historic neighborhoo and parking. Not one letter of opposition, however, questions the importance of green principle The letters of support generally favor the proposal because it would be an infill development th would implement green principles.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY MAY 2, 2008 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. IT I S NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION.

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 t 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 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 prope followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF TI REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans speci in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 y after approval by the EPC

17 61

Sincerely,

CMoore

for Richard Dineen
Planning Director

RD/CL/ac

cc: Consensus Planning, Inc., 302 8th St. NW, Albuq. NM 87102
Bill Cobb, Silver Hill NA, 1701 Silver Ave. SE, Albuq. NM 87106
Gordon Reiselt, Silver Hill NA, 1575 Silver SE, Albuq. NM 87106
Martha Stevens, 515 B, Franklin St., Juneau, AK 99801-1123
Robert Thalmann, 2100 Silver Ave. SE, Albuq. NM 87106
Christopher Lucas, 2100 Silver Ave. SE, Albuq. NM 87106
Tyler Anderson, 411 Princeton SE, ABQ NM 87106
Linda Barbeau, 6020 San Marcos, Farmington, NM 87402
Gordon Reiselt, 1515 Silver SE, Albuq. NM 87105
Ruth Koury, P.O. Box 4754, Albuq. NM 87196
Terry & Alanna Apodaca, 2100 Gold SE, Albuq. NM 87106
Stephen Farris, 1824 Silver SE, Albuq. NM 87106
Ellen Cline, 2000 Silver SE, Albuq. NM 87106
Katy Braziel, 1606 Silver SE, Albuq. NM 87106
Elizabeth Doak, 1606 Silver SE, Albuq. NM 87106
Mardon Gardella, 411 Maple St. NE, Albuq. NM 87106
T'Brin Beck, 302 Sycamroe St NE, Albuq. NM 87106
Edward Rivera, 1924 Silver Ave. SE, Albuq. NM 87106
Ric & Marsha Thom, 5545 Eakes Rd. NW, Albuq. NM 87107
Lucille Torrez, 2134 Coal Pl. SE, Albuq. NM 87106
Travis Thom, 2001 Gold Ave.SE, 301, Albuq. NM 87106
Chris Lucas, 2100 Silver SE, Albuq. NM 87106
Peter Schillke, 1217 Coal Ave. SE, Albuq. NM 87106
Monica Lovato, 3526 Monte Vista NE, Albuq. NM 87106
Toni House, 2001 Gold Ave. SE, Ste 1, Albuq. NM 87106
Chris Allen, 2001 Gold SE, #13, Albuq. NM 87106
Tyson Wollert, 2001 Gold Ave. SE, #12, Albuq. NM 87106
Matthew Butkus, 09 Don Cipriano Ct., Albuq. NM 87102
Ryan Bromberg, 217 Arno St. SE, Albuq. NM 87102
Alison Floyd, 2118 Silver Ave. SE, Albuq. NM 87106
Ann House , 400 Clark SW, Albuq. NM 87105
Richard Braziel, 1900 Silver SE, Albuq. NM 87106
Michael Seebeck, 1609 Silver SE, Albuq. NM 87106
Sandra Simons-Ailes, 2111 Lead Ave. SE, Albuq. NM 87106
Karen Cook, 1505 Columbia Dr. NE, Albuq. NM 87106
Tim House 20 First Plaza NW, #515, Albuq. NM 87102
James Montalbano, 1409 Silver Ave. SE, Albuq. NM 87106
Lindsey Barbeau, 1924 Gold SE, Albuq. NM 87106
Bennett Hammer, 600 Alcale Pl. SW, Albuq. NM 87104

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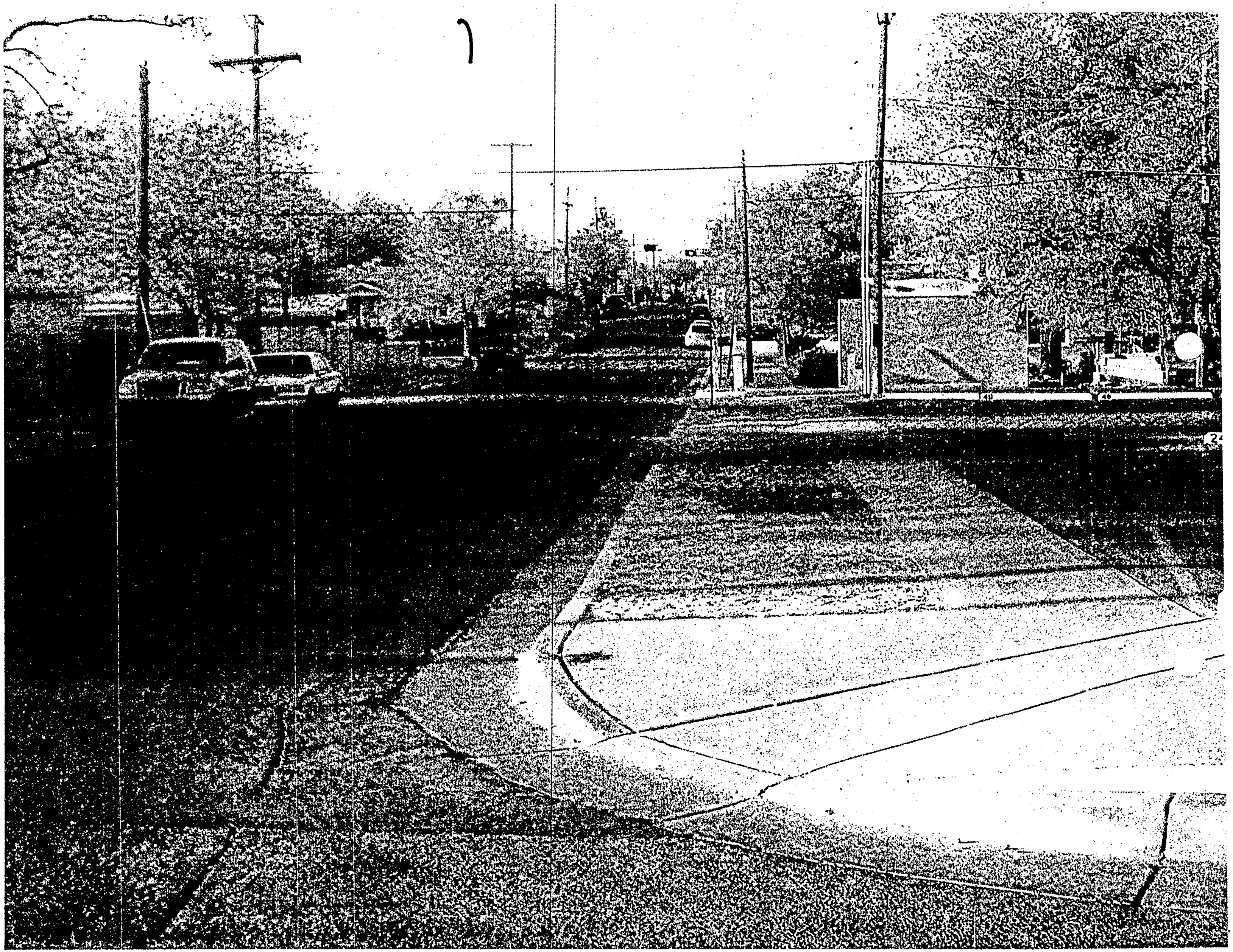

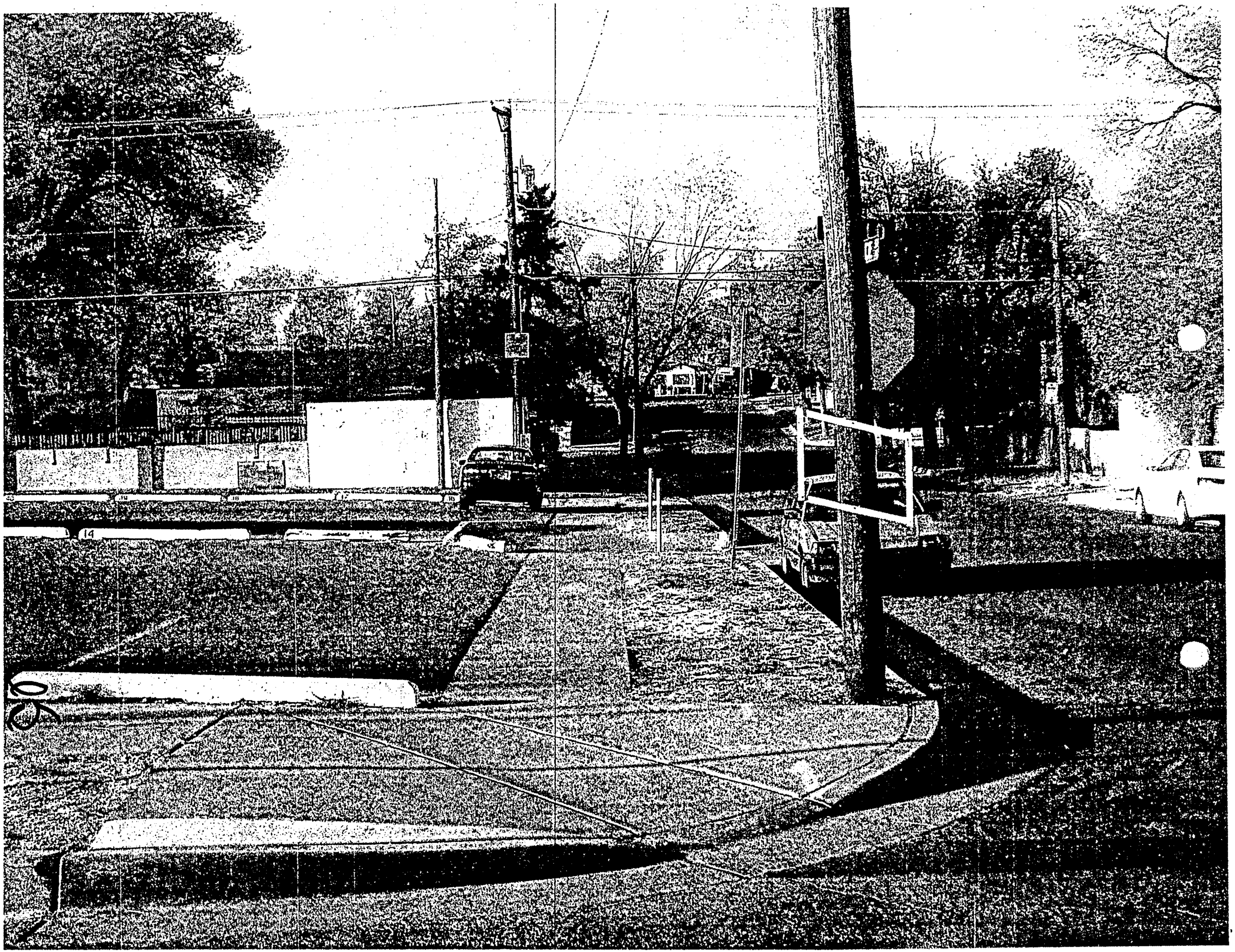
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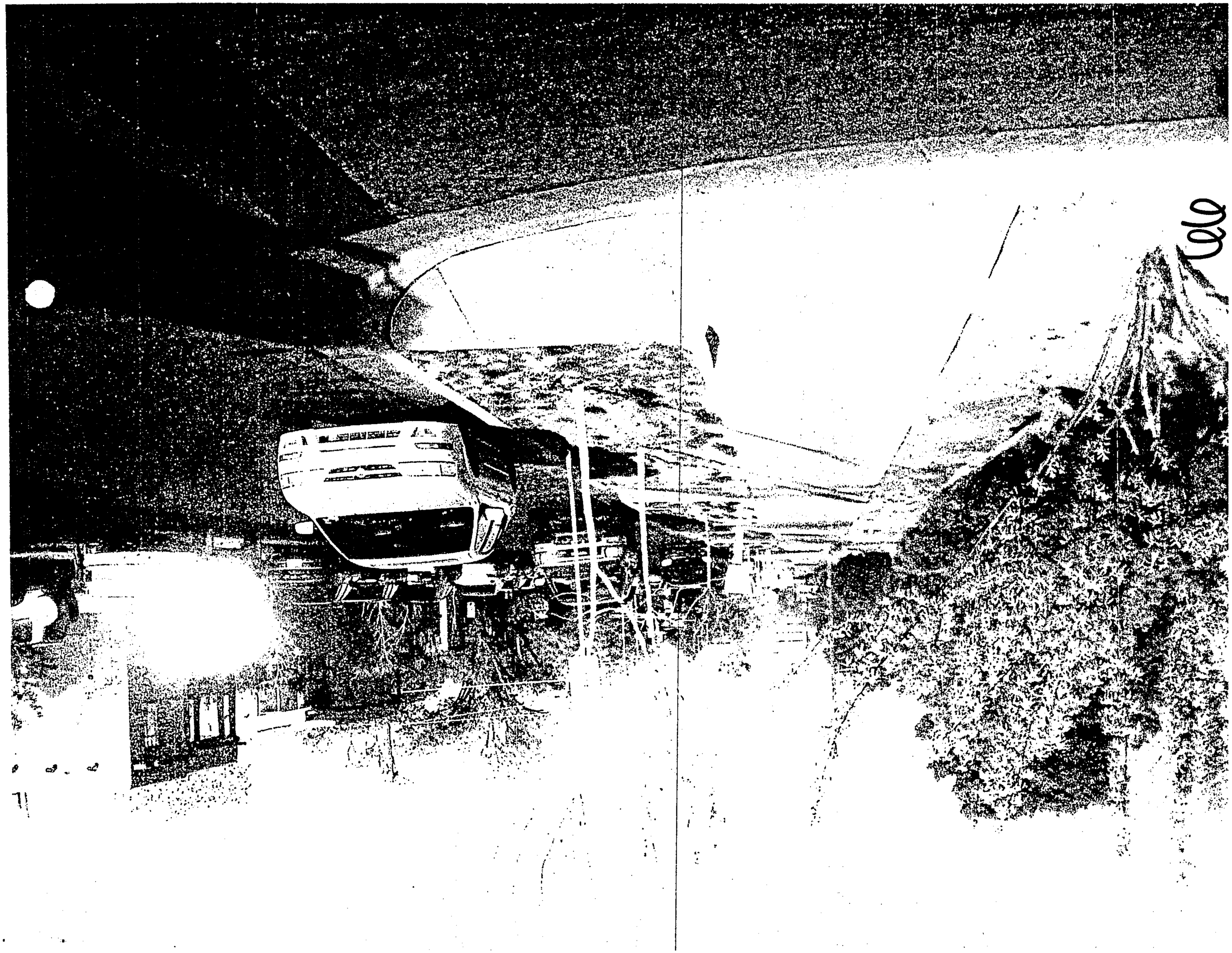


TERRACE

ABQ Engineering, Inc.
Engineers ▪ Planners ▪ Construction Services

June 10, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Exhibit for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Submitted herewith are six copies of the exhibit requested by the DRB that explains the relationship between the proposed right of way line, curbs and proposed sidewalks. If there is additional information that is needed, please call me at 255-7802.

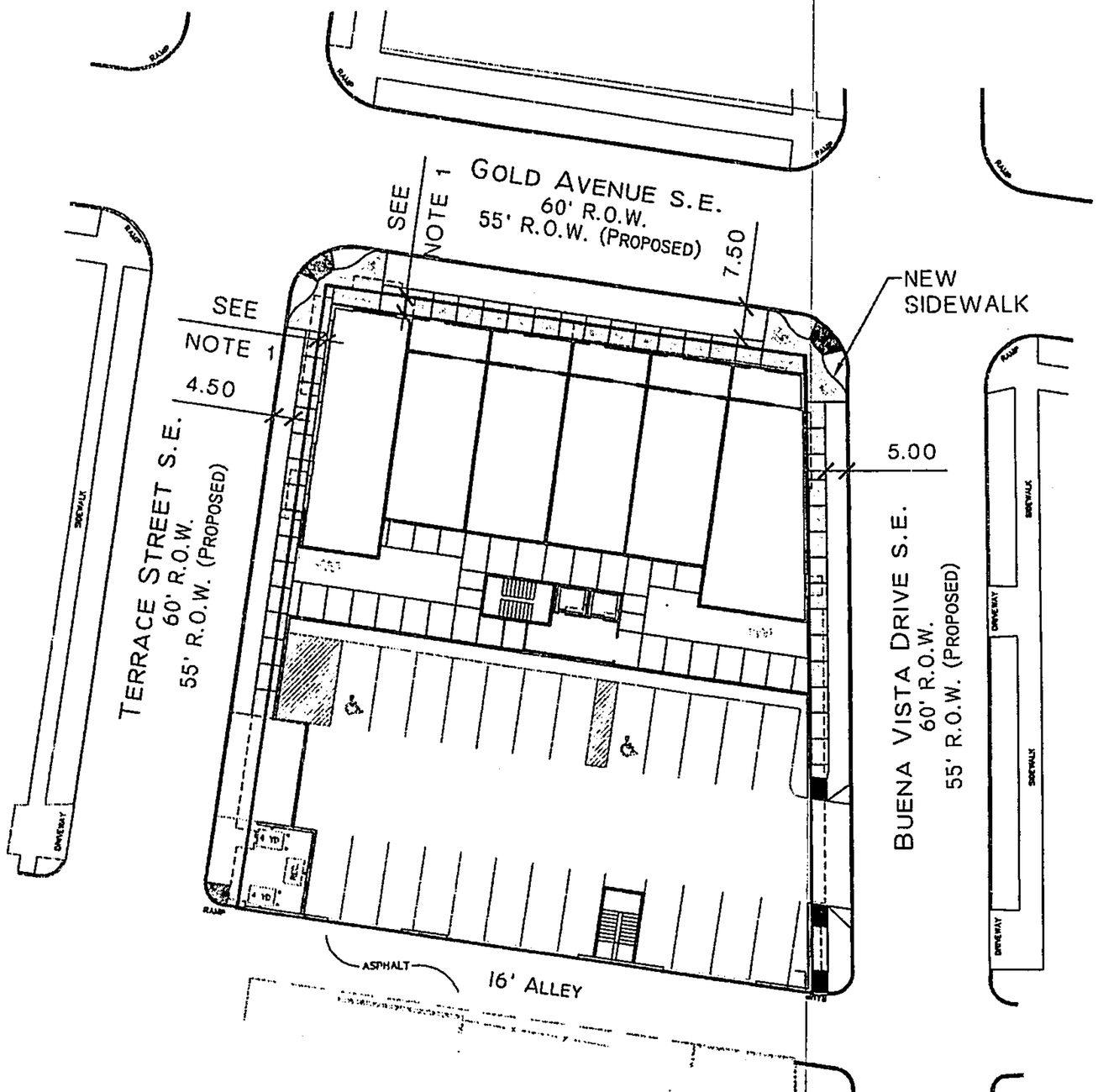
Sincerely,

Martin J. Garcia, PE
ABQ Engineering Inc.
27108

RECEIVED
JUN 10 2008
LAND DEVELOPMENT SECTION

71

1006822



Note

1. PUBLIC ROADWAY EASEMENT GRANTED BY PLAT.

Legend

PROPERTY LINE

NEW SIDEWALK

15 0 15 30 60

1" = 30'

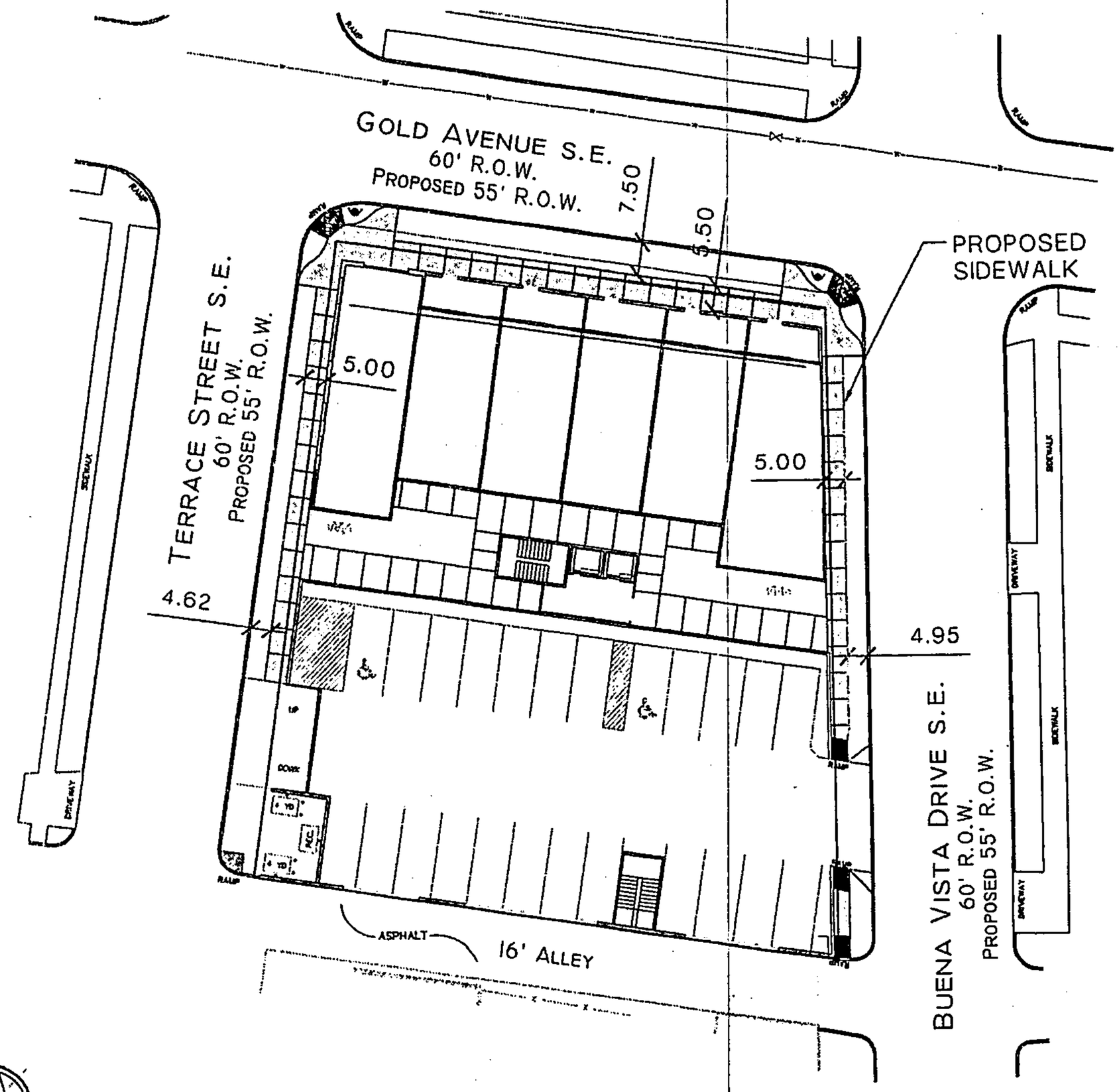
ABQ Engineering, Inc

·Engineers ·Planners ·Construction Services

6739 Academy Rd. NE, Suite 130 Albuquerque, NM 87109

505-255-7802 FAX 505-255-7902 ABQ Project: 27108

SHEET TITLE:	SIDEWALK EXHIBIT
PROJECT:	2000 GOLD AVENUE S.E.
	SHEET 1 of 1



15 0 15 30 60

1" = 30'

ABQ
Engineering, Inc

·Engineers ·Planners ·Construction Services
6739 Academy Rd. NE, Suite 130 Albuquerque, NM 87109
505-255-7802 FAX 505-255-7902 ABQ Project: 27108

SHEET TITLE.	SIDEWALK EXHIBIT
PROJECT:	2000 GOLD AVENUE S.E.
	SHEET 1 of 1

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DEVELOPMENT REVIEW BOARD

MINUTES

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

April 16, 2008

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (K-15)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Dan Graney – Survey's Southwest Ltd – 333 Lomas Blvd NE – Albuquerque, NM 87102
Martin Garcia – ABQ Engineering Inc. – 600 2nd St. NW – Albuquerque, NM 87102

PERSONS PRESENT IN INTEREST:

Bill Cobb -1701 Silver Ave SE – Albuquerque, NM 87106
Gordon Rerselt - 1515 Silver Ave SE – Albuquerque, NM 87106
Richard Braziel - 1900 Silver Ave SE - Albuquerque, NM 87106
Tom Whidney - 1902 Silver Ave SE – Albuquerque, NM 87106
Tom Ocken - 1612 Silver Ave SE – Albuquerque, NM 87106

Ellen Cline - 2000 Silver Ave SE – Albuquerque, NM 87106
Edward Rivera - 1924 Silver Ave SE – Albuquerque, NM 87106
Ruth Kourey - P.O. Box 4754 – Albuquerque, NM 87196
Elizabeth Doage - 1606 Silver Ave SE – Albuquerque, NM 87106

MR. JACK CLOUD DRB CHAIR: Would you state your name please and go over your requests?

MR. DAN GRANEY: Dan Graney, Surveys Southwest. The request is for vacation of right-of-way and replat. This is to get the property ready for a condominium development.

MR. MARTIN GARICIA: Martin Garcia with ABQ Engineering. We're just here to support Dan obviously and clarify and questions you all may have.

MR. CLOUD: Okay, thank you. Angela do we have some people signed up? Okay. If you gentlemen would allow people to come up so they can be sworn in and testify. First up is this Bill Rob? We've got room for more. Next would be Gordon RERSELT. We'll get you two at a time here.

MR. BILL COBB AND MR. GORDON RERSELT SWORN IN

MR. COBB: Good morning Mr. Chair, board members, my name is Bill Cobb. I'm the zoning chairman for the Silver Hill Neighborhood Association – a long time board member of the neighborhood association, a member of the Silver Hill Reforestation Task Force. We're here today to object to this vacation of right-of-way. We believe that may I give you some pictures to look at?

MR. CLOUD: If we can keep them, yes.

MR. COBB: Okay. As I read the conditions under which a public right-of-way is vacated, the public welfare is no way served by retaining the right-of-way, private way or easement. There is no net benefit to the public welfare because the development made possible. That indication is currently more beneficial to the public welfare than the minor detriment resulting from the vacation, and there is no convincing evidence of any substantial property right being abridged against the will of the owner of the right. This proposed vacation of right-of-way is proposing to remove the parkways, the strip of land between the sidewalk and what we call the parkways it has different names, the piece of real estate between the sidewalk and the curb. This neighborhood is on the state and federal register of historic neighborhoods. One of the elements that contributed that designation is the historic streetscape. The medians on Silver and the parkways up throughout the neighborhood that were planted with Siberian Elms

were planted during Clyde Tigley's term. Many of them are dead and dying or removed. In 1999 the neighborhood in cooperation with the administration with the legislature and with a lot of other people began a process of reforesting the neighborhood. We created with the help of funding from the legislature and the help of the county parks department, the Silver Hills Historic District Master Plan for streetscape and landscape improvement which includes all of these parkways throughout our neighborhood. We already have a plan for this public right-of-way and we've already begun the process of restoration. The photos you see there are the trees and grass we've planted on Gold last summer, and I believe you may be familiar with this particular document. This is the Gold Street landscape improvement blueprint which I believe had to come before this body for final sign off. I spoke with the Parks Department yesterday, this piece of real estate along the currently, the part that has been restored is under the maintenance of the Parks department. Removing the, or vacating the right-of-way, moving the sidewalk over to cover that impedes their ability to maintain the water lines underneath it and the power lines although its not unprecedented, it wasn't intended. The neighborhoods have worked literally for 30 years diligently for, since 1999 to restore this and we seriously object to the vacation of this right-of-way. The legislature has and the City have appropriated almost 2 million dollars, there's another 250 thousand that was appropriated in not this legislative session but the one before to begin landscaping. The connecting streets between Silver and Lead, I mean between Gold and Lead and the first one on the docket tentatively is Buena Vista which would be vacated by this request. We've had the support, the tremendous support of Mayor Chavez as a matter of fact he added the turf to our design. We've had the support of Gail Chasey our two legislators, the last 3 City Councilors, the County Commission. It's been an extremely cooperative effort and these areas are highly prized as part of the character of the neighborhood and we are here to object to the vacation of right-of-way.

MR. RERSELT: Good morning, my name is Gordon Rerselt. I'm with the Silver Hills Neighborhood Association. I've been in the neighborhood for 25 years now and I just wanted to point out and add onto something that Bill said. It doesn't seem to me that the public welfare is served by the giving of the City property that's cared for and maintained by Parks and Recreation to an out of state developer. There's another issue that I noticed that has been brought up by transportation development and that is there's a line of sight easement that may be required, and that issue is still unresolved. So for those reasons, I would object. Thank you.

MR. CLOUD: Thank you. Richard is it Brazil and Tom Whitney? Would you be sworn in please?

MR. RICHARD BRAZIEL AND MR. TOM WIDNEY SWORN IN

MR. BRAZIEL: Richard Braziel, I live at 1900 Silver SE, been there since 2000, own my home. One of the wonderful characteristics of our neighborhood is, are the trees. We've worked hard to get them, its part of the historic district. To come in and take one block of this out is very disruptive. It's disruptive to the site, it's disruptive to the consistent parkways that are throughout the entire neighborhood, and I strongly, strongly object to it. I see no public benefit. I see damage to the neighborhood as a whole and that is the stance I'm hearing from every single neighbor that I talk to.

MR WIDNEY: Good morning, my name is Tom Widney. I've lived in the neighborhood since 1980. Basically I've been riding a wheelchair since 1980 and this is the first time in years I've been able to use the sidewalks. They've finally got all the cracks out of them, we've got ramps, you know, its nice to have access where I don't have to go out in a very highly densely populated road where you have a lot of traffic, can't see over the cars in a wheelchair, people are "zoom, zoom, zoom." It's nice to be a little safe for once, especially around the alleys where you go along the sidewalks and all of a sudden you have just a gravel pit for an alley entrance and stuff. That stuff, especially in this neighborhood, it's just been fixed. Its really nice to have that. It's also nice to have that little buffer area of grass in case some accident goes down and you got a little bit of leeway room, you know, because a bicycle comes, and push you out in the – a whole lot of scenarios and then like, I was hurt in the early 70's working for the Scouts and I've been dealing with the wheelchair issue throughout the whole issue, you know and one of the nice things about Viet Nam is it brought in awareness with the ADA and the whole situation, I've been seeing ramps and bathrooms and all sorts of accessibility issues come up and I'd say that you know like its really nice to have the sidewalks fixed finally after all these years, have that little buffer zone of protection in case something goes wrong on the street which you can't foretell, and I'd appreciate if we could keep it that way. Thank you very much.

MR. CLOUD: Thank you. Tom Ocken, and Ellen Cline?

MR. TOM OCKEN AND MISS ELLEN CLINE SWORN IN

MR OCKEN: My name is Tom Ocken and I live at 1612 Silver Avenue. I've been in the neighborhood 10 years. What I see by vacating the parkway or the City right-of-way is that it allows the building to push right up to what's going to be the sidewalk and I think it's just historically the wrong way to have a building in that neighborhood. It just effects the historic standing of the neighborhood. That's all.

MS. CLINE: My name is Ellen Cline and I own a house at 2000 Silver SE. I have been involved with the neighborhood association since I moved into the neighborhood in 1985. I've been on the Board over the years, I've been the President over the years, and even way back in 1986 when the area was just

being designated as an historic district, the landscaping was a big part of the historic district nomination and approval. The trees, both the median and the parkways were part of what gave the area character and still do. Even in this little book that was put out in 1986, landscaping was a huge issue and they talked about the trees and the parkways and as Bill Cobb and some others have said the neighborhood association has worked for many, many years to get the reforestation plan in place. There's been all kinds of funding as was pointed out and this street on of the side streets here, Buena Vista is next on the list to be landscaped Gold has already been done so it doesn't really seem to make sense that millions of dollars have been spent by the State and the City and now somebody's going to come in and take that for free and get this extra property. Its just doesn't make sense to put a big hole in the middle of the historic district and all the landscaping that goes around with that, so I am very much against this proposal. I think it's a very bad precedent for the historic district, and if it was passed I would think that the City has no interest in protecting any of the historic places in the City.

MR. CLOUD: Thank you. Ed Rivera and Ruth Kourey?

MR. EDWARD RIVERA AND MS. RUTH KOUREY SWORN IN

MR RIVERA: My name is Edward Rivera. I've been in the neighborhood and own my home since 1962 on Silver Avenue – 1924 Silver. I have physical limitations at this time, and I take little walks throughout the neighborhood there. If you permit the sidewalks to be moved up to the curb it would be detrimental to me, since I am suffering now also from Macular Degeneration and Epoxia and it would destroy the ambiance of the neighborhood. I see no reason why the City should allow a conglomerate to freely occupy that part of the City, which the citizens have paid takes for to renovate and to improve. It would take a tremendous amount of beauty away from our neighborhoods, and would not attract families which we need in our neighborhoods. We need mamas and papas and children in our neighborhoods and a high rise edifice occupied by a conglomerate from Chicago would not be beneficial to us. Thank you.

MS KOUREY: Ruth Kourey, I'm Chair of the Zoning Committee for the Sycamore Neighborhood Association. Just a few things to point out that the zone for this property requires set backs, but the request wants to relinquish to setbacks meaning that the vacation would allow a development with no setbacks that would then forcibly eliminate the parkways. It would also add to the private property. Neither of those is compatible with the neighborhood of the historic district as a note, Sycamore neighborhood began preserving and protecting these same what Silver Hills is calling "parkways" or planting strips since ever I can remember, but officially through case by case development since the early 90's we've had help from zoning enforcement in remodeling development, renovation development to preserve this pattern throughout the neighborhood. By vacating the public right-of-way, the building is allowed to become a much

more massive project, they gain that much more land. That allows the massing and the scale of the project to be completely inconsistent with the neighborhood and the historic district. It cannot be in the public interest in part because, as you've heard, the community doesn't want it, but it also destroys the scale and character of the neighborhood and the district. The public interest here is clearly in maintaining the scale of development and the landscape pattern. This project is also contrary to the comprehensive plan for the historic district. The goals for the historic district within the comp plan talk about protecting and enhancing the historic district, so it cannot be in the public interest to approve a project that is contrary to the public interest of maintaining and preserving that historic district. I can imagine that the developer here might argue that there is benefit to the community from the project. The question is not weather there is benefit, there is a difference between having some benefit and what is more beneficial. It is clearly more beneficial in the case to preserve the right-of-way by the community's wishes and also by the regulations, so we also remain opposed.

MR. CLOUD: Thank you. Elizabeth Doage?

MS. DOAGE: Hello my name is Elizabeth Doage, thanks for the opportunity...

MS. DOAGE SWORN IN

MS. DOAGE: I'll be brief. my neighbors have been very eloquent. I am an owner on Silver Avenue at 1606 and I've worked on the neighborhood board for 7 years. I've watched my neighbors diligently, and I've participated in many *charets*, there's a document that dovetails with the historic Silver Hill Master Plan its called the Streetscape Manifesto and many, many neighbors participated in *charets* and obviously the tree landscape which is a signature landmark of our neighborhood, actually forms the, another architecture in our neighborhood that's been promoted by the neighbors obviously as you've heard and there's been thousands of dollars of tax dollar investment including for Gold Avenue which I want to mention specifically, 200 thousand dollars appropriated during the 2006 legislative session for installation. This was supported by our State Senator and our State Rep. and as well, 100 thousand dollars designated by our City Counselor in November 2006 to complete the Gold installation. That construction began in the spring of last year. Thank you for your consideration.

MR. CLOUD: Thank you. Is there anyone else that wishes to speak on agenda item number two? Okay, Dan, Martin, do you want to come back up here? And just to, I'm sorry I didn't explain more at the beginning, this is not a hearing on a Site Plan or any waivers, set backs or anything like that, this is just a hearing on vacation of public right-of-way. And if this were to be vacated it would have to be purchased from the City, it's not given to them, so I want to make that clear.

MR. GARCIA: Mr. Chair, as a clarification, our request, the DPM, the City DPM allows for 55 foot of right-of-way on Buena Vista and Terrace and our request is

just to go from the existing 60 down to that limit. We are not proposing to eliminate any of those buffers that typically are used for the landscaping or sidewalk. There is still adequate space for those and are still proposed as part of the project at the end and that's going to be addressed though the site plan at EPC.

MR CLOUD: Okay, we do have comments from other agencies that we'll go over, and then we'll take comments from the board. There's no comment from AMAFCA or Council of Governments, Transit or Zoning Enforcement, Neighborhood Coordination does indicate the Silver Hills Neighborhood Association was contacted. I do have an informational comment from Albuquerque Public Schools, no comments from Police Department, Fire Department or Utilities or Environmental Health or Conservancy District, and the Open Space had no adverse comment. Parks and Recreation, Christina?

MS. CHRISTINA SANDOVAL: I guess I, based on what you just said Martin, we wouldn't have any objection if indeed the parkways as they're being called, remain, but I would like the opportunity just to touch base with Park Management who does maintain these. I was not aware of that situation prior to today so I would, I think we have some other issues so, I would like that opportunity just to speak with them and get some additional feedback from Park Management.

MR. CLOUD: City Engineer, Hydrology, Brad?

MR BRAD BINGHAM: Your exhibit did show a sidewalk up against the back of curb.

MR GARCIA: That's correct.

MR. BINGHAM: And that, your saying there is going to be a planting strip...

MR. GARCIA: Between the sidewalk and the building.

MR BINGHAM: That is different than every other block within the neighborhood. That would stand out.

MR. GARCIA: Currently the site has no landscaping at all along Terrace or Buena Vista. There is some landscaping along Gold and is typical of the properties across the street to the East and the West. But there is a landscaping strip between the sidewalk and the building that is proposed.

MR. BINGHAM: Well I guess my opinion, and I'm going to defer mostly to Transportation, is that the sidewalk remain, you could vacate up to the back of the sidewalk. I don't know that I'd be in favor of pushing the sidewalk toward the back of curb. But I'm going to defer to Transportation.

MS. SANDOVAL: Just a point of clarification, the landscaping on Gold that was recently put in would be removed as part of this project and then your...

MR. BINGHAM: Replaced...

MS. SANDOVAL: Replaced, okay.

MR. GARCIA: It's going to be modified to some level.

MR. CLOUD: Transportation Development, Kristal?

MS. KRISTAL METRO: Okay, as noted in my comments, we had some concerns about the site distance. I did recently receive a site distance diagram. I've had the chance to preliminarily review it and it does not appear that there would be a site distance issue, however we would require line of site easements at the corner of Terrace and Gold and Buena Vista and Gold if this went through. We do not do a lot of line of site easements therefore I would not want to do that today. We'd need to get the language approved by Kevin Curran, City Attorney and there'd be additional research that would need to be done.

MR. GARCIA: Mr. Chair we are prepared to work with Kristal on those details, on those, we've presented her with the site distance information and we are certainly willing to show those easements on the property. Its just how we specifically define those hasn't been completely determined yet.

MR. CLOUD: Right, Okay. Water Authority, Roger?

MR. ROGER GREEN: On my staff report comments, I said no objection because I didn't need the right-of-way for water or sewer services but as a board member I'd like to defer to Jack on the interpretation of the vacation meeting the ordinance. And I also think it's wrong to put the sidewalk at the back of curb for sure. I think it's premature to act on a vacation until EPC has approved a site plan. So I'd recommend deferral because I think its premature at this point.

MR. CLOUD: I guess on the last point I disagree, again this snot a site plan hearing, regardless of what a proposed development would be I think we could hear the vacation but I also share concerns. I think we should have a standard separation landscape buffer between the curb and the sidewalk. We really need to have better field information I believe before we could act on this because I'm not really sure you know the street curbs line up now and what the true right of way is. I understand the plat says 60 feet but just the remote information I'm looking at says its already down to 55 so I would really like to have a lot more survey information to verify that that's 60 feet right now. And I think I'd agree if there's any, anything up to the back of the sidewalk, if there's right-of-way behind the sidewalk I'd probably be in favor of vacating that, but not to move the sidewalks out from the current alignment.

MR. GARCIA: Mr. Chair, I guess a point of clarification, the plat that is recorded is all the document we have to refer back to which says its 60 feet of right-of-way so um, if you went out there to the site right now its hard to determine where the property line is because it goes from sidewalk to asphalt – it's a parking lot right now. It's a parking lot out there so it's difficult to see exactly where the property line is. And there's not enough information as you look south weather those walls are on the property or not on the adjacent property so, but the document we have to rely on is the recorded plat that does say its 60 feet. And we were basing our request off of that.

MR. CLOUD: Okay, well in order to consider your vacation I'm requesting that we get some field survey information to show us exactly where these property lines are in relation to the existing improvements.

MR DAN GRANEY: We have that and can provide that to you.

MR. CLOUD: Okay. So we cannot, I don't believe act on oday. We probably need to defer this, I think one week might be a little short, but if you think you can get us that information right away.

MR. GRANEY: Well we already have this information, we just need to put the distances of the curb to curb and things on that for your benefit so you're not scaling. We do have the field data already, but two weeks would be appropriate because there's other issues we'd like to resolve with Transportation, and look at the sidewalk issue.

MR.CLOUD: We are going to defer this request 2 weeks. That will be the meeting of April 30th. We will not send you a mailed notice of this deferral. This is your notice of the deferral. We'll meet here again in two weeks to continue this item. Thank you all for your patience.

MR. GARCIA: Thank you.

MR. GRANEY: Thank you.

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April 29, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project to the May 14, 2008 of the DRB. The site plan for the property is undergoing minor modification and may impact this request. As a result we would appreciate the deferral.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

kent beierle ■
kris callori ■
j. stace mcgee ■
michael ryan ■

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

■ 142 Truman St. NE
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DEVELOPMENT REVIEW BOARD
Action Sheet

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

April 30, 2008 9:00AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

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

1. **Project# 1005029**
08DRB-70165 MAJOR - 2YR
EXTENSION OF SUBDIVISION
IMPROVEMENTS

SUNCAL COMPANIES/ WESTLAND DevCo LP (f.k.a WESTLAND DEVELOPMENT CO. INC.). request(s) the above action(s) for the Mirehaven Arroyo as part of Tract(s) B & J, **THE CROSSING**, and Tract(s) R, **STORMCLOUD Unit(s) 3 & 4,** (to be known as **STORMCLOUD SUBDIVISION Unit(s) 4 & 5),** zoned SU-2/R-LT, located west of UNSER BLVD NW BETWEEN TIERRA PINTADA BLVD NW AND LADERA BLVD NW containing approximately 50 acre(s). (H-9) **THE TWO YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**

2. **Project# 1005108**
08DRB-70059 MAJOR - PRELIMINARY PLAT APPROVAL
08DRB-70105 SIDEWALK WAIVER
08DRB-70138 SIDEWALK WAIVER

THE DESIGN GROUP agent(s) for RALPH CORRIZ request(s) the above/ referenced action(s) for all or a portion of Tract(s) 67-A-1 AND 67-A-2, **MRGCD MAP #29,** zoned R-1 and C-1, located on the east side of 4TH ST NW BETWEEN VINEYARD RD NW AND WILLOW RD NW containing approximately 2.4 acre(s). (E-15) *[Deferred from 2/27/08, 3/12/08, 3/26/08 & 4/2/08]* **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

3. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08]* **DEFERRED TO 5/14/08 AT THE AGENT'S REQUEST.**

4. **Project# 1004354**
08DRB-70048 SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

TIERRA WEST LLC agent(s) for MCDONALD'S CORPORATION request(s) the above action(s) for all or a portion of Lot 2, **KRANIA ADDITION,** zoned SU-2 PCA, located on the SE corner of 98TH ST NW AND VOLCANO RD NW containing approximately 1.1172 acre(s). (K-9) *[Deferred from 2/20/08,3/5/08, 3/12/08, 3/19/08, 3/26/08 & 4/2/08 & 4/16/08].* **DEFERRED TO 5/7/08 AT THE AGENT'S REQUEST.**

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May 12, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for May 14, 2008 to the new date of May 21, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
J. stace mcgee ■
michael ryan ■

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DEVELOPMENT REVIEW BOARD
AGENDA

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

May 14, 2008 9:00 AM
MEMBERS:

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

****

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

1. **Project# 1000316**
08DRB-70186 MAJOR - 2YR
EXTENSION OF SUBDIVISION IMPROVEMENTS

HUITT-ZOLLARS, INC., agent(s) for GSL PROPERTIES INC request(s) the above/ referenced action(s) for all or a portion of Tract(s) A-C, **COTTONWOOD SUBDIVISION,** zoned SU-1 FOR C2 & IP USES , and SU-1 FOR PRD,, located on the north side of SEVEN BAR LOOP RD NW BETWEEN COORS BLVD NW AND COTTONWOOD DR NW containing approximately 16.11 acre(s). (B-16) **THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**

2. **Project# 1002949**
08DRB-70182 MAJOR - 2YR
EXTENSION OF SUBDIVISION IMPROVEMENTS

JAMES CRABTREE request(s) the above/ referenced action(s) for all or a portion of Lot(s) 1-A, B, C, D, & E, Block 10, **PETROGLYPH PARK,** zoned O-1, located on the east side of UNSER BLVD NW BETWEEN SANTO DOMINGO ST NW AND MOJAVE ST NW containing approximately 1 acre(s). (E-10) **THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**

3. **Project# 1002567**
08DRB-70184 VACATION OF PUBLIC EASEMENT
08DRB-70185 VACATION OF PRIVATE EASEMENT
08DRB-70215 PRELIMINARY/FINAL PLAT

ADVANCED ENGINEERING AND CONSULTING, LLC agent(s) for STEVE KIRK request(s) the above/ referenced action(s) for a 34 foot Private Access and Drainage Easement, a 10 foot Public Utility Easement, and a 25 foot Public Water and Sewer Easement, all or a portion on Lot(s) 1-11, **HACIENDA DE LOIS,** zoned R-2, located on the west side of 12TH ST NW BETWEEN MENAUL BLVD NW AND LA POBLANA RD NW containing approximately 0.8544 acre(s). (H-13) **THE VACATION OF PUBLIC EASEMENT WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE VACATION OF PRIVATE EASEMENT WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD AND TO RECORD.**

4. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08 & 4/30/08].* **DEFERRED TO 5/21/08 AT THE AGENT'S REQUEST.**

5. **Project# 1005540**
08DRB-70187 VACATION OF PUBLIC EASEMENT
08DRB-70188 MAJOR - PRELIMINARY PLAT APPROVAL
08DRB-70189 - TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

WILSON & COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT, INC. request(s) the above action(s) for all or a portion of Tract(s) D & E, **LA CUENTISTA SUBDIVISION,** zoned SU-2 (VOLCANO HEIGHTS SECTOR PLAN), located on the east side of KIMMICK DR NW BETWEEN FIRE THORN LN NW AND ROSA PARKS RD NW containing approximately 91.037 acre(s). (C-11, D-11) **DEFERRED TO 5/21/08 AT THE AGENT'S REQUEST.**

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May 20, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for May 21, 2008 to the new date of June 4, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
J. stace mcgee ■
michael ryan ■

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DEVELOPMENT REVIEW BOARD
Action Sheet

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building
May 21, 2008

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

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

1. **Project# 1007258**
08DRB-70200 – SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

RICK BENNETT ARCHITECTS agent(s) for RIO GRANDE PROPERTIES LLC request(s) the above action(s) for all or a portion of Lot(s) 7A, **JOURNAL CENTER PHASE 2, UNIT 1,** zoned IP, located at the southern terminus of HANCOCK CT NW south of WOLCOTT AVE NW containing approximately 0.5 acre(s). (D-17) **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR JOURNAL CENTER ARCHITECTURAL COMMENTS APPROVAL AND TO TRANSPORTATION FOR WRITTEN COMMENTS.**

2. **Project# 1007259**
08DRB-70201 – SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

PETER BUTTERFIELD, ARCHITECT agent(s) for ALAMEDA PARTNERS, LLC request(s) the above action(s) for all or a portion of Lot 1, **ALAMEDA BUSINESS PARK,** zoned SU-2 IP-EP, located on the southwest corner of ALAMEDA PARK DR NW AND ALAMEDA RD NW containing approximately 2.2014 acre(s). (C-16) **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION FOR COMMENTS. 3 COPIES OF APPROVED SITE PLAN MUST BE PROVIDED TO PLANNING.**

3.	**Project# 1005540** 08DRB-70187 VACATION OF PUBLIC EASEMENT 08DRB-70188 MAJOR - PRELIMINARY PLAT APPROVAL 08DRB-70189 - TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION	WILSON & COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT, INC. request(s) the above action(s) for all or a portion of Tract(s) D & E, **LA CUENTISTA SUBDIVISION,** zoned SU-2 (VOLCANO HEIGHTS SECTOR PLAN), located on the east side of KIMMICK DR NW BETWEEN FIRE THORN LN NW AND ROSA PARKS RD NW containing approximately 91.037 acre(s). (C-11, D-11)*[Deferred from5/14/08]* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. WITH AN APPROVED GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED 4/18/08 THE PRELIMINARY PLAT WAS APPROVED. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT 'C' IN THE PLANNING FILE.**
4.	**Project# 1006822** 08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY 08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL	SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08 & 4/30/08.]***DEFERRED TO 6/4/08 AT THE AGENT'S REQUEST.**
5.	**Project# 1001275** 08DRB-70192 MAJOR - 2YR EXTENSION OF SUBDIVISION IMPROVEMENTS	CONSENSUS PLANNING INC agent(s) for TEAM RETAIL COTTONWOOD, LTD request(s) the above action(s) for all or a portion of Lot(s) 1, **LOWES SUBDIVISION,** zoned SU-1/C-2/IP/R-3, located on the north side of OLD AIRPORT AVE NW BETWEEN COTTONWOOD DR NW AND COORS BLVD NW containing approximately 8.13 acre(s). (A-14) **THE TWO YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED**

edi
regenerating architecture

June 3rd, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for June 4, 2008 to the new date of June 11, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
j. stace mcgee ■
michael ryan ■

■ 142 Truman St. NE
Albuquerque, NM 87108

Tel 505.242.2851
Fax 505.242.2852

■ 1198 SW 5th Court
Boca Raton, FL 33432

Tel 561.391.3981

www.edi-arch.com

DEVELOPMENT REVIEW BOARD
Action Sheet

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

June 4, 2008 9:00 AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

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

1.	**Project# 1000901** 08DRB-70222 VACATION OF PUBLIC EASEMENT	PRECISION SURVEYS INC agent(s) for BOSQUE PREPARTORY SCHOOL request(s) the above action(s) for a 35 foot square Water Line Easement on Lot(s) 4A, **BOSQUE PREPARTORY SCHOOL,** zoned SU-1 FOR SCHOOL AND RELATED FACILITIES, located on the east side of LEARNING RD NW BETWEEN COORS BLVD NW AND THE CORRALES DRAIN containing approximately 47.39 acre(s). (F-12) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**
2.	**Project# 1002556** 08DRB-70221 VACATION OF PUBLIC RIGHT-OF-WAY	BORDENAVE DESIGNS agent(s) for CALABACILLAS GROUP request(s) the above action(s) for portionS of Golf Course Road NW and Westside Boulevard NW adjacent to Tract(s) D & E, **PARADISE HEIGHTS, UNIT 1,** located in the southeast corner of GOLF COURSE RD NW AND WESTSIDE BLVD NW containing approximately 15.784 acre(s). (A-12) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE SUBJECT TO CALLING OUT WIDTH OF RIGHT-OF-WAY, INDICATION OF PAVEMENT LOCATION, AND THE DISTANCE OF FACE OF CURB TO THE PROPERTY LINE.**

3. **Project# 1007281**
08DRB-70219 VACATION OF PUBLIC EASEMENT

ALPHA PROFESSIONAL SURVEYING agent(s) for BRIDGE INVESTMENT GROUP request(s) the above action(s) for a 25 foot Sewer, Drainage, and Sidewalk Easement on Tract(s) E-3, **OSO GRANDE SUBDIVISION,** zoned SU-1 PRD, located on the south side of SPAIN RD NE BETWEEN EUBANK BLVD NE AND MORRIS ST NE containing approximately 47.39 acre(s). (F-21) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

4. **Project# 1005255**
08DRB-70207 VACATION OF PUBLIC RIGHT-OF-WAY

DAC ENTERPRISES, INC agent(s) for J C & JAMES A PETERSON request(s) vacation for Harvard Dr NE BETWEEN LOTS A-1 OF BLOCK 15 & LOT C-1 OF BLOCK 10, **VISTA LARGA SUBDIVISION** located on HARVARD DR south of HANNETT AVE NE. (J-16) *[Deferred from 5/28/08].* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

08DRB-70236 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

WAYJOHN SURVEYING INC agent(s) for JAMES A & JAMES C PETERSON request(s) the above action(s) for all or a portion of Lot(s) A-1, B-1 & C-1, Block(s) 10 & 15, **VISTA LARGA** zoned R-1, located on HANNETT AVE NE BETWEEN STANFORD DR NE AND HARVARD DR NE containing approximately 1.1773 acre(s). (J-16) *[Deferred from 5/28/08].* **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FIR CITY REAL ESTATE AND TO RECORD.**

5. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08 & 5/21/08.]* **DEFERRED TO 6/11/08 AT THE AGENT'S REQUEST.**

DEVELOPMENT REVIEW BOARD

MINUTES

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

June 11, 2008

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (K-15)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Martin Garcia – ABQ Engineering Inc. – 600 2nd St. NW – Albuquerque, NM 87102

PERSONS PRESENT IN INTEREST:

Bill Cobb -1701 Silver Ave SE – Albuquerque, NM 87106
Ellen Cline - 2000 Silver Ave SE – Albuquerque, NM 87106
Tom Ocken - 1612 Silver Ave SE – Albuquerque, NM 87106
Edward Rivera - 1924 Silver Ave SE – Albuquerque, NM 87106

MR. MARTIN GARCIA SWORN IN

MR. GARCIA: Good morning. Martin Garcia with ABQ Engineering, agent's for 2000 Gold Avenue LLC. Mr. Chair we are here to request a vacation of some right-of-way along Buena Vista, Terrace Street, and Gold Avenue and also request a lot consolidation for lot one and lot two of the Terrace Addition. Mr. Chair this case was before the DRB some time ago, probably about a month and a half ago and we'd deferred on a few occasions to try and iron out the issues with site distance triangles and those types of things and I think today we have everything that was necessary all taken care of.

MR. JACK CLOUD, DRB CHAIR: Okay this stuff is, we've got several different exhibits here and I am sorry but I still am not sure I'm very clear on all this. I think there's some notes on your plat that need to be revised. We are going to end up with 55 feet of right of way on Terrace is that right?

MR. GARCIA: That's correct.

MR. CLOUD: Okay, well you're showing 60. And we've got two different exhibits regarding the site plan and so if I understand this, we're going to have a 5 foot sidewalk on Terrace?

MR. GARCIA: That's correct sir.

MR. CLOUD: Okay.

MR. GARCIA: The intent of the exhibits, and there's two of them for one reason. The first exhibit I sent you did not show the dimensions for the overlap between the public roadway easement that's granted by the plat, public access easement. Mr. Chair what we're tying to do is the vacation is necessary for the building second, third floor balconies to overhang into that space and so we are requesting the vacation of right-of-way to be able to allow that on the building and then we're turning right back and granting a public access easement so that the sidewalk which is now planned right of against the building can have public access.

MR. CLOUD: Okay.

MR. GARCIA: So we're taking the "public identity", I should say "public ownership identity" away from that property, but we're also giving it a public use back.

MR. CLOUD: Okay.

MR. GARCIA: And the primary reason for that are the balconies that are planned as part of the building.

MR. CLOUD: Okay I think what I'm going to need to know then, I mean you're showing on Gold you're showing a 7 ½ foot landscaping strip. Is that consistent with what's out there now?

MR. GARICA: Along Gold? Yes. Mr. Chair we are not proposing to make any changes along Gold from what is out there currently.

MR. CLOUD: Okay. I think I'd greatly benefit from a single exhibit.

MR. GARCIA: I'd like to replace the two exhibits you have with another one that I brought today that has dimensions for everything. It combines the two. I only brought 3 copies of it because I knew that you and Kristal that were primarily the ones looking at it.

MS. KRISTAL METRO: Okay this new exhibit doesn't match the widths you're showing on the plat along Gold. You show 4.14 feet you're showing 4.43 feet on the plat.

MR. GARCIA: No it should be 4.43 feet – it's identified. Oh gosh he printed the old one. I'm sorry. Mr. Chair I need to take that back.

MR. CLOUD: I just want to be clear that the 7 ½ feet landscape strip is existing and proposed.

MR. GARCIA: Yes. To the best of my knowledge it is what is existing out there. And the space between the proposed new property line and the back of the sidewalk along Gold is 4.43 feet.

MR. CLOUD: I guess what I'd like to see would be a stamped plan that shows existing conditions of right-of-way, curb, sidewalk, and then with a dashed line proposed property line and with another type of dashed line public roadway easement. You can take off the site plan I just want to see existing conditions, location of property line to curb, sidewalk to curb, and then proposed property line and proposed roadway easement, nothing else and if you could stamp that please.

MR. GARCIA: Okay.

MS. METRO: In looking at your exhibit its still a little unclear as to whether you will need to do a public roadway easement along Buena Vista. Parts of the sidewalk look like they may not be within your proposed property line.

MR. GARICA: To the best of my knowledge the back of that sidewalk is at the building line which is at the property line. That's why we did not show a public roadway easement in there. I think there was an inch and a half overlap when

we first looked at it and we shifted the sidewalk over. It's kind of hard to make any sense out of that with that small of a dimension.

MS. METRO: And you said all new sidewalk you're proposing 5 feet in width?

MR. GARCIA: Yes, but I think it's proposed as part of the master plan for that area.

MR. CLOUD: We do have some people that have signed up. Bill Cobb?

MR. BILL COBB SWORN IN

MR. COBB: Good morning. The survey that was just given to you we haven't seen it so I can't really comment on it. But I will reiterate the comments we made when we had, last had a public hearing. This site is surrounded on two sides by a historic district and its an integral part of an overall streetscape that includes the parkways. What we're calling parkways is the piece of real estate between the sidewalk and the curb. The Parks Department maintains the grass and trees along Gold and also along Silver Avenue. The Municipal Development has money and plans for continuing to landscape at least with trees. The rest of the parkways run north and south along Buena Vista and Terrace. Another important element of our neighborhood are the setbacks and the massing and scale of the building. This project went before the EPC and their decision dated April 18th with regard to the sector plan map finding 8 is "the development shall be evaluated in light of its effect upon the building environment. The development proposal would allow a multi-story building with height mass significantly greater and setbacks much smaller than those than the surrounding buildings that characterize the neighborhood." That summarizes largely our objection to any vacation of any right-of-way on this parcel. Even if you vacate the part of the right-of-way that's been, what is it, back of the sidewalk it allows anything built there to be built at a larger scale with different setbacks than the rest of the neighborhood. And since we're talking about a project that is now under appeal before the Council and we don't know what the building's ultimately going to look like it seems like a decision about the vacation of public right-of-way at this point would be a little premature. Also in their findings on number 4 is "though contiguous to the existing urban facilities that service the proposed residential building is likely to affect the integrity of the existing neighborhood because of the building size and scale." That is our objection to any vacation of the right-of-way. I would like to submit to the record if I could the EPC decision and also the appeal by the developer who doesn't challenge those two findings in this appeal. So they are not arguing that this building won't be out of scale with the rest of the neighborhood.

MR. CLOUD: Okay.

MR. COBB: We object to that.

MR. CLOUD: You may submit that if you like but for the record we are not having anything to do with the building here today. We've talking about the public right-of-way, the public form of public infrastructure and that's if you were listening to my earlier comments, we were trying to determine that we maintain curb lines and sidewalks that are consistent to the area. We are not looking at anything inside the property lines at this hearing. It's just about what are we going to be doing with the public form, where's the property line that defines the private property so if you'd like to turn that in but its really I don't believe its relevant to what we're doing because...

MR. COBB: Well I mean its just relevant to our objection of vacating any, if your considering vacating any right-of-way, back of the sidewalk, it encourages this. The other issue is, in many, many cases this body has required that the alley be widened for new development throughout the neighborhoods. That's not the case in this situation. This will be a very intense development on a very small parcel of land and I don't know that there's any discussion about asking them to give you give the City the 2 feet. This is a 16 foot alley.

MR. CLOUD: Well as you stated, the site plan was denied so there was no condition of approval to require a widening of the alley so that's again we are not looking at the development we are looking at the public right-of-way, what's going to be the form of the improvements in the public right-of-way, that's all we're hearing with this request. If you want to give that to us we'll take it. Thank you Next is Ellen Cline?

MS. ELLEN CLINE SWORN IN

MS. CLINE: I was here list time this was heard I guess, it was a few months ago. A number of neighbors came out then and just to remind you of what we discussed at that time, like Bill Cobb said this is a historic area. The landscaping is an integral part of the historic district. What they seem to be requesting although we don't really know because we haven't seen any updated plans, is it seems that they are requesting a change to the landscaping so that would be inconsistent with the rest of the area and I think and that's what people are objecting to. They are also objecting to their original idea of moving the sidewalk out the curb for safety reasons and like Bill Cobb talked about, the EPC did find against them. I know you're not talking about the building, but part of their overall plan is to change sidewalks, to change the planting strips that we call the parkways that have the trees and the historic plantings in them that have been recently restored by the City and that are maintained by the City. The State has also put a lot of money into this and planned re-design of landscaping is supposed to start extending onto Terrace and Buena Vista. Those will be the next streets after Silver and Gold which have already been done.

MR. CLOUD: That was our discussion we were having earlier this morning about maintaining the landscape buffer, the planting area that we're talking about so...

MS. CLINE: On Gold I guess it was hard for me to understand all of what you were talking about...

MR. CLOUD: On Gold, Terrace and Buena Vista.

MS. CLINE: I didn't know if you were talking about Terrace and Buena Vista also and we don't have a plan to look at either so...

MR. CLOUD: We do have a new exhibit in the file so you'll be welcome to look at that if you like, and we just asked for another exhibit today to combine these exhibits so we can clearly see those.

MS. CLINE: And like Mr. Cobb talked about, also the alley. I live at 2000 Silver so I'm right there. The alley is an old alley its very narrow and they are proposing to build right up to the edge of all sides of that little lot so they would be just looming right over the backyard of my neighbors so I think the width of the alley is relevant because there's so little space and also for the traffic that would be coming into that building if that building is ever built.

MR. CLOUD: Thank you. Next, Tom Ocken?

MR. TOM OCKEN SWORN IN

MR. OCKEN: I'm a neighbor at 1612 Silver and because of the historic build up of the landscaping and reforestation and the proposed reforestation of Terrace, Buena Vista and all the cross the streets eventually, we'd like to do that, I'm objecting to their request for vacation of the property.

MR. CLOUD. Okay, thank you. Next Edward Rivera?

MR. EDWARD RIVERA SWORN IN

MR. RIVERA: I'm here to object to vacation of the property that's been discussed. Its evasive to the neighborhood, its not friendly to handicapped persons like myself. We have a lot of people who do their therapy through our neighborhood, people who are blind. I myself am going through macular degeneration and epoxia and I take my little walks through there. The increased traffic would be detrimental to our wheelchair veterans. And to myself it would invade reforestation, it would add added traffic to our community please preserve our neighborhoods we need family dwellings not motels or hotels in our neighborhoods. Thank you have a pleasant day, please adhere to professional ethics.

MR. CLOUD: And again we are not here to have any approval authority whatsoever over the building on the private property. We are looking at the proposed property line and the proposed improvements in the public right-of-way. Was there anyone else who wanted to speak on agenda item 4? Okay. Martin I think we'd like to have a chance to look at one final exhibit if we could, the one I mentioned before, if you could put a stamp on it and show the existing street width, the location of the curb to the property line and the...

MR. GARCIA: We have the property line in reference to the curb, the existing property line....

MR. CLOUD: Exiting and proposed property line.

MR. GARICA: And then we have the space from the sidewalk to the curb, and then the proposed access easement in reference to all correct?

MR. CLOUD: Correct.

MS. METRO: Please call out the width of the proposed sidewalk as well. It's scaling off different widths on each street, I have a 4, a 5, and a 6.

MR. GARCIA: Okay.

MR. CLOUD: Yes I think you can give us a larger scale drawing.

MR. GARCIA: Yeah, we'll get you a good scale on that. Mr. Chair I need to clarify that this plan that is presented to you, the intent of that is we have obtained a copy of the streetscape master plan from the City, and this plan is intended to comply with that. The reason we've gone through this exercise is I'm trying to make sure that we've got all these access easements and everything else that are proposed is to make sure that when its all said and done, that the streetscape master plan can be realized on all these 3 streets. That is definitely our intent.

MR. CLOUD: And that's our intent as well is to maintain the uniformity particularly along Gold Avenue with the public investment.

MR. GARCIA: But there is existing right-of-way along Buena Vista and along Terrace and the DPM only requires 55 feet of that so we'd like to capture some of that. The primary reason is so that if the building, when and if the building comes up that those balconies won't encroach into the public right-of-way and will fit into the correct space.

MR. CLOUD. Okay. I appreciate the patience of the neighborhood in this. I know this has been deferred several times, but we still do not have enough information

to act on this and we are asking for one more exhibit and hopefully Martin you can get that to us by tomorrow?

MR. GARCIA: Yes sir.

MR. CLOUD: Okay. We did receive this stuff from last time but we'll put everybody on notice, we are going to receive a new exhibit tomorrow. It will be available in our office upstairs here to take a look at. We'll defer this one more week. It does appear though where we're headed with this just for your information. We are going to maintain the sidewalks on Gold to be consistent with the rest of the landscape project there. We will end up with a public roadway easement which will cover the sidewalk. It will serve same as right-of-way in that it will be a public sidewalk and it will still be ADA accessible and we will maintain the landscape setback between the curb and the sidewalk, but we're not going to approve that today, we're going to wait one more week so we have an exhibit we can say this is the basis for our decision.

MR. GARCIA: Mr. Chair I'll call you sometime this afternoon so I can go over the exhibit and make sure that I have all they items that you've asked for.

MR. COULD: Okay, I think that would be a good idea. We are going to defer this one more week to the meeting of June 18th.

MS. METRO: And as discussed we do want the plat to show the proposed right-of-way.

MR. CLOUD: Right.

MR. GARCIA: Yes. I'll coordinate with Glen. Good. I'll coordinate with him on that. Thank you.

MR. CLOUD: Thank you all.

DEVELOPMENT REVIEW BOARD

MINUTES

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

June 18, 2008

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC request(s) the above action(s) for a portion of Terrace Street SE, Gold Avenue SE, and Buena Vista Drive SE, adjacent and together with Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION,** zoned SU-2 / PR, located on the south side of GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (K-15)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Martin Garcia – ABQ Engineering Inc. – 600 2nd St. NW – Albuquerque, NM 87102

PERSONS PRESENT IN INTEREST:

Bill Cobb -1701 Silver Ave SE – Albuquerque, NM 87106

MR. MARTIN GARCIA SWORN IN

MR. GARCIA: Martin Garcia, ABQ Engineering 6739 Academy, here as agent for 2000 Gold. Mr. Chair, we're back to request approval of the plat that vacates right-of-way along Terrace, Buena Vista and Gold and also consolidate the two lots into one.

MR. CLOUD: We do have one person signed up. Bill Cobb did you wish to speak today?

MR. BILL COBB SWORN IN

MR. COBB: Good morning Mr. Chairman. Mr. Chairman I'm here again to express the neighborhood and the objection of the people who live around this particular property to any consideration of vacation of public right-of-way at this time. I know that's it's been the sort of the position of this panel that the vacation of right-of-way is separate from what's going to actually go on the lot and we disagree with that. The vacation of right-of-way could effect the size and massing and location of this building and that is one of the issues that is in contention in terms of this project. The community, the people of the community who've participated in the project for approval of this project overwhelmingly objected to the size and massing scale and location of how the building is located on the lot. The EPC agreed with us Monday night, the Council also rejected the idea. We would respectfully request that you either deny this request at this time because it's premature or defer it indefinitely until we know exactly what the project is going to entail. And that's why I'm here today, and it's why I didn't ask more neighborhoods to come... I think we've made it... more neightborhood members to come. I think we've made it pretty clear what our objection is.

MR. CLOUD: Okay, thank you. Is there anyone else here that was interested in agenda item number 2 that didn't sign up? Okay. We did receive exhibit – do you have that large scale one? I think I left mine upstairs so. Just again to go over what the board had considered. We are very concerned about maintaining the streetscape around this project. And we do believe the vacation is independent of any site plan control it's whether you're going to put a single house on there or a multi-family dwelling, the vacation is basically "what are we doing with the public right-of-way, and what's the streetscape, what are the public improvements going to look like in that right-of-way." We did ask at the last meeting, we did receive an exhibit that shows the proposed property lines *vis a vie* the curb lines and the sidewalks. We are maintaining the 6 foot sidewalk on Gold Avenue with a 7 ½ foot landscape buffer between the sidewalk and the curb. Similarly on Terrace and Buena Vista we will have I believe it's a 5 foot sidewalk – yes with about a 4 ½ to 5 foot landscape buffer on those two streets, again consistent with the other streets in the area going north – south. so we

believe that the vacation is independent of the site plan and it could stand on its own and that we will be maintaining the streetscape and the public infrastructure as it is in the adjoining areas so, just one more time around for the board. Christina any other comments on vacation or the plat?

MS. CHRISTINA SANDOVAL: No but just for the record, we didn't support the vacation with the removal of the existing trees that are maintained by Parks and Rec. within the right-of-way. That has been modified so are supporting the vacation at this time.

MR. CLOUD: Okay, City Engineer, Curtis?

MR. CURTIS CHERNE, HYDROLOGY ALTERNATE: I have no objection to the vacation and no comments on the plat.

MR. CLOUD: Water Authority, Roger?

MR. ROGER GREEN: I have no objection to the requests.

MR. CLOUD: Okay, Transportation development, Kristal?

MS. KRISTAL METRO: Okay, as we've discussed, with myself and the City Engineer, the placement of these public roadway easements will take care of our requirements for the sidewalk and all of that. The only comment I have is to define the proposed right-of-way width on the plat. The copy I have still shows the existing.

MR. GARCIA: And we have that shown on the current version. And Mr. Chair in the interest of keeping the City Surveyor satisfied with what his requirements are, we show the existing right of way width and the proposed right-of-way width on the plat.

MR. CLOUD: Okay. Thank you. And just for your information I'm going, I'll give you mine and keep this one and we'll call this the exhibit B for the file as to what we are approving in terms of vacation and one thing we wanted to note, we do need to continue the sidewalk all the way past the edge of the property so this has been marked up to show that as well.

MR. GARCIA: And that is our intention Mr. Chair.

MR. CLOUD: Okay. I'm assuming your client does understand that this plat has to be filed within one year.

MR. GARCIA: Yes sir.

MR. CLOUD: Okay. We do have an appeal period, if you like you can appeal this decision. Anybody that signed up the previous hearings will get a notice of decision and there will be a 15 day appeal period. If there are no further comments from the board though, then we'll approve the vacation subject to as shown on exhibit B, and subject to the finding and conditions of the subdivision ordinance. Do you want to show that plat to Kristal, and Kristal if it's got the right-of-way you'll be able to sign the plat?

MS. METRO: Yes.

MR. CLOUD: Okay. Roger you'll be able sign? Everybody else could sign? Okay, we'll approve the preliminary plat, we'll delegate final sign off to Planning pending completion of the 15 day appeal period. And also AMAFCA, I'm sorry.

CITY OF ALBUQUERQUE

Planning Department
Richard Dineen, Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF APPEAL

July 7, 2008

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on July 3, 2008. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer.**

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY COUNCIL APPEAL NUMBER: **AC-08-16**

PLANNING DEPARTMENT CASE FILE NUMBERS: **1006822**
08DRB-70146
08DRB-70147

APPELLANT(s): **Silver Hill Neighborhood Association**
1701 Silver Ave S.E.
Albuquerque, NM 87106

cc: Surveys Southwest LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
2000 Gold Ave LLC – Phillip Raby Principal – P.O. Box 7897, Albuquerque, NM 87194
Bill Cobb – 1701 Silver SE – Albuquerque, NM 87106
Ellen Cline – 2000 Silver SE – Albuquerque, NM 87106
Tom Ocken – 1612 Silver SE – Albuquerque, NM 87106
Edward Rivera – 1924 Silver Ave SE, Albuquerque, NM 87106
Gordon Rerselt – 1515 Silver Ave SE – Albuquerque, NM 87106
Richard Braziel – 1900 Silver Ave SE – Albuquerque, NM 87106
Tom Widney – 1902 Silver Ave SE – Albuquerque, NM 87106
Ruth Koury – P.O. Box 4754 – Albuquerque, NM 87196
Elizabeth Doyle – 1606 Silver Ave SE – Albuquerque, NM 87106
Scott Howell, COA Real Property
Marilyn Maldonado, Planning
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB File
Enclosure: LUHO Rules of Procedure and Qualifications (6 pages)

Albuquerque - Making History 1706-2006

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

Albuquerque Geographic Information System

Map amended through: 10/25/2006

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Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

K-15-Z

Selected Symbols

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

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z	**ZONING & PLANNING**
___ Major Subdivision action			___ Annexation
___ Minor Subdivision action			___ County Submittal
___ Vacation	V		___ EPC Submittal
___ Variance (Non-Zoning)			___ Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P		___ Sector Plan **(Phase I, II, III)**
___ for Subdivision			___ Amendment to Sector, Area, Facility or Comprehensive Plan
___ for Building Permit			
___ Administrative Amendment (AA)			___ Text Amendment (Zoning Code/Sub Regs)
___ IP Master Development Plan			___ Street Name Change (Local & Collector)
___ Cert. of Appropriateness (LUCC)	L	A	**APPEAL / PROTEST of...**
STORM DRAINAGE	D		X Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
___ Storm Drainage Cost Allocation Plan			

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

APPLICANT INFORMATION:

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

ADDRESS: ___ FAX: ___

CITY: ___ STATE ___ ZIP ___ E-MAIL: ___

APPLICANT: Silver Hill Neighborhood Assoc PHONE: 247-8296

ADDRESS: 1701 Silver Ave SE FAX: ___

CITY: Albuquerque STATE NM ZIP 87106 E-MAIL: Silverhillnet@aol.com

Proprietary interest in site: ___ List all owners: ___

DESCRIPTION OF REQUEST: Appeal of DRB decision in the case of project #1006822 - 08DRB-70146 & 08DRB-70147

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

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

Lot or Tract No. Lots 1+2, Blk 76 Block: 76 Unit: ___

Subdiv/Addn/TBKA: Terrace Addition

Existing Zoning: ___ Proposed zoning: ___

Zone Atlas page(s): ___ UPC Code: ___ MRGCD Map No ___

CASE HISTORY:

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

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill? ___

No. of existing lots: ___ No. of proposed lots: ___ Total area of site (acres): ___

LOCATION OF PROPERTY BY STREETS: On or Near: 2000 Gold Ave SE

Between: Terrace Street and Buena Vista Drive

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

SIGNATURE Bill Cobb DATE 7-3-08

(Print) Bill Cobb Applicant: ☐ Agent: ☐

FOR OFFICIAL USE ONLY Form revised 4/07

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

Application case numbers	Action	S.F.	Fees
08CC-___-3001A	APPEAL	___	$ 190.00
___-___-___	ADV	___	$ 50.00
___-___-___	___	___	$ ___
___-___-___	___	___	$ ___
___-___-___	___	___	$ ___
			Total $ 240.00

Hearing date ___

Sandy Handley 07/03/08 Project # 1006822

Planner signature / date

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

☐ **DECISION OF THE ZONING HEARING EXAMINER** **(BOA01)**

__ Project number of case being appealed: _____

__ Application number of case being appealed: _____
__ 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)

Appeal to the Landmarks and Urban Conservation Commission regarding:

☐ **CERTIFICATE OF APPROPRIATENESS**
DECISION OF THE PLANNING DIRECTOR OR STAFF

__ Project number of case being appealed: _____

__ Application number of case being appealed: _____
__ 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)

Appeal to the Environmental Planning Commission regarding:

☐ **DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER** **(EPC09)**
☐ **DETERMINATION OF THE IMPACT FEE ADMINISTRATOR** **(EPC10)**

__ Project number of case being appealed: _____

__ Application number of case being appealed: _____
__ 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)

Appeal to the City Council through the Land Use Hearing Officer regarding:

☐ **ADMINISTRATIVE AMENDMENT OR**
DECISION OF THE PLANNING DIRECTOR OR STAFF
☐ **DETERMINATION OR ACTION OF THE EPC**
☒ **DETERMINATION OR ACTION OF THE DRB**
☐ **ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL**
☐ **DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION**

X Project number of case being appealed: 1006822 - 08DRB-70146 + 08DRB-70147

__ Application number of case being appealed: _____
X Reason for the appeal *
X Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
X 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.

Bill Cobb for Silver Hill NA
Applicant name (print)

Bill Cobb 7-3-08
Applicant signature / date

Form revised 04/2007

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

Application case numbers
08CC - - 30014
- -
- -

Sandy Handler 07/03/08
Planner signature / date

Project # 1006822

Silver Hill Neighborhood Association

Summary of the appeal and its basis: This is an appeal of the June 18, 2008, decision by the Development Review Board (DRB) to grant a vacation of public right of way on all or portions of Lot(s) 1 & 2, Block 76, Terrace Addition, together with vacated portions of Terrace Street, Gold Avenue and Buena Vista Drive SE, known as 2000 Gold Avenue SE, and the associated preliminary/final plat approval. This property was the subject of an application for a zone map amendment and Site Development Plan that included the vacation of the public right of way. 07EPC-40054 Project #1006822. The City Council considered the issues as part of an appeal of the Environmental Planning Commission (EPC) decision and on June 16, 2008, the Council denied the Site Plan for Development for this the property. AC-08-11. The appellant asks that the decision be set aside because the Development Review Board lacks the authority to override a decision of the City Council. Further, the DRB decision is unclear and does not meet the requirements for a vacation and associated plat approval.

Standing: The Silver Hill Neighborhood Association is the recognized neighborhood association for the location at issue.

Detailed reasons for the appeal:

The appellant believes that there are several reasons why the DRB erred in granting the vacation and associated plat approval. If the Land Use Hearing Officer agrees with any of the reasons, the DRB decision must be set aside.

1. The City Council denied the Site Development Plan, including the vacation, and the DRB lacks authority to override the City Council decision. The vacation of this public right of way is clearly part of an application for Site Development Plan approval of this property. (See attached **Exhibit 1**, a copy of the first page of the site plan and **Exhibit 2**, a copy of the cover letter from Dan Graney of Southwest Survey, the agents for the applicant.) The DRB granted the vacation on June 18, even though the City Council denied the Site Plan for Development for the project, which included the same vacation of public right of way request on June 16. (**Exhibit 3**.) The DRB was informed of that action by Bill Cobb at the hearing on June 18. The DRB does not have the authority to overrule the City Council. §14-14-1-5

2. The DRB decision is unclear and contrary to the requirements for a vacation. From the Official Notice of Decision, it is not possible to know what was approved, as the decision does not clearly describe the approval and the Plat submitted, dated March 2008, and "Exhibit B," dated June 11, 2008, and referenced in the vacation approval, are inconsistent with each other in important aspects. Such an unclear and inconsistent decision is contrary to the requirements of §14-14-7-2.

3. The DRB decision is contrary to the requirements for a vacation. The DRB decision regarding the vacation is erroneous in stating that "the public welfare is in no way served by retaining the right-of-way." On the contrary, the public welfare can only be served by

maintaining the long-existing right-of-way. In three separate public hearings in this matter the DRB received significant public comment in opposition to the vacation request because it is contrary to the public welfare and not a single public comment in favor. This property includes public improvements of trees and landscaping that was installed in August of 2007 along Gold Avenue. Funding is available to extend the Silver Hill public landscaping improvement project along the 60 feet right of way on Terrace and Buena Vista. Thus, the basis to approve the vacation does not exist.

4. The DRB decision is contrary to the requirements of the Parks and Recreation Department. We have included as **Exhibit 4**, written comments by the Parks and Recreation Department dated April 30, 2008. The comments note that Parks would not support a vacation that included removal of the recently installed trees or any changes that would impede their ability to maintain the new landscaping. The Notice of Decision refers to "maintaining the public streetscape," but the decision does not describe what landscaping would be required and maintained in the public streetscape, nor does Exhibit B show any detail of the public streetscape. Thus, the decision does not meet the requirement for a vacation. §14-14-7-2.

5. The DRB decision conflicts with the requirement that sidewalks be in the public right of way. The approval of the vacation places the new property line on the existing sidewalks surrounding the lot, contrary to the sidewalk ordinance, which requires sidewalks to be in the public right of way. §6-5-5-4. Moreover, neither the plat, nor Exhibit B, show the existing sidewalks along Terrace and Buena Vista, which would be within the new property, contrary to the sidewalk ordinance that requires sidewalks to be in the public right of way. §6-5-5-4.

6. The DRB decision conflicts with the requirement that sidewalks be in the public right of way and does not require new sidewalks that would meet that requirement. If the intent of the DRB were to require new sidewalks along Terrace and Buena Vista, the decision does not so state. Moreover, a new sidewalk along Terrace would still partially be within the new property, contrary to the requirements of the sidewalk ordinance. §6-5-5-4.

7. The DRB decision is inconsistent with the vacation request and the change was not publicly noticed. The plat submitted with the vacation request shows that the request is for a 4-foot street right-of-way vacation on Gold Avenue, but Exhibit B shows a 5-foot right-of-way vacation on Gold Avenue. The DRB provided no basis for granting the additional right-of-way and the public was provided no notice of the change.

The appellant requests that their appeal be approved and that the Land Use Hearing Officer recommend to the City Council that the appeal be approved because the DRB lacks the authority to override a decision previously made by the Council to deny this vacation request. Further, the DRB's decision is unclear and does not meet the requirements for a vacation or for plat approval.

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 18, 2008

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08, 5/21/08, 6/4/08 & 6/11/08.]*

At the June 18, 2008 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

(A)(1) The vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

Based on maintaining the public streetscape through appropriate public easement, (B)(1) the public welfare is in no way served by retaining the right-of-way.

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

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office

2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

The Preliminary/Final Plat was approved with final sign off delegated to Planning for 15 day appeal period, AMAFCA signature, and to record.

If you wish to appeal this decision, you must do so by July 3, 2008 in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

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

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Jack Cloud, AICP, DRB Chair

Cc: Surveys Southwest LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
Cc: 2000 Gold Ave LLC – Phillip Raby, Principal – P.O. Box 7897 – Albuquerque, NM 87194
Cc: Bill Cobb – 1701 Silver SE – Albuquerque, NM 87106
Ellen Cline – 2000 Silver SE – Albuquerque, NM 87106
Tom Ocken – 1612 Silver SE – Albuquerque, NM 87106
Edward Rivera – 1924 Silver Ave SE – Albuquerque, NM 87106
Gordon Rerselt – 1515 Silver Ave SE – Albuquerque, NM 87106
Richard Braziel – 1900 Silver Ave SE – Albuquerque, NM 87106
Tom Widney – 1902 Silver Ave SE – Albuquerque, NM 87106
Ruth Koury – P.O. Box 4754 – Albuquerque, NM 87196
Elizabeth Doyle – 1606 Silver Ave SE – Albuquerque, NM 87106

Cc: Scott Howell
Cc: Marilyn Maldonado
File

DEVELOPMENT REVIEW BOARD
ACTION SHEET

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

June 18, 2008 9:00 AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

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

1. **Project# 1002856**
08DRB-70233 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS

MARK GOODWIN AND ASSOCIATES PA agent(s) for ANDERSON HILLS LLC request(s) the referenced/ above action(s) for all or a portion of **BLOSSOM RIDGE, PHASE 1,** zoned RLT, located on the west side of UNSER BLVD SW BETWEEN DENNIS CHAVEZ BLVD SW AND ANDERSON HIIL RD SW containing approximately 23.9505 acre(s). (N-9, P-9) **A ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED**

2. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08, 5/21/08, 6/4/08 & 6/11/08.]* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD AND AMAFCA SIGNATURE AND TO RECORD.**

3. **Project# 1003794**
08DRB-70238 MAJOR – SITE DEVELOPMENT PLAN FOR BUILDING PERMIT
{TO BE HEARD NEXT WEDNESDAY, JUNE 25, 2008}

GEORGE RAINHART & ASSOC agent(s) for PETERSON PROPERTIES request(s) the above action(s) for Lots 3 and 4, **VOLCANO POINT SHOPPING CENTER,** zoned SU-2 / PCA, located on the northwest corner of 98TH ST NW AND CENTRAL AVE NW containing approximately 1.9833 acre(s). (K-9) **DEFERRED TO 6/25/08 AT THE AGENT'S REQUEST.**

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

4. **Project # 1002455**
06DRB-01649 EPC SDP FOR BUILDING PERMIT

RIO GRANDE SURVEYING CO. agent(s) for SAN ANTONIO PROPERTIES LLC request(s) the above action(s) for all or a portion of Lot(s) 3-7, **JJ SUBDIVISION,** zoned SU-1 for C-1 USES, located on SAN ANTONIO NE between INTERSTATE 25 NE and FOREST HILLS NE containing approximately 6.5044 acre(s). *[Deferred from 5/30/07, 5/28/08, 6/4/08 & 6/11/08]* (E-18) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND TO PLANNING TO CHECK WITH CAROL TOFALETTI. 3 COPIES OF THE APPROVED SITE PLAN MUST BE PROVIDED TO PLANNING.**

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

5. **Project# 1000945**
08DRB-70260 MAJOR - 2YR SUBD IMP AGMT EXT (2YR SIA)

MARK GOODWIN AND ASSOCIATES PA agent(s) for EAGLE ROCK PROPERTIES LLC request(s) the above action(s) for all or a portion of Lot(s) 22, Block(s) 26, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) B,** zoned SU-2 FOR IP, located on EAGLE ROCK NE BETWEEN LOUISIANA NE AND WYOMING NE containing approximately .8557 acre(s). (C-18) **AN EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED THROUGH JUNE 11, 2009.**

6. **Project# 1004857**
08DRB-70261 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

RAIMUND MCCLAIN agent(s) for SUNNY HILLS LLC, JAMES REED request(s) the above action(s) for all or a portion of Lot(s) 7 & 8, Block(s) 2, **SUNRISE CALL ADDITION Unit(s) 1,** zoned R-1, located on GIRARD NE BETWEEN REVERE PL NE AND BRONTIER AVE NE containing approximately .277 acre(s). (J-16) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AMAFCA SIGNATURE.**

7. **Project# 1005244**
08DRB-70268 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

CONSENSUS PLANNING agent(s) for K & M DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) 17-20 13-19, Block(s) 29 & 30, **RAYNOLDS ADDITION/ HUNING CASTLE ADDITION** zoned SU-2 MFR, located on COAL AVE SW BETWEEN 14TH ST SW AND LEAD AVE containing approximately 1 acre(s). (K-13) **DEFERRED TO 6/25/08 AT THE AGENT'S REQUEST.**

8. **Project# 1006760**
08DRB-70265 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

CARTESIAN SURVEYS INC agent(s) for MARTHA A STAHNKE AND MIKE RAIDA request(s) the above action(s) for all or a portion of Lot(s) 28, Block(s) 27, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) B,** zoned SU-2 IP, located on OAKLAND AVE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 1.0125 acre(s). (C-18) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR EXHIBIT SHOWING LOCATION OF SIDEWALK AND TO DEFINE THE DISTANCE OF FACE OF CURB TO THE PROPERTY LINE, AND FOR AMAFCA SIGNATURE. A COPY OF THE RECORDED PLAT MUST BE PROVIDED TO PLANNING.**

9. **Project# 1007281**
08DRB-70266 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

ALPHA PROFESSIONAL SURVEYING INC agent(s) for SUNCREEK APTS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) E-3, **OSO GRANDE SUBDIVISION** zoned SU-1 PRD, located on SPAIN RD NE BETWEEN EUBANK BLVD NE AND MORRIS ST NE containing approximately 14.788 acre(s). (F-21) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR EXHIBIT SHOWING LOCATION OF SIDEWALK AND THE DISTANCE OF FACE OF CURB TO PROPERTY LINE FOR SPAIN ROAD, AND TO PLANNING FOR AFAMCA SIGNATURE AND TO RECORD.**

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

10. **Project# 1007335**
08DRB-70262 SKETCH PLAT REVIEW AND COMMENT

DREAM BUILDERS OF THE SOUTH WEST request(s) the above action(s) for all or a portion of Lot(s) A, zoned C-3, located on QUINCY NE BETWEEN PROSPECT NE AND MENAUL NE (H-17) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

11. **Project# 1007337**
08DRB-70263 SKETCH PLAT REVIEW AND COMMENT

JACKS HIGH COUNTRY INC agent(s) for AUGUSTINE ROMERO AND NANCY LOPEZ request(s) the above action(s) for all or a portion of Tract(s) A, located on GABALDON RD NW BETWEEN BEACH NW AND CARLOTA NW containing approximately 1.4959 acre(s). (H-12) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

12. **Project# 1003576**
08DRB-70267 SKETCH PLAT REVIEW AND COMMENT

MARK GOODWIN AND ASSOCIATES PA agent(s) for THE HASKELL COMPANY request(s) the above action(s) for all or a portion of Lot(s) B-9E-1-A, & B-9F-1, **SEVEN BAR RANCH TBKA: CIBOLA LOOP SUBDIVISION** zoned SU-1 / R-2 USES, located on ELLISON DR NW BETWEEN EAST CIBOLA LOOP NW AND WEST CIBOLA LOOP NW containing approximately 26.4 acre(s). (A-13) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

13. Approval of the Development Review Board Minutes for 3/5/08 and 3/12/08.

Other Matters: None

ADJOURNED: 10:00

Legal Description

LOTS 1 AND 2, BLOCK 76 OF THE TERRACE ADDITION.

Zoning

EXISTING ZONING SU-2 PR
EXISTING AREA: .3769 ACRES

PROPOSED ZONING SU-2/SU-1 FOR PRD
PROPOSED AREA: .4205 ACRES

UPC

1015-057-455-246-429-04

Proposed Use

RESIDENTAL CONDOMINIUMS

OVERALL SQUARE FOOTAGE 47,500 S.F.

Parking Calculations

Parking Requirements

2001 Gold – Required Parking*

Residential Condo Units	25 spaces
Total	25 spaces

2000 Gold – Required Parking

Residential Condo Units**	49 spaces
Handicap Spaces	4 spaces
Total	53 spaces

Total Spaces	78 spaces
10% credit for Bus Line	7 spaces
Total Spaces Required	71 Spaces

2000 and 2001 Spaces Provided

Standard Spaces	69 spaces
Handicap Spaces	3 spaces
Total Spaces Provided	72 Spaces***

*26 Per ZHE Conditions for 2001 Gold Avenue with 1 on-street parking space approved
**Calculated at 1 space per bedroom – 39 1-Bedroom and 7 2-Bedroom
***4 Motorcycle Spaces are also provided

Open Space Calculations

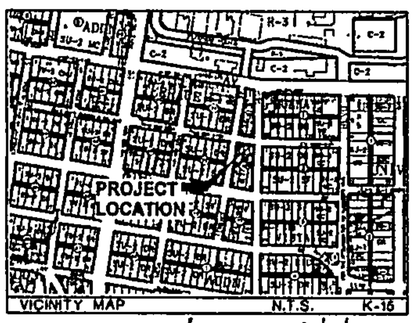
Usable Open Space Calculations:
January 2008

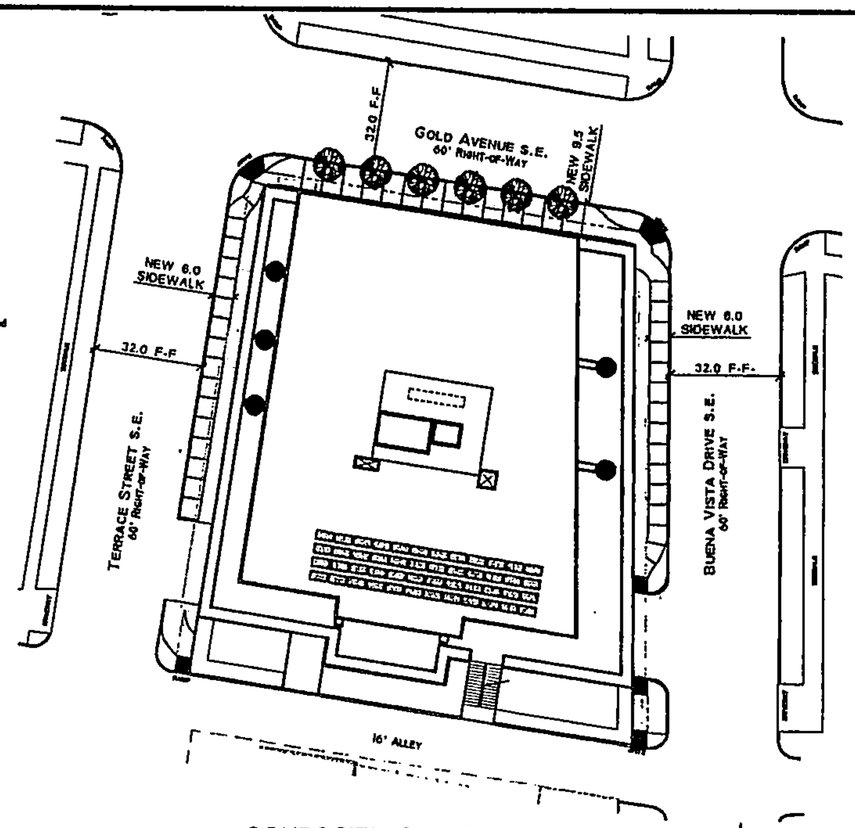
Usable Open Space by Floor

Ground Floor	3,458 sq. ft.
2nd Floor	2,233 sq. ft.
3rd Floor	3,196 sq. ft.
4th Floor	4,114 sq. ft.
Roof	8,038 sq. ft.
Total	23,043 sq.ft

Required Usable Open Space	
0 sq. ft. per unit – Established Urban	0 sq. ft.
Total Open Space Required	0 sq. ft.
Total Open Space per Unit	500 sq. ft.

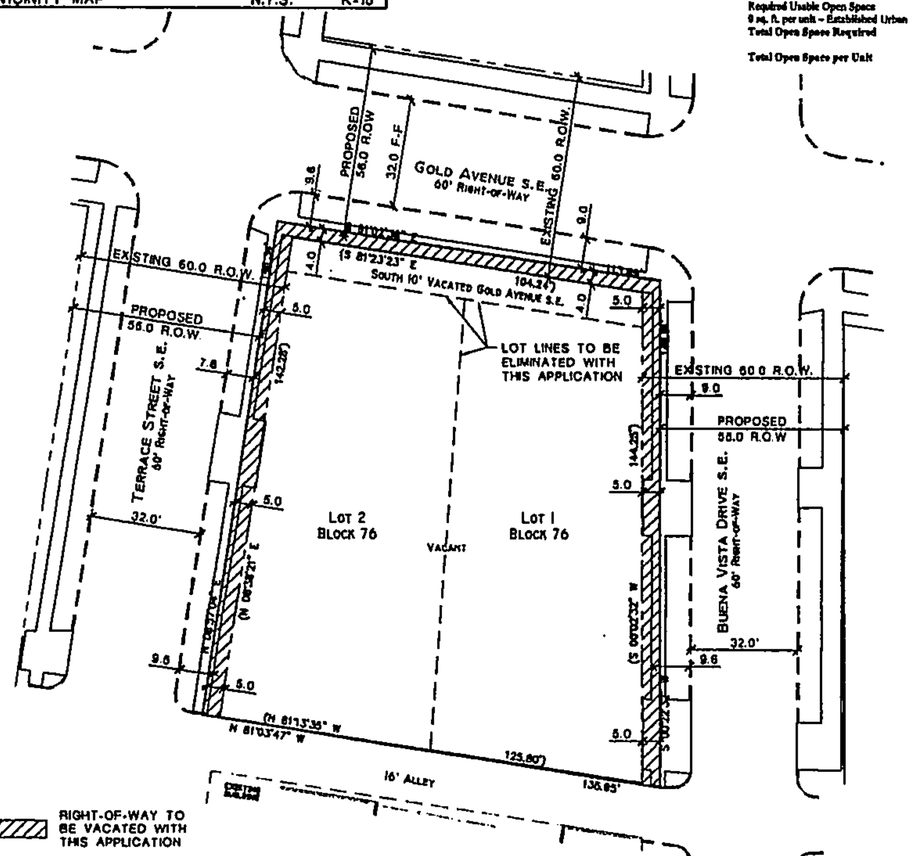
VICINITY MAP N.T.S. K-16





COMPOSITE SITE PLAN

SCALE: 1" = 20'-0"



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PROJECT NUMBER: _____

Application Number: _____

This plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated _____ and the Findings and Conditions in the Official Notification of Decision are satisfied.
Is an Infrastructure List required? ( ) Yes ( ) No If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL

Traffic Engineering, Transportation Division	Date
Utility Department	Date
Parks and Recreation Department	Date
City Engineer	Date
Environmental Health Department (Surcharge)	Date
Solid Waste Management	Date
DRB Chairperson, Planning Department	Date

*Environmental Health, if necessary

ABQ ENGINEERING, INC
6750 Academy Rd. NE
Albuquerque, NM 87109
505-356-7803
*Surveyors *Planners
*Construction Services

ENGINEERING STAMP
MARTIN L. GARCIA NEW MEXICO REGISTERED PROFESSIONAL ENGINEER 11170

DO NOT SCALE DRAWINGS CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS- NOTIFY ENGINEER/ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING CONSTRUCTION

2000 GOLD
ALBUQUERQUE, NEW MEXICO

REV NO	REV DATE	DESCRIPTION

PROJECT NUMBER	27108
DATE	JANUARY 4, 2008
DESIGNED BY:	N.GARCIA
DRAWN BY:	N.GARCIA
CHECKED BY:	N.GARCIA
CAD FILE NAME:	SitePlan-C101

SHEET TITLE

COVER SHEET AND COMPOSITE SITE PLAN

C-101A

SHEET of

COMPOSITSITEVISF/C101A 1:2.5849

Exhibit 1

Surveys Southwest, Ltd

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306*

March 19, 2008

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

REF: LOTS 1 & 2, BLOCK 76, TERRACE ADDITION

Dear Board Members:

The purpose of this vacation action and replat is to prepare the property for residential condominiums. The reduced street width will accommodate setbacks.

If you have any questions please feel free to contact me.

Sincerely,

Dan Graney
President

Exhibit 2

City of Albuquerque

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Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM 87102

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Vice-President, Debbie O'Malley, District 2

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Motion: ***To Accept the Land Use Hearing Officer Recommendation***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

AC-08-11 2001 Gold Avenue, LLC, Appeals the Environmental Planning Commission's Denial of a Zone Map Amendment for Lots 1 & 2, Terrace Addition and the South 10 feet Vacated Gold Ave. Adjacent, from SU-2/P-R to SU-2/SU-1 for PRD and PR Located on Gold Ave SE, Between Terrace St. and Buena Vista Dr., Containing Approximately 0.4 Acres

Motion: ***Grant in Part, Deny in Part, Findings to be Adopted at a Later Date***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-143 Declaring Tracts B & C, Lava Trails Subdivision, Non-Essential for Municipal Purposes

Motion: ***Approve***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-178 Mayor's Appointment of Ms. Becky Lee to the Metropolitan Parks & Recreation Advisory Board

Motion: ***Confirm***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-179 Mayor's Reappointment of Mr. Gerald Worrall to the Metropolitan Parks & Recreation Advisory Board

Motion: ***Confirm***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-183 Recommendation of Award to ABQ Downtown Development Team to Provide a Multi-Purpose Center Development

Motion: ***Approve***

Status: Passed
Votes: For: 7 - Council Members: O'Malley, Benton, Cadigan, Garduño, Mayer, Jones and Harris
Against: 2 - Council Members: Winter and Sanchez

City of Albuquerque
Parks and Recreation Department

PO Box 1293, Albuquerque, New Mexico 87103
Inter-Office Correspondence

Development Review Board Comments

Project Number: 1006822
Application Number: 08DRB-70146

DRB Date: 4/30/2008
Item Number: 3

Subdivision:
Lots 1 & 2, Block 76, Terrace Addition

Zoning: SU-2/PR

Zone Page: R-15

New Lots (or units) : 0

Request for:

- [ ] Sketch Plat Review & Comment
- [ ] Bulk Land Variance
- [ ] Site Development Plan for Subdivision
- [ ] Site Development Plan for Building Permit
- [x] Preliminary Plat
- [x] Final Plat
- [x] Vacation of Public RoW
- [ ] Vacation of Public Easement
- [ ] Vacation of Private Easement
- [ ] Temp. Deferral of Sidewalk Construction
- [ ] Sidewalk Variance
- [ ] SIA Extension
- [ ] Other

Parks and Recreation Comments:

5 trees (Lacebark Elms) were planted as part of a City Project providing tree canopy, a consistent look, and other improvements to the site. They are in apparent good health requiring only routine maintenance as they grow. Trees were spaced closely for greatest and quickest effect. The length of Gold St was designed for a continuous effect in canopy trees as is evident along adjoining streets. Providing shade trees is the primary objective in this design.

Moving the trees would disturb the site design
Tree rooting area could be paved over with pervious materials for pedestrian use but not vehicles
Any paving or changes in site may require sleeving of existing underground utilities
They should not reduce rooting area for any reason. Its minimal for five shade trees already

Parks does not support a vacation request if the trees which were recently planted with Public funds are removed.

Signed: CS

Christina Sandoval, (DMD) Phone: 768-3808

Exhibit 4

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — S
- ____ Major Subdivision action
- ____ Minor Subdivision action
- ____ Vacation — V
- ____ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN — P
- ____ for Subdivision
- ____ for Building Permit
- ____ Administrative Amendment (AA)
- ____ IP Master Development Plan
- ____ Cert. of Appropriateness (LUCC)

STORM DRAINAGE — D
- ____ Storm Drainage Cost Allocation Plan

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

APPEAL / PROTEST of... — L A
- X Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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

APPLICANT INFORMATION:

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

ADDRESS: ____ FAX: ____

CITY: ____ STATE ____ ZIP ____ E-MAIL: ____

APPLICANT: Silver Hill Neighborhood Assoc PHONE: 247-8296

ADDRESS: 1701 Silver Ave SE FAX: ____

CITY: Albuquerque STATE NM ZIP 87106 E-MAIL: Silverhillnet@aol.com

Proprietary interest in site: ____ List all owners: ____

DESCRIPTION OF REQUEST: Appeal of DRB decision in the case of project #1006822 - 08DRB-70146 & 08DRB-70147

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

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

Lot or Tract No. Lots 1+2, Blk 76 Block: 76 Unit: ____

Subdiv/Addn/TBKA: Terrace Addition

Existing Zoning: ____ Proposed zoning: ____

Zone Atlas page(s): ____ UPC Code: ____ MRGCD Map No ____

CASE HISTORY:

List **any** current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): ____

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill? ____

No. of **existing** lots: ____ No. of **proposed** lots: ____ Total area of site (acres): ____

LOCATION OF PROPERTY BY STREETS: On or Near: 2000 Gold AVE SE

Between: Terrace Street and Buena Vista Drive

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

SIGNATURE Bill Cobb DATE 7-3-08

(Print) Bill Cobb Applicant: ☐ Agent: ☐

FOR OFFICIAL USE ONLY Form revised 4/07

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

Application case numbers	Action	S.F.	Fees
08CC - ____ - 30014	APPEAL	___	$ 190.00
____ - ____ - ____	ADV	___	$ 50.00
____ - ____ - ____	____	___	$ ____
____ - ____ - ____	____	___	$ ____
____ - ____ - ____	____	___	$ ____
			Total $ 240.00

Hearing date ____

Sandy Handley 07/03/08 **Project #** 1006822

Planner signature / date

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

☐ **DECISION OF THE ZONING HEARING EXAMINER** **(BOA01)**

__ Project number of case being appealed: _____

__ Application number of case being appealed: _____
__ 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)

Appeal to the Landmarks and Urban Conservation Commission regarding:

☐ **CERTIFICATE OF APPROPRIATENESS**
DECISION OF THE PLANNING DIRECTOR OR STAFF

__ Project number of case being appealed: _____

__ Application number of case being appealed: _____
__ Reason for the appeal *
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Appeal to the Environmental Planning Commission regarding:

☐ **DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER** **(EPC09)**
☐ **DETERMINATION OF THE IMPACT FEE ADMINISTRATOR** **(EPC10)**

__ Project number of case being appealed: _____

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__ Reason for the appeal *
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Appeal to the City Council through the Land Use Hearing Officer regarding:

☐ **ADMINISTRATIVE AMENDMENT OR**
DECISION OF THE PLANNING DIRECTOR OR STAFF
☐ **DETERMINATION OR ACTION OF THE EPC**
☒ **DETERMINATION OR ACTION OF THE DRB**
☐ **ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL**
☐ **DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION**

X Project number of case being appealed: 1006822 - 08DRB-70146 + 08DRB-70147

__ Application number of case being appealed: _____
X Reason for the appeal *
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* 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.

Bill Cobb for Silver Hill NA
Applicant name (print)

Bill Cobb 7-3-08
Applicant signature / date

Form revised 04/2007

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

Application case numbers
08CC - _____ - 30014
_____ - _____ - _____
_____ - _____ - _____

Sandy Handley 07/03/08
Planner signature / date

Project # 1006822

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LOTS 1 AND 2, BLOCK 76 OF THE TERRACE ADDITION.

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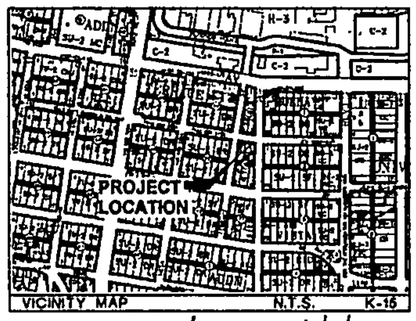

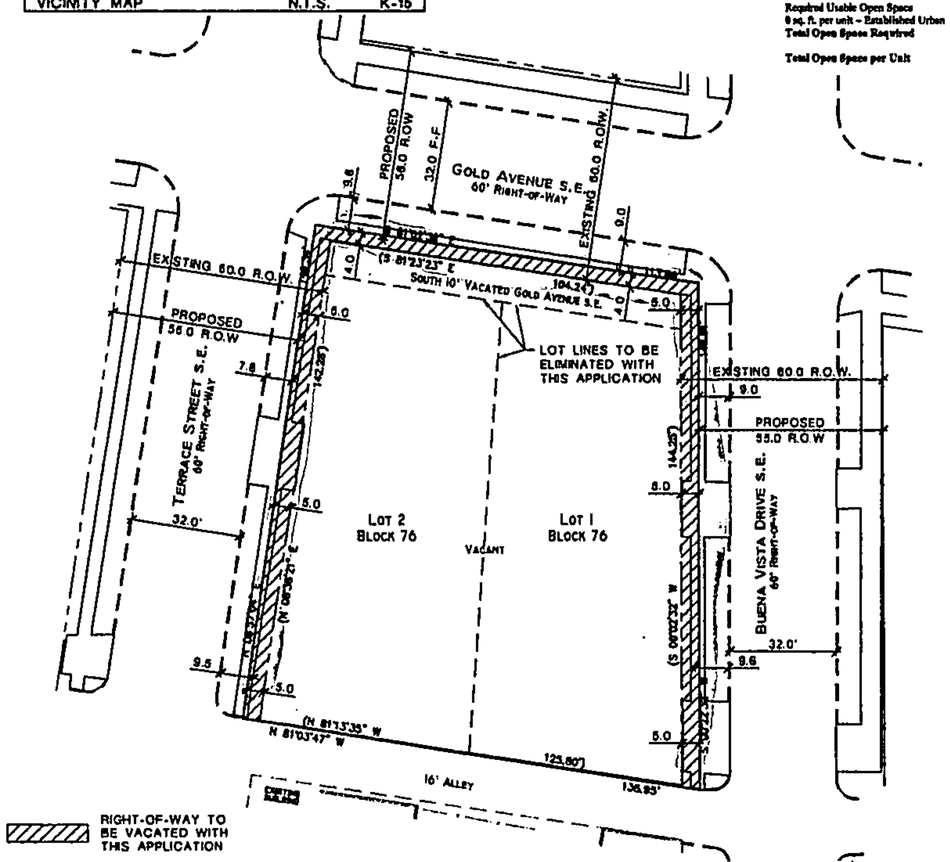

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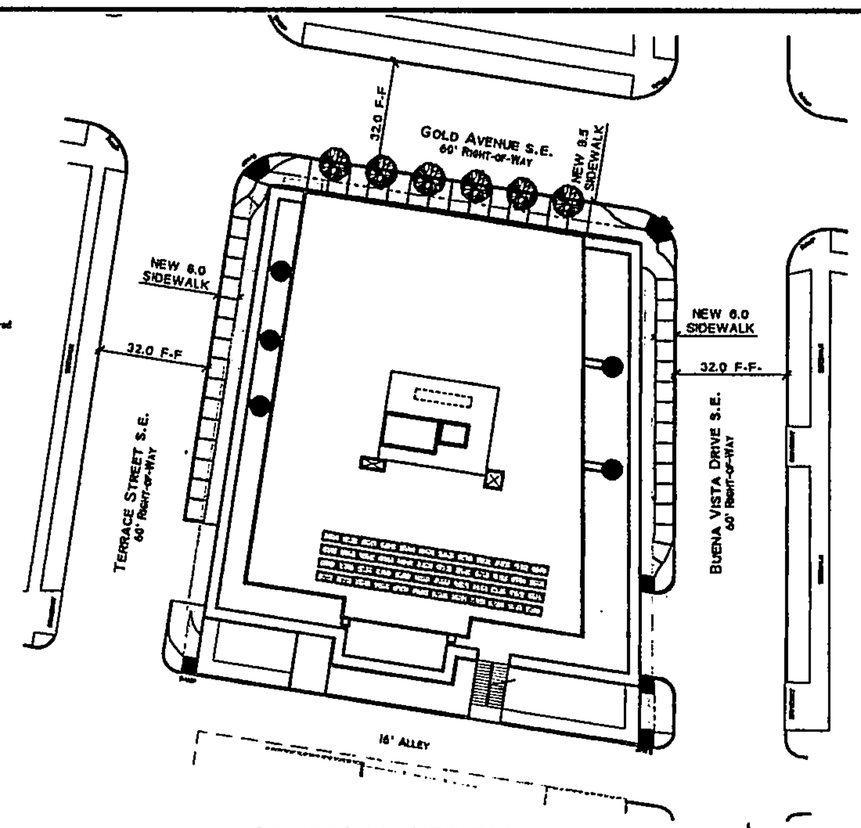

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Exhibit 3

AC-08-6 Bruce Caird Appeals the Board of Appeal's Approval of a Special Exception: a Variance of 4' to the 5' side yard setback area requirement for a proposed addition to the dwelling: and a Variance of 9' to the required 10' separation between buildings, On all or a portion of Lot A, Block 43, Perea Addition, Zoned SU-2 SF, Located at 1525 Granite Ave. NW

Motion: ***To Accept the Land Use Hearing Officer Recommendation***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

AC-08-11 2001 Gold Avenue, LLC, Appeals the Environmental Planning Commission's Denial of a Zone Map Amendment for Lots 1 & 2, Terrace Addition and the South 10 feet Vacated Gold Ave. Adjacent, from SU-2/P-R to SU-2/SU-1 for PRD and PR Located on Gold Ave SE, Between Terrace St. and Buena Vista Dr., Containing Approximately 0.4 Acres

Motion: ***Grant in Part, Deny in Part, Findings to be Adopted at a Later Date***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-143 Declaring Tracts B & C, Lava Trails Subdivision, Non-Essential for Municipal Purposes

Motion: ***Approve***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-178 Mayor's Appointment of Ms. Becky Lee to the Metropolitan Parks & Recreation Advisory Board

Motion: ***Confirm***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-179 Mayor's Reappointment of Mr. Gerald Worrall to the Metropolitan Parks & Recreation Advisory Board

Motion: ***Confirm***

Status: Passed
Votes: For: 9 - Council Members: Winter, O'Malley, Sanchez, Benton, Cadigan, Garduño, Mayer, Jones and Harris

EC-08-183 Recommendation of Award to ABQ Downtown Development Team to Provide a Multi-Purpose Center Development

Motion: ***Approve***

Status: Passed
Votes: For: 7 - Council Members: O'Malley, Benton, Cadigan, Garduño, Mayer, Jones and Harris
Against: 2 - Council Members: Winter and Sanchez

City of Albuquerque
Parks and Recreation Department

PO Box 1293, Albuquerque, New Mexico 87103
Inter-Office Correspondence

Development Review Board Comments

Project Number: 1006822
Application Number: 08DRB-70146

DRB Date: 4/30/2008
Item Number: 3

Subdivision:

Lots 1 & 2, Block 76, Terrace Addition

Zoning: SU-2/PR

Zone Page: R-15

New Lots (or units) : 0

Request for:

- [ ] Sketch Plat Review & Comment
- [ ] Bulk Land Variance
- [ ] Site Development Plan for Subdivision
- [ ] Site Development Plan for Building Permit
- [x] Preliminary Plat
- [x] Final Plat
- [x] Vacation of Public RoW
- [ ] Vacation of Public Easement
- [ ] Vacation of Private Easement
- [ ] Temp. Deferral of Sidewalk Construction
- [ ] Sidewalk Variance
- [ ] SIA Extension
- [ ] Other

Parks and Recreation Comments:

5 trees (Lacebark Elms) were planted as part of a City Project providing tree canopy, a consistent look, and other improvements to the site. They are in apparent good health requiring only routine maintenance as they grow. Trees were spaced closely for greatest and quickest effect. The length of Gold St was designed for a continuous effect in canopy trees as is evident along adjoining streets. Providing shade trees is the primary objective in this design.

Moving the trees would disturb the site design
Tree rooting area could be paved over with pervious materials for pedestrian use but not vehicles
Any paving or changes in site may require sleeving of existing underground utilities
They should not reduce rooting area for any reason. Its minimal for five shade trees already

Parks does not support a vacation request if the trees which were recently planted with Public funds are removed.

Signed: CS

Christina Sandoval, (DMD) Phone: 768-3808

Exhibit 4

ABQ Engineering, Inc.
Engineers ▪ Planners ▪ Construction Services

June 10, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Exhibit for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Submitted herewith are six copies of the exhibit requested by the DRB that explains the relationship between the proposed right of way line, curbs and proposed sidewalks. If there is additional information that is needed, please call me at 255-7802.

Sincerely,

Martin J. Garcia, PE
ABQ Engineering Inc.
27108

RECEIVED
JUN 10 2008
LAND DEVELOPMENT SECTION

CONSENSUS PLANNING

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

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

May 2, 2008

Mr. Brad Winter, President
Albuquerque City Council
9th Floor, One Civic Plaza
Albuquerque, New Mexico 87102

Dear President Winter:

Pursuant to Section 14-16-4-4 of the Comprehensive Zoning Code, 2001 Gold Avenue LLC hereby files an appeal of the Environmental Planning Commission's denial of Project # 1006822. The hearing was held on April 17, 2008 and the Official Notification of Decision (see attached) was dated April 18, 2008. The appeal of these actions is directly to the City Council since there is a zone map amendment as part of this application.

The purpose of this letter is to clearly articulate the reasons for the appeal as provided for in the Zoning Code. The Environmental Planning Commission erred in applying adopted city plans, policies, and ordinances in arriving at the decision, in the appealed action or decision, including its stated facts; and in acting arbitrarily or capriciously or manifestly abusive of discretion.

Background: The proposed project is located at 2000 Gold Avenue SE and is a request to facilitate the redevelopment of the existing parking lot that is south of Gold Avenue SE, west of Buena Vista Drive SE, and east of Terrace Street SE. The property contains 0.37 acres and is described as Lots 1 and 2 Terrace Addition and the south 10' of the vacated Gold Avenue adjusted. The property is currently zoned SU-2 for PR within the University Neighborhoods Sector Plan.

2000 Gold is a project that first and foremost addresses sustainability. The project is located on an infill property that is currently underutilized as a surface parking lot. It is located within the 1960 boundaries in the "fully served" area per the Planned Growth Strategy. The property is located within convenient walking distance to commercial services, restaurants, UNM, and Transit. The 2000 Gold project is located to take advantage of these neighborhood amenities and allow for residents to meet a significant amount of their travel needs without the use of a private automobile. This is also the type of "catalytic" project that will stimulate additional redevelopment of the commercial area to the north along Central Avenue.

2000 Gold is planned to be Albuquerque's first multi-family Leadership in Energy and Environmental Design (LEED) certified building featuring 46 modern homes on four levels. The current use of the site is a parking lot. The new building will provide a total of 74 off-street parking spaces. The ground floor units have courtyards and all of the units on the second and third floors have gracious balconies. The fourth floor has private garden roof terraces. The building is capped by a sustainable,

PRINCIPALS
Karen R. Marcotte, AICP
James K. Strozier, AICP
Christopher J. Green, ASLA

ASSOCIATES
Jacqueline Fishman, AICP

living, green roof. There is a large common two-story atrium space in the center of the second and third floors. This project will have a highly insulated building envelope, highly efficient mechanical equipment, and will provide energy efficiency throughout each home.

Council and Administrative Goals: This is not just an idea brought forth by the owner/developer of this project, but it is clear from the Mayor's recent green building initiatives that he and the City are supporting innovation in the design of new buildings in Albuquerque – especially as it relates to energy and environmental sustainability. In 2005, Mayor Chávez set a new standard for building and renovating that requires all city buildings adhere to standards set by the U.S. Green Building Council. More recently, Mayor Chávez issued Executive Instruction No. 20 which called for Adopting Energy Efficient Green Building Performance "2030 Challenge" Targets for New Municipal Projects. Mayor Chávez issued an Executive Order establishing high performance green building standards for City projects. This was the first step in creating a "Green Path Program". Mayor Chávez feels strongly that City government should lead the way in setting green standards and providing financial incentives for businesses to build green. This project has already been accepted as the first project in the Green Path program (letter from Mr. John Bucholz is in the record).

The City Council recently passed amendments to the building code to promote green building. Also, in a recent Albuquerque Journal editorial (April 21, 2008) entitled *"Subsidized Growth on Fringes of City Wrong Policy"* by Councilors Benton, Cadigan, and Garduño they stated: "If we're going to reduce pollution and protect what we love about our community, we need to end incentives that drive development to our edges and instead promote smart, infill development and redevelopment."

Problem Statement: The EPC erred in its decision and was not fully represented. There is one vacancy that has not been filled and the Chair was absent. This only left 7 EPC Commissioners at the meeting. Four of the Commissioners are relatively new and this was the first hearing for one of the commissioners. The most experienced member of the commission, the Chair, was absent. At the EPC Hearing, the commissioners seemed to ignore the staff's presentation and recommendation, they also made no reference to the supplemental information provided by the applicant, and dismissed testimony from Mr. John Bucholz, the City's Green Path Program Director. If the City wants to provide an alternative to suburban style fringe development then comments like "it is a great project, but a little too dense, a little too big, and in the wrong place" are misguided at best and more likely counter to the City's stated goals and objectives.

Statement of Appeal: The Environmental Planning Commission erred in their decision regarding the proposed development at 2000 Gold Avenue SE:

1. In applying adopted city plans, policies, and ordinances in arriving at the decision.

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The EPC incorrectly weighed the concerns raised by the neighborhood to the south and west as being more important than the immediate neighbors in support of the project and other policies in the Comprehensive Plan. As stated by staff at the hearing and in the staff report "the project furthers a preponderance of goals and policies as articulated by the Comprehensive Plan". The EPC incorrectly applied the policies in the Comprehensive Plan in their decision.

The EPC also erred in not applying the Planned Growth Strategy (the basis for the recent amendments to the Comprehensive Plan) and Section 14-13-2-3 (B) Infrastructure and Growth Plan (this section of the code is entitled Planning; Goals and Objectives). The policies from these documents were clearly articulated in the Supplemental Report transmitted to staff on March 21, 2008 and made a part of the record. These policies specifically support redevelopment and infill and increased densities in the fully-served Center City. It appears that these policies were not discussed since they did not further several of the commissioners' bias that the proposed project was "too big".

The EPC also erred in its application of Section 14-16-2-22 SU-1 Zone. The EPC relied on the statement "The PRD uses and development are compatible with adjacent properties, including public open spaces, public trails and existing neighborhoods and communities. The standards for compatibility shall include the design requirements in subsection (b)", without looking at the explanatory text in subsection (b) which states:

"with specific design requirements that include, but are not limited to: maximum and minimum number of dwelling units and/or density; maximum and minimum lot size(s); maximum building height; minimum building setbacks; architectural design standards, including but not limited to exterior wall materials and colors, roof materials and colors; placement of mechanical units; preliminary grading and drainage plan; landscape design standards; parking; site lighting; design of walls and fences visible from public rights-of-way; and pedestrian amenities."

The level of design for this project was at the highest level with specific testimony concerning the arrangement of building steps, setbacks for open balcony/patio areas, green roof design, landscaping at every level of the building to soften the building edges, street trees and pedestrian scale landscaping along all three street edges, and high quality materials and a complementary pallet of colors. Testimony was also provided outlining the changes that had occurred to the building design and massing in response to the initial concerns expressed by staff and the neighbors.

The EPC erred in its dismissal of staff's recommendation that the project, while not mapped as a Major Activity Center, did meet the characteristics as defined in the Comprehensive Plan and so the EPC could consider the policies for a Major Activity Center in their review of this application. The EPC chose not to utilize these policies in their decision.

2. In the appealed action or decision, including its stated facts;

   Finding #10 for the Sector Plan Amendment and Finding #9 for the Site Plan are both in error. These findings state that the subject site is surrounded on three sides by single family homes, while the properties to the north and east are multi-family and the surrounding area is clearly mixed use. The surrounding land uses were discussed at the hearing and the nature and mix of uses outside the historic district were described, including the nearby University district.

   There is no evidence in the record to support Finding #9 for the Sector Plan Amendment and Finding #8 for the Site Plan. The staff/agency comments by Transportation Development, Transportation Planning, Traffic Engineering Operations, and Street Maintenance do not state any concerns or request any additional information concerning "roadway capacity". The third sentence begins with "It is unknown", which is inappropriate when presented as a finding of fact.

   Several of the findings use terms that are not indicative of a fact based finding and appear to be subjective including: "partially furthers", "other intentions are not fulfilled when it comes to project specifics", and "likely to affect the integrity of the existing neighborhood". The main concern with statements like this is that they generally assume information that is not in the record and actually, facts contrary to these statements have been provided in the supplemental report and testimony that is in the record.

   The findings do not speak to the existing use and zoning for the property, which is currently a surface parking lot and its zoning permits the development of a multi-story parking garage. Several of the neighbors testified that they felt that the existing zoning and use were negatively impacting them and that the potential for a parking structure would have a negative impact on the neighborhood and their properties.

3. In acting arbitrarily or capriciously or manifestly abusive of discretion.

   The EPC acted arbitrarily in their application of the City plans and policies by picking and choosing which policies applied and which did not; by ignoring the staff's recommendation and analysis; by dismissing the testimony of Mr. John Bucholz, Green Path Program Director; and their disregard for the neighbors that are most impacted by the project (those immediately north across Gold Avenue) and their impassioned statements of support. In addition, the City has adopted numerous policies and plans that discourage "sprawl on the fringe" and encourage higher densities as infill and redevelopment within the established areas of our city. It is arbitrary and capricious to then deny a sustainable redevelopment project within the 1960 boundaries of the City because it is "too big", even though there are no adopted criteria for what is "too big". Denial of this type of redevelopment project sends a message to the development community that the City will not support actual infill/LEED certified projects, that they are desired in theory and not allowed in practice.

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Conclusion: Based upon the information provided in this appeal we respectfully request that the City Council overturn the decision of the Environmental Planning Commission. The decision is in direct conflict with the goals and policies put forth by the City and will not further its stated desired outcomes.

Sincerely,

James K. Strozier, AICP
Principal

7

sheffield
partners
LLC

May 1, 2008

Mr. Brad Winter, President
Albuquerque City Council
1 Civic Plaza, 9th Floor
Albuquerque, NM 87102

RE: Letter of Authorization

Dear President Winter:

The purpose of this letter is to authorize Consensus Planning, Inc. to act as our agent on this Appeal to the City Council of a Determination of the Environmental Planning Commission regarding EPC project number 1006822; 07EPC 40052 and 40054 . The property is known as 2000 Gold, is located on the south side of Gold Avenue, west of Buena Vista Drive, and east of Terrace Street. The property is described as Lots 1 and 2, Terrace Addition and the south 10' of vacated Gold Avenue.

Please feel free to call Consensus Planning at 764-9801 with any questions or concerns.

Sincerely,

Rick Goldman,
Principal
Sheffield Partners, LLC

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

Date: April 18, 2008

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project# 1006822**
07EPC-40052 AMNDT TO UNIVERSITY NEIGHBORHOODS SECTOR DEV PLAN
07EPC-40054 SITE DEVELOPMENT PLAN - BUILDG PRMT

2001 Gold Avenue LLC
P.O. Box 7897
Albuq. NM 87194

LEGAL DESCRIPTION: for all or a portion of Lots 1 & 2, Terrace Addition and SOUTH 10' VACATED Gold Ave. zoned SU-2 PR to SU-2/SU-1 for PRD and PR located on GOLD AVE. SE BETWEEN TERRACE ST. SE AND BUENA VISTA DR. SE containing approximately .4 acre. (K-15) Catalina Lehner, Staff Planner

On April 17, 2008 the Environmental Planning Commission voted to deny Project 1006822/07EPC 40052, a request for a sector development plan map amendment from P-R to SU-2/SU-1 for PRD and PR for Lots 1 & 2, Terrace Addition and the south 10 ft. vacated Gold Avenue adjacent, located on Gold Avenue SE, based on the following Findings.

FINDINGS:

1. This request is for a sector development plan map amendment for an approximately 0.4 acre site located on Gold Avenue SE, about one block south of Central Avenue, between Terrace Street and Buena Vista Drive. A request for a site development plan for building permit (07EPC-40054) accompanies this request.

2. The applicant proposes to change the subject site's zoning from P-R (Parking Reserve) to SU-2 /SU-1 for PRD and PR (Special Use Zone, Planned Residential Development and Parking Reserve) in order to develop a four-story residential building consisting of 46 units.

3. The subject site is located within the boundaries of the University Neighborhoods Sector Development Plan, which uses SU-2 zoning to indicate sector plan control of sites within its boundaries. A change of zoning would affect the sector plan's zoning map. Therefore, this request is referred to as a sector development plan map amendment and not a zone map amendment.

4. The proposal *does not further* the following relevant land use policies in the Comprehensive Plan:
   A. Policy II.B.5d— The proposed residential building would be about twice as tall as the residential/office building across the street and would appear out of scale at the proposed location, adjacent to an established neighborhood of mostly single-family homes and single story buildings. Neighbors are concerned about height, scale and mass.
   B. Policy II.B.5e— Though contiguous to existing urban facilities and services, the proposed residential building is likely to affect the integrity of the existing neighborhood because of the building's size and scale.
   C. Policy II.D.5h— The subject site is not in a designated Activity Center and the proposed residential building would not face similar or higher density development. Nor would it provide a transition with existing adjacent land uses.
   D. Policy II.D.5m—The proposed residential building would provide unique views for residents only, and would do so at the expense of the existing residents whose views will not be maintained.

5. The Activity Centers Goal of the Comprehensive Plan is *not furthered*. The subject site is not located in a designated Activity Center. The University of New Mexico (UNM) Major Activity Center begins north of Central Avenue. The subject site is located outside of the Activity Center's boundaries. Medium to high density residential development and buildings three stories and higher are intended to occur inside the designated Activity Centers, not outside of them.

6. The proposal *does not further* the following relevant Activity Center policies:
   A. Policy II.B.7b—Net densities of 30 DU/acre should generally be within Major Activity Centers. The proposed residential development, approximately 109 DU/acre, would be located outside of the UNM Major Activity Center and would not serve as a transition to the neighborhood, which is characterized by mostly single-story buildings.
   B. Policy II.B.7c—The height and mass of the proposed structure would be significantly larger than any others in its surroundings and therefore shall be located only in a Major Activity Center. The proposed residential development, however, would be located outside of the UNM Major Activity Center.
   C. Policy II.B.7f—Intense uses in Activity Centers shall be located away from nearby low-density residential development. The proposed residential development (approximately 109 DU/acre) would be located outside of the UNM Major Activity Center and would be surrounded on three sides by single-family homes.
   D. Policy II.B.7.i—The proposed multi-unit housing would be appropriate inside the boundaries of a designated Activity Center, but the subject site is not located inside such boundaries.

7. The Community Identity and Urban Design Goal of the Comprehensive Plan is *not furthered*. The proposal would not preserve and enhance the built characteristics and historical features that identify the surrounding neighborhoods as a distinct community. The scale and mass of the proposed structure would contrast with the single-story and two story residential uses that typify the neighborhood a few blocks south of Central Avenue.

8. The proposal *does not further* the following relevant Community Identity and Urban Design policies:
   A. Policy II.C.9b—Development shall be evaluated in light of its effect upon the built environment. The development proposal would allow a multi-story building with height and mass significantly greater, and setbacks much smaller, those that of surrounding buildings that characterize the neighborhood.
   B. Policy II.C.9c—The proposed multi-story building would be located outside of the designated Major Activity Center, which was located appropriately and to respect the unique character of the community. The proposal would not strengthen the identity and cohesiveness of the neighborhood.

9. The Transportation and Transit Goal of the Comprehensive Plan is *partially furthered*. Density housing generally encourages the usage of non-vehicle transportation modes. However, the Goal also calls for providing sufficient roadway capacity. It is unknown if capacity on the adjacent streets would be sufficient given the proposed density and the area's history of traffic and parking problems.

10. The proposal *does not further* the following Basic Goals in the University Neighborhoods Sector Development Plan (UNSDP):
    A. Goal 2—The neighborhood's unique qualities would not be conserved and renewed. The combination of historic homes and one or two story apartments, which give the neighborhood a defining quality, would be dramatically altered.
    B. Goal 3—The UNSDP encourages infill residential construction in appropriate places. The subject site, removed from Central Avenue and surrounded by single-family homes on three sides, is not an appropriate location for infill development that is out of scale with its surroundings.

11. The Planned Growth Strategy (PGS) provides a framework for managing urban growth in the Albuquerque area. The PGS aims to promote infill development, utilize existing infrastructure and create pedestrian/transit friendly neighborhoods, as well as preserve neighborhood characteristics and encourage compact development without crowding. The proposed multi-story development helps fulfill some of these intentions in a broad sense, though other intentions are not fulfilled when it comes to the proposal's specifics.

12. The proposal *partially furthers* some relevant policies and Goals in a general sense when considering the sector development plan map amendment. However, because SU-1 zoning is requested, a site development plan is required. The associated site development plan for building permit (07EPC-40054) addresses specifics such as height, density and parking which contribute to not furthering applicable policies and Goals that could be furthered in a broader sense (ex. Land Use Policies II.B.5a and e, Transportation and Transit Policy II.D.4c and UNSDP Goal 3).

13. The applicant has not adequately justified the zone change request pursuant to Resolution 270-1980:

A. Section A: Some of the explanations of how applicable Goals and policies relate to the request are acceptable, though others should have been more thoroughly elaborated upon. The applicant has not demonstrated that the proposed development is consistent with the City's health, safety, morals and general welfare, particularly for the adjacent residential neighborhood.

B. Section B: Stability of land use and zoning is insufficiently addressed. An explanation of how the proposal would contribute to land use stability in the area, especially the adjacent residential neighborhood, is lacking. The burden is on the applicant to provide the rationale.

C. Section C: In some instances, the explanation of *how* the request furthers each cited policy and goal is acceptable. In other instances, the explanation is not well-developed because key elements of the policy or goal are insufficiently addressed. Certain relevant policies (ex. Activity Center policies b, c and f) are not included in the discussion.

D. Section D: The applicant's explanation fails to show how changed community conditions and being more advantageous to the neighborhood or community render the existing zoning inappropriate. The approval of a conditional use for the Silver Hill Lofts created one changed condition, though overall the area has changed little. The applicant has not demonstrated how the proposal would be more advantageous to the existing, surrounding neighborhood, particularly the adjacent property owners.

E. Section E: The applicant states that the proposed zone change would not be harmful to adjacent properties, the neighborhood or the community, but does not explain why it would not be harmful, especially with respect to adjacent properties.

F. Section F: The development will not require any major or unprogrammed capital expenditures by the City.

G. Section G: Economic considerations pertaining to the applicant, which come into play when determining project scale through the associated site development plan, have become the determining factor in this request. The large and mass and scale of the proposed building are necessary to achieve an economic return acceptable to the applicant.

H. Section H: The subject site is not located on a designated collector or major street, which the applicant should have stated even though several important arterials are within short walking distance.

I. Section I: The requested zoning is not needed to implement a project consistent with applicable plans, goals and policies; such consistency can be achieved through other zone categories that already exist in the University Neighborhoods Sector Development Plan.

J. Section J: This zone change request would not result in strip commercial zoning. The proposed project is for a residential use.

14. Pursuant to Zoning Code §14-16-2-22, a site development plan is required when SU-1 zoning is requested. The general idea of residential development on the subject site does not seem inconsistent with relevant goals and policies. In this case, site development plan specifics regarding height and density make the proposed planned residential development (PRD) unable to be "compatible with adjacent properties" as required and too intense given the subject site's context.

15. The affected neighborhoods are the Silver Hills Neighborhood Association (NA), the University Heights NA and the Sycamore NA. Two facilitated meetings were held, one in October 2007 and the other in January 2008. The neighborhoods generally oppose the proposal on the grounds that the building would not be a good fit for this particular location in terms of scale, density and adjacency to single-family homes.

16. Staff has received several letters of both opposition and support. The letters of opposition generally express concern regarding height, density, effect on the existing historic neighborhood, and parking. Not one letter of opposition, however, questions the importance of green principles. The letters of support generally favor the proposal because it would be an infill development that would implement green principles.

On April 17, 2008 the Environmental Planning Commission voted to deny Project 1006822/ 07EPC 40054, a site development plan for building permit for Lots 1 & 2, Terrace Addition and the south 10 ft. vacated Gold Avenue adjacent, located on Gold Avenue SE, based on the following Findings.

FINDINGS:

1. This is a request for a site development plan for building permit for an approximately 0.4 acre site located on Gold Avenue SE, about one block south of Central Avenue, between Terrace Street and Buena Vista Drive.

2. A request for a sector development plan map amendment (07EPC-40052) accompanies this request. The sector development plan map amendment (zone change) request has not been adequately justified pursuant to the policies and criteria of R270-1980.

3. The proposal *does not further* the following relevant land use policies in the Comprehensive Plan:
   A. Policy II.B.5d— The proposed residential building would be about twice as tall as the residential/office building across the street and would appear out of scale at the proposed location, adjacent to an established neighborhood of mostly single-family homes and single story buildings. Neighbors are concerned about height, scale and mass.
   E. Policy II.B.5e— Though contiguous to existing urban facilities and services, the proposed residential building is likely to affect the integrity of the existing neighborhood because of the building's size and scale.
   B. Policy II.D.5h— The subject site is not in a designated Activity Center and the proposed residential building would not face similar or higher density development. Nor would it provide a transition with existing adjacent land uses.
   C. Policy II.D.5m—The proposed residential building would provide unique views for residents only, and would do so at the expense of the existing residents whose views will not be maintained.

4. The Activity Centers Goal of the Comprehensive Plan is *not furthered*. The subject site is not located in a designated Activity Center. The University of New Mexico (UNM) Major Activity Center begins north of Central Avenue. The subject site is located outside of the Activity Center's boundaries. Medium to high density residential development and buildings three stories and higher are intended to occur inside the designated Activity Centers, not outside of them.

5. The proposal *does not further* the following relevant Activity Center policies:
   A. Policy II.B.7b—Net densities of 30 DU/acre should generally be within Major Activity Centers. The proposed residential development, approximately 109 DU/acre, would be located outside of the UNM Major Activity Center and would not serve as a transition to the neighborhood, which is characterized by mostly single-story buildings.
   B. Policy II.B.7c—The height and mass of the proposed structure would be significantly larger than any others in its surroundings and therefore shall be located only in a Major Activity Center. The proposed residential development, however, would be located outside of the UNM Major Activity Center.
   C. Policy II.B.7f—Intense uses in Activity Centers shall be located away from nearby low-density residential development. The proposed residential development (approximately 109 DU/acre) would be located outside of the UNM Major Activity Center and would be surrounded on three sides by single-family homes.
   D. Policy II.B.7.i—The proposed multi-unit housing of this scale would be appropriate inside the boundaries of a designated Activity Center, but the subject site is not located inside such boundaries.

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6. The Community Identity and Urban Design Goal of the Comprehensive Plan is *not furthered*. The proposal would not preserve and enhance the built characteristics and historical features that identify the surrounding neighborhoods as a distinct community. The scale and mass of the proposed structure would contrast with the single-story and two story residential uses that typify the neighborhood a few blocks south of Central Avenue.

7. The proposal *does not further* the following relevant Community Identity and Urban Design policies:
   A. Policy II.C.9b—Development shall be evaluated in light of its effect upon the built environment. The development proposal would allow a multi-story building with height and mass significantly greater, and setbacks much smaller, those that of surrounding buildings that characterize the neighborhood.
   B. Policy II.C.9c—The proposed multi-story building would be located outside of the designated Major Activity Center, which was located appropriately and to respect the unique character of the community. The proposal would not strengthen the identity and cohesiveness of the neighborhood.

8. The Transportation and Transit Goal of the Comprehensive Plan is *partially furthered*. Density housing generally encourages the usage of non-vehicle transportation modes. However, the Goal also calls for providing sufficient roadway capacity. It is unknown if capacity on the adjacent streets would be sufficient given the proposed density and the area's history of traffic and parking problems.

9. The proposal *does not further* the following Basic Goals in the University Neighborhoods Sector Development Plan (UNSDP):
   A. Goal 2—The neighborhood's unique qualities would not be conserved and renewed. The combination of historic homes and one or two story apartments, which give the neighborhood a defining quality, would be dramatically altered.
   B. Goal 3—The UNSDP encourages infill residential construction in appropriate places. The subject site, removed from Central Avenue and surrounded by single-family homes on three sides, is not an appropriate location for infill development that is out of scale with its surroundings.

10. The Planned Growth Strategy (PGS) provides a framework for managing urban growth in the Albuquerque area. The PGS aims to promote infill development, utilize existing infrastructure and create pedestrian/transit friendly neighborhoods, as well as preserve neighborhood characteristics and encourage compact development without crowding. The proposed multi-story development helps fulfill some of these intentions in a broad sense, though other intentions are not fulfilled when it comes to the proposal's specifics.

11. The proposal *partially furthers* some relevant policies and Goals in a general sense when considering the sector development plan map amendment. However, because SU-1 zoning is being requested, a site development plan is a required component of the request. The associated site development plan for building permit (07EPC-40054) addresses specifics such as height, density and parking which contribute to not furthering applicable policies and Goals that are furthered in a broader sense (ex. Land Use Policies II.B.5a and e, Transportation and Transit Policy II.D.4c and UNSDP Goal 3).

12. The parking requirement for the residential building at 2001 Gold Avenue must be met on the subject site. This was a condition of the Zoning Hearing Examiner's (ZHE) decision to grant a conditional use to allow a residential use in a C-2 zone (02ZHE 00217). The Board of Appeals (BOA) decision to uphold the ZHE decision states that "The applicant is to provide a minimum of 26 spaces if the property is developed fully at 17 residential units", which is the case. The applicant is prohibited from removing the parking requirement from the subject site. A Traffic Impact Study (TIS) was not required.

13. Because SU-1 zoning is requested, the EPC determines how much parking is sufficient. Using Zoning Code parking requirements, the proposed project would need 76 spaces. Using the applicant's methodology based on one space per bedroom, less one on-street parking space, 78 spaces would be required. 74 spaces (including handicap spaces) are proposed. Motorcycle parking is in addition to these spaces.

14. The proposed building, at 47 feet 10 inches, would be significantly taller than the 2001 Gold Avenue residential building (26 feet) to the north and the existing one story single-family homes and apartments in the immediate area.

15. Pursuant to Zoning Code §14-16-2-22, a site development plan is required when SU-1 zoning is requested. The general idea of residential development on the subject site does not seem inconsistent with relevant goals and policies. In this case, site development plan specifics regarding height and density make the proposed planned residential development (PRD) unable to be "compatible with adjacent properties" as required and too intense given the subject site's context.

16. The affected neighborhoods are the Silver Hills Neighborhood Association (NA), the University Heights NA and the Sycamore NA. Two facilitated meetings were held, one in October 2007 and the other in January 2008. The neighborhoods generally oppose the proposal on the grounds that the building would not be a good fit for this particular location in terms of scale, density and adjacency to single-family homes.

17. Staff has received several letters of both opposition and support. The letters of opposition generally express concern regarding height, density, effect on the existing historic neighborhood, and parking. Not one letter of opposition, however, questions the importance of green principles. The letters of support generally favor the proposal because it would be an infill development that would implement green principles.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY MAY 2, 2008 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. IT I S NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION.

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 they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. 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,

CMarone

for Richard Dineen
Planning Director

RD/CL/ac

cc: Consensus Planning, Inc., 302 8th St. NW, Albuq. NM 87102
Bill Cobb, Silver Hill NA, 1701 Silver Ave. SE, Albuq. NM 87106
Gordon Reiselt, Silver Hill NA, 1575 Silver SE, Albuq. NM 87106
Martha Stevens, 515 B, Franklin St., Juneau, AK 99801-1123
Robert Thalmann, 2100 Silver Ave. SE, Albuq. NM 87106
Christopher Lucas, 2100 Silver Ave. SE, Albuq. NM 87106
Tyler Anderson, 411 Princeton SE, ABQ NM 87106
Linda Barbeau, 6020 San Marcos, Farmington, NM 87402
Gordon Reiselt, 1515 Silver SE, Albuq. NM 87105
Ruth Koury, P.O. Box 4754, Albuq. NM 87196
Terry & Alanna Apodaca, 2100 Gold SE, Albuq. NM 87106
Stephen Farris, 1824 Silver SE, Albuq. NM 87106
Ellen Cline, 2000 Silver SE, Albuq. NM 87106
Katy Braziel, 1606 Silver SE, Albuq. NM 87106
Elizabeth Doak, 1606 Silver SE, Albuq. NM 87106
Mardon Gardella, 411 Maple St. NE, Albuq. NM 87106
T'Brin Beck, 302 Sycamroe St NE, Albuq. NM 87106
Edward Rivera, 1924 Silver Ave. SE, Albuq. NM 87106
Ric & Marsha Thom, 5545 Eakes Rd. NW, Albuq. NM 87107\
Lucille Torrez, 2134 Coal Pl. SE, Albuq. NM 87106
Travis Thom, 2001 Gold Ave.SE, 301, Albuq. NM 87106
Chris Lucas, 2100 Silver SE, Albuq. NM 87106
Peter Schillke, 1217 Coal Ave. SE, Albuq. NM 87106
Monica Lovato, 3526 Monte Vista NE, Albuq. NM 87106
Toni House, 2001 Gold Ave. SE, Ste 1, Albuq. NM 87106
Chris Allen, 2001 Gold SE, #13, Albuq. NM 87106
Tyson Wollert, 2001 Gold Ave. SE, #12, Albuq. NM 87106
Matthew Butkus, 09 Don Cipriano Ct., Albuq. NM 87102
Ryan Bromberg, 217 Arno St. SE, Albuq. NM 87102
Alison Floyd, 2118 Silver Ave. SE, Albuq. NM 87106
Ann House , 400 Clark SW, Albuq. NM 87105
Richard Braziel, 1900 Silver SE, Albuq. NM 87106
Michael Seebeck, 1609 Silver SE, Albuq. NM 87106
Sandra Simons-Ailes, 2111 Lead Ave. SE, Albuq. NM 87106
Karen Cook, 1505 Columbia Dr. NE, Albuq. NM 87106
Tim House 20 First Plaza NW, #515, Albuq. NM 87102
James Montalbano, 1409 Silver Ave. SE, Albuq. NM 87106
Lindsey Barbeau, 1924 Gold SE, Albuq. NM 87106
Bennett Hammer, 600 Alcale Pl. SW, Albuq. NM 87104

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TOYOTA

CONSENSUS PLANNING

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

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May 2, 2008

Mr. Brad Winter, President
Albuquerque City Council
9th Floor, One Civic Plaza
Albuquerque, New Mexico 87102

Dear President Winter:

Pursuant to Section 14-16-4-4 of the Comprehensive Zoning Code, 2001 Gold Avenue LLC hereby files an appeal of the Environmental Planning Commission's denial of Project # 1006822. The hearing was held on April 17, 2008 and the Official Notification of Decision (see attached) was dated April 18, 2008. The appeal of these actions is directly to the City Council since there is a zone map amendment as part of this application.

The purpose of this letter is to clearly articulate the reasons for the appeal as provided for in the Zoning Code. The Environmental Planning Commission erred in applying adopted city plans, policies, and ordinances in arriving at the decision, in the appealed action or decision, including its stated facts; and in acting arbitrarily or capriciously or manifestly abusive of discretion.

Background: The proposed project is located at 2000 Gold Avenue SE and is a request to facilitate the redevelopment of the existing parking lot that is south of Gold Avenue SE, west of Buena Vista Drive SE, and east of Terrace Street SE. The property contains 0.37 acres and is described as Lots 1 and 2 Terrace Addition and the south 10' of the vacated Gold Avenue adjusted. The property is currently zoned SU-2 for PR within the University Neighborhoods Sector Plan.

2000 Gold is a project that first and foremost addresses sustainability. The project is located on an infill property that is currently underutilized as a surface parking lot. It is located within the 1960 boundaries in the "fully served" area per the Planned Growth Strategy. The property is located within convenient walking distance to commercial services, restaurants, UNM, and Transit. The 2000 Gold project is located to take advantage of these neighborhood amenities and allow for residents to meet a significant amount of their travel needs without the use of a private automobile. This is also the type of "catalytic" project that will stimulate additional redevelopment of the commercial area to the north along Central Avenue.

2000 Gold is planned to be Albuquerque's first multi-family Leadership in Energy and Environmental Design (LEED) certified building featuring 46 modern homes on four levels. The current use of the site is a parking lot. The new building will provide a total of 74 off-street parking spaces. The ground floor units have courtyards and all of the units on the second and third floors have gracious balconies. The fourth floor has private garden roof terraces. The building is capped by a sustainable,

PRINCIPALS
Karen R. Marcotte, AICP
James K. Strozier, AICP
Christopher J. Green, ASLA

ASSOCIATES
Jacqueline Fishman, AICP

living, green roof. There is a large common two-story atrium space in the center of the second and third floors. This project will have a highly insulated building envelope, highly efficient mechanical equipment, and will provide energy efficiency throughout each home.

Council and Administrative Goals: This is not just an idea brought forth by the owner/developer of this project, but it is clear from the Mayor's recent green building initiatives that he and the City are supporting innovation in the design of new buildings in Albuquerque – especially as it relates to energy and environmental sustainability. In 2005, Mayor Chávez set a new standard for building and renovating that requires all city buildings adhere to standards set by the U.S. Green Building Council. More recently, Mayor Chávez issued Executive Instruction No. 20 which called for Adopting Energy Efficient Green Building Performance "2030 Challenge" Targets for New Municipal Projects. Mayor Chávez issued an Executive Order establishing high performance green building standards for City projects. This was the first step in creating a "Green Path Program". Mayor Chávez feels strongly that City government should lead the way in setting green standards and providing financial incentives for businesses to build green. This project has already been accepted as the first project in the Green Path program (letter from Mr. John Bucholz is in the record).

The City Council recently passed amendments to the building code to promote green building. Also, in a recent Albuquerque Journal editorial (April 21, 2008) entitled *"Subsidized Growth on Fringes of City Wrong Policy"* by Councilors Benton, Cadigan, and Garduño they stated: "If we're going to reduce pollution and protect what we love about our community, we need to end incentives that drive development to our edges and instead promote smart, infill development and redevelopment."

Problem Statement: The EPC erred in its decision and was not fully represented. There is one vacancy that has not been filled and the Chair was absent. This only left 7 EPC Commissioners at the meeting. Four of the Commissioners are relatively new and this was the first hearing for one of the commissioners. The most experienced member of the commission, the Chair, was absent. At the EPC Hearing, the commissioners seemed to ignore the staff's presentation and recommendation, they also made no reference to the supplemental information provided by the applicant, and dismissed testimony from Mr. John Bucholz, the City's Green Path Program Director. If the City wants to provide an alternative to suburban style fringe development then comments like "it is a great project, but a little too dense, a little too big, and in the wrong place" are misguided at best and more likely counter to the City's stated goals and objectives.

Statement of Appeal: The Environmental Planning Commission erred in their decision regarding the proposed development at 2000 Gold Avenue SE:

1. In applying adopted city plans, policies, and ordinances in arriving at the decision.

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The EPC incorrectly weighed the concerns raised by the neighborhood to the south and west as being more important than the immediate neighbors in support of the project and other policies in the Comprehensive Plan. As stated by staff at the hearing and in the staff report "the project furthers a preponderance of goals and policies as articulated by the Comprehensive Plan". The EPC incorrectly applied the policies in the Comprehensive Plan in their decision.

The EPC also erred in not applying the Planned Growth Strategy (the basis for the recent amendments to the Comprehensive Plan) and Section 14-13-2-3 (B) Infrastructure and Growth Plan (this section of the code is entitled Planning; Goals and Objectives). The policies from these documents were clearly articulated in the Supplemental Report transmitted to staff on March 21, 2008 and made a part of the record. These policies specifically support redevelopment and infill and increased densities in the fully-served Center City. It appears that these policies were not discussed since they did not further several of the commissioners' bias that the proposed project was "too big".

The EPC also erred in its application of Section 14-16-2-22 SU-1 Zone. The EPC relied on the statement "The PRD uses and development are compatible with adjacent properties, including public open spaces, public trails and existing neighborhoods and communities. The standards for compatibility shall include the design requirements in subsection (b)", without looking at the explanatory text in subsection (b) which states:

"with specific design requirements that include, but are not limited to: maximum and minimum number of dwelling units and/or density; maximum and minimum lot size(s); maximum building height; minimum building setbacks; architectural design standards, including but not limited to exterior wall materials and colors, roof materials and colors; placement of mechanical units; preliminary grading and drainage plan; landscape design standards; parking; site lighting; design of walls and fences visible from public rights-of-way; and pedestrian amenities."

The level of design for this project was at the highest level with specific testimony concerning the arrangement of building steps, setbacks for open balcony/patio areas, green roof design, landscaping at every level of the building to soften the building edges, street trees and pedestrian scale landscaping along all three street edges, and high quality materials and a complementary pallet of colors. Testimony was also provided outlining the changes that had occurred to the building design and massing in response to the initial concerns expressed by staff and the neighbors.

The EPC erred in its dismissal of staff's recommendation that the project, while not mapped as a Major Activity Center, did meet the characteristics as defined in the Comprehensive Plan and so the EPC could consider the policies for a Major Activity Center in their review of this application. The EPC chose not to utilize these policies in their decision.

2. In the appealed action or decision, including its stated facts;

Finding #10 for the Sector Plan Amendment and Finding #9 for the Site Plan are both in error. These findings state that the subject site is surrounded on three sides by single family homes, while the properties to the north and east are multi-family and the surrounding area is clearly mixed use. The surrounding land uses were discussed at the hearing and the nature and mix of uses outside the historic district were described, including the nearby University district.

There is no evidence in the record to support Finding #9 for the Sector Plan Amendment and Finding #8 for the Site Plan. The staff/agency comments by Transportation Development, Transportation Planning, Traffic Engineering Operations, and Street Maintenance do not state any concerns or request any additional information concerning "roadway capacity". The third sentence begins with "It is unknown", which is inappropriate when presented as a finding of fact.

Several of the findings use terms that are not indicative of a fact based finding and appear to be subjective including: "partially furthers", "other intentions are not fulfilled when it comes to project specifics", and "likely to affect the integrity of the existing neighborhood". The main concern with statements like this is that they generally assume information that is not in the record and actually, facts contrary to these statements have been provided in the supplemental report and testimony that is in the record.

The findings do not speak to the existing use and zoning for the property, which is currently a surface parking lot and its zoning permits the development of a multi-story parking garage. Several of the neighbors testified that they felt that the existing zoning and use were negatively impacting them and that the potential for a parking structure would have a negative impact on the neighborhood and their properties.

3. In acting arbitrarily or capriciously or manifestly abusive of discretion.

The EPC acted arbitrarily in their application of the City plans and policies by picking and choosing which policies applied and which did not; by ignoring the staff's recommendation and analysis; by dismissing the testimony of Mr. John Bucholz, Green Path Program Director; and their disregard for the neighbors that are most impacted by the project (those immediately north across Gold Avenue) and their impassioned statements of support. In addition, the City has adopted numerous policies and plans that discourage "sprawl on the fringe" and encourage higher densities as infill and redevelopment within the established areas of our city. It is arbitrary and capricious to then deny a sustainable redevelopment project within the 1960 boundaries of the City because it is "too big", even though there are no adopted criteria for what is "too big". Denial of this type of redevelopment project sends a message to the development community that the City will not support actual infill/LEED certified projects, that they are desired in theory and not allowed in practice.

Conclusion: Based upon the information provided in this appeal we respectfully request that the City Council overturn the decision of the Environmental Planning Commission. The decision is in direct conflict with the goals and policies put forth by the City and will not further its stated desired outcomes.

Sincerely,

James K. Strozier, AICP
Principal

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sheffield
partners
LLC

May 1, 2008

Mr. Brad Winter, President
Albuquerque City Council
1 Civic Plaza, 9th Floor
Albuquerque, NM 87102

RE: Letter of Authorization

Dear President Winter:

The purpose of this letter is to authorize Consensus Planning, Inc. to act as our agent on this Appeal to the City Council of a Determination of the Environmental Planning Commission regarding EPC project number 1006822; 07EPC 40052 and 40054 . The property is known as 2000 Gold, is located on the south side of Gold Avenue, west of Buena Vista Drive, and east of Terrace Street. The property is described as Lots 1 and 2, Terrace Addition and the south 10' of vacated Gold Avenue.

Please feel free to call Consensus Planning at 764-9801 with any questions or concerns.

Sincerely,

Rick Goldman,
Principal
Sheffield Partners, LLC

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

Date: April 18, 2008

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project# 1006822**
07EPC-40052 AMNDT TO UNIVERSITY NEIGHBORHOODS SECTOR DEV PLAN
07EPC-40054 SITE DEVELOPMENT PLAN - BUILDG PRMT

2001 Gold Avenue LLC
P.O. Box 7897
Albuq. NM 87194

LEGAL DESCRIPTION: for all or a portion o Lots 1 & 2, Terrace Addition and SOUTH 1(VACATED Gold Ave. zoned SU-2 PR to SU 2/SU-1 for PRD and PR located on GOLD AVE SE BETWEEN TERRACE ST. SE ANI BUENA VISTA DR. SE containin approximately .4 acre. (K-15) Catalina Lehne Staff Planner

On April 17, 2008 the Environmental Planning Commission voted to deny Project 1006822/07EP 40052, a request for a sector development plan map amendment from P-R to SU-2/SU-1 for PRD and P for Lots 1 & 2, Terrace Addition and the south 10 ft. vacated Gold Avenue adjacent, located on Gol Avenue SE, based on the following Findings.

FINDINGS:

1. This request is for a sector development plan map amendment for an approximately 0.4 acre si located on Gold Avenue SE, about one block south of Central Avenue, between Terrace Street an Buena Vista Drive. A request for a site development plan for building permit (07EPC-4005 accompanies this request.

2. The applicant proposes to change the subject site's zoning from P-R (Parking Reserve) to SU- /SU-1 for PRD and PR (Special Use Zone, Planned Residential Development and Parkin Reserve) in order to develop a four-story residential building consisting of 46 units.

3. The subject site is located within the boundaries of the University Neighborhoods Secto Development Plan, which uses SU-2 zoning to indicate sector plan control of sites within it boundaries. A change of zoning would affect the sector plan's zoning map. Therefore, this reques is referred to as a sector development plan map amendment and not a zone map amendment.

4. The proposal *does not further* the following relevant land use policies in the Comprehensive Plan:
   A. Policy II.B.5d— The proposed residential building would be about twice as tall as th residential/office building across the street and would appear out of scale at the propose location, adjacent to an established neighborhood of mostly single-family homes and singl story buildings. Neighbors are concerned about height, scale and mass.
   B. Policy II.B.5e— Though contiguous to existing urban facilities and services, the propose residential building is likely to affect the integrity of the existing neighborhood because of th building's size and scale.
   C. Policy II.D.5h— The subject site is not in a designated Activity Center and the propose residential building would not face similar or higher density development. Nor would i provide a transition with existing adjacent land uses.
   D. Policy II.D.5m—The proposed residential building would provide unique views for resident only, and would do so at the expense of the existing residents whose views will not b maintained.

5. The Activity Centers Goal of the Comprehensive Plan is *not furthered*. The subject site is nc located in a designated Activity Center. The University of New Mexico (UNM) Major Activit Center begins north of Central Avenue. The subject site is located outside of the Activity Center' boundaries. Medium to high density residential development and buildings three stories and highe are intended to occur inside the designated Activity Centers, not outside of them.

6. The proposal *does not further* the following relevant Activity Center policies:
   A. Policy II.B.7b—Net densities of 30 DU/acre should generally be within Major Activit Centers. The proposed residential development, approximately 109 DU/acre, would be locate outside of the UNM Major Activity Center and would not serve as a transition to th neighborhood, which is characterized by mostly single-story buildings.
   B. Policy II.B.7c—The height and mass of the proposed structure would be significantly large than any others in its surroundings and therefore shall be located only in a Major Activit Center. The proposed residential development, however, would be located outside of the UNM Major Activity Center.
   C. Policy II.B.7f—Intense uses in Activity Centers shall be located away from nearby low density residential development. The proposed residential development (approximately 10 DU/acre) would be located outside of the UNM Major Activity Center and would b surrounded on three sides by single-family homes.
   D. Policy II.B.7.i—The proposed multi-unit housing would be appropriate inside the boundarie of a designated Activity Center, but the subject site is not located inside such boundaries.

7. The Community Identity and Urban Design Goal of the Comprehensive Plan is *not furthered*. The proposal would not preserve and enhance the built characteristics and historical features that identify the surrounding neighborhoods as a distinct community. The scale and mass of the proposed structure would contrast with the single-story and two story residential uses that typify the neighborhood a few blocks south of Central Avenue.

8. The proposal *does not further* the following relevant Community Identity and Urban Design policies:
   A. Policy II.C.9b—Development shall be evaluated in light of its effect upon the built environment. The development proposal would allow a multi-story building with height and mass significantly greater, and setbacks much smaller, those that of surrounding buildings that characterize the neighborhood.
   B. Policy II.C.9c—The proposed multi-story building would be located outside of the designated Major Activity Center, which was located appropriately and to respect the unique character of the community. The proposal would not strengthen the identity and cohesiveness of the neighborhood.

9. The Transportation and Transit Goal of the Comprehensive Plan is *partially furthered*. Density housing generally encourages the usage of non-vehicle transportation modes. However, the Goal also calls for providing sufficient roadway capacity. It is unknown if capacity on the adjacent streets would be sufficient given the proposed density and the area's history of traffic and parking problems.

10. The proposal *does not further* the following Basic Goals in the University Neighborhoods Sector Development Plan (UNSDP):
    A. Goal 2—The neighborhood's unique qualities would not be conserved and renewed. The combination of historic homes and one or two story apartments, which give the neighborhood a defining quality, would be dramatically altered.
    B. Goal 3—The UNSDP encourages infill residential construction in appropriate places. The subject site, removed from Central Avenue and surrounded by single-family homes on three sides, is not an appropriate location for infill development that is out of scale with its surroundings.

11. The Planned Growth Strategy (PGS) provides a framework for managing urban growth in the Albuquerque area. The PGS aims to promote infill development, utilize existing infrastructure and create pedestrian/transit friendly neighborhoods, as well as preserve neighborhood characteristics and encourage compact development without crowding. The proposed multi-story development helps fulfill some of these intentions in a broad sense, though other intentions are not fulfilled when it comes to the proposal's specifics.

12. The proposal *partially furthers* some relevant policies and Goals in a general sense wh considering the sector development plan map amendment. However, because SU-1 zoning requested, a site development plan is required. The associated site development plan for buildi permit (07EPC-40054) addresses specifics such as height, density and parking which contribute not furthering applicable policies and Goals that could be furthered in a broader sense (ex. La Use Policies II.B.5a and e, Transportation and Transit Policy II.D.4c and UNSDP Goal 3).

13. The applicant has not adequately justified the zone change request pursuant to Resolution 27 1980:
    A. Section A: Some of the explanations of how applicable Goals and policies relate to the reque are acceptable, though others should have been more thoroughly elaborated upon. T applicant has not demonstrated that the proposed development is consistent with the City health, safety, morals and general welfare, particularly for the adjacent residenti neighborhood.
    B. Section B: Stability of land use and zoning is insufficiently addressed. An explanation of ho the proposal would contribute to land use stability in the area, especially the adjace residential neighborhood, is lacking. The burden is on the applicant to provide the rationale.
    C. Section C: In some instances, the explanation of *how* the request furthers each cited policy a goal is acceptable. In other instances, the explanation is not well-developed because k elements of the policy or goal are insufficiently addressed. Certain relevant policies (e Activity Center policies b, c and f) are not included in the discussion.
    D. Section D: The applicant's explanation fails to show how changed community conditions a being more advantageous to the neighborhood or community render the existing zoni inappropriate. The approval of a conditional use for the Silver Hill Lofts created one chang condition, though overall the area has changed little. The applicant has not demonstrated ho the proposal would be more advantageous to the existing, surrounding neighborhoo particularly the adjacent property owners.
    E. Section E: The applicant states that the proposed zone change would not be harmful adjacent properties, the neighborhood or the community, but does not explain why it wou not be harmful, especially with respect to adjacent properties.
    F. Section F: The development will not require any major or unprogrammed capital expenditur by the City.
    G. Section G: Economic considerations pertaining to the applicant, which come into play wh determining project scale through the associated site development plan, have become t determining factor in this request. The large and mass and scale of the proposed building a necessary to achieve an economic return acceptable to the applicant.
    H. Section H: The subject site is not located on a designated collector or major street, which t applicant should have stated even though several important arterials are within short walki distance.

I. Section I: The requested zoning is not needed to implement a project consistent with applicable plans, goals and policies; such consistency can be achieved through other zone categories that already exist in the University Neighborhoods Sector Development Plan.

J. Section J: This zone change request would not result in strip commercial zoning. The proposed project is for a residential use.

14. Pursuant to Zoning Code §14-16-2-22, a site development plan is required when SU-1 zoning is requested. The general idea of residential development on the subject site does not seem inconsistent with relevant goals and policies. In this case, site development plan specifics regarding height and density make the proposed planned residential development (PRD) unable to be "compatible with adjacent properties" as required and too intense given the subject site's context.

15. The affected neighborhoods are the Silver Hills Neighborhood Association (NA), the University Heights NA and the Sycamore NA. Two facilitated meetings were held, one in October 2007 and the other in January 2008. The neighborhoods generally oppose the proposal on the grounds that the building would not be a good fit for this particular location in terms of scale, density and adjacency to single-family homes.

16. Staff has received several letters of both opposition and support. The letters of opposition generally express concern regarding height, density, effect on the existing historic neighborhood and parking. Not one letter of opposition, however, questions the importance of green principles. The letters of support generally favor the proposal because it would be an infill development that would implement green principles.

On April 17, 2008 the Environmental Planning Commission voted to deny Project 1006822/ 07EPC 40054, a site development plan for building permit for Lots 1 & 2, Terrace Addition and the south 10 ft vacated Gold Avenue adjacent, located on Gold Avenue SE, based on the following Findings.

FINDINGS:

1. This is a request for a site development plan for building permit for an approximately 0.4 acre site located on Gold Avenue SE, about one block south of Central Avenue, between Terrace Street and Buena Vista Drive.

2. A request for a sector development plan map amendment (07EPC-40052) accompanies this request. The sector development plan map amendment (zone change) request has not been adequately justified pursuant to the policies and criteria of R270-1980.

3. The proposal *does not further* the following relevant land use policies in the Comprehensive Plan:
   A. Policy II.B.5d— The proposed residential building would be about twice as tall as the residential/office building across the street and would appear out of scale at the proposed location, adjacent to an established neighborhood of mostly single-family homes and single story buildings. Neighbors are concerned about height, scale and mass.
   E. Policy II.B.5e— Though contiguous to existing urban facilities and services, the proposed residential building is likely to affect the integrity of the existing neighborhood because of the building's size and scale.
   B. Policy II.D.5h— The subject site is not in a designated Activity Center and the proposed residential building would not face similar or higher density development. Nor would it provide a transition with existing adjacent land uses.
   C. Policy II.D.5m—The proposed residential building would provide unique views for resident only, and would do so at the expense of the existing residents whose views will not b maintained.

4. The Activity Centers Goal of the Comprehensive Plan is *not furthered*. The subject site is no located in a designated Activity Center. The University of New Mexico (UNM) Major Activit Center begins north of Central Avenue. The subject site is located outside of the Activity Center' boundaries. Medium to high density residential development and buildings three stories and highe are intended to occur inside the designated Activity Centers, not outside of them.

5. The proposal *does not further* the following relevant Activity Center policies:
   A. Policy II.B.7b—Net densities of 30 DU/acre should generally be within Major Activit Centers. The proposed residential development, approximately 109 DU/acre, would be locate outside of the UNM Major Activity Center and would not serve as a transition to th neighborhood, which is characterized by mostly single-story buildings.
   B. Policy II.B.7c—The height and mass of the proposed structure would be significantly larg than any others in its surroundings and therefore shall be located only in a Major Activi Center. The proposed residential development, however, would be located outside of the UN Major Activity Center.
   C. Policy II.B.7f—Intense uses in Activity Centers shall be located away from nearby lo density residential development. The proposed residential development (approximately 1 DU/acre) would be located outside of the UNM Major Activity Center and would surrounded on three sides by single-family homes.
   D. Policy II.B.7.i—The proposed multi-unit housing of this scale would be appropriate inside t boundaries of a designated Activity Center, but the subject site is not located inside su boundaries.

14

6. The Community Identity and Urban Design Goal of the Comprehensive Plan is *not furthered*. The proposal would not preserve and enhance the built characteristics and historical features that identify the surrounding neighborhoods as a distinct community. The scale and mass of the proposed structure would contrast with the single-story and two story residential uses that typify the neighborhood a few blocks south of Central Avenue.

7. The proposal *does not further* the following relevant Community Identity and Urban Design policies:
   A. Policy II.C.9b—Development shall be evaluated in light of its effect upon the built environment. The development proposal would allow a multi-story building with height and mass significantly greater, and setbacks much smaller, those that of surrounding buildings that characterize the neighborhood.
   B. Policy II.C.9c—The proposed multi-story building would be located outside of the designated Major Activity Center, which was located appropriately and to respect the unique character of the community. The proposal would not strengthen the identity and cohesiveness of the neighborhood.

8. The Transportation and Transit Goal of the Comprehensive Plan is *partially furthered*. Density housing generally encourages the usage of non-vehicle transportation modes. However, the Goal also calls for providing sufficient roadway capacity. It is unknown if capacity on the adjacent streets would be sufficient given the proposed density and the area's history of traffic and parking problems.

9. The proposal *does not further* the following Basic Goals in the University Neighborhoods Sector Development Plan (UNSDP):
   A. Goal 2—The neighborhood's unique qualities would not be conserved and renewed. The combination of historic homes and one or two story apartments, which give the neighborhood a defining quality, would be dramatically altered.
   B. Goal 3—The UNSDP encourages infill residential construction in appropriate places. The subject site, removed from Central Avenue and surrounded by single-family homes on three sides, is not an appropriate location for infill development that is out of scale with its surroundings.

10. The Planned Growth Strategy (PGS) provides a framework for managing urban growth in the Albuquerque area. The PGS aims to promote infill development, utilize existing infrastructure and create pedestrian/transit friendly neighborhoods, as well as preserve neighborhood characteristics and encourage compact development without crowding. The proposed multi-story development helps fulfill some of these intentions in a broad sense, though other intentions are not fulfilled when it comes to the proposal's specifics.

11. The proposal *partially furthers* some relevant policies and Goals in a general sense whe considering the sector development plan map amendment. However, because SU-1 zoning is bein requested, a site development plan is a required component of the request. The associated sit development plan for building permit (07EPC-40054) addresses specifics such as height, densit and parking which contribute to not furthering applicable policies and Goals that are furthered in broader sense (ex. Land Use Policies II.B.5a and e, Transportation and Transit Policy II.D.4c an UNSDP Goal 3).

12. The parking requirement for the residential building at 2001 Gold Avenue must be met on th subject site. This was a condition of the Zoning Hearing Examiner's (ZHE) decision to grant conditional use to allow a residential use in a C-2 zone (02ZHE 00217). The Board of Appeal (BOA) decision to uphold the ZHE decision states that "The applicant is to provide a minimum c 26 spaces if the property is developed fully at 17 residential units", which is the case. Th applicant is prohibited from removing the parking requirement from the subject site. A Traffi Impact Study (TIS) was not required.

13. Because SU-1 zoning is requested, the EPC determines how much parking is sufficient. Usin Zoning Code parking requirements, the proposed project would need 76 spaces. Using th applicant's methodology based on one space per bedroom, less one on-street parking space, 7 spaces would be required. 74 spaces (including handicap spaces) are proposed. Motorcyc parking is in addition to these spaces.

14. The proposed building, at 47 feet 10 inches, would be significantly taller than the 2001 Go Avenue residential building (26 feet) to the north and the existing one story single-family hom and apartments in the immediate area.

15. Pursuant to Zoning Code §14-16-2-22, a site development plan is required when SU-1 zoning requested. The general idea of residential development on the subject site does not see inconsistent with relevant goals and policies. In this case, site development plan specifi regarding height and density make the proposed planned residential development (PRD) unable be "compatible with adjacent properties" as required and too intense given the subject site context.

16. The affected neighborhoods are the Silver Hills Neighborhood Association (NA), the Universi Heights NA and the Sycamore NA. Two facilitated meetings were held, one in October 2007 a the other in January 2008. The neighborhoods generally oppose the proposal on the grounds th the building would not be a good fit for this particular location in terms of scale, density a adjacency to single-family homes.

17. Staff has received several letters of both opposition and support. The letters of opposition generally express concern regarding height, density, effect on the existing historic neighborhood, and parking. Not one letter of opposition, however, questions the importance of green principles. The letters of support generally favor the proposal because it would be an infill development that would implement green principles.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **MAY 2, 2008** 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. IT I S NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION.

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 they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. 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 specifie in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 yea after approval by the EPC

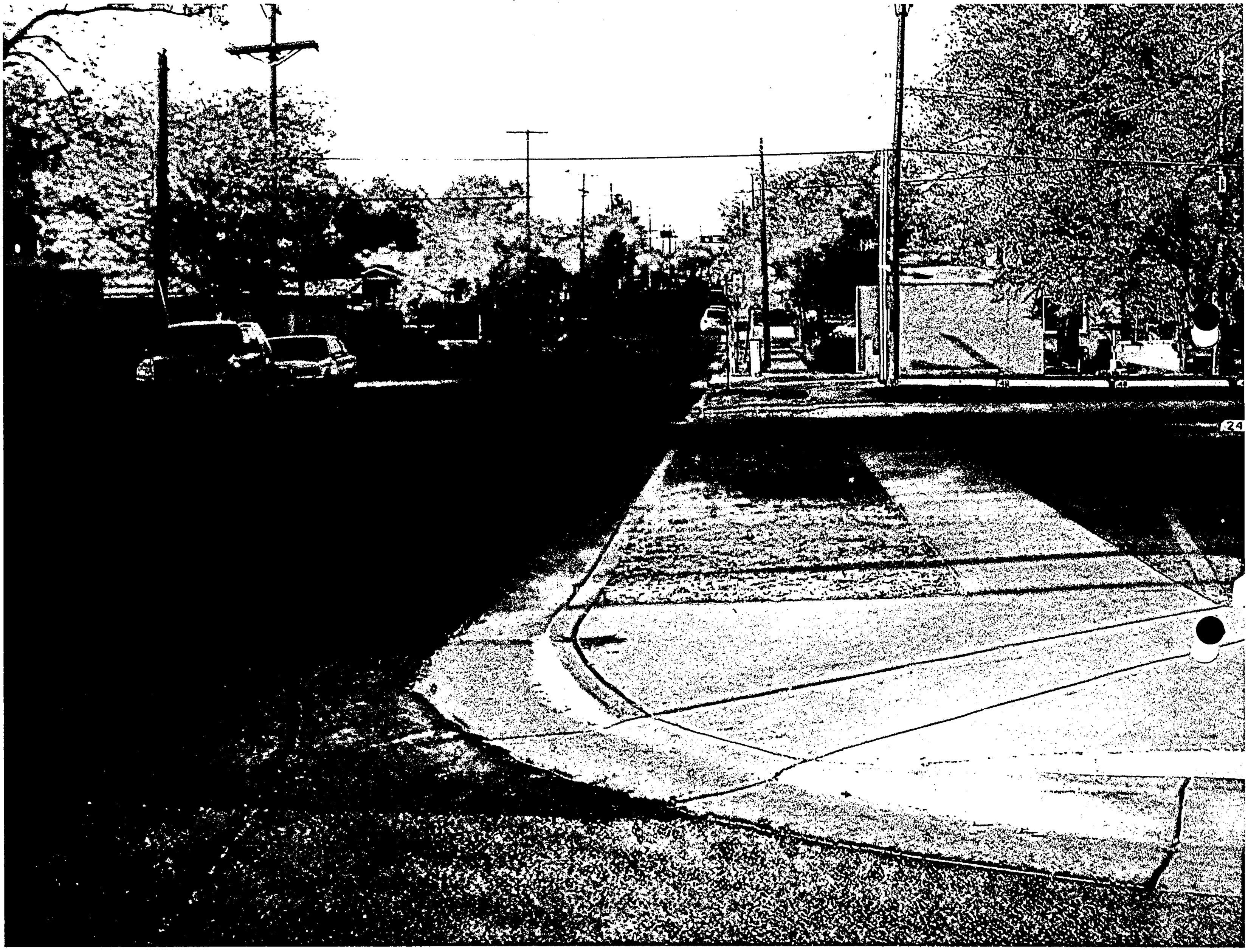
Sincerely,

CMarone

for Richard Dineen
Planning Director

RD/CL/ac

cc: Consensus Planning, Inc., 302 8th St. NW, Albuq. NM 87102
Bill Cobb, Silver Hill NA, 1701 Silver Ave. SE, Albuq. NM 87106
Gordon Reiselt, Silver Hill NA, 1575 Silver SE, Albuq. NM 87106
Martha Stevens, 515 B, Franklin St., Juneau, AK 99801-1123
Robert Thalmann, 2100 Silver Ave. SE, Albuq. NM 87106
Christopher Lucas, 2100 Silver Ave. SE, Albuq. NM 87106
Tyler Anderson, 411 Princeton SE, ABQ NM 87106
Linda Barbeau, 6020 San Marcos, Farmington, NM 87402
Gordon Reiselt, 1515 Silver SE, Albuq. NM 87105
Ruth Koury, P.O. Box 4754, Albuq. NM 87196
Terry & Alanna Apodaca, 2100 Gold SE, Albuq. NM 87106
Stephen Farris, 1824 Silver SE, Albuq. NM 87106
Ellen Cline, 2000 Silver SE, Albuq. NM 87106
Katy Braziel, 1606 Silver SE, Albuq. NM 87106
Elizabeth Doak, 1606 Silver SE, Albuq. NM 87106
Mardon Gardella, 411 Maple St. NE, Albuq. NM 87106
T'Brin Beck, 302 Sycamroe St NE, Albuq. NM 87106
Edward Rivera, 1924 Silver Ave. SE, Albuq. NM 87106
Ric & Marsha Thom, 5545 Eakes Rd. NW, Albuq. NM 87107\
Lucille Torrez, 2134 Coal Pl. SE, Albuq. NM 87106
Travis Thom, 2001 Gold Ave.SE, 301, Albuq. NM 87106
Chris Lucas, 2100 Silver SE, Albuq. NM 87106
Peter Schillke, 1217 Coal Ave. SE, Albuq. NM 87106
Monica Lovato, 3526 Monte Vista NE, Albuq. NM 87106
Toni House, 2001 Gold Ave. SE, Ste 1, Albuq. NM 87106
Chris Allen, 2001 Gold SE, #13, Albuq. NM 87106
Tyson Wollert, 2001 Gold Ave. SE, #12, Albuq. NM 87106
Matthew Butkus, 09 Don Cipriano Ct., Albuq. NM 87102
Ryan Bromberg, 217 Arno St. SE, Albuq. NM 87102
Alison Floyd, 2118 Silver Ave. SE, Albuq. NM 87106
Ann House , 400 Clark SW, Albuq. NM 87105
Richard Braziel, 1900 Silver SE, Albuq. NM 87106
Michael Seebeck, 1609 Silver SE, Albuq. NM 87106
Sandra Simons-Ailes, 2111 Lead Ave. SE, Albuq. NM 87106
Karen Cook, 1505 Columbia Dr. NE, Albuq. NM 87106
Tim House 20 First Plaza NW, #515, Albuq. NM 87102
James Montalbano, 1409 Silver Ave. SE, Albuq. NM 87106
Lindsey Barbeau, 1924 Gold SE, Albuq. NM 87106
Bennett Hammer, 600 Alcale Pl. SW, Albuq. NM 87104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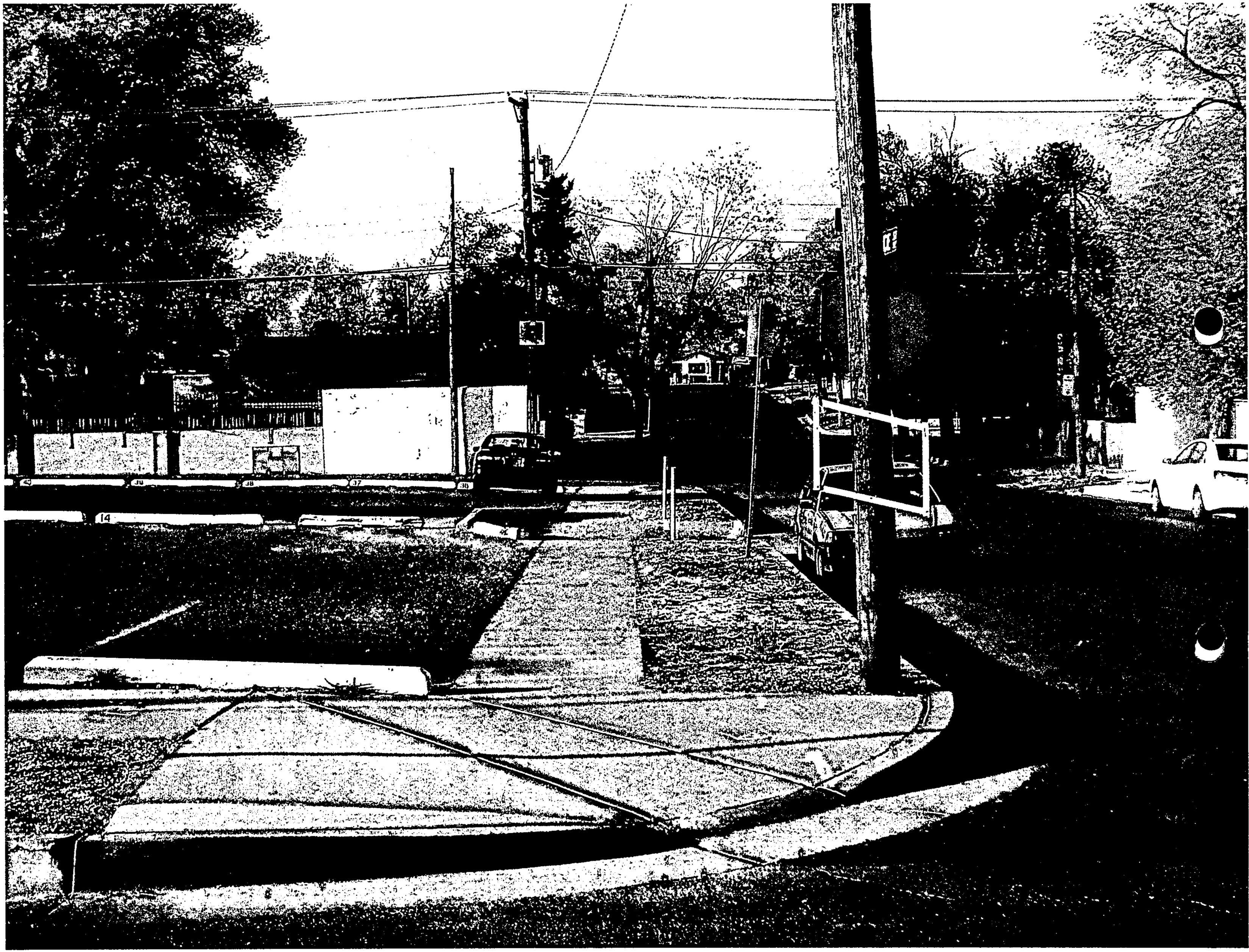
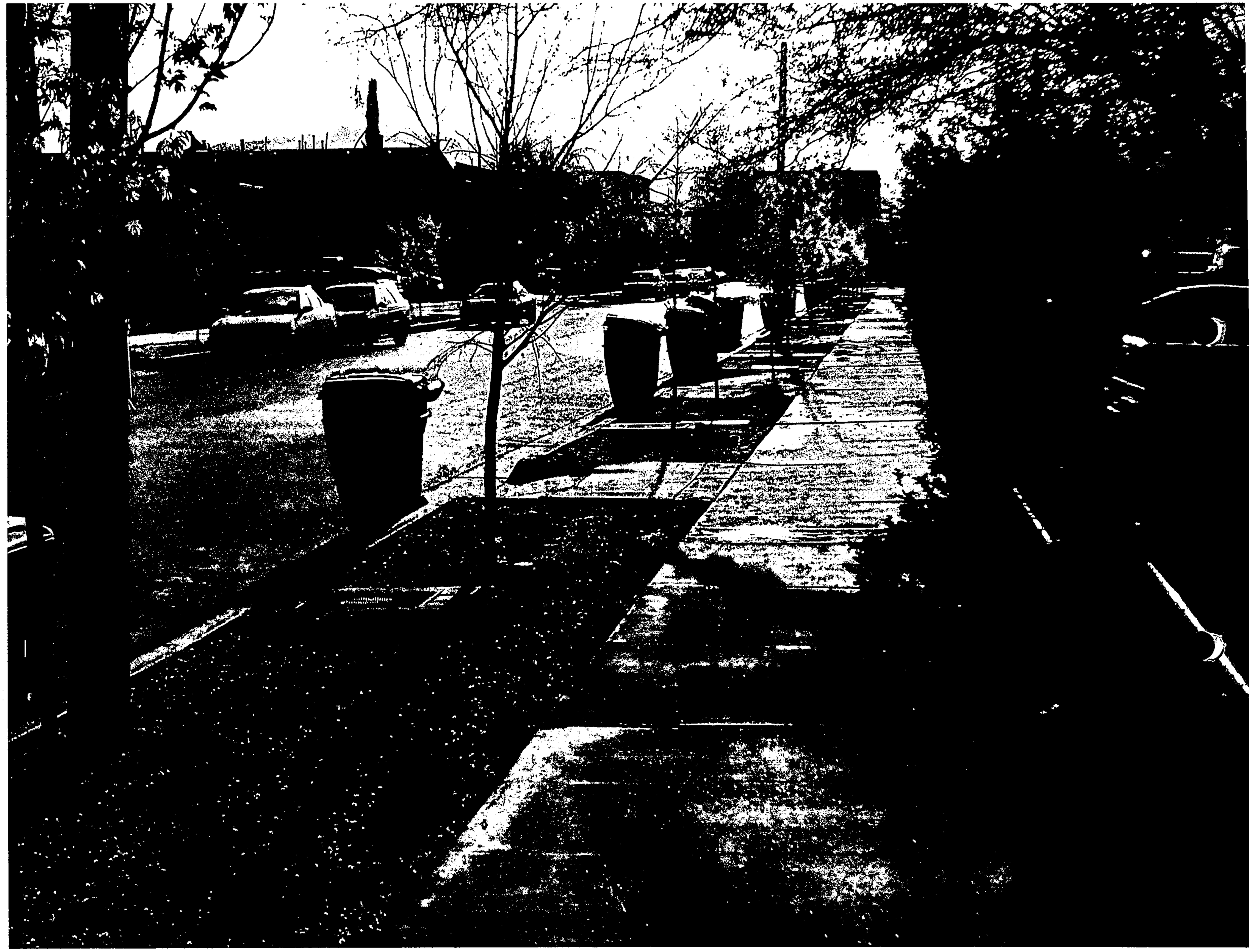


37
36

TERRACE
EAST-WEST

TOYOTA



ABQ Engineering, Inc.
Engineers ▪ Planners ▪ Construction Services

June 10, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Exhibit for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

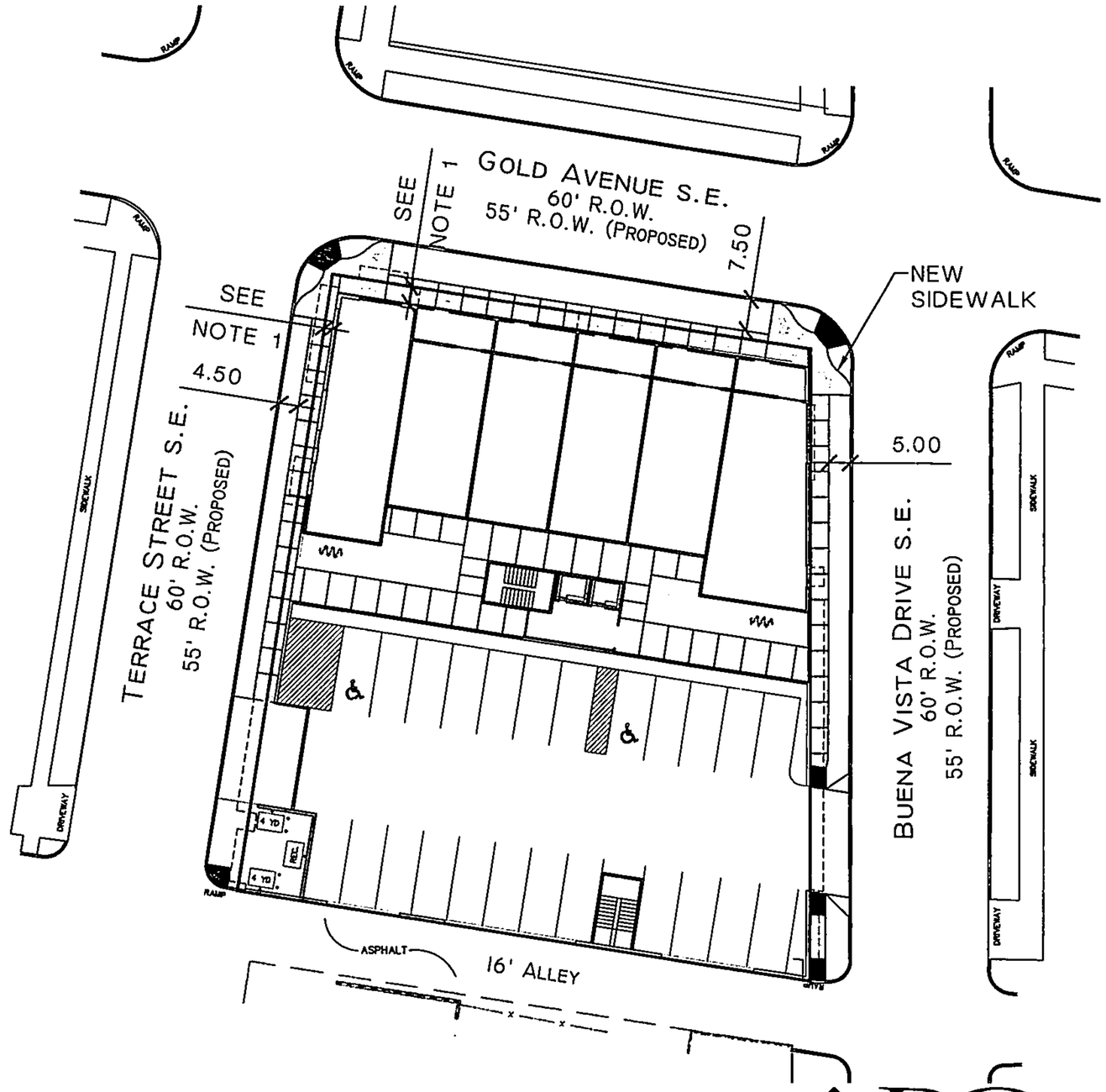
Submitted herewith are six copies of the exhibit requested by the DRB that explains the relationship between the proposed right of way line, curbs and proposed sidewalks. If there is additional information that is needed, please call me at 255-7802.

Sincerely,

Martin J. Garcia, PE
ABQ Engineering Inc.
27108

RECEIVED
JUN 10 2008
LAND DEVELOPMENT SECTION

1006822



Note

1. PUBLIC ROADWAY EASEMENT GRANTED BY PLAT.

Legend

PROPERTY LINE

NEW SIDEWALK

15 0 15 30 60

1" = 30'

ABQ Engineering, Inc

·Engineers ·Planners ·Construction Services

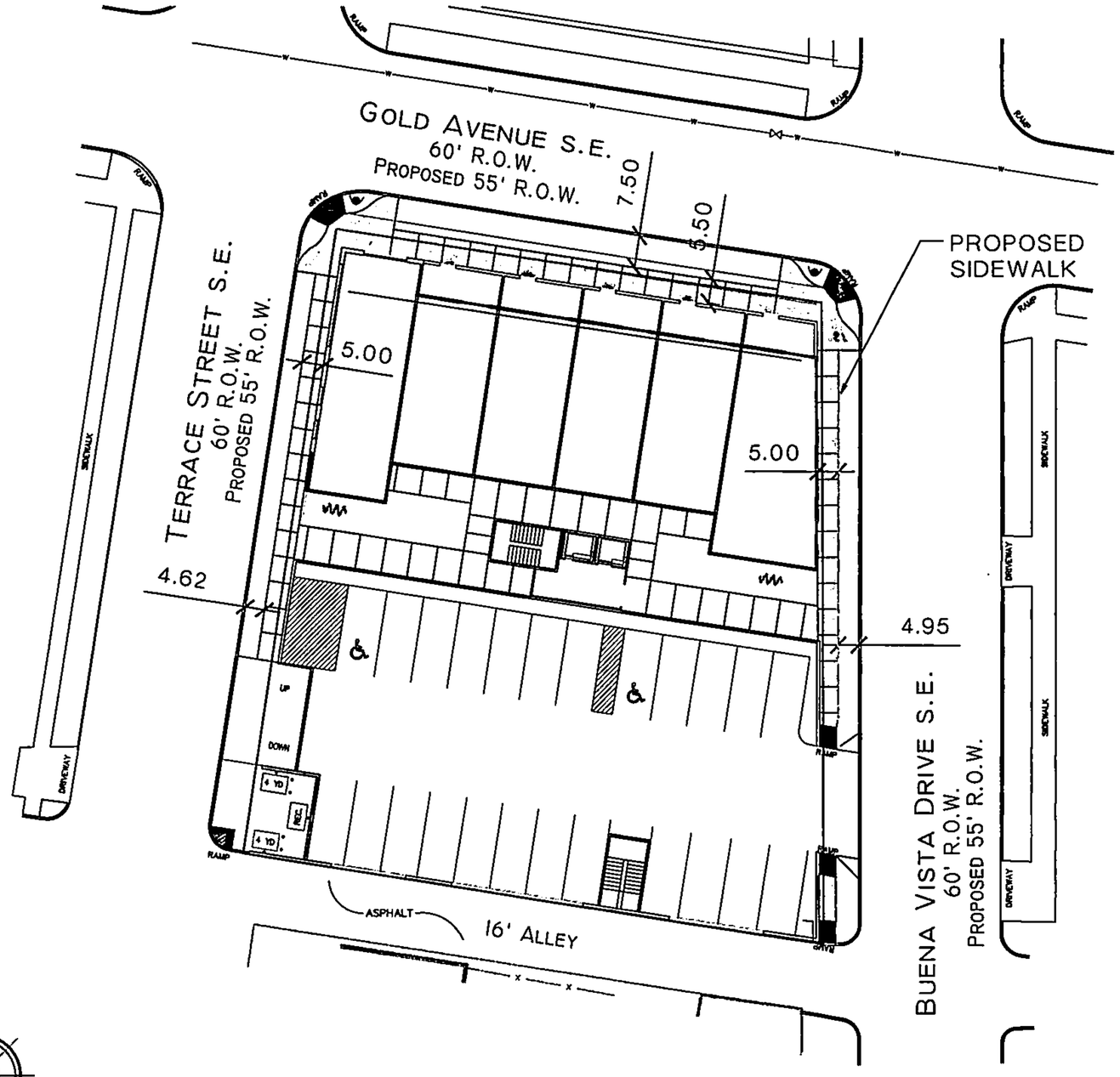
6739 Academy Rd. NE, Suite 130 Albuquerque, NM 87109

505-255-7802 FAX 505-255-7902 ABQ Project: 27108

SHEET TITLE: SIDEWALK EXHIBIT

PROJECT: 2000 GOLD AVENUE S.E.

SHEET 1 of 1



15 0 15 30 60

1" = 30'

ABQ
Engineering, Inc

·Engineers ·Planners ·Construction Services
6739 Academy Rd. NE, Suite 130 Albuquerque, NM 87109
505-255-7802 FAX 505-255-7902 ABQ Project: 27108

SHEET TITLE:	SIDEWALK EXHIBIT
PROJECT:	2000 GOLD AVENUE S.E.
	SHEET 1 of 1

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 18, 2008

Project# 1006822
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08, 5/21/08, 6/4/08 & 6/11/08.]*

At the June 18, 2008 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

(A)(1) The vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

Based on maintaining the public streetscape through appropriate public easement, (B)(1) the public welfare is in no way served by retaining the right-of-way.

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

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office

2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

The Preliminary/Final Plat was approved with final sign off delegated to Planning for 15 day appeal period, AMAFCA signature, and to record.

If you wish to appeal this decision, you must do so by July 3, 2008 in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

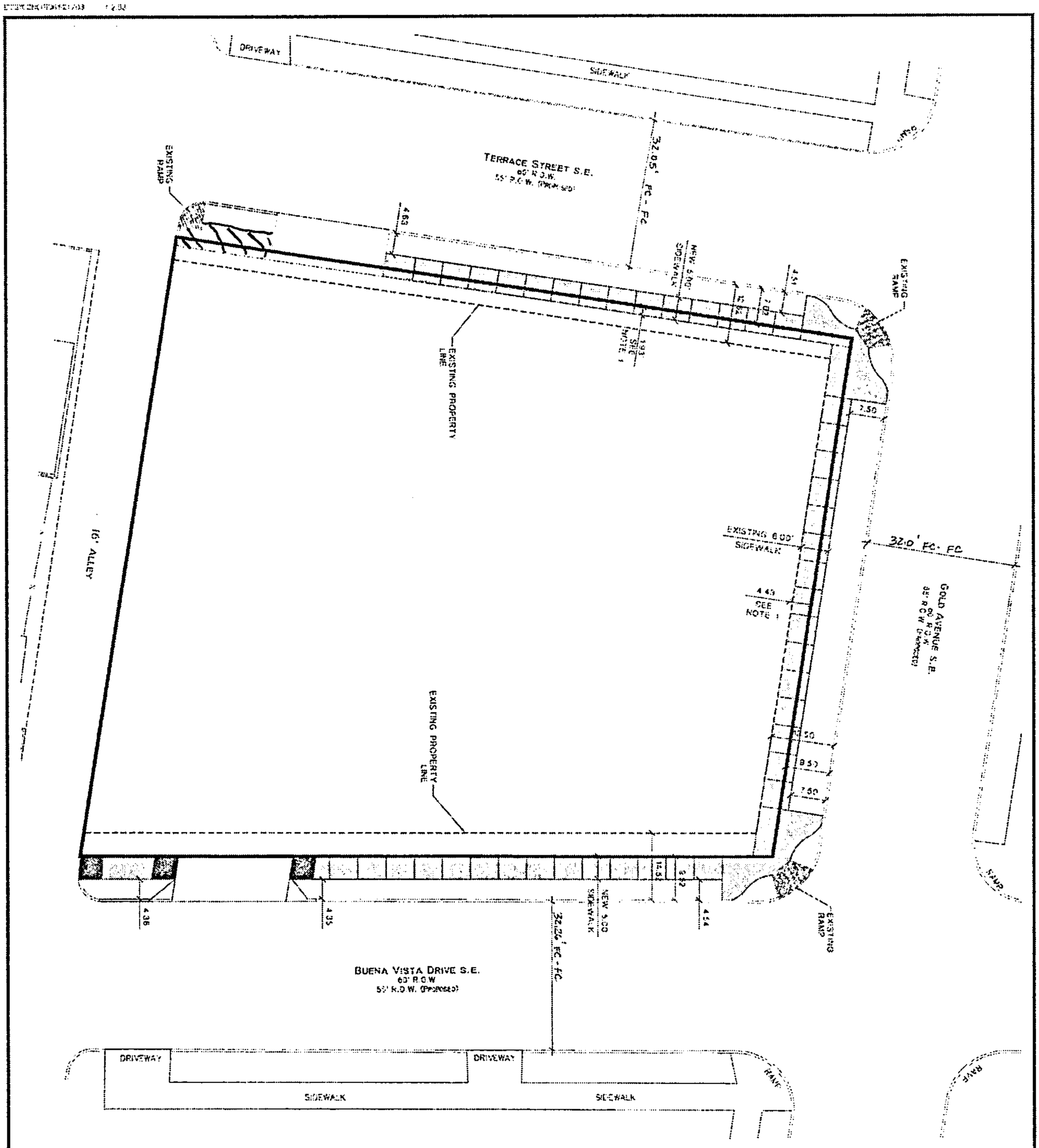
You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Jack Cloud, AICP, DRB Chair

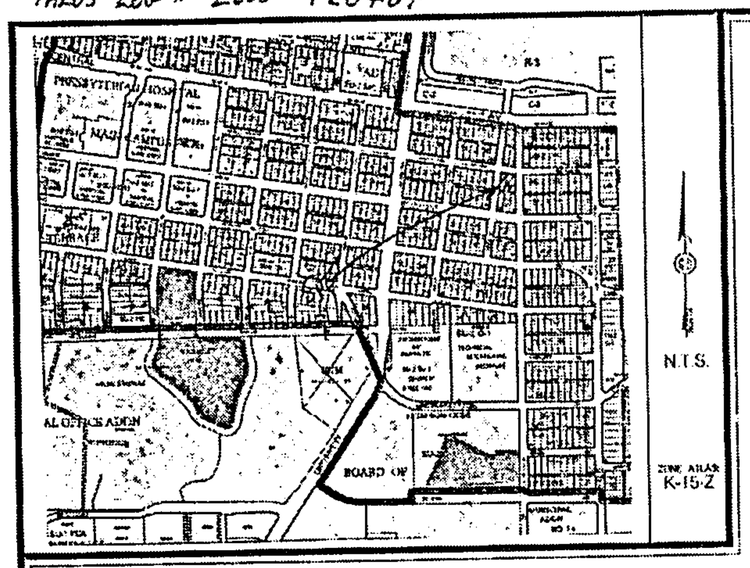
Cc: Surveys Southwest LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102
Cc: 2000 Gold Ave LLC – Phillip Raby, Principal – P.O. Box 7897 – Albuquerque, NM 87194
Cc: Bill Cobb – 1701 Silver SE – Albuquerque, NM 87106
Ellen Cline – 2000 Silver SE – Albuquerque, NM 87106
Tom Ocken – 1612 Silver SE – Albuquerque, NM 87106
Edward Rivera – 1924 Silver Ave SE – Albuquerque, NM 87106
Gordon Rerselt – 1515 Silver Ave SE – Albuquerque, NM 87106
Richard Braziel – 1900 Silver Ave SE – Albuquerque, NM 87106
Tom Widney – 1902 Silver Ave SE – Albuquerque, NM 87106
Ruth Koury – P.O. Box 4754 – Albuquerque, NM 87196
Elizabeth Doyle – 1606 Silver Ave SE – Albuquerque, NM 87106

Cc: Scott Howell
Cc: Marilyn Maldonado
File


DRIVEWAY
SIDEWALK
TERRACE STREET S.E.
60' R.O.W.
55' R.O.W. (PROPOSED)
32.05' FC - FC
EXISTING RAMP
4.63
NEW 5.00' SIDEWALK
4.51
EXISTING RAMP
EXISTING PROPERTY LINE
SEE NOTE 1
2.50
16' ALLEY
EXISTING 6.00' SIDEWALK
32.0' FC - FC
4.43
SEE NOTE 1
GOLD AVENUE S.E.
60' R.O.W.
55' R.O.W. (PROPOSED)
EXISTING PROPERTY LINE
7.50
8.57
7.50
RAMP
4.36
4.35
32.26' FC - FC
NEW 5.00' SIDEWALK
4.54
EXISTING RAMP
BUENA VISTA DRIVE S.E.
60' R.O.W.
55' R.O.W. (PROPOSED)
DRIVEWAY
DRIVEWAY
SIDEWALK
SIDEWALK
RAMP
RAMP
Legend
PROPERTY LINE
PROPERTY LINE
ACCESS EASEMENT
SIDEWALK
EXISTING CURB
Note
1. PUBLIC ACCESS EASEMENT GRANTED BY PLAT
0 5 10 20
SCALE: 1" = 10'
ABQ
ENGINEERING INC
EXHIBIT 1
SITE EXHIBIT
REV NO | REV DATE | DESCRIPTION
PROJECT NUMBER 2106 DATE MARCH 25, 2008
DESIGNED BY M GARCIA
DRAWN BY F PHILLIPS
CHECKED BY M GARCIA
CAD FILE NAME
1006822
2000 GOLD
ALBUQUERQUE, NEW MEXICO
Exhibit B
ENGINEERING GROUP

TALOS LOG # 2008 - 120404

PLAT OF
LOT 1-A, BLOCK 76
TERRACE ADDITION
TOWN OF ALBUQUERQUE GRANT
PROJECTED SECTION 21, T. 10 N., R. 3 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
MARCH, 2008
SHEET 1 OF 2



Vicinity Map

LEGAL DESCRIPTION

A certain tract of land being and composed of Lots numbered One (1) and Two (2) in Block numbered Seventy-six (76) plat of the TERRACE ADDITION to the City of Albuquerque as the same is shown and designated on said plat thereof, filed in the Office of the Probate Clerk and Ex officio Recorder of Bernalillo County, New Mexico on November 15, 1910, Volume C2, folio 71, TOGETHER WITH portions of vacated right of ways of Terrace Street SE, Gold Avenue SE and Buena Vista Drive SE, being more particularly described as follows: BEGINNING at the Northwest corner of said tract being a point on the South right-of-way of Gold Ave SE, whence the City of Albuquerque Station 8 K15 bears N 54° 38' 14" E, 453.79 feet distant; thence from said point of beginning along said right-of-way S 81° 13' 22" E, 76.08 feet to a point of curvature to the right having a central angle of 36° 52' 12", with a radius of 20.00 feet, a distance of 12.87 feet (chord bearing S 62° 47' 16" E, 12.65 feet) thence S 81° 13' 22" E, 0.76 feet to the Northeast corner of said tract being a point on the West right of way of Buena Vista Drive SE, thence S 00° 12' 33" W, 0.09 feet to a point of intersection with a curve to the right having a central angle of 41° 24' 35", with a radius of 20.00 feet, a distance of 14.45 feet (chord bearing S 20° 29' 44" E, 14.14 feet) to a point of tangency, thence S 00° 12' 33" W, 101.98 feet along said right of way to a point of curvature to the right having a central angle of 36° 52' 12", with a radius of 25.00 feet, a distance of 16.09 feet (chord bearing S 18° 38' 38" W, 15.81 feet) thence S 00° 12' 33" W, 13.37 feet to the Southeast corner of said tract, being a point on the North right of a public alley; thence along said right of way N 81° 03' 14" W, 24.07 feet, thence N 01° 03' 34" W, 81.38 feet, thence N 81° 03' 25" W, 19.94 feet to the Southwest corner of said tract, being a point on the East right of way of Terrace Street SE, thence along said right of way N 08° 46' 22" E, 9.95 feet to a point on curvature to the right having a central angle of 36° 52' 12", with a radius of 25.00 feet, a distance of 16.09 feet (chord bearing N 09° 37' 44" W, 15.81 feet) to a point of tangency; thence N 08° 46' 22" E, 101.34 feet to a point of curvature to the right having a central angle of 41° 24' 35", with a radius of 20.00 feet, a distance of 14.45 feet (chord bearing N 29° 30' 39" E, 14.14 feet) thence N 08° 46' 22" E, 2.76 feet, thence S 81° 13' 03" E, 2.99 feet to a point of curvature to the right having a central angle of 36° 52' 12", with a radius of 20.00 feet, a distance of 12.87 feet (chord bearing N 80° 20' 32" E, 12.65 feet) to the POINT OF BEGINNING and containing 0.4111 acres, more or less.

DISCLOSURE STATEMENT

THE PURPOSE OF THIS PLAT IS TO COMBINE TWO (2) EXISTING LOTS AND THREE (3) VACATED PORTIONS OF RIGHTS-OF-WAY INTO ONE (1) NEW LOT AND TO DEDICATE ADDITIONAL RIGHT-OF-WAY AS SHOWN HEREON.

CITY APPROVALS: PROJECT NO.: 1006822 APPLICATION NO. 08DRB-70146 08DRB-70147

CITY SURVEYOR	DATE 3-18-08
TRAFFIC ENGINEERING, TRANSPORTATION DIVISION	DATE
PARKS & RECREATION DEPARTMENT	DATE
A.B.C.W.U.A.	DATE
A.M.A.F.C.A.	DATE
CITY ENGINEER	DATE
DRB CHAIRPERSON, PLANNING DEPARTMENT	DATE
REAL PROPERTY DIVISION	DATE

SUBDIVISION DATA / NOTES

1. PLAT WAS COMPILED USING EXISTING RECORD DATA & ACTUAL FIELD SURVEY.
2. BEARINGS ARE NEW MEXICO STATE PLANE GRID BEARINGS, CENTRAL ZONE, NAD 1927, AND ARE BASED ON ACS CONTROL MONUMENTS 2_K15 AND 8_K15, AS SHOWN HEREON.
3. DISTANCES ARE GROUND DISTANCES.
4. PLAT SHOWS ALL EASEMENTS OF RECORD.
5. BEARINGS AND DISTANCES IN PARENTHESES ( ) ARE PER THE BOUNDARY SURVEY PLAT OF LOTS 2 & 3 BLOCK 75 & LOTS 1 & 2 BLOCK 76, TERRACE ADDITION, FILED IN BERNALILLO COUNTY, NEW MEXICO ON DECEMBER 14, 1998 IN BOOK 96C, PAGE 216.
6. GROSS AREA: 0.4116 ACRES
7. NUMBER OF EXISTING LOTS: 2
8. NUMBER OF LOTS CREATED: 1
9. PROPERTY IS ZONED SU-2 PD
10. NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BINDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT. THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT, OR SITE DEVELOPMENT PLAN FOR SUBDIVISION.

FREE CONSENT

THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S) OF THE PROPERTY DESCRIBED HEREON DO HEREBY CONSENT TO THE PLATTING OF SAID PROPERTY AS SHOWN HEREON AND THE SAME IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRES AND SAID OWNERS WARRANT THAT THEY HOLD COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE LAND SUBDIVIDED AND DO HEREBY DEDICATE ADDITIONAL STREET RIGHT-OF-WAY TO THE CITY OF ALBUQUERQUE IN FEE SIMPLE WITH WARRANTY COVENANTS.

OWNER(S) SIGNATURE: 2000 Gold NE LLC DATE: 3/14/2008
OWNER(S) PRINT NAME: PHILLIP KARL, PRINCIPAL
ADDRESS: P.O. BOX 7899, ABQ, NM 87194-7899 TRACT:
ACKNOWLEDGMENT
STATE OF NEW MEXICO)
) SS
COUNTY OF BERNALILLO)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14TH DAY OF MARCH, 2008
BY: PHILLIP KARL, PRINCIPAL, 2000 GOLD NE LLC
MY COMMISSION EXPIRES: 10/01/09
NOTARY PUBLIC

OFFICIAL SEAL
Sarah Amato
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 10/01/09

UTILITY APPROVALS

P.N.M. GAS SERVICES/P.N.M. ELECTRIC SERVICES	DATE
QWEST TELECOMMUNICATIONS	DATE
COMCAST CABLE	DATE

SURVEYOR'S CERTIFICATION

I, Anthony L. Harris, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and description were prepared by me or under my supervision, shows all easements as shown on the plat of record or made known to me by the owners and/or proprietors of the subdivision shown hereon, utility companies and other parties expressing an interest and meets the minimum requirements for monumentation and surveys of the Albuquerque Subdivision Ordinance, and further meets the Minimum Standards for Land Surveying in the State of New Mexico and is true and correct to the best of my knowledge and belief.

3-18-08
Anthony L. Harris
New Mexico Professional Surveyor, 11463
Date

STATE OF NEW MEXICO 11463 PROFESSIONAL LAND SURVEYOR

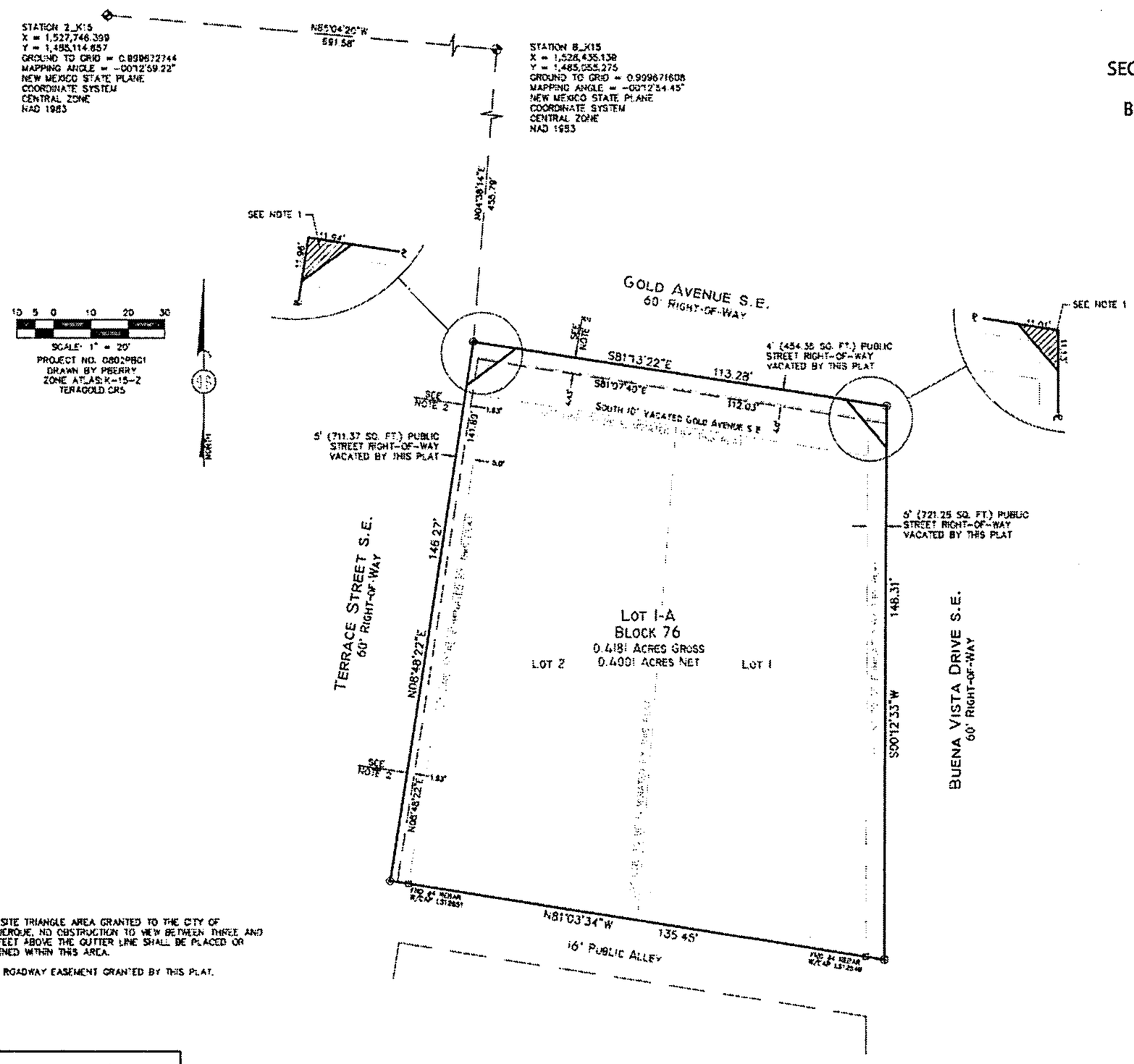
THIS IS TO CERTIFY THAT TAXES ARE CURRENT & PAID ON
UPC#:
PROPERTY OWNER OF RECORD:
BERNALILLO COUNTY TREASURER'S OFFICE:

SURVEYS SOUTHWEST LTD.
333 LOMAS BLVD., N.E.
ALBUQUERQUE, NEW MEXICO
87102
PHONE: (505) 998-0303
FAX: (505) 998-0306

T10N R3E SEC. 21

C802PB01

PLAT OF
LOT 1-A, BLOCK 76
TERRACE ADDITION
TOWN OF ALBUQUERQUE GRANT
SECTION 21, T. 10 N., R. 3 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
MARCH, 2008
SHEET 1 OF 2



NOTES:

1. CLEAR SITE TRIANGLE AREA GRANTED TO THE CITY OF ALBUQUERQUE. NO OBSTRUCTION TO VIEW BETWEEN THREE AND EIGHT FEET ABOVE THE GUTTER LINE SHALL BE PLACED OR MAINTAINED WITHIN THIS AREA.
2. PUBLIC ROADWAY EASEMENT GRANTED BY THIS PLAT.

MONUMENT LEGEND

⊡ – FOUND MONUMENT AS NOTED

⊕ – SET 1/2" REBAR W/CAP STAMPED "PS 11463" UNLESS OTHERWISE NOTED

SURVEYS SOUTHWEST LTD.

333 LOMAS BLVD., N.E.
ALBUQUERQUE, NEW MEXICO
87102

PHONE: (505) 998-0303
FAX: (505) 998-0306

0802PBC1

T10N R3E SEC. 21

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — S Z

- ✓ Major Subdivision action
- ✓ Minor Subdivision action PRELIM / FINAL
- ✓ Vacation OF PUBLIC R-O-W — V
- ___ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN — P

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

STORM DRAINAGE — D

- ___ Storm Drainage Cost Allocation Plan

ZONING & PLANNING

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

L A APPEAL / PROTEST of...

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

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

APPLICANT INFORMATION:

Professional/Agent (if any): SURVEYS SOUTHWEST, LTD PHONE: 998-0303
ADDRESS: 333 LOMAS BLVD NE FAX: 998-0306
CITY: ALBQ STATE NM ZIP 87102 E-MAIL:

APPLICANT: 2000 GOLD AVE LLC, PHILLIP RABL, PRINCIPAL c/o JULIO RABL PHONE: 232-3017
ADDRESS: P.O. BOX 7897 FAX:
CITY: ALBQ STATE NM ZIP 87194 E-MAIL:
Proprietary interest in site: OWNER List all owners: N/A

DESCRIPTION OF REQUEST: COMBINE TWO EXISTING LOTS & THREE VACATED PORTIONS OF RIGHTS-OF-WAY INTO ONE NEW LOT & DEDICATE ADDITIONAL R-O-W AS SHOWN HEREON.

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

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

Lot or Tract No. LOTS 1 & 2 Block: 76 Unit: N/A
Subdiv/Addn/TBKA: TERRACE ADDITION, TOGETHER W/ VACATED PORTIONS OF TERRACE ST, GOLD AV. & BUENA VISTA DR.
Existing Zoning: SU-2 / PR Proposed zoning: N/A
Zone Atlas page(s): K-15-Z UPC Code: 1-015-057-455-246-42904 MRGCD Map No N/A

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-75-26, PROJ # 1006822

CASE INFORMATION:

Within city limits? ✓ Yes Within 1000FT of a landfill? NO
No. of existing lots: 2 No. of proposed lots: 1 Total area of site (acres): 0.4110 AC
LOCATION OF PROPERTY BY STREETS: On or Near: GOLD AVE SE,
Between: TERRACE ST. SE and BUENA VISTA DR. SE

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

SIGNATURE Dan Graney DATE 3-20-08
(Print) Dan Graney Applicant: ☐ Agent: ☒

FOR OFFICIAL USE ONLY

Form revised 4/07

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

Application case numbers			Action	S.F.	Fees
08DRB	-	70146	VRW		$ 995.00
08DRB	-	70147	P&F		$ 215.00
	-		CMF		$ 20.00
	-		ADV		$ 70.00
	-				$
				Total	$ 1210.00

Hearing date April 16, 2008

3/21/08
Planner signature / date

Project # 1006822

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

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

☐ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Your attendance is required.**

__ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 **copies**
__ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ List any original and/or related file numbers on the cover application

☐ **EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)** **Your attendance is required.**

__ Preliminary Plat reduced to 8.5" x 11"
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ Copy of DRB approved infrastructure list
__ Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
__ List any original and/or related file numbers on the cover application
Extension of preliminary plat approval expires after one year.

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)** **Your attendance is required.**

__ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
__ Design elevations & cross sections of perimeter walls **3 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
__ Copy of recorded SIA
__ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
__ List any original and/or related file numbers on the cover application
__ DXF file and hard copy of final plat data for AGIS is required.

☑ **MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)** **Your attendance is required.**

N/A 5 Acres or more: Certificate of No Effect or Approval
✓ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings
N/A Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
N/A Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
VACANT Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
✓ Zone Atlas map with the entire property(ies) clearly outlined
✓ Letter briefly describing, explaining, and justifying the request
✓ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
N/A Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
✓ Fee (see schedule)
✓ List any original and/or related file numbers on the cover application
N/A Infrastructure list if required **(verify with DRB Engineer)**
✓ DXF file and hard copy of final plat data for AGIS is required.

☐ **AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03)** **Your attendance is required.**

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

__ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
__ List any original and/or related file numbers on the cover application
Amended preliminary plat approval expires after one year

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

Dan Graney
Applicant name (print)

Dan Graney 3-20-08
Applicant signature / date

Form revised **October 2007**

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

Application case number
08DRB-_____-7047
_____-_____-_____
_____-_____-_____

3/21/08
Planner signature / date

Project # 1006822

FORM V: SUBDIVISION VARIANCES & VACATIONS

☐ **BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**

__ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
__ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
__ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
__ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
__ Sign Posting Agreement
__ Fee (see schedule)
__ List any original and/or related file numbers on the cover application

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

☐ **VACATION OF PUBLIC EASEMENT (DRB27)**

☑ **VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**

✓ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.** (Not required for City owned public right-of-way.)
✓ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
✓ Zone Atlas map with the entire property(ies) clearly outlined
✓ Letter briefly describing, explaining, and justifying the request
✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
✓ Sign Posting Agreement
✓ Fee (see schedule)
✓ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

☐ **SIDEWALK VARIANCE (DRB20)**

☐ **SIDEWALK WAIVER (DRB21)**

__ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the variance or waiver
__ List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

☐ **SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**

__ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the variance
__ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
__ Sign Posting Agreement
__ Fee (see schedule)
__ List any original and/or related file numbers on the cover application

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

☐ **TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**

☐ **EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**

__ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the deferral or extension
__ List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

☐ **VACATION OF PRIVATE EASEMENT (DRB26)**

☐ **VACATION OF RECORDED PLAT (DRB29)**

__ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
__ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
__ Letter of authorization from the grantors and the beneficiaries (private easement only)
__ Fee (see schedule)
__ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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

Dan Graney
Applicant name (print)

Dan Graney 3-20-08
Applicant signature / date

Form revised 4/07

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

Application case numbers
08DRB - ____ - 70146
____ - ____ - ____
____ - ____ - ____

3/21/08
Planner signature / date

Project # 1006822

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

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

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from April 1, 2008 To April 16 2008

5. REMOVAL

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

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

Sarah Amato — (Applicant or Agent) 3/21/08 — (Date)

I issued 4 signs for this application, 3/21/08 (Date) [signature] (Staff Member)

DRB PROJECT NUMBER: 1006822

Rev. 1/11/05

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

March 19, 2008

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

REF: LOTS 1 & 2, BLOCK 76, TERRACE ADDITION

Dear Board Members:

The purpose of this vacation action and replat is to prepare the property for residential condominiums. The reduced street width will accommodate setbacks.

If you have any questions please feel free to contact me.

Sincerely,

Dan Graney
President

Surveys Southwest, Ltd

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306*

March 20, 2008

SILVER HILL NEIGHBORHOOD ASSOCIATION
BILL COBB
1701 SILVER AVENUE SE
ALBUQUERQUE, NM 87106

REF: LOT 1-A, BLOCK 76, TERRACE ADDITION

Dear Bill Cobb:

This letter is a notice of action being taken on Terrace Addition, located Gold Avenue SE between Terrace Street SE and Buena Vista Drive SE.

Surveys Southwest, Ltd is submitting the above referenced property for a vacation action to vacate portions of rights-of-way and a preliminary / final plat to combine two existing lots into one new lot. A copy of the proposed plat is attached. When approved, this will become the final plat for the above referenced property.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is April 16, 2008.

If you have any questions please feel free to contact me

Sincerely,

Dan Graney
President

7004 1350 0000 0744 7613

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Postmark Here 3/20/08

Sent To BILL COBB
Street, Apt. No.; or PO Box No. 1701 SILVER AVE SE
City, State, ZIP+4 ALBUQ. N. MEX 87106

PS Form 3800, June 2002 See Reverse for Instructions

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

March 20, 2008

SILVER HILL NEIGHBORHOOD ASSOCIATION
GORDON REISELT
1515 SILVER SE
ALBUQUERQUE, NM 87106

REF: LOT 1-A, BLOCK 76, TERRACE ADDITION

Dear Gordon Reiselt:

This letter is a notice of action being taken on Terrace Addition, located Gold Avenue SE between Terrace Street SE and Buena Vista Drive SE.

Surveys Southwest, Ltd is submitting the above referenced property for a vacation action to vacate portions of rights-of-way and a preliminary / final plat to combine two existing lots into one new lot. A copy of the proposed plat is attached. When approved, this will become the final plat for the above referenced property.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is April 16, 2008.

If you have any questions please feel free to contact me.

Sincerely,

Dan Graney
President

7004 1350 0000 0744 7404

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Certified Fee	$2.05
Return Reciept Fee (Endorsement Required)	$2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.17

Postmark Here 3/20/08

Sent To GORDON REISELT
Street, Apt. No.; or PO Box No. 1515 SILVER SE
City, State, ZIP+4 ALBUQ. N. MEX 87106

PS Form 3800, June 2002 See Reverse for Instructions

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.

City of Albuquerque

Date: March 20, 2008

TO CONTACT NAME: Sarah Amato
COMPANY/AGENCY: Surveys Southwest LTD.
ADDRESS/ZIP: 333 Lomas Blvd. NE 87102
PHONE/FAX #: 998-0303 998-0306

Thank you for your inquiry of March 20, 2008 (date) requesting the names of **ALL Affected Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at Lots 1 & 2 Blk 76, Terrace Addition

zone map page(s) K-15.

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

Silver Hill N.A.

Neighborhood or Homeowner Association

Contacts: Gordon Reiselt
1515 Silver SE 87106
242-3345(h)
Bill Cobb
1701 Silver Ave. SE 87106
247-8296(h)

Neighborhood or Homeowner Association

Contacts:

See reverse side for additional Neighborhood and/or Homeowner Associations

Information: YES { } NO {X}

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

Sincerely,

Dalia R Carmona
OFFICE OF NEIGHBORHOOD COORDINATION

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

Planningnscontactformltr (12/03/07)

NOTICE TO APPLICANTS - SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

INFORMATION FROM THE OFFICE OF NEIGHBORHOOD COORDINATION

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

[X] ONC's "Official" Letter to the applicant (*if there are associations*). A copy must be submitted with application packet -OR-

[ ] The ONC "Official" Letter (*if there are no associations*). A copy must be submitted with application packet.

[X] Copies of Letters to Neighborhood and/or Homeowner Associations (*if there are associations*). A copy must be submitted with application packet.

[X] Copies of the certified receipts to Neighborhood and/or Homeowner Associations (*if there are associations*). A copy must be submitted with application packet.

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

****

(Below this line for ONC use only)

Date of Inquiry: 3-20-08 Time Entered: 9:20 AM ONC Rep. Initials: DA

#2 DRB AGENDA

DRB Project # 1006822

APS Cluster Albuquerque

EXHIBIT B

FINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and PHILLIP RABL, 2001 GOLD AVE LLC, MANAGER ("Developer") effective as of this 9TH day of APRIL, 2008, and pertains to the subdivision commonly known as TERRACE ADDITION, and more particularly described as LOT 1-A, BLOCK 7L, TERRACE ADDITION, PROJECTED SECTION 21, T10N, R3E, N.M.P.M, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO.

(the "Subdivision".) The following individual lots comprise the subdivision:

[List lots by street address and new legal description; Lots which will be used for multi-family residences should be marked "multifamily-46units" with the number of units filled in.]

DocH 2008042250
04/15/2008 10:08 AM Page: 1 of 3
AGRE R:$13.00 M. Toulouse, Bernalillo County

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance;

DRI[illegible]oject # 1006822

APS Cluster Albuquerque

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees to pay to APS a facilities fee for each dwelling unit to be constructed in the Subdivision.

2. The amount of the fee shall be:

- If the building permit is issued on or after January 1, 2007, the fee shall be $1875 per dwelling unit.
- If the building permit is issued on or after July 1, 2008, the fee shall be $2425 per dwelling unit.
- If the permit is issued on or after January 1, 2010, the fee shall be $2975 per dwelling unit.

The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60 %) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.

4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.

5. This contract shall be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."

6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.

DR[illegible]roject # 1006822

APS Cluster Albuquerque

Signature

PHILLIP RABY, MANAGER
2001 GOLD AVE LLC.

Name (typed or printed) and title

Developer

OFFICIAL SEAL
Sarah Amato
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 10/01/09

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on APRIL 9TH, by PHILLIP RABY as MANAGER of 2001 GOLD AVE LLC, ~~a corporation~~.

Sarah Amato
Notary Public

(Seal)

My commission expires: 10/01/09

ALBUQUERQUE PUBLIC SCHOOLS

By:
Signature

BETTY KING, PLANNER, APS CMP

Name (typed or printed) and title

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on 4-11-08, by Betty King as Planner, APS, CMP of the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under the laws of the State of New Mexico.

April L. Whitley
Notary Public

(Seal)

My commission expires: May 18, 2011

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April 29, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project to the May 14, 2008 of the DRB. The site plan for the property is undergoing minor modification and may impact this request. As a result we would appreciate the deferral.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
j. stace mcgee ■
michael ryan ■

■ 142 Truman St. NE
Albuquerque, NM 87108

Tel 505.242.2851
Fax 505.242.2852

■ 1198 SW 5th Court
Boca Raton, FL 33432

Tel 561.391.3981

www.edi-arch.com

DEVELOPMENT REVIEW BOARD
Action Sheet

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

April 30, 2008 9:00AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

****

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

1. **Project# 1005029**
08DRB-70165 MAJOR - 2YR EXTENSION OF SUBDIVISION IMPROVEMENTS
SUNCAL COMPANIES/ WESTLAND DevCo LP (f.k.a WESTLAND DEVELOPMENT CO. INC.). request(s) the above action(s) for the Mirehaven Arroyo as part of Tract(s) B & J, **THE CROSSING**, and Tract(s) R, **STORMCLOUD Unit(s) 3 & 4,** (to be known as **STORMCLOUD SUBDIVISION Unit(s) 4 & 5),** zoned SU-2/R-LT, located west of UNSER BLVD NW BETWEEN TIERRA PINTADA BLVD NW AND LADERA BLVD NW containing approximately 50 acre(s). (H-9) **THE TWO YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**

2. **Project# 1005108**
08DRB-70059 MAJOR - PRELIMINARY PLAT APPROVAL
08DRB-70105 SIDEWALK WAIVER
08DRB-70138 SIDEWALK WAIVER

THE DESIGN GROUP agent(s) for RALPH CORRIZ request(s) the above/ referenced action(s) for all or a portion of Tract(s) 67-A-1 AND 67-A-2, **MRGCD MAP #29,** zoned R-1 and C-1, located on the east side of 4TH ST NW BETWEEN VINEYARD RD NW AND WILLOW RD NW containing approximately 2.4 acre(s). (E-15) *[Deferred from 2/27/08, 3/12/08, 3/26/08 & 4/2/08]* **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

3. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08]* **DEFERRED TO 5/14/08 AT THE AGENT'S REQUEST.**

4. **Project# 1004354**
08DRB-70048 SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

TIERRA WEST LLC agent(s) for MCDONALD'S CORPORATION request(s) the above action(s) for all or a portion of Lot 2, **KRANIA ADDITION,** zoned SU-2 PCA, located on the SE corner of 98TH ST NW AND VOLCANO RD NW containing approximately 1.1172 acre(s). (K-9) *[Deferred from 2/20/08,3/5/08, 3/12/08, 3/19/08, 3/26/08 & 4/2/08 & 4/16/08].* **DEFERRED TO 5/7/08 AT THE AGENT'S REQUEST.**

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May 12, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for May 14, 2008 to the new date of May 21, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
J. stace mcgee ■
michael ryan ■

■ 142 Truman St NE
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■ 1198 SW 5th Court
Boca Raton, FL 33432

Tel 561.391.3981

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DEVELOPMENT REVIEW BOARD
AGENDA

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

May 14, 2008 9:00 AM
MEMBERS:

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

****

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

1. **Project# 1000316**
08DRB-70186 MAJOR - 2YR
EXTENSION OF SUBDIVISION
IMPROVEMENTS

HUITT-ZOLLARS, INC., agent(s) for GSL PROPERTIES INC request(s) the above/ referenced action(s) for all or a portion of Tract(s) A-C, **COTTONWOOD SUBDIVISION,** zoned SU-1 FOR C2 & IP USES , and SU-1 FOR PRD,, located on the north side of SEVEN BAR LOOP RD NW BETWEEN COORS BLVD NW AND COTTONWOOD DR NW containing approximately 16.11 acre(s). (B-16) **THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**

2. **Project# 1002949**
08DRB-70182 MAJOR - 2YR
EXTENSION OF SUBDIVISION
IMPROVEMENTS

JAMES CRABTREE request(s) the above/ referenced action(s) for all or a portion of Lot(s) 1-A, B, C, D, & E, Block 10, **PETROGLYPH PARK,** zoned O-1, located on the east side of UNSER BLVD NW BETWEEN SANTO DOMINGO ST NW AND MOJAVE ST NW containing approximately 1 acre(s). (E-10) **THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**

3. **Project# 1002567**
08DRB-70184 VACATION OF PUBLIC EASEMENT
08DRB-70185 VACATION OF PRIVATE EASEMENT
08DRB-70215 PRELIMINARY/FINAL PLAT

ADVANCED ENGINEERING AND CONSULTING, LLC agent(s) for STEVE KIRK request(s) the above/ referenced action(s) for a 34 foot Private Access and Drainage Easement, a 10 foot Public Utility Easement, and a 25 foot Public Water and Sewer Easement, all or a portion on Lot(s) 1-11, **HACIENDA DE LOIS,** zoned R-2, located on the west side of 12TH ST NW BETWEEN MENAUL BLVD NW AND LA POBLANA RD NW containing approximately 0.8544 acre(s). (H-13) **THE VACATION OF PUBLIC EASEMENT WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE VACATION OF PRIVATE EASEMENT WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD AND TO RECORD.**

4. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08 & 4/30/08].***DEFERRED TO 5/21/08 AT THE AGENT'S REQUEST.**

5. **Project# 1005540**
08DRB-70187 VACATION OF PUBLIC EASEMENT
08DRB-70188 MAJOR - PRELIMINARY PLAT APPROVAL
08DRB-70189 - TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

WILSON & COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT, INC. request(s) the above action(s) for all or a portion of Tract(s) D & E, **LA CUENTISTA SUBDIVISION,** zoned SU-2 (VOLCANO HEIGHTS SECTOR PLAN), located on the east side of KIMMICK DR NW BETWEEN FIRE THORN LN NW AND ROSA PARKS RD NW containing approximately 91.037 acre(s). (C-11, D-11) **DEFERRED TO 5/21/08 AT THE AGENT'S REQUEST.**

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May 20, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for May 21, 2008 to the new date of June 4, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
J. stace mcgee ■
michael ryan ■

■ 142 Truman St. NE
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DEVELOPMENT REVIEW BOARD
Action Sheet

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building
May 21, 2008

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

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

1. **Project# 1007258**
08DRB-70200 – SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

RICK BENNETT ARCHITECTS agent(s) for RIO GRANDE PROPERTIES LLC request(s) the above action(s) for all or a portion of Lot(s) 7A, **JOURNAL CENTER PHASE 2, UNIT 1,** zoned IP, located at the southern terminus of HANCOCK CT NW south of WOLCOTT AVE NW containing approximately 0.5 acre(s). (D-17) **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR JOURNAL CENTER ARCHITECTURAL COMMENTS APPROVAL AND TO TRANSPORTATION FOR WRITTEN COMMENTS.**

2. **Project# 1007259**
08DRB-70201 – SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

PETER BUTTERFIELD, ARCHITECT agent(s) for ALAMEDA PARTNERS, LLC request(s) the above action(s) for all or a portion of Lot 1, **ALAMEDA BUSINESS PARK,** zoned SU-2 IP-EP, located on the southwest corner of ALAMEDA PARK DR NW AND ALAMEDA RD NW containing approximately 2.2014 acre(s). (C-16) **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION FOR COMMENTS. 3 COPIES OF APPROVED SITE PLAN MUST BE PROVIDED TO PLANNING.**

3. **Project# 1005540**
08DRB-70187 VACATION OF PUBLIC EASEMENT
08DRB-70188 MAJOR - PRELIMINARY PLAT APPROVAL
08DRB-70189 - TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

WILSON & COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT, INC. request(s) the above action(s) for all or a portion of Tract(s) D & E, **LA CUENTISTA SUBDIVISION,** zoned SU-2 (VOLCANO HEIGHTS SECTOR PLAN), located on the east side of KIMMICK DR NW BETWEEN FIRE THORN LN NW AND ROSA PARKS RD NW containing approximately 91.037 acre(s). (C-11, D-11)*[Deferred from5/14/08]* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. WITH AN APPROVED GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED 4/18/08 THE PRELIMINARY PLAT WAS APPROVED. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT 'C' IN THE PLANNING FILE.**

4. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08 & 4/30/08.]***DEFERRED TO 6/4/08 AT THE AGENT'S REQUEST.**

5. **Project# 1001275**
08DRB-70192 MAJOR - 2YR EXTENSION OF SUBDIVISION IMPROVEMENTS

CONSENSUS PLANNING INC agent(s) for TEAM RETAIL COTTONWOOD, LTD request(s) the above action(s) for all or a portion of Lot(s) 1, **LOWES SUBDIVISION,** zoned SU-1/C-2/IP/R-3, located on the north side of OLD AIRPORT AVE NW BETWEEN COTTONWOOD DR NW AND COORS BLVD NW containing approximately 8.13 acre(s). (A-14) **THE TWO YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED**

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June 3rd, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for June 4, 2008 to the new date of June 11, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
j. stace mcgee ■
michael ryan ■

■ 142 Truman St. NE
Albuquerque, NM 87108

Tel 505.242.2851
Fax 505.242.2852

■ 1198 SW 5th Court
Boca Raton, FL 33432

Tel 561.391.3981

www.edi-arch.com

DEVELOPMENT REVIEW BOARD
Action Sheet

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

June 4, 2008 9:00 AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

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

1. **Project# 1000901**
08DRB-70222 VACATION OF PUBLIC EASEMENT

PRECISION SURVEYS INC agent(s) for BOSQUE PREPARTORY SCHOOL request(s) the above action(s) for a 35 foot square Water Line Easement on Lot(s) 4A, **BOSQUE PREPARTORY SCHOOL,** zoned SU-1 FOR SCHOOL AND RELATED FACILITIES, located on the east side of LEARNING RD NW BETWEEN COORS BLVD NW AND THE CORRALES DRAIN containing approximately 47.39 acre(s). (F-12) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

2. **Project# 1002556**
08DRB-70221 VACATION OF PUBLIC RIGHT-OF-WAY

BORDENAVE DESIGNS agent(s) for CALABACILLAS GROUP request(s) the above action(s) for portionS of Golf Course Road NW and Westside Boulevard NW adjacent to Tract(s) D & E, **PARADISE HEIGHTS, UNIT 1,** located in the southeast corner of GOLF COURSE RD NW AND WESTSIDE BLVD NW containing approximately 15.784 acre(s). (A-12) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE SUBJECT TO CALLING OUT WIDTH OF RIGHT-OF-WAY, INDICATION OF PAVEMENT LOCATION, AND THE DISTANCE OF FACE OF CURB TO THE PROPERTY LINE.**

3. **Project# 1007281**
08DRB-70219 VACATION OF PUBLIC EASEMENT

ALPHA PROFESSIONAL SURVEYING agent(s) for BRIDGE INVESTMENT GROUP request(s) the above action(s) for a 25 foot Sewer, Drainage, and Sidewalk Easement on Tract(s) E-3, **OSO GRANDE SUBDIVISION,** zoned SU-1 PRD, located on the south side of SPAIN RD NE BETWEEN EUBANK BLVD NE AND MORRIS ST NE containing approximately 47.39 acre(s). (F-21) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

4. **Project# 1005255**
08DRB-70207 VACATION OF PUBLIC RIGHT-OF-WAY

DAC ENTERPRISES, INC agent(s) for J C & JAMES A PETERSON request(s) vacation for Harvard Dr NE BETWEEN LOTS A-1 OF BLOCK 15 & LOT C-1 OF BLOCK 10, **VISTA LARGA SUBDIVISION** located on HARVARD DR south of HANNETT AVE NE. (J-16) *[Deferred from 5/28/08].* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

08DRB-70236 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

WAYJOHN SURVEYING INC agent(s) for JAMES A & JAMES C PETERSON request(s) the above action(s) for all or a portion of Lot(s) A-1, B-1 & C-1, Block(s) 10 & 15, **VISTA LARGA** zoned R-1, located on HANNETT AVE NE BETWEEN STANFORD DR NE AND HARVARD DR NE containing approximately 1.1773 acre(s). (J-16) *[Deferred from 5/28/08].* **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FIR CITY REAL ESTATE AND TO RECORD.**

5. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08 & 5/21/08.]* **DEFERRED TO 6/11/08 AT THE AGENT'S REQUEST.**

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regenerating architecture

June 3rd, 2008

Mr. Jack Cloud
DRB Chair
600 Second Street NW
Albuquerque, NM 87102

RE: Deferral Request for 08DRB-70146, 08DRB-70147, COA Project #1006822

Dear Mr. Cloud:

Environmental Dynamics, Inc. Architects as agents for 2000 Gold Ave LLC hereby request deferral of the project scheduled for June 4, 2008 to the new date of June 11, 2008 DRB.

If you have any questions or require additional information, please call me at 242-2851.

Sincerely,

Elena Agustin, LEED AP
Project Manager
Environmental Dynamics, Inc.

kent beierle ■
kris callori ■
j. stace mcgee ■
michael ryan ■

■ 142 Truman St. NE
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Boca Raton, FL 33432

Tel 561.391.3981

www.edi-arch.com

DEVELOPMENT REVIEW BOARD
Action Sheet

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

June 4, 2008 9:00 AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

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

1. **Project# 1000901**
08DRB-70222 VACATION OF PUBLIC EASEMENT

PRECISION SURVEYS INC agent(s) for BOSQUE PREPARTORY SCHOOL request(s) the above action(s) for a 35 foot square Water Line Easement on Lot(s) 4A, **BOSQUE PREPARTORY SCHOOL,** zoned SU-1 FOR SCHOOL AND RELATED FACILITIES, located on the east side of LEARNING RD NW BETWEEN COORS BLVD NW AND THE CORRALES DRAIN containing approximately 47.39 acre(s). (F-12) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

2. **Project# 1002556**
08DRB-70221 VACATION OF PUBLIC RIGHT-OF-WAY

BORDENAVE DESIGNS agent(s) for CALABACILLAS GROUP request(s) the above action(s) for portionS of Golf Course Road NW and Westside Boulevard NW adjacent to Tract(s) D & E, **PARADISE HEIGHTS, UNIT 1,** located in the southeast corner of GOLF COURSE RD NW AND WESTSIDE BLVD NW containing approximately 15.784 acre(s). (A-12) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE SUBJECT TO CALLING OUT WIDTH OF RIGHT-OF-WAY, INDICATION OF PAVEMENT LOCATION, AND THE DISTANCE OF FACE OF CURB TO THE PROPERTY LINE.**

3. **Project# 1007281**
08DRB-70219 VACATION OF PUBLIC EASEMENT

ALPHA PROFESSIONAL SURVEYING agent(s) for BRIDGE INVESTMENT GROUP request(s) the above action(s) for a 25 foot Sewer, Drainage, and Sidewalk Easement on Tract(s) E-3, **OSO GRANDE SUBDIVISION,** zoned SU-1 PRD, located on the south side of SPAIN RD NE BETWEEN EUBANK BLVD NE AND MORRIS ST NE containing approximately 47.39 acre(s). (F-21) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

4. **Project# 1005255**
08DRB-70207 VACATION OF PUBLIC RIGHT-OF-WAY

DAC ENTERPRISES, INC agent(s) for J C & JAMES A PETERSON request(s) vacation for Harvard Dr NE BETWEEN LOTS A-1 OF BLOCK 15 & LOT C-1 OF BLOCK 10, **VISTA LARGA SUBDIVISION** located on HARVARD DR south of HANNETT AVE NE. (J-16) *[Deferred from 5/28/08].* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

08DRB-70236 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

WAYJOHN SURVEYING INC agent(s) for JAMES A & JAMES C PETERSON request(s) the above action(s) for all or a portion of Lot(s) A-1, B-1 & C-1, Block(s) 10 & 15, **VISTA LARGA** zoned R-1, located on HANNETT AVE NE BETWEEN STANFORD DR NE AND HARVARD DR NE containing approximately 1.1773 acre(s). (J-16) *[Deferred from 5/28/08].* **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FIR CITY REAL ESTATE AND TO RECORD.**

5. **Project# 1006822**
08DRB-70146 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70147 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for 2000 GOLD AVE LLC PHILLIP RABY PRINCIPAL request(s) the above action(s) for all or a portion of Lot(s) 1&2, Block(s) 76, **TERRACE ADDITION, TOGETHER WITH VACATED PORTIONS OF TERRACE ST GOLD AV & BUENA VISTA DR,** zoned SU-2 / PR, located on GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE containing approximately 0.411 acre(s). (R-15) *[Deferred from 4/16/08, 4/30/08 & 5/21/08.]* **DEFERRED TO 6/11/08 AT THE AGENT'S REQUEST.**

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

08/10/2008 Issued By: PLNABG

Permit Number: **2008 070 146** **Category Code 910**

Application Number: 08DRB-70146, Vacation Of Public Right-Of-Way

Address:

Location Description: GOLD AV SE BETWEEN TERRACE ST SE AND BUENA VISTA DR SE

Project Number: 1006822

Applicant
2000 Gold Ave Llc Phillip Raby Principal

Po Box 7897
Albuquerque NM 87194
232-3017

Agent / Contact
Surveys Southwest Ltd
Dan Graney
333 Lomas Blvd Ne
Albuquerque NM 87102

dmgraney@swsurvey.com

Application Fees

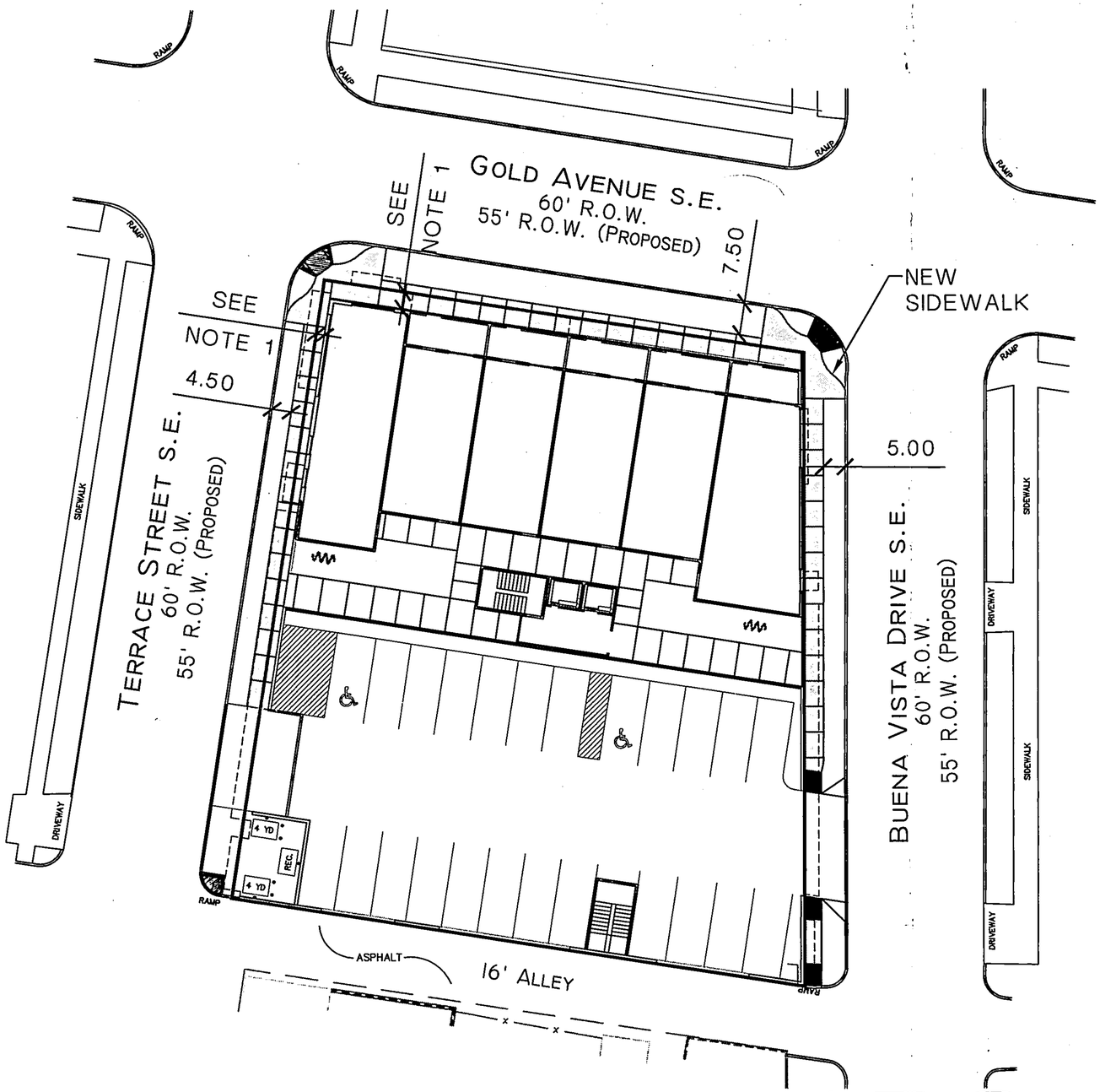
441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB Actions Deferral	$110.00
	TOTAL:	**$110.00**

City Of Albuquerque
Treasury Division

6/10/2008 4:10PM LOC: ANNX
WS# 008 TRANS# 0050
RECEIPT# 00092394-00092394
PERMIT# 2008070146 TRSSVC
Trans Amt $110.00
DRB Actions $110.00
CK $110.00
CHANGE $0.00

Thank You

1006822



15 0 15 30 60

1" = 30'

Note

1. PUBLIC ROADWAY EASEMENT GRANTED BY PLAT.

Legend

PROPERTY LINE

NEW SIDEWALK

ABQ Engineering, Inc

·Engineers ·Planners ·Construction Services

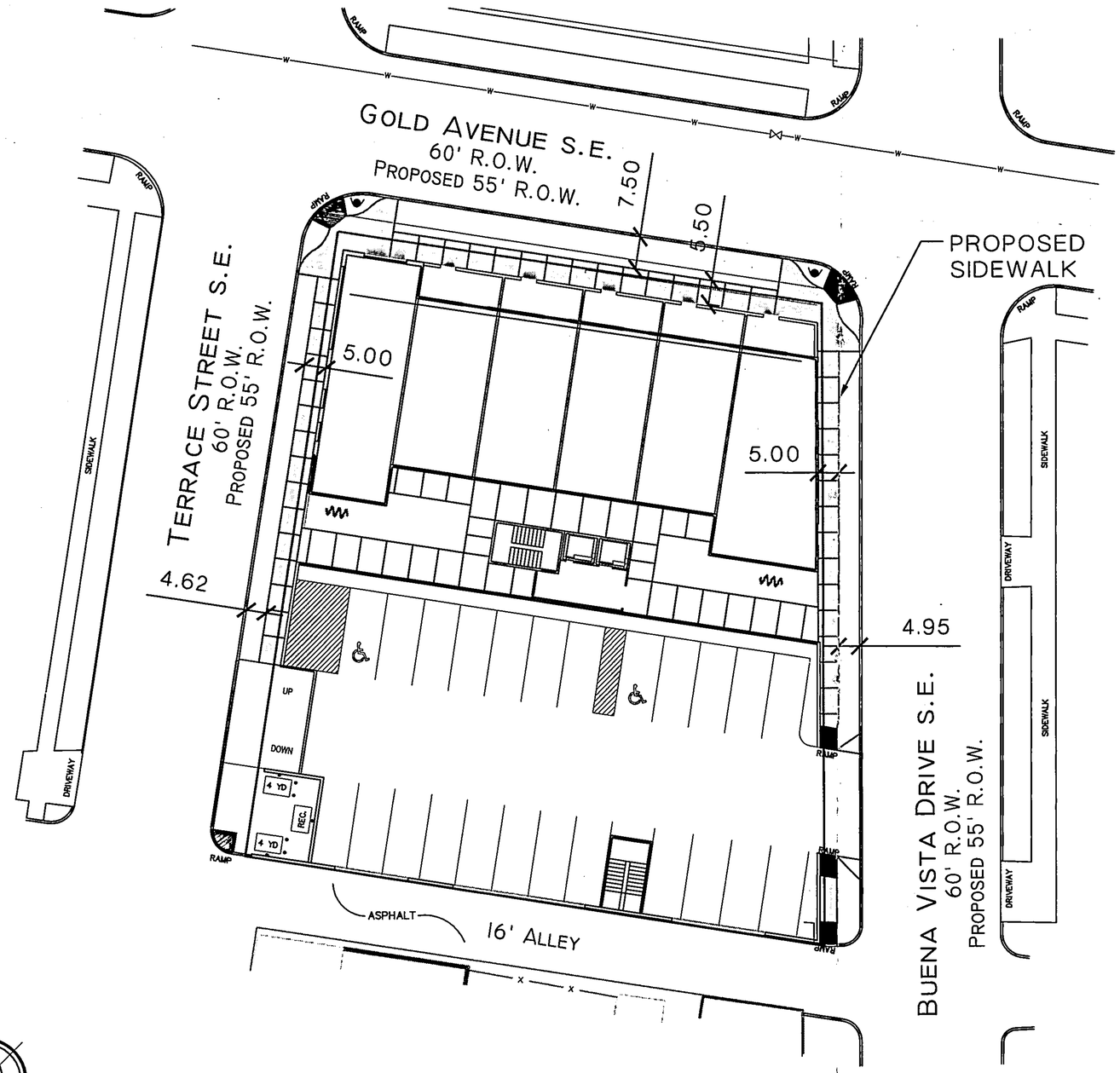
6739 Academy Rd. NE, Suite 130 Albuquerque, NM 87109

505-255-7802 FAX 505-255-7902 ABQ Project: 27108

SHEET TITLE: SIDEWALK EXHIBIT

PROJECT: 2000 GOLD AVENUE S.E.

SHEET 1 of 1



15 0 15 30 60

1" = 30'

ABQ
Engineering, Inc

·Engineers ·Planners ·Construction Services
6739 Academy Rd. NE, Suite 130 Albuquerque, NM 87109
505-255-7802 FAX 505-255-7902 ABQ Project: 27108

SHEET TITLE:	SIDEWALK EXHIBIT
PROJECT:	2000 GOLD AVENUE S.E.
	SHEET 1 of 1

Legal Description

LOTS 1 AND 2, BLOCK 76 OF THE TERRACE ADDITION.

Zoning

EXISTING ZONING SU-2 PR
EXISTING AREA: .3769 ACRES

PROPOSED ZONING SU-2/SU-1 FOR PRD
PROPOSED AREA: .4205 ACRES

UPC

1015-057-455-246-429-04

Proposed Use

RESIDENTIAL CONDOMINIUMS

OVERALL SQUARE FOOTAGE 47,500 S.F.

Parking Calculations

Parking Requirements:

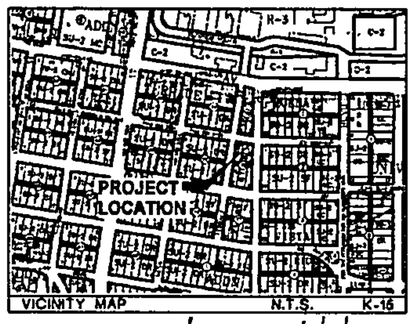
2001 Gold – Required Parking*	
Residential Condo Units	25 spaces
Total	25 spaces
2000 Gold – Required Parking	
Residential Condo Units**	49 spaces
Handicap Spaces	4 spaces
Total	53 spaces
Total Spaces	78 spaces
10% credit for Bus Line	-7 spaces
Total Spaces Required	71 Spaces
2000 and 2001 Spaces Provided	
Standard Spaces	69 spaces
Handicap Spaces	3 spaces
Total Spaces Provided	72 Spaces***

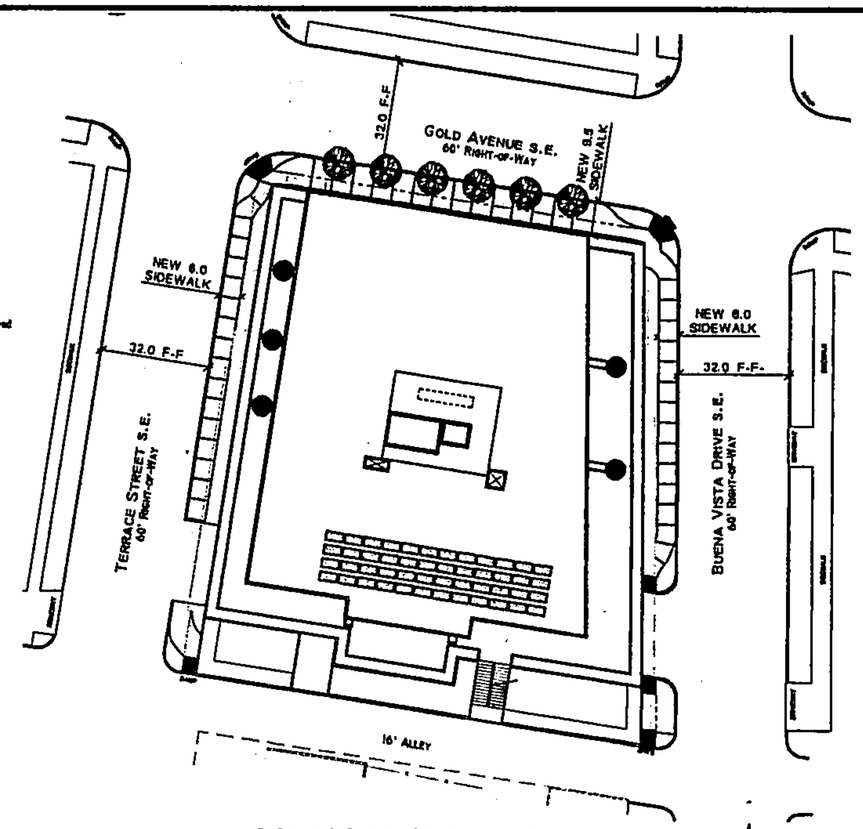
*36 Per ZHE Conditions for 2001 Gold Avenue with 1 on-street parking space approved
**Calculated at 1 space per bedroom – 39 1-Bedroom and 7 2-Bedroom
***4 Motorcycle Spaces are also provided

Open Space Calculations

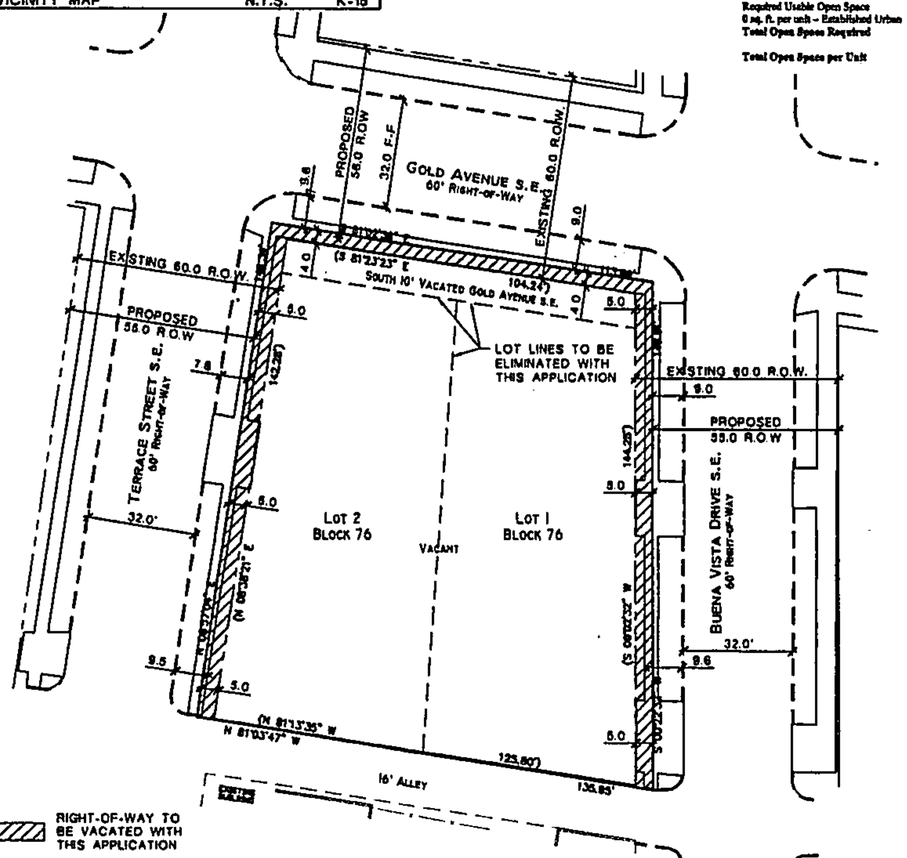
Usable Open Space Calculations:
January 2008

Usable Open Space by Floor	
Ground Floor	3,450 sq. ft.
2nd Floor	2,233 sq. ft.
3rd Floor	3,196 sq. ft.
4th Floor	4,114 sq. ft.
Roof	8,030 sq. ft.
Total	23,043 sq.ft.
Required Usable Open Space	
0 sq. ft. per unit – Established Urban	0 sq. ft.
Total Open Space Required	0 sq. ft.
Total Open Space per Unit	600 sq. ft.





COMPOSITE SITE PLAN
SCALE: 1" = 20'-0"



PROPOSED SITE BOUNDARY MODIFICATIONS
SCALE: 1" = 20'-0"

Drawing Index

C-101A	COVER SHEET/COMPOSITE DRAWING
C-101B	SITE PLAN
C-102	GRADING PLAN
C-103	SITE UTILITY PLAN
L-101	LANDSCAPE SITE PLAN
L-102	LANDSCAPE DETAILS
A-201	NORTH & SOUTH ELEVATIONS
A-202	EAST & WEST ELEVATIONS
A-203	SITE DIAGRAMS
SL-101	SITE LIGHTING PLAN
SL-102	SITE LIGHTING DETAILS

PROJECT NUMBER: _____

Application Number: _____

This plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated _____ and the Findings and Conditions in the Official Notification of Decision are satisfied. Is an Infrastructure List required? ( )Yes ( )No If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL

Traffic Engineering, Transportation Division	Date
Utility Department	Date
Parks and Recreation Department	Date
City Engineer	Date
*Environmental Health Department (conditional)	Date
Solid Waste Management	Date
DRB Chairperson, Planning Department	Date

*Environmental Health, if necessary

ABQ ENGINEERING, INC
6726 Academy Rd. NE
Suite 100
Albuquerque, NM 87109
505-821-7333
• Surveyors • Planners
• Construction Services

ENGINEERING STAMP

DO NOT SCALE DRAWINGS CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS- NOTIFY ENGINEER/ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING CONSTRUCTION

2000 GOLD
ALBUQUERQUE, NEW MEXICO

REV NO	REV DATE	DESCRIPTION

PROJECT NUMBER: 27108 DATE: JANUARY 4, 2008
DESIGNED BY: N.GARCIA
DRAWN BY: N.GARCIA
CHECKED BY: N.GARCIA
CAD FILE NAME: SITEPLAN-C101

SHEET TITLE

COVER SHEET AND COMPOSITE SITE PLAN

C-101A

SHEET of

ON ORIGINAL (PRECEEDING) PLAT
SCALE = 1 inch 150 ft.
Streets 60'
Alleys 16'
Lots 50 x 142 ft
(bet. R.R. and Coal Ave)

this was with 60' R/W's, this Amended Map changed some of the R/W's to 80' which would reduced lot depths to 132'.

TUP 9/10/1997

Amended Map of

THE TERRACE ADDITION

To The

City of Albuquerque

Filed By

~~M. D. S.~~ November 1910

33.4

Scale - 1 in 150 ft

I hereby that this map was filed in my office on the 15th day of November 1910 at 10:15 o'clock A.M.

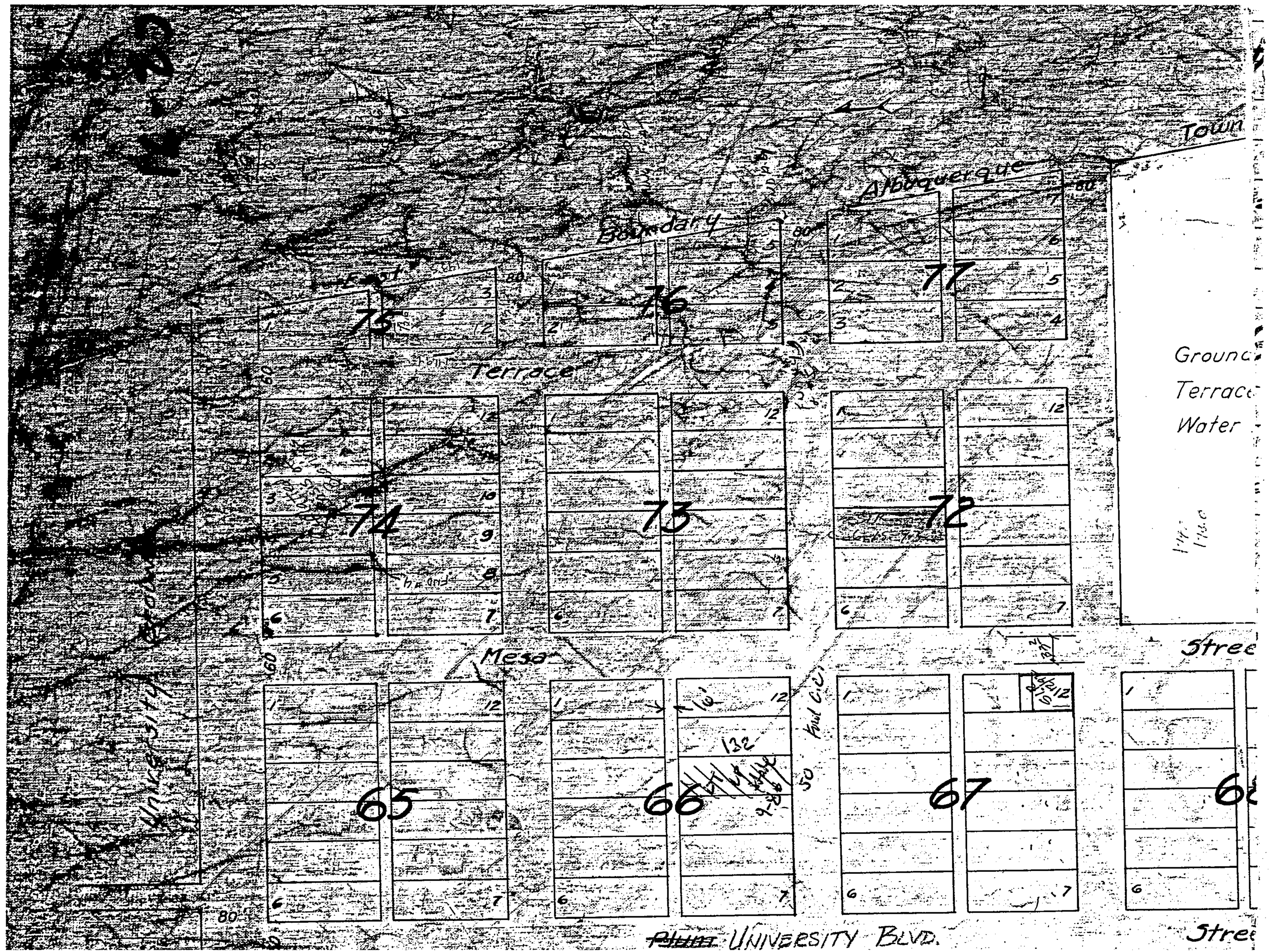
s/ A. E. Walker
Probate Clerk & Recorder

13.55

53.0

51.0 11.7

47


Town
Albuquerque
Boundary
East
Terrace
Mesa
Ground
Terrace
Water
Street
Street
University Blvd.
75
76
77
74
73
72
65
66
67
132
50
80
60

Parkway trees

Silver Hills restoration

cost Gold Dve Landscape Improvements

Under by Park Dept

$2 M

250k

Parks + Rec

Public welfare

not giving Rights Pr

NO PUBLIC

new

Trees

new S/W

University N'hoods

rehabilitation

CCLN Mr. Jane

Parkway Vista

> Landscape Pattern

> Historic District S/W

management

occupy

setbacks

no

Parks

torch base RTE maintenance

Hybrid

NO landscaping

Up to back of curb

Line of Sight

Element

Not need to W & S

or Alternate