COMPLETED 08/13/08

DRB CASE ACTION LOG (PREL/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-70220 Project # 1006868

Project Name: NORTH ALBUQUERQUE ACRES

Agent: TIERRA WEST LLC Phone No.: 858-3100

Your request was approved on 5-21-08 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):
- ☐ **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:

David.Muller@qwest.com.

DRB CASE ACTION LOG (PREL/FINAL)

REVISED 10/08/07

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  - ☐ **AGIS DXF File approval required.**
  - ☑ **Copy of recorded plat for Planning.**

Created On:

6868

DXF Electronic Approval Form

DRB Project Case #: 1006868

Subdivision Name: DEL NORTE PLAZA LOTS 1-4

Surveyor: LARRY W MEDRANO

Contact Person: KELLI KRUEGAR

Contact Information: 858-3100

DXF Received: 3/24/2008 Hard Copy Received: 3/24/2008

Coordinate System: NMSP Grid (NAD 83)

Approved

03-24-2008
Date

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

AGIS Use Only

Copied fc **6868** to agiscov on **3/24/2008** Contact person notified on **3/24/2008**

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**

6. **Project# 1000572**
08DRB-70197 VACATION OF PUBLIC EASEMENT

SURV-TEK INC agent(s) for MW DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of Tract(s) B, **THE PRESIDIO (TBK COPPER POINTE SUBDIVISION)** zoned SU-1 FOR PRB, located on COPPER AVE NE BETWEEN EUBANK BLVD NE AND MORRIS ST NE containing approximately 18.9993 acre(s). (K-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.**

08DRB-70212 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL
08DRB-70226 EPC APPROVED SDP FOR SUBDIVISION

CONSENSUS PLANNING agent(s) for NW DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Tract(s) B-1, B-2, B-3, B-4 & B-5, **THE PRESIDIO** zoned SU-1 FOR IP, located on COPPER AVE NE BEWEEN EUBANK BLVD NE AND MORRIS ST NE containing approximately 19 acre(s). (K-21) **DEFERRED TO 5/25/08 AT THE AGENT'S REQUEST.**

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

7. **Project# 1004221**
08DRB-70228 EPC APPROVED SDP FOR BUILD PERMIT

CONSENSUS PLANNING agent(s) for KENNY HINKES request(s) the above action(s) for all or a portion of Lot(s) D-3, **ACADEMY PLACE SUBDIVISION** zoned SU-1 FOR INSTITUTION, located on JUAN TABO BLVD NE BETWEEN SPAIN RD NE AND OSUNA RD NE containing approximately 1.0842 acre(s). (F-21) *[Planner – Randall Falkner]* **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION FOR REVISED PLAN PER COMMENTS, AND TO ABCWUA FOR REVISED UTILITY PLAN.**

8. **Project# 1000771**
08DRB-70218 AMENDED EPC SDP FOR SUBDIVISION

DEKKER/PERICH/SABATINI agent(s) for H.R. RENTAL PROPERTIES, INC request(s) the above action(s) for all or a portion of Tract(s) C, **COTTONWOOD POINTE** zoned SU-1, R-2, C-2, IP USES, located on EAGLE RANCH RD AND IRVING BLVD containing approximately 6.76 acre(s). (B-13) **THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED. 3 COPIES OF APPROVED SITE PLAN MUST BE PROVIDED TO PLANNING.**

9. **Project# 1003125**
08DRB-70183 MINOR - SDP FOR BUILDING PERMIT

MOLZEN-CORBIN & ASSOCIATES agent(s) for TRI MOTOR LLC request(s) the above action(s) for all or a portion of Tract(s) S-1, **AEROSPACE TECHNOLOGY PARK IN DOUBLE EAGLE II AIRPORT,** zoned SU-1 FOR AIRPORT & REL FAC, located on AEROSPACE PARKWAYNW BETWEEN SHOOTING RANGE PARK RD NW AND AREOSPACE PARKWAY NW containing approximately 2 acre(s). (G-6) *[Deferred from 4/30/08 & 5/7/08]* **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION FOR WRITTEN COMMENTS AND TO ABCWUA FOR REVISED UTILITY PLAN. 3 COPIES OF SITE PLAN MUST BE PROVIDED TO PLANNING.**

10. **Project# 1003801**
08DRB-70227 EPC APPROVED SDP FOR BUILD PERMIT

DAC ENTERPRISES, INC agent(s) for DOUG PETERSON request(s) the above action(s) for all or a portion of Lot(s) 28-A, Block(s) A, **ALTURA ADDITION** zoned SU-1 FOR C-1 W/ EXCEPTIONS, located on CARLISLE BLVD NE BETWEEN INDIAN SCHOOL RD NE AND HANNETT AVE NE containing approximately 1 acre(s). (J-16) *[Planner – Jennifer Donofrio]* **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED. 3 COPIES OF APPROVED SITE PLAN MUST BE PROVIDED TO PLANNING**

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

11. **Project# 1005073**
08DRB-70217 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

ALEJANDRO GONZALES-BASURTO agent(s) for GABRIEL & ARLENE GONZALES-BASURTO request(s) the above action(s) for all or a portion of Lot(s) 1-3, Block(s) 2, **ROSEMONT PARK ADDITION** zoned SR, located on 12TH ST NW BETWEEN ROSEMONT AVE NW AND ARIAS AV NW containing approximately .48 acre(s). (J-13) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR DEED DOCUMENT WEST OF 1- 40 BEFORE 1973. SHOW SETBACK FROM NEW PROPERTY LINE.**

12. **Project# 1006571**
08DRB-70225 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

DOUG SMITH agent(s) for GEROGE EK request(s) the above action(s) for all or a portion of Tract(s) 309-B-2, **LANDS OF GEORGE R EK** zoned RA-2, located on MOUNTAIN RD NW BETWEEN MONTOYA RD NW AND LULAC AVE NW containing approximately .5326 acre(s). (J-12) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO INDICATE REVISED WATER AND SEWER EASEMENTS TO DISCLOSURE STATEMENT.**

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006868 **AGENDA ITEM NO: 13**

SUBJECT:

Final Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

No adverse comments.

RESOLUTION:

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

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

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

FOR:

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

DATE: May 21, 2008

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

13. **Project#:1006868**
08DRB-70220 MAJOR - FINAL PLAT APPROVAL

TIERRA WEST LLC agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1-A, Block(s) 35, **NORTH ALBUQUERQUE ACRES / TBK LOTS 1-4, DEL NORTE PLAZA Unit(s) B,** zoned SU-2 FOR IP USES, located on HOLLY AVE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 7.4007 acre(s). (C-18) **THE FINAL PLAT WAS APROVED. A COPY OF THE RECORDED PLAT MUST BE PROVIDED TO PLANNING.**

14. **Project# 1006939**
08DRB-70078 MINOR - FINAL PLAT APPROVAL

WAYJOHN SURVEYING INC agent(s) for E&J INVESTMENTS LLC request(s) the above action(s) for all or a portion of Tract(s) 1, **BRUNACINI INDUSTRIAL PARK Unit 3,** zoned M-1, located on PHOENIX AVE NE BETWEEN VASSAR DR NE AND GIRARD BLVD NE containing approximately 1.9085 acre(s). (H-16) *[Deferred from 2/27/08, 3/5/08 & 3/12/08]* **THE FINAL PLAT WAS APROVED. A COPY OF THE RECORDED PLAT MUST BE PROVIDED TO PLANNING.**

15. **Project # 1002455**
07DRB-70004 VACATION OF PRIVATE EASEMENT
07DRB-70005 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

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). [*Indef deferred from 5/30/07]* (E-18) **DEFERRED TO 5/28/08 AT THE AGENT'S REQUEST.**

16. **Project# 1007214**
08DRB-70169 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for KENDALL SYKES C/O: TERRY SYKES request(s) the above action(s) for all or a portion of Lot(s) L-4, **COLES INDUSTRIAL SUBD., #2** zoned M-1, located on STANFORD DR NE BETWEEN CANDELARIA RD NE AND VASSAR NE containing approximately 0.267 acre(s). (H-16) *[Deferred from 4/16/08, 4/30/08 & 5/14/08].* **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

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

17.	**Project# 1006749** 08DRB-70216 SKETCH PLAT REVIEW AND COMMENT	BRUNO MOROSIN agent(s) for BRUNO MOROSIN request(s) the above action(s) for all or a portion of Lot(s) 24, Block(s) 13, **FOUR HILLS VILLAGE ADDITION** zoned R-1, located on HIDEAWAY LN SE AND STAGE COACH containing approximately 1.706 acre(s). (M-23)**THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. Approval of the Development Review Board Minutes for March 5, 2008.

Other Matters: None

ADJOURNED: 11:20

#9 (BP)

COMPLETED 03/24/08 SH

DRB CASE ACTION LOG (SDP – BP)

REVISED 10/08/07

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DRB Application No.: 07DRB - 70390 Project # 1006868

Project Name: NORTH ALBUQUERQUE ACRES UNIT B

Agent: GEORGE RAINHART ARCHITECTS Phone No.:

Your request was approved on 11/28/07 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

☑ TRANSPORTATION: address comments discussed

☐ UTILITIES:

☐ CITY ENGINEER / AMAFCA: S.I.A.
address comments discussed w/ transportation

☐ PARKS / CIP:

☑ PLANNING (Last to sign): 3 Copies

☐ **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.

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- ☐ **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 For:

#9(B)

DRB CASE ACTION LOG (SDP – BP)

REVISED 10/08/07

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☐ UTILITIES:

☐ CITY ENGINEER / AMAFCA: S.I.A.
address comments discussed w/ transportation

☐ PARKS / CIP:

☑ PLANNING (Last to sign): 3 Copies

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- ☐ **Copy of recorded plat for Planning.**

Created For:

#9 (Subd)

COMPLETED 03/24/08 SH

DRB CASE ACTION LOG (SDP – SUBD)

REVISED 10/08/07

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Project Name: NORTH ALBUQUERQUE ACRES UNIT B

Agent: GEORGE RAINHART ARCHITECTS Phone No.:

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- ☐ PARKS / CIP:
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Created For:

#9 (Subd)

DRB CASE ACTION LOG (SDP – SUBD)

REVISED 10/08/07

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Project Name: NORTH ALBUQUERQUE ACRES UNIT B

Agent: GEORGE RAINHART ARCHITECTS Phone No.:

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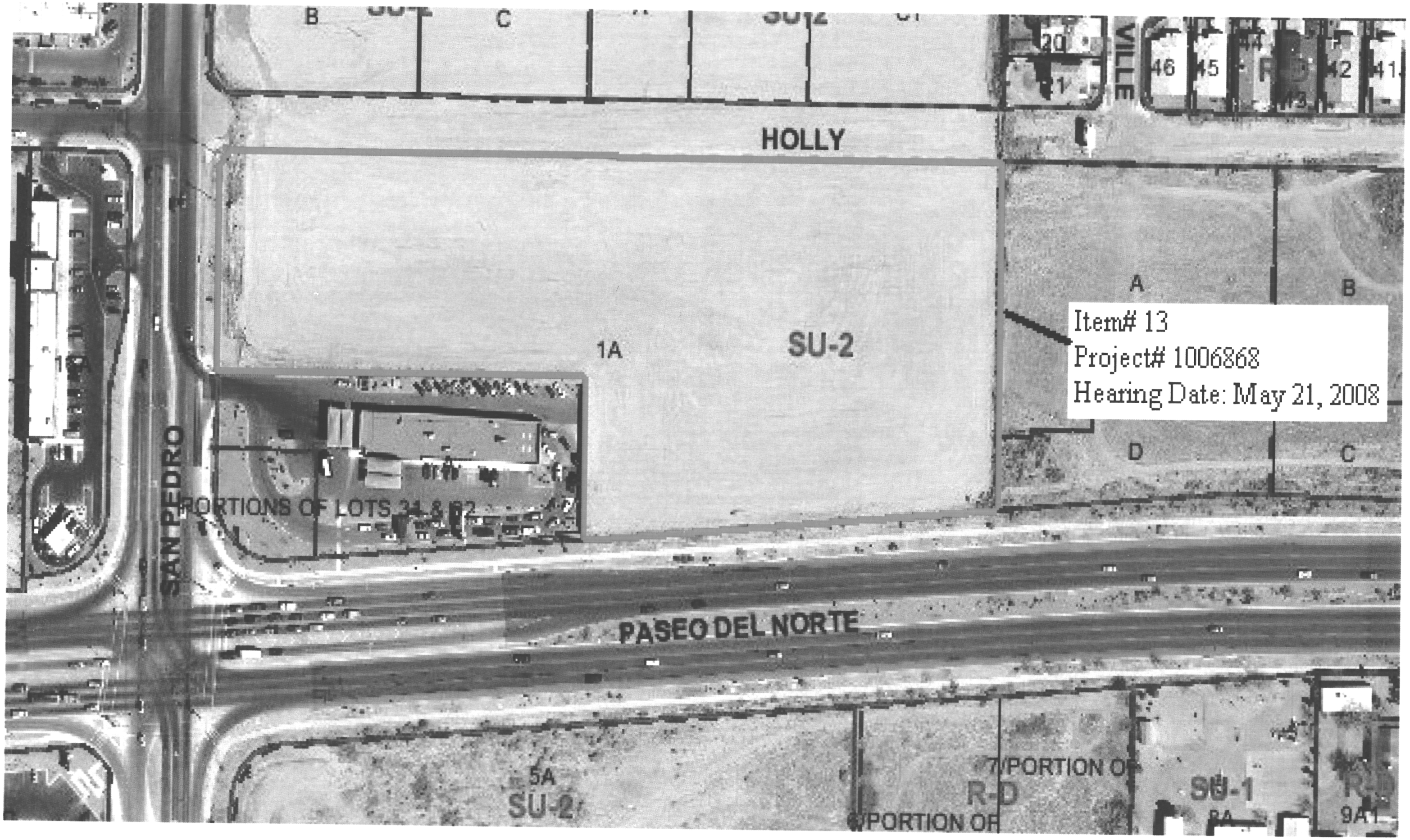
Created For:


HOLLY
SU-2
1A
PORTIONS OF LOTS 34 & 82
SAN PEDRO
PASEO DEL NORTE
Item# 13
Project# 1006868
Hearing Date: May 21, 2008
5A
SU-2
7/PORTION OF
R-D
6/PORTION OF
SU-1
8A
9A1

DEVELOPMENT REVIEW BOARD
ACTION SHEET

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

November 28, 2007 9:00 AM
MEMBERS:

Sheran Matson, AICP, DRB Chair
Angela Gomez, Administrative Assistant

Kristal Metro, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA
Christina Sandoval, Parks & Recreation

****

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

1. **Project# 1000579**
07DRB-70357 MAJOR - 2YR SUBD IMP AGMT EXT (2YR SIA)

TIERRA WEST LLC agent(s) for KOHL'S DEPARTMENT STORES INC request(s) the above action(s) for all or a portion of Tract(s) A, **PASEO DE LOUISIANA,** zoned SU-2/C-1, located on HOLLY AVE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 7.357 acre(s). (C-18)
THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED

2. **Project# 1000965**
07DRB-70354 STREET NAME CHANGE (DRB)

BOHANNAN HUSTON INC agent(s) for ANDALUCIA AT LA LUZ request(s) the above action(s) for all or a portion of **ANDALUCIA AT LA LUZ,** zoned SU-1 PRD 5, located on LA BIENVENIDA PL NW BETWEEN TRES GRACIAS DR NW AND SAN JORGE AVE NW (F-11) **The Street Naming Ordinance requires DRB to submit a report to EPC which makes the final decision.**

The criteria for the DRB to decide whether or not to recommend approval of the local street name change is contained in Section 6-5-1-1(B)(1) of this ordinance. The language reads," A street name shall be changed only if the decisionmaker finds that there will be a public benefit which clearly outweighs the public confusion and cost which would be created by the name change."

In addition, all owners of the lots adjacent to the street proposed for the name change are to be notified by mail to give them the opportunity to comment. At least 30 days are to be allowed for receipt of comments before the decision is made.

3. **Project# 1004223**
07DRB-70355 VACATION OF PUBLIC EASEMENT
07DRB-70356 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for LUTHER MARTINEZ request(s) the above action(s) for all or a portion of Tract(s) 6-B, **SUNDT'S INDUSTRIAL CENTRAL,** zoned M-2, located on MONTANO RD NE BETWEEN ALEXANDER BLVD NE AND DESERT SURF CIRCLE NE containing approximately 8.525 acre(s). (F-16) **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 TO CITY ENGINEER FOR LETTER OF COMPLETION AND ACCEPTANCE.**

4. **Project# 1004677**
07DRB-70358 VACATION OF PRIVATE EASEMENT
07DRB-70359 MAJOR - PRELIMINARY PLAT APPROVAL
07DRB-70361 SIDEWALK WAIVER
07DRB-70362 MINOR - TEMP DEFR SWDK CONST

ISAACSON AND ARFMAN PA agent(s) for INFILL SOLUTIONS request(s) the above action(s) for all or a portion of Tract(s) B, A-1-A, A & B, **HUNING CASTLE ADDITION,** zoned SU-2/CLD, located on CENTRAL AVE SW BETWEEN LAGUNA BLVD SW SAN PASQUALE AVE SW containing approximately 3.1303 acre(s). (J-13) **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 THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/28/07, AND WITH AN APPROVED GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED 11/2/07 THE PRELIMINARY PLAT WAS APPROVED. THE SIDEWALK WAIVER WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

5. **Project# 1006516**
07DRB-70030 BULK LAND VARIANCE
07DRB-70031 MAJOR - PRELIMINARY PLAT APPROVAL
07DRB-70032 MINOR - TEMP DEFR SWDK CONST
07DRB-70033 SIDEWALK WAIVER
07DRB-70034 VACATION OF PUBLIC EASEMENT
07DRB-70085 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL, LLC request(s) the above action(s) for all or a portion of Tract(s) PORTION OF TRACT 4A, **MESA DEL SOL,** zoned SU-2/PC, located on UNIVERSITY BLVD. SE BETWEEN SOLAR MESA AVE. SE AND BOBBY FOSTER SE containing approximately 114.7792 acre(s). (R15, R16, S15, AND S16) *[Deferred from 6/27/07, 7/25/07, 7/22/07, 8/22/07 & 9/26/07]* **DEFERRED TO 1/30/08 AT THE AGENT'S REQUEST.**

6. **Project# 1006549**
07DRB-70195 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for BENCOR request(s) the above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION,** zoned C-2, located on CARLISLE BLVD NE BETWEEN MENAUL BLVD AND SOLANO NE containing approximately 1.66 acre(s). (H-17) *[Deferred from 8/22/07]* **THE FINAL PLAT WAS APROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR AMAFCA SIGNATURE.**

7. **Project# 1004404**
07DRB-70296 VACATION OF PUBLIC EASEMENT
07DRB-70297 BULK LAND VARIANCE
07DRB-70298 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 1-8, OS-1 & OS-2, 12, **THE TRAILS Unit 3A,** zoned SU-2 UR, SU-2 SRLL, SU-2SRSL, SU-2, SU-1 , SU-VC, located on PASEO DEL NORTE NW BETWEEN WOODMONT AVE NW AND RAINBOW BLVD NW containing approximately 158.67 acre(s). (C-8 & C-9) *[Deferred from 10/31/07, 11/14/07 & 11/21/07]* **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 BULK LAND VARIANCE WAS APPROVED. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD AND AMAFCA SIGNATURE.**

8. **Project# 1006520**
07DRB-70360 VACATION OF PUBLIC EASEMENT
07DRB-70363 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

HIGH MESA CONSULTING GROUP agent(s) for HOECH REAL ESTATE CORP, LLAVE DEV INC & EPISCOPAL CHURCH request(s) the above action(s) for all or a portion of Lot(s) 5-8 & 25-28, Block(s) 4, Tract(s) 3, **NORTH ALBUQUERQUE ACRES Unit(s) 3,** zoned SU-2/O-1 & R-T, located on ALAMEDA BLVD NE BETWEEN BARSTOW ST NE AND VENTURA ST NE (C-20) **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 OF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD AND AMAFCA SIGNATURE.**

07DRB-70386 EPC APPROVED SDP FOR BUILD PERMIT
07DRB-70387 EPC APPROVED SDP FOR SUBDIVISION

BILL FANNING/FBT ARCHITECTS agent(s) for EPISCOPAL DIOCESE OF THE RIO GRANDE/HOPE EPISCOPAL CHURCH request(s) the above action(s) for all or a portion of Lot(s) 5-8 & 25-28, Block(s) 4, Tract(s) 3, **NORTH ALBUQUERQUE ACRES Unit(s) 3,** zoned SU-2 FOR O-1 & R-T, located on ALAMEDA BLVD NE BETWEEN BARSTOW NE AND VENTURA NE containing approximately 6.1928 acre(s). (C-20) **DEFERRED TO 12/5/07 AT THE AGENT'S REQUEST.**

9. **Project#1006868**
07DRB-70302 MAJOR - PRELIMINARY PLAT APPROVAL

TIERRA WEST LLC agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, **NORTH ALBUQUERQUE ACRES Unit(s) B to be known as DEL NORTE PLAZA,** zoned SU-2 FOR C-2 & IP, located on PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 6.7402 acre(s). (C-18) *[Deferred from 10-31-07 & 11/21/07]* **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/28/07 AND WITH AN APPROVED GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED 11/1/06 THE PRELIMINARY PLAT WAS APPROVED.**

07DRB-70389 MINOR - SDP FOR SUBDIVISION
07DRB-70390 MINOR - SDP FOR BUILDING PERMIT

GEORGE RAINHART ARCHITECTS agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) B,** zoned SU-2 FOR C2 & IP, located on SAN PEDRO DR NE BETWEEN PASEO DEL NORTE NE AND HOLLY AVE NE containing approximately 8.6 acre(s). (C-18) *[11/21/07]* **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/28/07 THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO THE CITY ENGINEER FOR THE SIA AND TRANSPORTATION COMMENTS AND TO PLANNING FOR 3 COPIES. THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO THE CITY ENGINEER FOR THE SIA AND TO PLANNING FOR 3 COPIES.**

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

10. **Project# 1006721**
07DRB-70373 EPC/ SDP FOR BUILDING PERMIT
07DRB-70374 EPC APPROVED SDP FOR SUBDIVISION

RMKM ARCHITECTURE agent(s) for ALBUQUERQUE POLICE DEPARTMENT request(s) the above action(s) for all or a portion of Tract(s) B-9E-2-A, **SEVEN BAR RANCH,** zoned SU1 FOR R-2, located on CIBOLA LOOP RD NW BETWEEN ELLISON NW AND CIBOLA LOOP NW containing approximately 3.4 acre(s). (A-13) ***[Anna DiMambro – EPC Planner]*** *[Deferred from11/14/07]* **DEFERRED TO 12/5/07 AT THE AGENT'S REQUEST.**

11. **Project# 1004677**
07DRB-70221 EPC APPROVED SDP FOR SUBDIVISION

INFILL SOLUTIONS request(s) the above action(s) for all or a portion of Parcel 1, Tract(s) 133A1, 133A2, 133B, 134 & 135A and Parcel 2 Tract(s) 129B1A, MRGCD Map 38, Tract(s) A & B, LANDS OF HB AND CALVIN HORN & LAGUNA SUBDIVISION, Tract(s) A1A, LAGUNA SUBDIVISION (to be known as **COUNTRY CLUB PLAZA**) zoned SU-2/CLD, located on CENTRAL AVE SW BETWEEN LAGUNA BLVD SW AND SAN PASQUALE AVE SW containing approximately 4.45 acre(s) (J-13) ***[Carmen Morrone, EPC Planner]*** *[Deferred from 9/5/07 & 9/12/07]* **THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES AND TO TRANSPORTATION FOR WRITTEN COMMENTS.**

12. **Project# 1003714**
07DRB-70364 EPC/SDP FOR BUILDING PERMIT

ALEXANDER FINALE agent(s) for ASSOCIATED HOME & RV SALES, INC request(s) the above action(s) for all or a portion of Tract(s) C-3-A, **ADOBE WELLS SUBDIVISION,** zoned SU1 FOR IPC-2/R-2, located on EAGLE RANCH NE BETWEEN WESTSIDE NE AND COORS BYPASS BLVD NE containing approximately 2.29 acre(s). (B-13) ***[EPC Planner – Carol Toffaleti]****[Deferred from 11/14/07 & 11/21/07].* **DEFERRED TO 12/5/07 AT THE AGENT'S REQUEST.**

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

13. **Project# 1006717**
07DRB-70397 EPC APPROVED SDP FOR BUILD PERMIT

JACK M HARRIS ARCHITECTS INC agent(s) for DR GIL FERNANDEZ request(s) the above action(s) for all or a portion of Lot(s) H-6A5A1A, **RIVERVIEW PARCELS,** zoned SU-1 FOR PERMISSIVE USES, located on GOLF COURSE LOOP NW BETWEEN PASEO DEL NORTE NW AND SHELLY ROAD NW containing approximately 1.03 acre(s). (C-12) ***[Carol Toffaleti – EPC Planner]*** **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR CAROL TOFFALETI'S (EPC) INITIALS AND FOR 3 COPIES AND TO TRANSPORTATION FOR WRITTEN COMMENTS.**

14. Adjourned: 11:25

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
November 21, 2007
DRB Comments

ITEM # 6

PROJECT # 1006868 APPLICATION # 07-70302

RE: Del Norte Plaza/SPS &SPBP

1. Because these site plans did not go to EPC, the first paragraphs in the signature blocks are not needed.

2. The title for the utility engineer signature line in the signature block should read "ABCWUA".

3. The SPS is missing language stating maximum building height and minimum building setback as required on the Checklist.

4. Proposed uses for Pads C through f are required on the building footprint.

5. The SPBP site plan sheet looks more like a construction plan set. There is no identification of major site features like walls, fences, pedestrian walkways, signs, outside benches, light fixture locations, etc. One hint: The Key Notes located on Sheet AS3 belong on the site plan sheet.

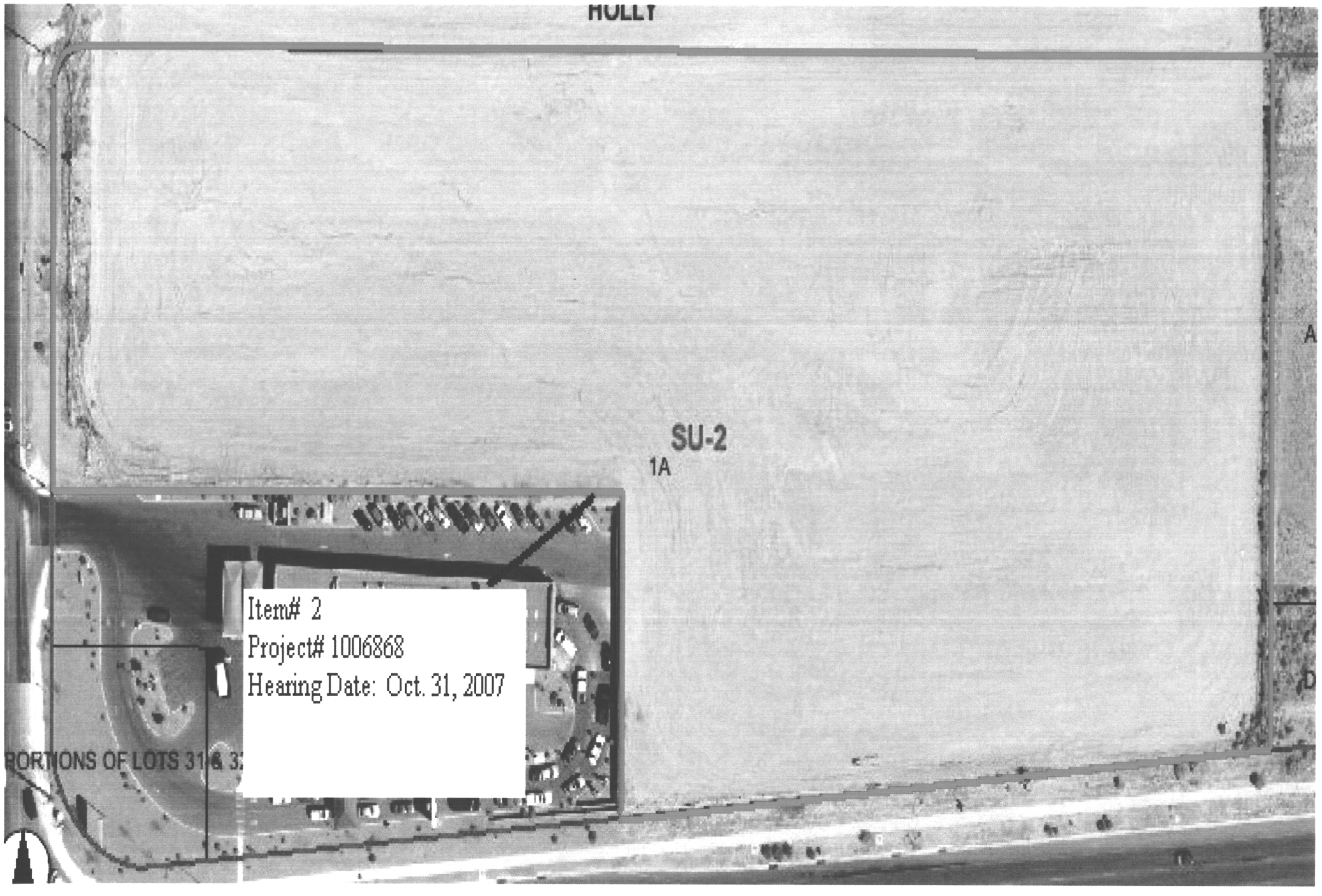
6. The Zoning listed on the SPBP sheet is not complete according to the ZHE decisions.

7. Replace the cedar slats in the trash enclosure gate with metal slats or change the type of gate. Wood & plastic are not durable enough for a refuse enclosure gate.

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 10016868 **AGENDA#** 9 **DATE:** 11/28/07

1. **Name:** Jon Nisli **Address:** Terra West 5571 Midway Park Pl **Zip:** 87109
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:** _____



Item# 2
Project# 1006868
Hearing Date: Oct. 31, 2007

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 28, 2007

Project# 1006868
07DRB-70302 MAJOR - PRELIMINARY PLAT APPROVAL

TIERRA WEST LLC agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, **NORTH ALBUQUERQUE ACRES Unit(s) B to be known as DEL NORTE PLAZA,** zoned SU-2 FOR C-2 & IP, located on PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 6.7402 acre(s).

At the November 28, 2007 Development Review Board meeting with the signing of the infrastructure list dated 11/28/07and with an approved grading and drainage plan engineer stamp dated 11/1/06, the Preliminary Plat was approved.

07DRB-70389 MINOR - SDP FOR SUBDIVISION
07DRB-70390 MINOR - SDP FOR BUILDING PERMIT

GEORGE RAINHART ARCHITECTS agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) B,** zoned SU-2 FOR C2 & IP, located on SAN PEDRO DR NE BETWEEN PASEO DEL NORTE NE AND HOLLY AVE NE containing approximately 8.6 acre(s). (C-18)

With the signing of the infrastructure list dated 11/28/07 the Site Development plan for Building Permit was approved with final sign-off delegated to the City Engineer for the SIA and Transportation comments and to Planning for 3 copies. The Site Development Plan for Subdivision was approved with final sign-off delegated to the City Engineer for the SIA and to Planning for 3 copies.

If you wish to appeal this decision, you must do so by December 13, 2007 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.)

Andrew Garcia, Planner

Cc: Pacific Paseo Development, LLC – 5243 West Hidden Spring Dr – Boise, ID 83714
Cc: George Rainhart & Associates – 2325 San Pedro NE Ste 2B – Albuquerque, NM 87110
Marilyn Maldonado
File

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
November 21, 2007
DRB Comments

ITEM # 6

PROJECT # 1006868 **APPLICATION # 07-70302**

RE: Del Norte Plaza/SPS &SPBP

1. Because these site plans did not go to EPC, the first paragraphs in the signature blocks are not needed.

2. The title for the utility engineer signature line in the signature block should read "ABCWUA".

3. The SPS is missing language stating maximum building height and minimum building setback as required on the Checklist.

4. Proposed uses for Pads C through f are required on the building footprint.

5. The SPBP site plan sheet looks more like a construction plan set. There is no identification of major site features like walls, fences, pedestrian walkways, signs, outside benches, light fixture locations, etc. One hint: The Key Notes located on Sheet AS3 belong on the site plan sheet.

6. The Zoning listed on the SPBP sheet is not complete according to the ZHE decisions.

7. Replace the cedar slats in the trash enclosure gate with metal slats or change the type of gate. Wood & plastic are not durable enough for a refuse enclosure gate.

8. The entire site should be connected with continuous pedestrian paths.

Sheran Matson, AICP
DRB Chair
924-3880 smatson@cabq.gov

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 31, 2007

Project # 1006868
07DRB-70302 MAJOR -PRELIMINARY PLAT APPROVAL

TIERRA WEST LLC agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, **NORTH ALBUQUERQUE ACRES Unit(s) B to be known as DEL NORTE PLAZA,** zoned SU-2 for IP, located on PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 6.7402 acre(s). (C-18)

AMAFCA		No adverse comments.
COG		No comments received.
Transit		No comments received.
Zoning Enforcement		No adverse comments.
Neighborhood Coordination	Letter(s) sent to:	**West La Cueva NA (R)**
APS		
Police Department	No crime prevention or CPTED comments at this time.	
Fire Department		No adverse comments.
PNM Electric & Gas		No adverse comments.
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

An approved conceptual grading and drainage plan is on file for Preliminary Plat approval.

Transportation Development

1) Where is the x-access easement for the properties to the east?
2) Has Holly been accepted?
3) Is a signal required at Holly?
4) A sketch of the improvements in place along San Pedro is required to determine both infrastructure and dedication requirements.
5) Have the TIS offsite measures been negotiated?
6) A site plan is needed.

Parks & Recreation

No objection.

ABCWUA

10' PUE and not overlap into the 25' water/sewer easement.

Planning Department

The North I25 Sector Plan does not allow retail & comercial uses in SU2-IP property per Page 48 of the plan.

Also, the plat cannot receive approval from DRB until the required site plans are approved per the Subdivision Ordinance. If the agent is planning to present the site plans at the October 31st hearing, why isn't that fact mentioned in the letter of explanation?

If there is a zone change, why isn't it shown on the application and the proof provided?

Also, the City Archaeology Ordinance provisions apply to this property.

Impact Fee Administrator

Construction of new non-residential facilities within the proposed subdivision will require payment of Impact Fees. Impact Fees will be assessed at the time a building permit is issued. These fees are available on the city's website- www.cabq.gov. Go to the "A-Z" feature and under the letter "I" the first item in this list will be Impact Fees. The areas for which these will be assessed are the Far NE for Drainage, Far NE Heights for Roadways, and the Eastside for Public Safety.

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

Cc: Tierra West LLC – 5571 Midway Park Place NE – Albuquerque, NM 87109

Cc: Pacific Paseo Development LLC – 6101 Moon NE Suite 4000 – Albuquerque, NM 87109

TRANSMISSION VERIFICATION REPORT

TIME : 10/12/2007 11:25
NAME :
FAX : 9243864
TEL : 5059243979
SER.# : BROL6J570919

DATE,TIME	10/12 11:25
FAX NO./NAME	98581118
DURATION	00:00:27
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

DEVELOPMENT REVIEW BOARD
FAX FORM

TO: Kali Kruger

FAX NUMBER: 858-1118 **# PAGES** 2

SENT BY: Sheran Matson, DRB Chair **DATE:** _____

PHONE NUMBER: 924-3880 **FAX #** 924-3864

PROJECT NO: 1001868 **APPLICATION NO:** _____

****

Del Norte Plaza

Project # 1004820
07DRB-70299 VACATION OF PUBLIC EASEMENT

SURV-TEK INC agent(s) for ACI MANAGEMENT LLC request(s) the above action(s) for all or a portion of Tract(s) D-1-B-1, **ADOBE WELLS SUBDIVISION,** zoned C-2, located on EAGLE RANCH ROAD NW BETWEEN COORS BYPASS NW AND IRVING BLVD NW containing approximately 1.708 acre(s). (B-13)

No objection to the requested public easement vacation. Applicant has one year to record the plat completing the vacation.

Project # 1006868
07DRB-70302 MAJOR -PRELIMINARY PLAT APPROVAL

TIERRA WEST LLC agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, **NORTH ALBUQUERQUE ACRES Unit(s) B to be known as DEL NORTE PLAZA,** zoned SU-2 for IP, located on PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 6.7402 acre(s). (C-18)

The North I25 Sector Plan does not allow retail & comercial uses in SU2-IP property per Page 48 of the plan.

Also, the plat cannot receive approval from DRB until the required site plans are approved per the Subdivision Ordinance. If the agent is planning to present the site plans at the October 31st hearing, why isn't that fact mentioned in the letter of explanation?

If there is a zone change, why isn't it shown on the application and the proof provided?

Project # 1001218
07DRB-70301 Major - Two Year SIA

DALE & GALE ARMSTRONG request(s) the above action(s) for all or a portion of Tract(s) 1A, **LANDS OF LAFARGE,** zoned MI, located on EDITH BLVD NE BETWEEN CARMONY RD NE AND MONTANO RD NE containing approximately 14.7 acre(s). (G-15-2)

Why is the extension required? How long are you requesting for the extension?

CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: October 31, 2007
Zone Atlas Page: C-18
Notification Radius: 100 Ft.

Project# 1006868
App#07ZHE-70302

Cross Reference and Location: PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE

Applicant: PACIFIC PASEO DEVELOPMENT LLC
6101 MOON NE STE 4000
ALBUQUERQUE, NM 87109

Agent: TIERRE WEST LLC
5571 MIDWAY PARK PL NE
ALBUQUERQUE, NM 87109

Special Instructions:

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

Date Mailed: OCTOBER 11, 2007
Signature: ERIN TREMLIN

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — S
- X 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 — D
- ___ Cert. of Appropriateness (LUCC) — L

STORM DRAINAGE (Form 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... — A
- ___ 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.

APPLICATION INFORMATION:

Professional/Agent (if any): Tierra West LLC PHONE: 505-858-3100
ADDRESS: 5571 Midway Park Place NE FAX: 505-858-1118
CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: ___

APPLICANT: Pacific Paseo Development LLC PHONE: 505-797-1334
ADDRESS: 6101 Moon NE, Suite 4000 FAX: 505-797-1362
CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: ___
Proprietary interest in site: ___ **List all owners:** ___

DESCRIPTION OF REQUEST: Major Subdivision Preliminary Plat approval

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

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

Lot or Tract No. Lot 1A Block: 35 Unit: B
Subdiv/Addn/TBKA: North Albuquerque Acres TBK Del Norte Plaza
Existing Zoning: SU-2 for IP Proposed zoning: No Change MRGCD Map No ___
Zone Atlas page(s): C-18 UPC Code: 101806432503640132

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

CASE INFORMATION:
Within city limits? X Yes Within 1000FT of a landfill? No
No. of **existing** lots: 1 No. of **proposed** lots: 4 Total area of site (acres): +/- 6.7402
LOCATION OF PROPERTY BY STREETS: On or Near: Paseo del Norte NE
Between: San Pedro Dr NE and Louisiana Blvd NE

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

SIGNATURE Kee D. Krueger for DATE 10/5/07
(Print) Ronald R. Bohannan 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
07DRB - 70302	PP	5(2)	$ 625.00
	ADV		$ 75.00
	CHF		$ 20.00
			$
			$
			Total $ 720.00

Hearing date 10/31/07

Sandy Handley 10/05/07
Planner signature / date

Project # 1006868

FOR 2): SUBDIVISION - D.R.B. PUBLIC HEARIN _

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

☒ **MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)**

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

Preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

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

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

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

Amended preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

☐ **MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT (DRB09)**

(Temporary sidewalk deferral extension use FORM-V)

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

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

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

Ronald R. Bohannan PE
Applicant name (print)

Ken D. Kruger for 10/5/07
Applicant signature / date

Form revised **October 2007**

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

Application case number
07DRB-_____-70302
_____-_____-_____
_____-_____-_____

Sandy Hardley
Planner signature / date

Project # 1006868

31	101806427301540133	CITY OF ALBUQUERQUE REAL ESTATE OFFICE	PO BOX 1293	ALBUQUERQUE	NM	8710 3 1 29 3	V	A1A	SLY 150 FT OF LT 32 BLK 35 & THE WLY 15 FT OF THE SLY 150 FT OF LT 31 BLK 35 EXC PORTS OUT TO R/W FOR PASEO DEL NORTE & SAN PEDRO NE (AKA PARCEL 3-1-NRW) CONT 0.2927 AC M/L OR 12,7
32	101806339050010510	HOPE CHRISTIAN SCHOOLS INC	8005 LOUISIANA BLVD NE	ALBUQUERQUE	NM	8710 9	C	A1A	LT 8-A BLK 11 A PLAT OF LTS 8-A & 9-A-1 BLK 11 TR A UNIT A NORTH ALBUQUERQUE ACRES CONT 2.2982 AC M/L OR 100,110 SF M/L
33	101806337451110528	HOPE CHRISTIAN SCHOOLS INC	8005 LOUISIANA BLVD NE	ALBUQUERQUE	NM	8710 9	V	A1A	LT 7 BLK 11 TRACT A UNIT A NORTH ALBUQUERQUE ACRES EXC NLY PORT OUT TO R/W FOR PASEO DEL NORTE (AKA PARCEL 3-8-NRW) CONT 0.7787 AC M/L OR 33,922 SQ FT M/L
34	101806335751010529	HOPE CHRISTIAN SCHOOLS INC	8005 LOUISIANA BLVD NE	ALBUQUERQUE	NM	8710 9	V	A1A	LT 6 BLK 11 TRACT A UNIT A NORTH ALBUQUERQUE ACRES EXC NLY PORT OUT TO R/W FOR PASEO DEL NORTE (AKA PARCEL 3-7-NRW) CONT 0.7299 AC M/L OR 31,795 SQ FT M/L
35	101806332250910530	BANDELIER EQUITIES LTD CO	4101 INDIAN SCHOOL RD NE 400	ALBUQUERQUE	NM	8711 0 1 29 3	V	A1A	LTS 3, 4 & 5 BLK 11 TRACT A UNIT A NORTH ALBUQUERQUE ACRES EXC NLY PORT OUT TO R/W FOR PASEO DEL NORTE (AKA PARCEL 3-5-N RW) CONT 1.8944 AC M/L OR 82,520 SQ FT M/L
36	101806329150810533	BANDELIER EQUITEIS LTD CO	4101 INDIAN SCHOOL RD NE 400	ALBUQUERQUE	NM	8711 0	V	A1A	LT 2 BLK 11 TRACT A UNIT A NORTH ALBUQUERQUE ACRES EXC NLY PORT OUT TO R/W FOR PASEO DEL NORTE (AKA PARCEL 3-4-NRW) CONT 0.5345 AC M/L OR 23,283 SQ FT M/L

Or Current Resident
BALDWIN WILLIAM E
726 PUEBLO SOLANO NW
ALBUQUERQUE, NM 87107

Or Current Resident
BANDELIER EQUITEIS LTD CO
4101 INDIAN SCHOOL RD NE 400
ALBUQUERQUE, NM 87110

Or Current Resident
CHANT CHRISTOPHER H
8201 SANTA CLARITA ST NE
ALBUQUERQUE, NM 87102

Or Current Resident
DASKALOS PETE & SOULA & JASPEG PARTNERSHIP
5321 MENAUL BLVD NE
ALBUQUERQUE, NM 87110

Or Current Resident
DOUGHTY ENTERPRISES INC
7009 PROSPECT NE
ALBUQUERQUE, NM 87109

Or Current Resident
EVERGREEN WASHINGTON LLC
4101 INDIAN SCHOOL RD NE SUITE 400
ALBUQUERQUE, NM 87110

Or Current Resident
HANSON SHERRI
8201 CALLE AVION NE
ALBUQUERQUE, NM 87113

Or Current Resident
HOLLY-SP LLC
6300 RIVERSIDE PLAZA LN NW
SUITE 200
ALBUQUERQUE, NM 87120

Or Current Resident
HOOVER MARSHALL
8201 VILLE CT NE
ALBUQUERQUE, NM 87113

Or Current Resident
HOPE CHRISTIAN SCHOOLS INC
8005 LOUISIANA BLVD NE
ALBUQUERQUE, NM 87109

Or Current Resident
JJJC LLC
5308 CENTRAL AVE SE
ALBUQUERQUE, NM 87108

Or Current Resident
JOHNSON GARY M & MARIA ELIZABETH
8205 VILLE CT NE
ALBUQUERQUE, NM 87113 2806

Or Current Resident
JUNICK DENNIS M & MELBA L
8211 VILLE CT NE
ALBUQUERQUE, NM 87113

Or Current Resident
METCALFE LINDA G
8212 VILLE CT NE
ALBUQUERQUE, NM 87109

Or Current Resident
NUANEZ THERESA N
8209 VILLE CT NE
ALBUQUERQUE, NM 87122

Or Current Resident
PACIFIC PASEO LAND INVESTMENT LLC % PACIFIC FISH COMPANY
6101 MOON NE SUITE 4000
ALBUQUERQUE, NM 87111

Or Current Resident
REGONINI ELLEN
8200 CALLE AVION NE
ALBUQUERQUE, NM 87113

Or Current Resident
ROBBINS WILLIAM A & MICHELE M
8215 VILLE CT NE
ALBUQUERQUE, NM 87113

Or Current Resident
SAN PEDRO EQUITIES LTD CO
4101 INDIAN SCHOOL RD NE SUITE 400
ALBUQUERQUE, NM 87110

Or Current Resident
SEARCY TERRY & DEBORAH
6504 LADRILLO PL NE
ALBUQUERQUE, NM 87113

Or Current Resident
SKARSGARD GORDON L
808 EL ALHAMBRA NW
ALBUQUERQUE, NM 87107

Or Current Resident
SOLID GOLD CLASSIC LIMITED LIABILITY CO
5321 MENAUL NE
ALBUQUERQUE, NM 87110

Or Current Resident
WALKER SANDRA P & CILENTI SHARON K
6500 LADRILLO PL NE
ALBUQUERQUE, NM 87113

Or Current Resident
ZAPPIA TINA
6508 LADRILLO PL NE
ALBUQUERQUE, NM 87113

Project# 1006868
TIERRE WEST LLC
5571 MIDWAY PARK PL NE
ALBUQUERQUE, NM 87109

Project# 1006868
APRIL SWEET
6939 CARMELITO LP NE
ALBUQUERQUE, NM 87113

Project# 1006868
PEGGY NEFF
8305 CALLE SEQUELLE NE
ALBUQUERQUE, NM 87113

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE	PROPERTY CLASS	TAX DISTRICT	LEGAL
1	101806430409240230	EVERGREEN WASHINGTON LLC & W ROBERT & MURIEL JURGENA INTER VIVOS TRUST	4101 INDIAN SCHOOL RD NE SUITE 400	ALBUQUERQUE	NM	87110	V	A1A	LT 3 BLK 34 TR A UNIT B NORTH ALBUQUERQUE ACRES CONT 0.8862 AC M/L OR 38,603 SF M/L
2	101806431910140213	HANSON SHERRI	8201 CALLE AVION NE	ALBUQUERQUE	NM	87113	R	A1A	LT 6 BLK 8 SUBDIVISION PLAT OF LA CUEVA OESTE UNIT 3A CONT .116 AC
3	101806430406940203	SAN PEDRO EQUITIES LTD CO	4101 INDIAN SCHOOL RD NE SUITE 400	ALBUQUERQUE	NM	87110	V	A1A	LT 30 BLK 34 TR A UNIT B NORTH ALBUQUERQUE ACRES CONT 0.8862 AC M/L OR 38,603 SF M/L
4	101806432106940204	SKARSGARD GORDON L	808 EL ALHAMBRA NW	ALBUQUERQUE	NM	87107	V	A1A	* 029 034TRACT A UNIT B NORTH ALBUQ ACRES
5	101806436505740227	HOOVER MARSHALL	8201 VILLE CT NE	ALBUQUERQUE	NM	87113	R	A1A	LOT 21 BLOCK 8 SUBDIVISION PLAT OF LA CUEVA OESTE - UNIT 4 CONT .1481 AC
6	101806432503640132	PACIFIC PASEO LAND INVESTMENT LLC % PACIFIC FISH COMPANY	6101 MOON NE SUITE 4000	ALBUQUERQUE	NM	87111	V	A1A	LT 1A BLK 35 A PLAT OF LOT 1-A, BLOCK 35 TRACT A, UNIT B NORTH ALBUQUERQUE ACRES CONT 6.7402 AC OR 293,601 SF
7	101806424507930409	BALDWIN WILLIAM E	726 PUEBLO SOLANO NW	ALBUQUERQUE	NM	87107	C	A1A	LOT 15-A-1 BLOCK 17 PLAT FOR LOT 15-A-1 TRACT A UNIT B NORTH ALBUQUERQUE ACRES BEING A REPLAT OF LOTS 15-A THRU 18-A BLK 17 TR A UN B NORTH ALBUQUERQUE ACRES CONT 3.1105 AC
8	101806427309240232	EVERGREEN WASHINGTON LLC & MAHONEY JOHN J & CATHRYN DURAND & ETAL	4101 INDIAN SCHOOL RD NE SUITE 400	ALBUQUERQUE	NM	87110	V	A1A	LT 1 BLK 34 TR A UNIT B NORTH ALBUQUERQUE ACRES CONT 0.7250 AC M/L OR 31,581 SF M/L
9	101806428809240231	EVERGREEN WASHINGTON LLC & MAHONEY JOHN J & CATHRYN DURAND & ETAL	4101 INDIAN SCHOOL RD NE SUITE 400	ALBUQUERQUE	NM	87110	V	A1A	LT 2 BLK 34 TR A UNIT B NORTH ALBUQUERQUE ACRES CONT 0.8862 AC M/L OR 38,603 SF M/L
10	101806423803930213	HOLLY-SP LLC	6300 RIVERSIDE PLAZA LN NW SUITE 200	ALBUQUERQUE	NM	87120	V	A1A	* 015 018TR A UNIT B N ALBU AC
11	101806425102830212	DOUGHTY ENTERPRISES INC	7009 PROSPECT NE	ALBUQUERQUE	NM	87109	C	A1A	LT 16-A BLK 18 PLAT OF LT 16-A BLK 18 TR A UNIT B NORTH ALBU QUERQUE ACRES CONT 1.0799 AC M/L OR 47,040 SF M/L
12	101806437003940126	DASKALOS PETE & SOULA & JASPEG PARTNERSHIP	5321 MENAUL BLVD NE	ALBUQUERQUE	NM	87110	V	A1A	* 007 035TR AUB N ALBU AC
13	101806438603940125	DASKALOS PETE & SOULA & JASPEG PARTNERSHIP	5321 MENAUL BLVD NE	ALBUQUERQUE	NM	87110	V	A1A	* 008 035TR AUB N ALBU AC
14	101806436506940225	NUANEZ THERESA N	8209 VILLE CT NE	ALBUQUERQUE	NM	87122	R	A1A	LOT 19 BLOCK 8 SUBDIVISION PLAT OF LA CUEVA OESTE UNIT 3C CONT .1358 AC

15	101806435206940206	SAN PEDRO EQUITIES LTD CO	4101 INDIAN SCHOOL RD NE SUITE 400	ALBUQUERQUE	NM	87110	V	A1A	* 027 034TRACT A UNIT B NORTH ALBUQUERQUE ACRES
16	101806436507940223	ROBBINS WILLIAM A & MICHELE M	8215 VILLE CT NE	ALBUQUERQUE	NM	87113	R	A1A	LOT 17 BLOCK 8 SUBDIVISION PLAT OF LA CUEVA OESTE UNIT 3C CONT .1545 AC
17	101806428806940202	SAN PEDRO EQUITIES LTD CO	4101 INDIAN SCHOOL RD NE SUITE 400	ALBUQUERQUE	NM	87110	V	A1A	LT 31 BLK 34 TR A UNIT B NORTH ALBUQUERQUE ACRES CONT 0.8862 AC M/L OR 38,603 SF M/L
18	101806433806940205	SKARSGARD GORDON L	808 EL ALHAMBRA NW	ALBUQUERQUE	NM	87107	V	A1A	* 028 034TRACT A UNIT B NORTH ALBUQ ACRES
19	101806427407040201	SAN PEDRO EQUITIES LTD CO	4101 INDIAN SCHOOL RD NE SUITE 400	ALBUQUERQUE	NM	87110	V	A1A	POR OF LT 32 BLK 34 TR A UNIT B NORTH ALB ACRES EXC POR OUT TO R/W FOR HOLLY AVE NE & SAN PEDRO BLV NE
20	101806436507540224	JUNICK DENNIS M & MELBA L	8211 VILLE CT NE	ALBUQUERQUE	NM	87113	R	A1A	LOT 18 BLOCK 8 SUBDIVISION PLAT OF LA CUEVA OESTE UNIT 3C CONT .1358 AC
21	101806434810240222	CHANT CHRISTOPHER H	8201 SANTA CLARITA ST NE	ALBUQUERQUE	NM	87102	R	A1A	LOT 16 BLOCK 8 SUBDIVISION PLAT OF LA CUEVA OESTE UNIT 3C CONT .2620 AC
22	101806433310140212	REGONINI ELLEN	8200 CALLE AVION NE	ALBUQUERQUE	NM	87113	R	A1A	LT 7,BLK 8 SUBDIVISION PLAT OF LA CUEVA OESTE UNIT 3A CONT .116 AC
23	101806438507541645	METCALFE LINDA G	8212 VILLE CT NE	ALBUQUERQUE	NM	87109	R	A1A	LOT 45 BLOCK 9 SUBDIVISION PLAT OF LA CUEVA OESTE UNIT 3C CONT .1308 AC
24	101806439104741752	WALKER SANDRA P & CILENTI SHARON K	6500 LADRILLO PL NE	ALBUQUERQUE	NM	87113	R	A1A	LOT 46 BLOCK 11 SUBDIVISION PLAT OF LA CUEVA OESTE - UNIT 4 CONT .1283 AC
25	101806436506340226	JOHNSON GARY M & MARIA ELIZABETH	8205 VILLE CT NE	ALBUQUERQUE	NM	87113 2806	R	A1A	LOT 20 BLOCK 8 SUBDIVISION PLAT OF LA CUEVA OESTE - UNIT 4 CONT .1358 AC
26	101806439604741751	SEARCY TERRY & DEBORAH	6504 LADRILLO PL NE	ALBUQUERQUE	NM	87113	R	A1A	LOT 45 BLOCK 11 SUBDIVISION PLAT OF LA CUEVA OESTE - UNIT 4 CONT .1194 AC
27	101806440104741750	ZAPPIA TINA	6508 LADRILLO PL NE	ALBUQUERQUE	NM	87113	R	A1A	LOT 44 BLOCK 11 SUBDIVISION PLAT OF LA CUEVA OESTE - UNIT 4 CONT .1314 AC
28	101806429002040102	JJJC LLC	5308 CENTRAL AVE SE	ALBUQUERQUE	NM	87108	C	A1A	TRACT A, PLAT OF TRACT A, LANDS OF GALA INCORPORATED, CONT. 1.5767 AC.
29	101806439602040107	SOLID GOLD CLASSIC LIMITED LIABILITY CO	5321 MENAUL NE	ALBUQUERQUE	NM	87110	V	A1A	LTS 23 THRU 26 BLK 35 TRACT A UNIT B NORTH ALBUQUERQUE ACRES EXC THE SLY PORTS OUT TO R/W FOR PASEO DEL NORTE R/W (AKA 3 -10- NRW) CONT 1.7857 AC M/L OR 77,785 SQ FT M/L
30	101806423801730210	HOLLY-SP LLC	6300 RIVERSIDE PLAZA LN NW SUITE 200	ALBUQUERQUE	NM	87120	V	A1A	LT 18 BLK 18 TR A UNIT B NORTH ALBUQUERQUE ACRES EXC PORTION OUT TO R/W FOR PASEO DEL NORTE NE CONT 38,059 SF

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

P.O. Box 1293, Albuquerque, NM 87103

October 3, 2007

Keli Krueger
Tierra West, LLC
5571 Midway Park Place NE/87109
Phone: 505-858-3100/Fax: 505-858-1118
Email: kkrueger@tierrawestllc.com

Dear Keli:

Thank you for your inquiry of **October 3, 2007** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOT 1A, BLOCK 35, TRACT A, UNIT B, NORTH ALBUQUERQUE ACRES, LOCATED ON PASEO DEL NORTE NE BETWEEN SAN PEDRO DRIVE NE AND LOUISIANA BOULEVARD NE** zone map **C-18.**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

WEST LA CUEVA N.A. (WLC) "R"
***Peggy Neff**
8305 Calle Sequelle NE/87113 823-1041 (h)
April Sweet
6939 Carmelito Lp. NE/87113 280-8586 (c)

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

!!!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 recognized neighborhood 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 amendment 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.
   d) 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 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 Associations *(if there are associations)*. A copy must be submitted with application packet

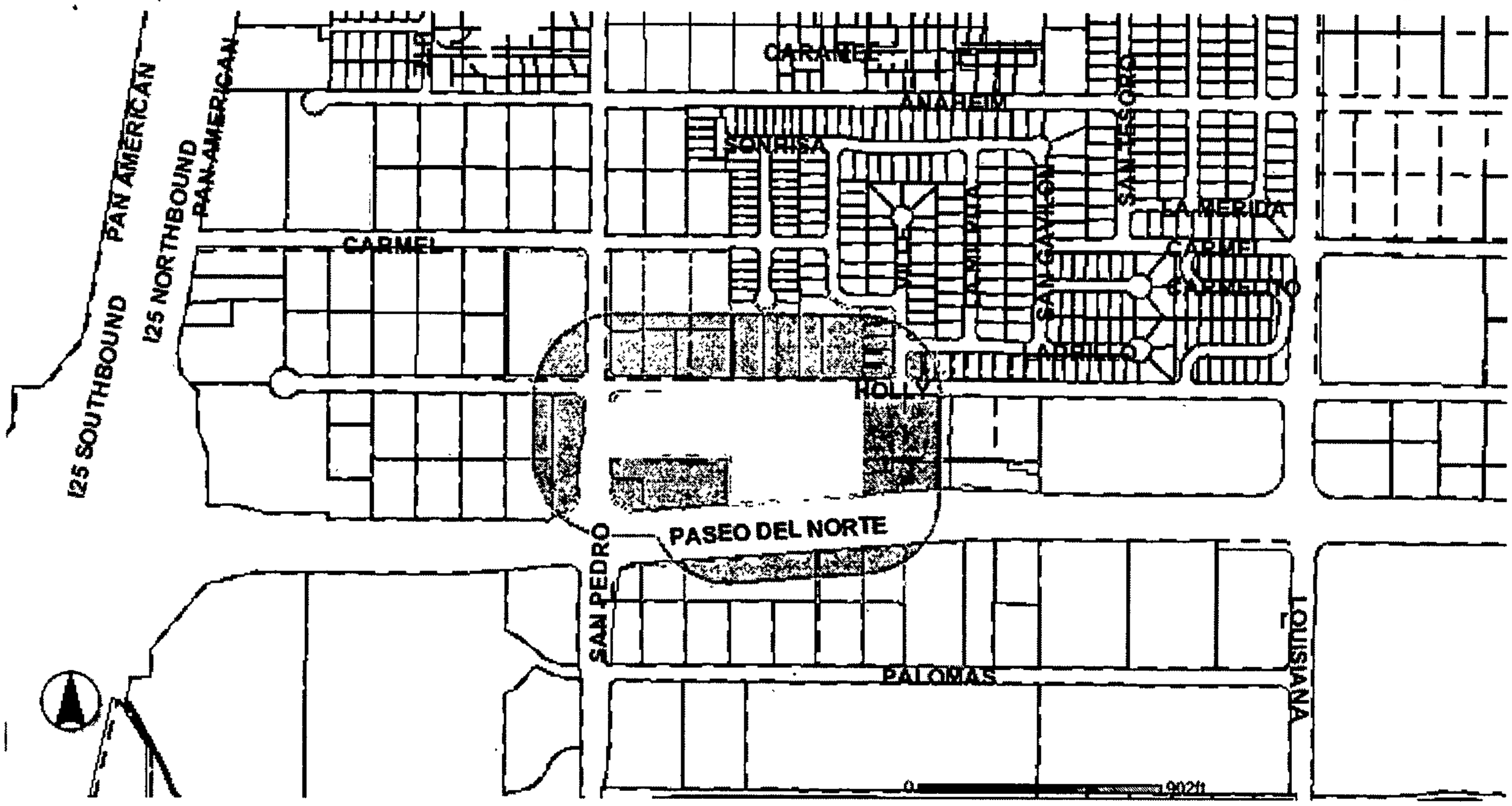
[X] Copies of the certified receipts to Neighborhood Associations *(if there are associations)*. A copy must be submitted with application packet

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.**

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

* * * \


PAN AMERICAN
PAN AMERICAN
I25 NORTHBOUND
I25 SOUTHBOUND
CARMEL
CARANEE
ANAHEIM
SONRISA
SAN TESORO
LA MERIDA
CARMEL
SAN GAVILON
HOLLY
PASEO DEL NORTE
SAN PEDRO
PALOMAS
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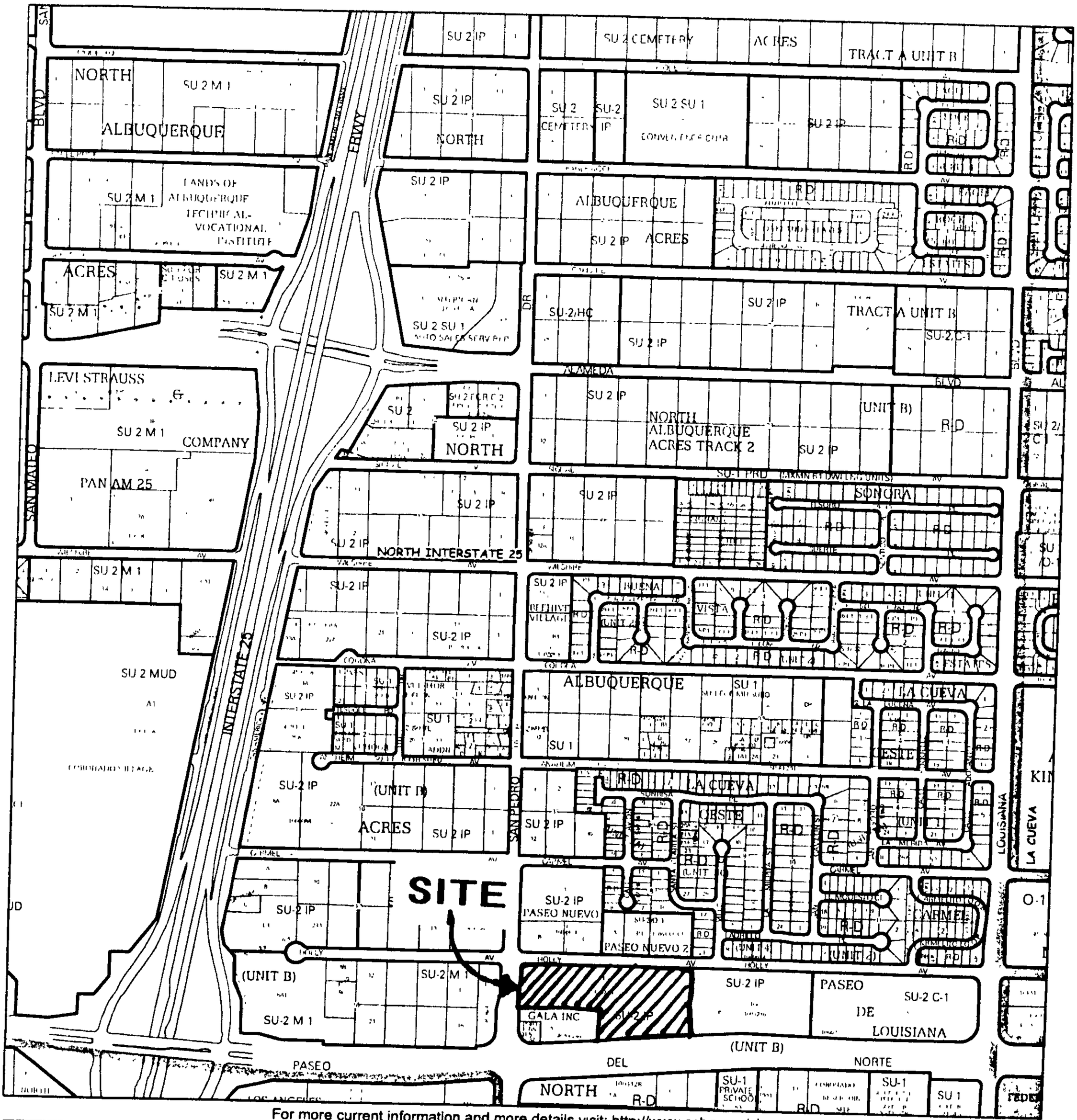
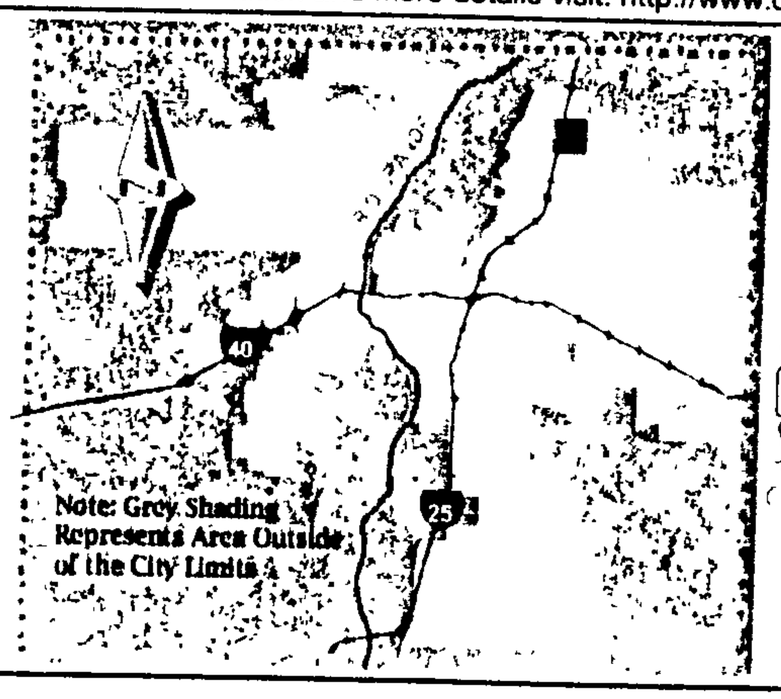


For more current information and more details visit: http://www.cabq gov/gis

Albuquerque Geographic Information System

Map amended through: 9/6/2007



Zone Atlas Page:

C-18-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

TIERRA WEST, LLC

5571 Midway Park Place NE
Albuquerque, NM 87109

(505) 858-3100
fax (505) 858-1118

twllc@tierrawestllc.com
1-800-245-3102

October 5, 2007

Ms. Sheran Matson, AICP, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Preliminary Plat Approval
Del Norte Plaza
Project # 1006644, Zone Atlas Page C-18

Dear Ms. Matson:

Tierra West LLC, on behalf of Pacific Paseo Development LLC, requests approval of the Preliminary Plat for the above-referenced project. The site is located on Paseo Del Norte, between San Pedro Drive NE and Louisiana Boulevard NE. The site, currently undeveloped, is zoned SU2 for IP Uses and contains ± 6.7402acres. Our client proposes to further subdivide the property into four lots for various retail/commercial uses.

Water and sewer availability was requested and drainage report was submitted and approved by the City of Albuquerque November 14, 2006. Copies of the water and sewer availability letter and the approval for the Hydrology Department have been included for your reference. The infrastructure list is included for review and approval. A copy of the declaration of easements has also been included for review.

If you have any questions or need additional information regarding this matter, please do not hesitate to call me.

Sincerely,

Keli D. Krueger for
Ronald R. Bohannan, PE

Enclosure/s

cc: Jim Schumacher
Peggy Neff, West La Cueva N.A.
April Sweet, West La Cueva N.A.

JN: 24065.1000
RRB/JN/kdk

2004: 24065 DNP Prelim Plat 100407

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, October 31, 2007,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project# 1002739 07DRB-70282 Major - One Year SIA	MARK GOODWIN AND ASSOCIATES agent(s) for KB HOME NEW MEXICO INC request(s) the above actin(s) for all or a portion of Parcel(s) 5 & 8, **ANDERSON HEIGHTS Unit(s) 1,** zoned R-D/R-LT, located on DENNIS CHAVEZ BLVD AND 118TH STREET containing approximately 56.8667 acre(s). (N-8) & (P-8)
Project # 1000934 07DRB-70300 Major - Two Year SIA	BOHANNAN HUSTON INC agent(s) for LONGFORD HOMES request(s) the above action(s) for all or a portion of Tract(s) B, **SUNRISE RANCH WEST Unit(s) 2,** zoned RD, located on SUNSET GARDENS AVE SW BETWEEN 106TH STREET SW AND 98TH STREET SW containing approximately 9.0 acre(s). (L-8) & (L-9)
Project # 1004404 07DRB-70296 VACATION OF PUBLIC EASEMENT 07DRB-70297 BULK LAND VARIANCE 07DRB-70298 MINOR-PRELIMINARY/ FINAL PLAT APPROVAL	SURV-TEK INC agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tracts 1 through 8, OS-1 and OS-2, The Trails Unit(s) 3 Tract 12, The Trails Unit(s) 2 to be known as **THE TRAILS UNIT 3A,** zoned SU-2 UR, SU-2, SRLL, SU-2 SRSL, SU-2 SU-1, SU-2 VC, located on PASEO DEL NORTE NW BETWEEN WOODMONT AVE NW AND RAINBOW BLVD NW containing approximately 158.67 acre(s). (C-8) & (C-9)
Project # 1004820 07DRB-70299 VACATION OF PUBLIC EASEMENT	SURV-TEK INC agent(s) for ACI MANAGEMENT LLC request(s) the above action(s) for all or a portion of Tract(s) D-1-B-1, **ADOBE WELLS SUBDIVISION,** zoned C-2, located on EAGLE RANCH ROAD NW BETWEEN COORS BYPASS NW AND IRVING BLVD NW containing approximately 1.708 acre(s). (B-13)
Project # 1006868 07DRB-70302 MAJOR -PRELIMINARY PLAT APPROVAL	TIERRA WEST LLC agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, **NORTH ALBUQUERQUE ACRES Unit(s) B to be known as DEL NORTE PLAZA,** zoned SU-2 for IP, located on PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 6.7402 acre(s). (C-18)

Project # 1001218
07DRB-70301 Major - Two Year SIA

DALE & GALE ARMSTRONG request(s) the above action(s) for all or a portion of Tract(s) 1A, **LANDS OF LAFARGE,** zoned MI, located on EDITH BLVD NE BETWEEN CARMONY RD NE AND MONTANO RD NE containing approximately 14.7 acre(s). (G-15-2)

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.

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, OCTOBER 15, 2007.

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1006868 **AGENDA ITEM NO: 2**

SUBJECT:

Preliminary Plat

ACTION REQUESTED:

REV/CMT: ( ) **APPROVAL: (X)** **SIGN-OFF: ( )** **EXTN: ( )** **AMEND: ( )**

ENGINEERING COMMENTS:

No adverse comments.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

APPROVED __; DENIED __; DEFERRED X; COMMENTS PROVIDED __; WITHDRAWN __ 11-21-07

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee 505-924-3986

DATE: OCTOBER 31, 2007

()

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
November 21, 2007
DRB Comments

ITEM # 6

PROJECT # 1006868 APPLICATION # 07-70302

RE: Del Norte Plaza/SPS &SPBP

1. Because these site plans did not go to EPC, the first paragraphs in the signature blocks are not needed.

2. The title for the utility engineer signature line in the signature block should read "ABCWUA".

3. The SPS is missing language stating maximum building height and minimum building setback as required on the Checklist.

4. Proposed uses for Pads C through f are required on the building footprint.

5. The SPBP site plan sheet looks more like a construction plan set. There is no identification of major site features like walls, fences, pedestrian walkways, signs, outside benches, light fixture locations, etc. One hint: The Key Notes located on Sheet AS3 belong on the site plan sheet.

6. The Zoning listed on the SPBP sheet is not complete according to the ZHE decisions.

7. Replace the cedar slats in the trash enclosure gate with metal slats or change the type of gate. Wood & plastic are not durable enough for a refuse enclosure gate.

8. The entire site should be connected with continuous pedestrian paths.

Sheran Matson, AICP
DRB Chair
924-3880 smatson@cabq.gov

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006868 **AGENDA ITEM NO:** 9

SUBJECT:

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

ACTION REQUESTED:

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

ENGINEERING COMMENTS:
An approved drainage report dated 11-1-06 is on file.
Infrastructure List req'd.

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

RESOLUTION:

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

DATE: 11/28/07

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006868 **AGENDA ITEM NO: 6**

SUBJECT:

Site Plan for Subd
Site Plan for BP
Preliminary Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

An approved drainage report dated 11-1-06 is on file for Preliminary Plat approval.
An approved infrastructure list is required for Preliminary Plat approval.
An executed Subdivision Improvements Agreement with financial guarantees is required for Final Plat sign-off.

RESOLUTION: 11-28-07

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

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

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

FOR:

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

DATE: November 21, 2007

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

No. Of Lots 4
Nearest Major Streets **San Pedro Drive NE**

FIGURE 12
SUBDIVISION IMPROVEMENTS
AGREEMENT-PUBLIC AND/OR PRIVATE
(Procedure B)

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 13th day of March, 2008, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and **Pacific Paseo Development LLC** ("Subdivider"), a **New Mexico Limited Liability Company**, whose address is **6101 Moon NE, Suite 4000, Albuquerque, NM 87111** and whose telephone number is **505-797-1334**, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [describe:] **Lot 1-A, Block 35, Tract A, Unit B, North Albuquerque Acres**, recorded on **January 22,** 19**97** in the records of the Bernalillo County Clerk at Book **97C**, Folio **26** (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by **Pacific Paseo Development LLC** ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as **Del Norte Plaza** describing Subdivider's Property.

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

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the **14th** day of **February**, 20**10** ("Construction Completion Deadline"), at no cost to the City. The improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. **686482**.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board (DRB), unless the DRB grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

Doc# 2008030017
03/17/2008 02:46 PM Page: 1 of 7
AGRE R:$21.00 M. Toulouse, Bernalillo County

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

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

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

Type of Fee	Amount
Engineering Fee	3.25% of Actual Construction Cost
Excavation & Sidewalk Fees	As required per City-approved estimate
Street Restoration Fees	As required per City-approved estimate (Fig. 7)

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

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

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

B. Construction Inspection methods. Inspection of the construction of the Public Improvements shall be performed by **To Be Determined**, and inspection of the Private Improvements shall be performed by **To Be Determined**, both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider shall ensure that the inspecting entity provides all inspection results, reports and related data to the City, which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City engineer. The Subdivider shall pay the City a reasonable fee for the level of inspection performed by the City.

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

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

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

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

Type of Financial Guaranty: **Letter of Credit # NZS615316**
Amount: $ **178,340.85**
Name of Financial Institution or Surety providing Guaranty:
Wells Fargo
Date City first able to call Guaranty: **February 14, 2010**
[Construction Completion Deadline]: **February 14, 2010**
If Guarantee other than a Bond, last day City able to call on Guaranty is:
April 14, 2010
Additional information: **Infrastructure Improvements**

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

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

8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon or in which the Public Improvements are constructed, the Subdivider will convey to the city all real and personal property rights

which the City deems reasonably necessary, and all Public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the Public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

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

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

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

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

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

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

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

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

11. Assignment. This Agreement shall not be assigned without the prior written

consent of the City and the Subdivider and the express written concurrence of any financial institution or surety, which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

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

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

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

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

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

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

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

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

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

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

Executed on the date stated in the first paragraph of this Agreement.

SUBDIVIDER:

By [Signature]: Jim Schumacher
Name: **Jim Schumacher**
Title: **Managing Member**
Dated: 12/5/08

CITY OF ALBUQUERQUE

Approved by:
City Engineer
Dated: 3-13-08

3/13/08

3-6-08

SUBDIVIDER'S NOTARY

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

This instrument was acknowledged before me on 5th day of February, 2008 by [name(s) of person(s):] Jim Schumacher,] Managing Member of Pacific Paseo Development LLC.

Keli D. Krueger
Notary Public

My Commission Expires:

March 6, 2010

OFFICIAL SEAL
KELI D. KRUEGER
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: March 6, 2010

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 13th day of March, 2008 by Richard Dourte, City Engineer, of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Linda Gbane
Notary Public

My Commission Expires:

10-07-08

EXHIBIT A AND POWER OF ATTORNEY ATTACHED

Current DRC
Project Number:_____

FIGURE 12

Date Submitted: 11-28-07 DRB
Date Site Plan Approved: August 30, 2006
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A
DRB Project No.: 1006868
DRB Application No.: 07-70382
07-70390

ORIGINAL

INFRASTRUCTURE LIST

(Rev. 9-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Del Norte Plaza

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 1, 2, 3, & 4 Del Norte Plaza

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
		8"	Waterline	Eastside of Lot 2	Holly Avenue	South Property Line	/	/	/
		8"	Waterline	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Waterline	West PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		8"	Sanitary Sewer Line	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Sanitary Sewer Line	Westh PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		6'	Sidewalk	San Pedro Blvd.	South Entrance	Holly Avenue	/	/	/
							/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
			Offsite Traffic Mitigation Addition of protected/ permitted left turn phase for north bound and south bound left turns at the intersection of Paseo Del Norte and Louisiana	Paseo Del Norte/Louisiana			/	/	/
							/	/	/
							/	/	/
		1/4	Traffic Signals Modified B ($,60,000)	San Pedro & Holly			/	/	/
		6'	Bike Lane	San Pedro	Holly Ave	South PL	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
			Street signage and striping per DPM				/	/	/
			Water Infrastructure to include Valves, Fittings, Valve Boxes, and Fire Hydrants as required.				/	/	/
			Sanitary Sewer to include Manholes and Service Connections as required.				/	/	/
			Catch Basins and RCP connections included with Storm Sewer.				/	/	/
			Residential Street Lights per DPM.				/	/	/

(rev. 9-05)

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
							/	/	/
							/	/	/

Approval of Creditable Items:

Impact Fee Admistrator Signature Date

Approval of Creditable Items:

City User Dept. Signature Date

NOTES

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

Street lights per City rquirements.

1

2

3

AGENT / OWNER

Ronald R. Bohannan
NAME (print)

Tierra West LLC
FIRM

SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Andrew Garcia 11-28-07
DRB CHAIR - date

11-28-07
TRANSPORTATION DEVELOPMENT - date

Kaye Lee 11-28-07
UTILITY DEVELOPMENT - date

11-28-07
CITY ENGINEER - date

Christina Sandoval 11/28/07
PARKS & GENERAL RECREATION - date

AMAFCA - date

_____ - date

_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

(rev. 9-05)

FINANCIAL GUARANTY AMOUNT

01/04/2008

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

Project Description:

Project ID #: 686482, Del Norte Plaza, Phase/Unit #: 1

Requested By: **Jonathan Niski**

Approved estimate amount:		$111,748.62
Contingency Amount:	10.00%	$11,174.86
Subtotal:		$122,923.48
NMGRT	6.875%	$8,450.99
Subtotal:		$131,374.47
Engineering Fee	6.60%	$8,670.72
Testing Fee	2.00%	$2,627.49
Subotal:		$142,672.68
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		$.00
TOTAL FINANCIAL GUARANTY REQUIRED		**$178,340.85**

APPROVAL: DATE:

S Woodall 1-4-08

Notes: B-1; Plans and final eng estimatehave not been approved, 10% contingency, requires street lights per DPM,

WELLS FARGO BANK, N.A.
TRADE SERVICES DIVISION - STANDBY LETTER OF CREDIT UNIT
One Front Street, 21st Floor, San Francisco, California 94111
Phone: (800) 798-2815 Option 1; Fax: 415-296-8905; E-Mail: sftrade@wellsfargo.com

Irrevocable Letter of Credit

February 27, 2008
Letter of Credit No. NZS615316

Beneficiary:
City of Albuquerque
600 2ND St. NW
Albuquerque, NM 87103
Attn: Bruce J. Perlman, PhD.

RE: Letter of Credit for Pacific Paseo Development LLC
City of Albuquerque Project No.: 686482
Project Name: Del Norte Plaza

Dear Chief Administrative Officer:

This Letter of Credit is to advise the City of Albuquerque ("City") that, at the request of Pacific Paseo Development LLC; Wells Fargo Bank, N.A., San Francisco, CA. has established an irrevocable Letter of Credit in the sum of One Hundred Seventy Eight Thousand Three Hundred Forty and 85/100's United States Dollars (US$178,340.85) ("Letter of Credit") for the exclusive purpose of providing the financial guarantee which the City requires Pacific Paseo Development LLC ("Subdivider") to provide for the installation of the improvements which must be constructed at Del Norte Plaza, Project No. 686482 ("Project").

The amount of the Letter of Credit is 125% of the City's estimated cost of construction of improvements as required by the City's Subdivision Ordinance. The development is identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on 3/17/2008 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. NA, at pages NA to NA, as amended ("Agreement"). Document # 200803001 7

A draft or drafts for any amount up to, but not in excess of One Hundred Seventy Eight Thousand Three Hundred Forty and 85/100's United States Dollars (US$178,340.85) is available by payment at sight at Wells Fargo Bank, N.A., One Front Street, 21st Floor, San Francisco, CA 94111 ***if presented on or after February 14, 2010, and on or before April 14, 2010.***

When presented for payment, the draft(s) is/are to be accompanied by the City's notarized certificate stating:

"1) Pacific Paseo Development LLC has failed to comply with the terms of the Agreement; and

2) The undersigned is the Chief Administrative Officer of the City of Albuquerque and is authorized to sign this certification; and

3) The amount of the draft(s) does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreement."

We hereby agree with the drawer of draft(s) drawn under and in compliance with the terms of this credit that such draft will be duly honored upon presentation to the drawee ***if presented on or after February 14, 2010 and on or before April 14, 2010.***

The draft(s) drawn under this credit must contain the clause: "**Drawn under Letter of Credit No. NZS615316 of Wells Fargo Bank, N.A., San Francisco, CA dated February 27, 2008.**" and the original Letter of Credit must be endorsed on the reverse side with the amount of each draft. This Letter of Credit must accompany each draft and be attached to the draft, which exhausts this credit.

This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable **until the earliest to occur of:**

1.) Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or

2.) City notification of Pacific Paseo Development LLC failure to comply with the terms of the Agreement, and payment by certified check from Wells Fargo Bank, N.A., San Francisco, to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or

3.) Expiration of the date April 14, 2010; or

4.) Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Administrative Officer.

This Letter of Credit will terminate **at 5:00 p.m., San Francisco time, April 14, 2010**.

This credit is subject to the Uniform Customs and practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600.

Very truly yours,

Wells Fargo Bank, N.A.

By: _____
Name: EISA CHAU
Title: ASSISTANT VICE PRESIDENT

FIGURE 12

SUBDIVISION IMPROVEMENTS
AGREEMENT-PUBLIC AND/OR PRIVATE
(Procedure B Modified Non-Work Order)

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 13th day of March, 2008, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and **Pacific Paseo Development LLC** ("Subdivider"), a **Limited Liability Company**, whose address is **6101 Moon NE, Suite 4000, Albuquerque, NM 87111** and whose telephone number is **505-797-1334**, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [describe:] **Lot 1-A, Block 35, Tract A, Unit B, North Albuquerque Acres**, recorded on **January 22**, 19**97** in the records of the Bernalillo County Clerk at Book **97C**, Folio **26** (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] **Pacific Paseo Development LLC** ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as **Del Norte Plaza** describing Subdivider's Property.

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

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the **14th** day of **February**, 20**10** ("Construction Completion Deadline"), at no cost to the City.

Note: To compute the Construction Completion Deadline: The Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

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

Doc# 2008030016
Pag 03/17/2008 02:46 PM Page: 1 of 4
AGRE R:$15.00 M. Toulouse, Bernalillo County

To meet the Subdivision Ordinance requirements, the Subdivider has acquired or is able to acquire the following AFinancial Guarantee:≅

Type of Financial Guaranty: **Letter of Credit # NZS615315**
Amount: **$60,000.00**
Name of Financial Institution or Surety providing Guaranty:
Wells Fargo
Date City first able to call Guaranty: **February 14, 2010**
[Construction Completion Deadline]: **February 14, 2010**
If Guaranty other than a Bond, last day City able to call Guaranty is:
April 14, 2010
Additional information:_____

4. Completion, Acceptance and Termination. Upon completion of the required infrastructure, the Subdivider shall notify the City Engineer and the Design Review Section of Public works Department. After the City Engineer approves the construction, the City will promptly release this Agreement and the Financial Guaranty.

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

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

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

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

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

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

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

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

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

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

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

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

Executed on the date stated in the first paragraph of this Agreement.

SUBDIVIDER:

By [Signature]: _____
Name: **Jim Schumacher**
Title: **Managing Member**
Dated: 2/5/08

CITY OF ALBUQUERQUE

_____
City Engineer
Dated: 3-13-08

3/13/08

3-6-08

SUBDIVIDER'S NOTARY

STATE OF **New Mexico**)
) ss.
COUNTY OF **Bernalillo**)

This instrument was acknowledged before me on 5th day of February, ~~10~~ 2008 by [name of person:] **Jim Schumacher**, **Managing Member** of [Subdivider:] **Pacific Paseo Development LLC** .

Keli D. Krueger
Notary Public

My Commission Expires:

March 6, 2010

OFFICIAL SEAL
KELI D. KRUEGER
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: March 6, 2010

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 13th day of March, 2008 by ~~_____, Director, Public Works Department,~~ of the City of Albuquerque, a municipal corporation, on behalf of said corporation. City Engineer, Richard Dourte

Notary Public

My Commission Expires:

10-07-08

FINANCIAL GUARANTY AMOUNT

01/23/2008

Type of Estimate: SIA Procedure - B - Modified Non-W.O.- w/F.G.

Project Description:

Project ID #: 686482, Del Norte Plaza, Phase/Unit #: 1

Requested By: **Jonathon Niski**

TOTAL FINANCIAL GUARANTY REQUIRED **$60,000.00**

APPROVAL: DATE:

Stephen Woodall 1-23-08

Notes: MB-1, 1/4 Traffic Signals San Pedro & Holly, Plans have not been approved

Current DRC
Project Number:_____

FIGURE 12

Date Submitted: 11-28-07 DRB
Date Site Plan Approved: August 30, 2006
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A
DRB Project No.: 1006 86B
DRB Application No.: 07-70302
07-70390

ORIGINAL

INFRASTRUCTURE LIST

(Rev. 9-05)

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

Del Norte Plaza
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 1, 2, 3, & 4 Del Norte Plaza
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
		8"	Waterline	Eastside of Lot 2	Holly Avenue	South Property Line	/	/	/
		8"	Waterline	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Waterline	West PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		8"	Sanitary Sewer Line	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Sanitary Sewer Line	Westh PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		6'	Sidewalk	San Pedro Blvd.	South Entrance	Holly Avenue	/	/	/
							/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
			Offsite Traffic Mitigation Addition of protected/ permitted left turn phase for north bound and south bound left turns at the intersection of Paseo Del Norte and Louisiana	Paseo Del Norte/Louisiana			/	/	/
							/	/	/
							/	/	/
M-B1		1/4	Traffic Signals Modified B ($,60,000)	San Pedro & Holly			/	/	/
[B1		6'	Bike Lane	San Pedro	Holly Ave	South PL	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
			Street signage and striping per DPM				/	/	/
			Water Infrastructure to include Valves, Fittings, Valve Boxes, and Fire Hydrants as required.				/	/	/
			Sanitary Sewer to include Manholes and Service Connections as required.				/	/	/
			Catch Basins and RCP connections included with Storm Sewer.				/	/	/
			Residential Street Lights per DPM.				/	/	/

(rev. 9-05)

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
							/	/	/
							/	/	/

Approval of Creditable Items:

Impact Fee Admistrator Signature Date

Approval of Creditable Items:

City User Dept. Signature Date

NOTES

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

Street lights per City rquirements.

1

2

3

AGENT / OWNER

Ronald R. Bohannon
NAME (print)

Tierra West LLC
FIRM

SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Andrew Garcia 11-28-07
DRB CHAIR - date

11-28-07
TRANSPORTATION DEVELOPMENT - date

Roger Lee 11-28-07
UTILITY DEVELOPMENT - date

11-28-07
CITY ENGINEER - date

Christina Sandoval 11/28/07
PARKS & GENERAL RECREATION - date

AMAFCA - date

_____ - date

_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

(rev. 9-05)

WELLS FARGO BANK, N.A.
TRADE SERVICES DIVISION - STANDBY LETTER OF CREDIT UNIT
One Front Street, 21st Floor, San Francisco, California 94111
Phone: (800) 798-2815 Option 1; Fax: 415-296-8905; E-Mail: sftrade@wellsfargo.com

Irrevocable Letter of Credit

February 27, 2008
Letter of Credit No. NZS615315

Beneficiary:
City of Albuquerque
600 2ND St. NW
Albuquerque, NM 87103
Attn: Bruce J. Perlman, PhD.

RE: Letter of Credit for Pacific Paseo Development LLC
City of Albuquerque Project No.: 686482
Project Name: Del Norte Plaza

Dear Chief Administrative Officer:

This Letter of Credit is to advise the City of Albuquerque ("City") that, at the request of Pacific Paseo Development LLC; Wells Fargo Bank, N.A., San Francisco, CA. has established an irrevocable Letter of Credit in the sum of Sixty Thousand United States Dollars (US$60,000.00) ("Letter of Credit") for the exclusive purpose of providing the financial guarantee which the City requires Pacific Paseo Development LLC ("Subdivider") to provide for the installation of the improvements which must be constructed at Del Norte Plaza, Project No. 686482 ("Project").

The amount of the Letter of Credit is 125% of the City's estimated cost of construction of improvements as required by the City's Subdivision Ordinance. The development is identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on 3/17/08 in the records of the Clerk of Bernalillo County, New Mexico in Book ~~Misc.~~ NA, at pages NA to NA, as amended ("Agreement"). Document # 20080300016

A draft or drafts for any amount up to, but not in excess of Sixty Thousand United States Dollars (US$60,000.00) is available by payment at sight at Wells Fargo Bank, N.A., One Front Street, 21st Floor, San Francisco, CA 94111 ***if presented on or after February 14, 2010, and on or before April 14, 2010.***

When presented for payment, the draft(s) is/are to be accompanied by the City's notarized certificate stating:

"1) Pacific Paseo Development LLC has failed to comply with the terms of the Agreement; and

2) The undersigned is the Chief Administrative Officer of the City of Albuquerque and is authorized to sign this certification; and

3) The amount of the draft(s) does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreement."

We hereby agree with the drawer of draft(s) drawn under and in compliance with the terms of this credit that such draft will be duly honored upon presentation to the drawee ***if presented on or after February 14, 2010 and on or before April 14, 2010.***

The draft(s) drawn under this credit must contain the clause: "**Drawn under Letter of Credit No. NZS615315 of Wells Fargo Bank, N.A., San Francisco, CA dated February 27, 2008.**" and the original Letter of Credit must be endorsed on the reverse side with the amount of each draft. This Letter of Credit must accompany each draft and be attached to the draft, which exhausts this credit.

This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable **until the earliest to occur of:**

1.) Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or

2.) City notification of Pacific Paseo Development LLC failure to comply with the terms of the Agreement, and payment by certified check from Wells Fargo Bank, N.A., San Francisco, to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or

3.) Expiration of the date April 14, 2010; or

4.) Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Administrative Officer.

This Letter of Credit will terminate **at 5:00 p.m., San Francisco time, April 14, 2010**.

This credit is subject to the Uniform Customs and practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600.

Very truly yours,

Wells Fargo Bank, N.A.

By: _____
Name: EISA CHAU
Title: ASSISTANT VICE PRESIDENT

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

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

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

STORM DRAINAGE (Form D)
- ____ Storm Drainage Cost Allocation Plan

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

V P D 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.

APPLICATION INFORMATION:

Professional/Agent (if any): Tierra West LLC PHONE: 505-858-3100

ADDRESS: 5571 Midway Park Place NE FAX: 505-858-1118

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL:

APPLICANT: Pacific Paseo Development LLC PHONE: 505-797-1334

ADDRESS: 6101 Moon NE, Suite 4000 FAX: 505-797-1362

CITY: Albuquerque STATE NM ZIP 87111 E-MAIL:

Proprietary interest in site: Owner **List all owners**: Same as Applicant

DESCRIPTION OF REQUEST: Final Plat Approval

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

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

Lot or Tract No. Lot 1-A Block: 35 Unit: B

Subdiv/Addn/TBKA: North Albuquerque Acres / TBKA Lots 1 thru 4, Del Norte Plaza

Existing Zoning: SU-2 for IP Uses Proposed zoning: No Change MRGCD Map No

Zone Atlas page(s): C-18 UPC Code: 101806432503640132

CASE HISTORY:

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

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill? No

No. of **existing** lots: 1 No. of **proposed** lots: 4 Total area of site (acres): +/-7.4007

LOCATION OF PROPERTY BY STREETS: On or Near: Holly Avenue NE

Between: San Pedro Drive NE and Louisiana Boulevard NE

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

SIGNATURE DATE 5/9/08

(Print) Ronald R. Bohannan, PE Applicant: ☐ Agent: ☐

FOR OFFICIAL USE ONLY Form revised 4/07

	INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
	☒ All checklists are complete	08DRB - - 70220	FP		$ 0.00
	☒ All fees have been collected	- -	CMF		$ 20.00
	☒ 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				Total
NA	☐ F.H.D.P. fee rebate	Hearing date May 21, 2008			$ 20.00

5/9/08
Planner signature / date

Project # 1006868

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.**

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

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

__ 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
__ Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
__ Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 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
__ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
__ 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
__ 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.

_Ronald R. Bohannan, PE_____
Applicant name (print)

5/9/08
Applicant signature / date

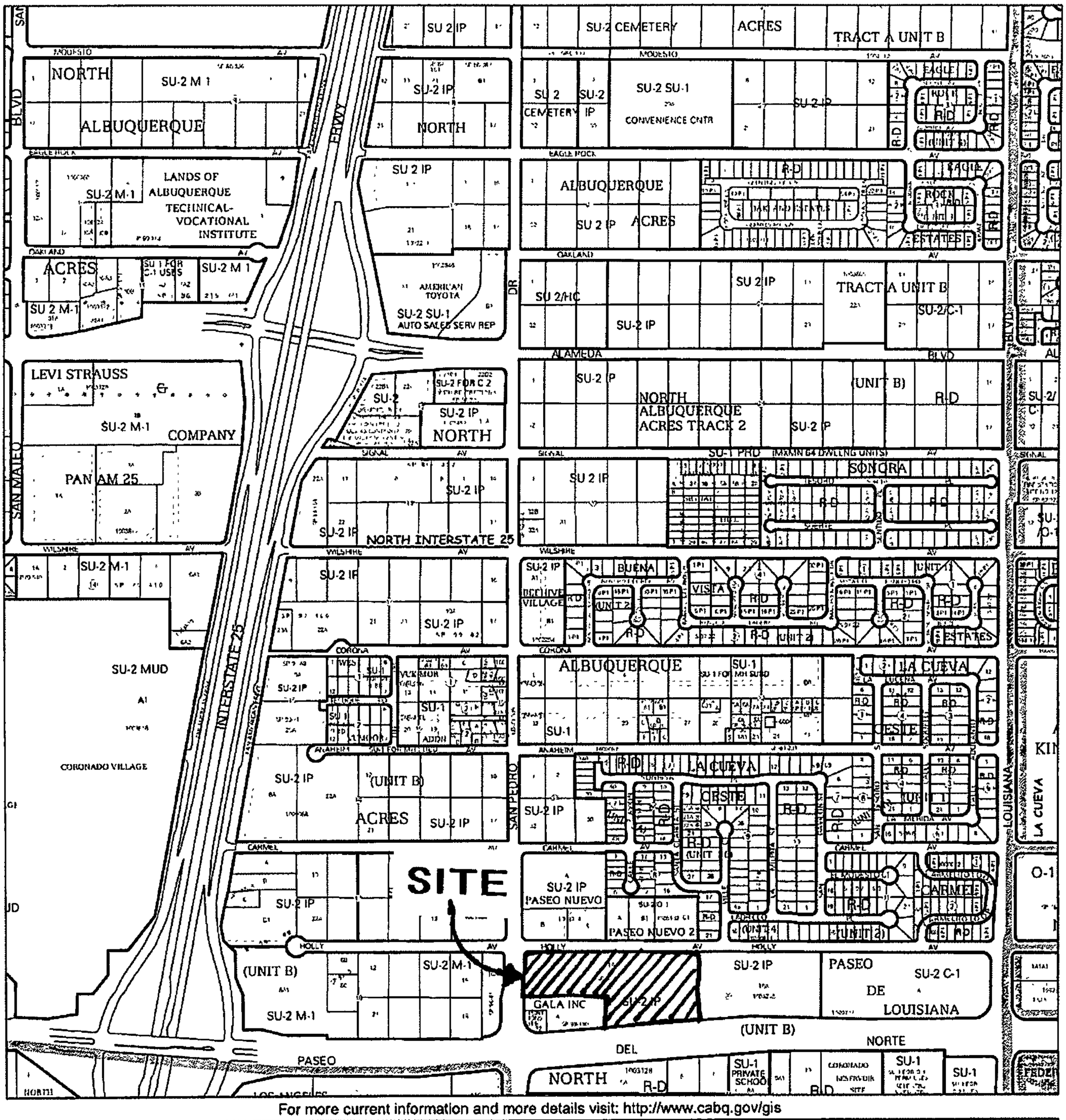
Form revised **October 2007**

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

Application case numbers
08DRB - ____ - 70220
____ - ____ - ____
____ - ____ - ____

5/9/08
Planner signature / date

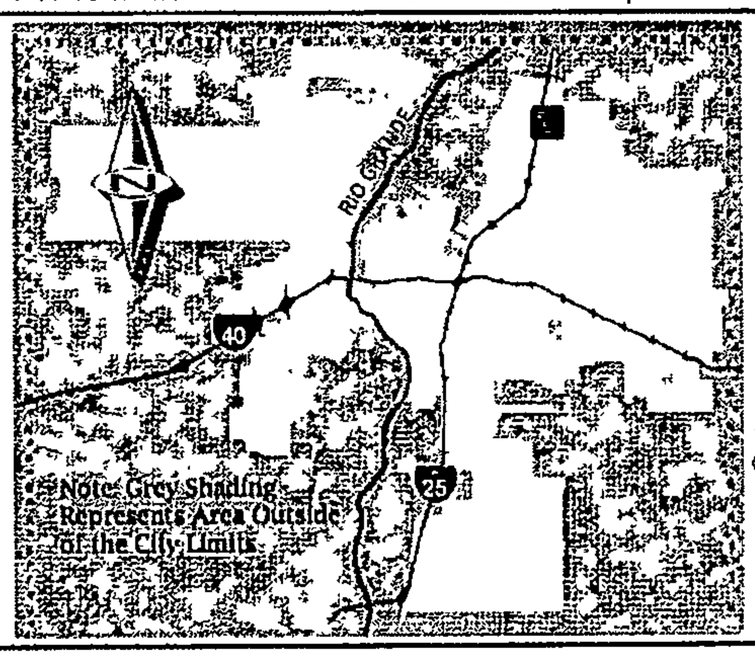
Project # 1006868



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

Albuquerque Geographic Information System

Map amended through: 9/6/2007



Zone Atlas Page:

C-18-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

JW

TIERRA WEST, LLC

5571 Midway Park Place NE Albuquerque, NM 87109
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

May 9, 2008

Mr. Jack Cloud, Chair
Development Review Board
City of Albuquerque
P.O. Box 12932
Albuquerque, NM 87103

RE: Final Plat Approval
Del Norte Plaza
Project # 1006868, Zone Atlas Page C-18

Dear Mr. Cloud:

Tierra West LLC, on behalf of Pacific Paseo Development LLC, requests approval of the Final Plat for the above-referenced project. The site is located on Holly Avenue NE, between San Pedro Drive NE and Louisiana Boulevard NE. The site is currently undeveloped and is zoned SU-2 for IP Uses and contains ±7.4007 acres. The Preliminary Plat and Infrastructure List were approved November 28, 2007 and the SIA has been recorded. Design elevations and cross sections of walls on the site, provided by George Rainhart Architects, have also been included for review and approval.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Ronald R. Bohannan, P.E.

Enclosure/s

cc: Jim Schumacher

JN: 24065
RRB/kdk

2004 24065 Jack Cloud Final Plat 032408

Case History:
List any current prior case number that may be relevant to your application:

Z-97-137
SD-83-246
Z-98-31
SD-83-2-52
Z-82-61
ZA-01-255
AX-82-11
Z-94-99
DRB-97-31

PROJECT # 1006644

07 DRB-70302

Project # 10068668

24065
DRB

COPY

INTERA Incorporated
6000 Uptown Boulevard NE
Suite 100
Albuquerque, NM 87110
Telephone: 505 246 1600
Fax: 505 246 2600

MEMORANDUM

DATE: November 27, 2007

TO: Sheran Matson, Planning Department – Design Review Board

COPY: Suzanne Busch, Environmental Health Department
Kevin Curran, Legal Department
✓Tierra West LLC

FROM: Jim Joseph, P.E., INTERA Inc.

SUBJECT: Project # 1000579, 07DRB-70357 Major – 2yr Subdivision Improvement Agreement Ext (2yr SIA), Tract A, Paseo de Louisiana, Located on Holly Ave. NE between San Pedro Dr. NE and Louisiana Blvd. NE

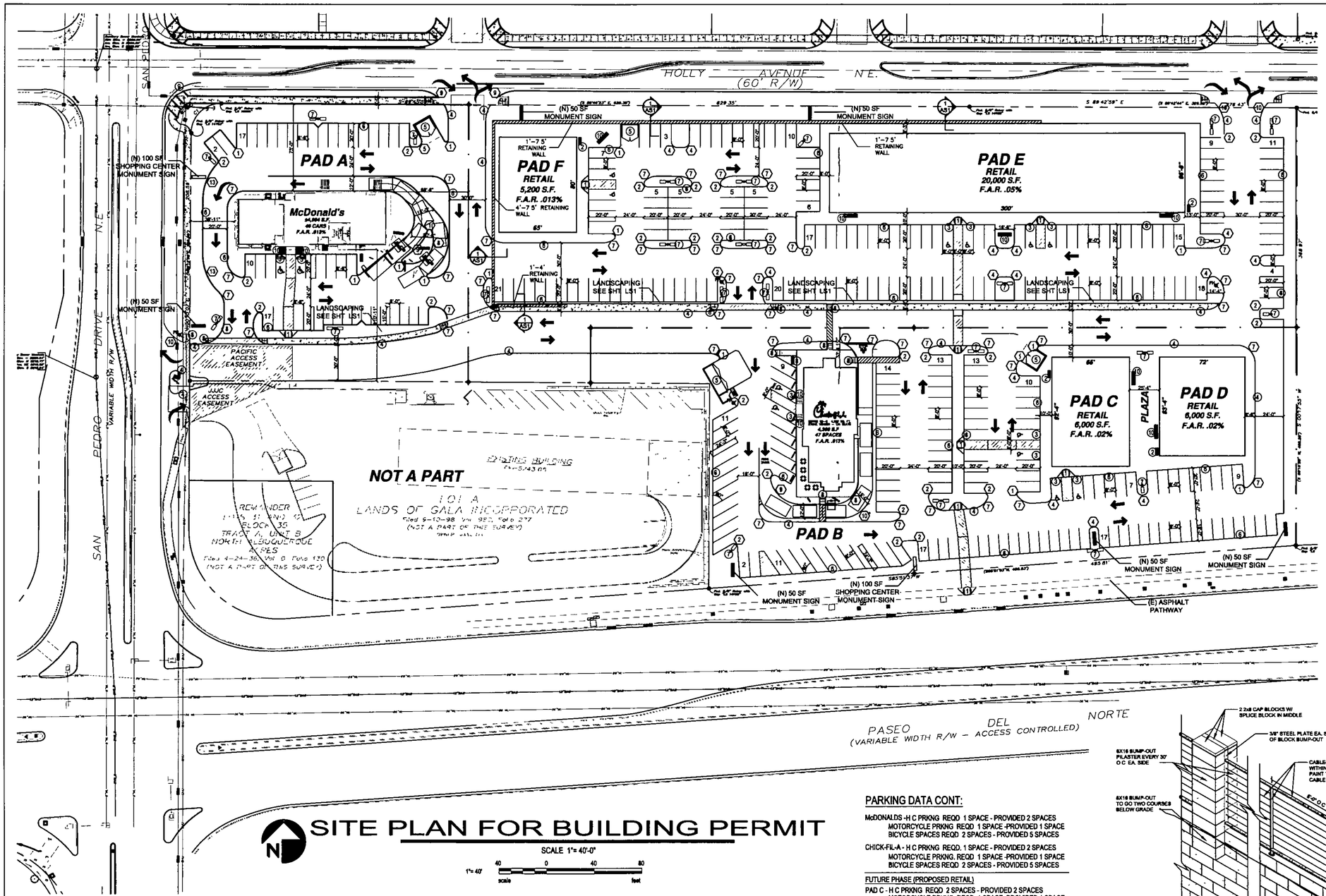
The above-referenced project is within the former buffer zone of a former privately owned/operated landfill (Holly Avenue Landfill). The landfill was removed during March 2005 and no longer provides a source for potential landfill gas impacts. Therefore, the Albuquerque Environmental Health Department has exempted the project from following the most current version of the "City of Albuquerque Interim Guidelines for Development within City Designated Landfill Buffer Zones." The project may proceed through the development process provided all other City requirements are met.

Keli Krueger

From: Zamora, David M. [dmzamora@cabq.gov]
Sent: Monday, March 24, 2008 3:46 PM
To: Mario Lucero
Cc: Keli Krueger
Subject: Project No. 1006868

The .dxf file for Project No. 1006868 (Del Norte Plaza) has been approved.

David M. Zamora
GIS Coordinator - AGIS
City of Albuquerque
Planning Department
924-3929 phone
924-3812 fax
www.cabq.gov/gis
dmzamora@cabq.gov



SITE PLAN FOR BUILDING PERMIT

SCALE 1"= 40'-0"

1"= 40' 40 0 40 80 scale feet

PARKING NOTES:

TYPICAL STANDARD SPACES ARE —8'-0" x 20'-0"
TYPICAL SMALL CAR SPACES ARE —7'-6" x 15'-0"
TYPICAL HANDICAP SPACES ARE —8'-0" x 20'-0"
WITH A 5' WIDE ACCESS AISLE —8'-0" x 20'-0"

* ALL SPACES ARE STANDARD SIZE UNLESS OTHERWISE NOTED *

RADIUS:

1 RADIUS = 2'-0"	7 RADIUS = 15'-0"
2 RADIUS = 3'-0"	8 RADIUS = 20'-0"
3 RADIUS = 3'-6"	9 RADIUS = 25'-0"
4 RADIUS = 5'-0"	10 RADIUS = 28'-0"
5 RADIUS = 10'-0"	11 RADIUS = 30'-0"
6 RADIUS = 12'-0"	12 RADIUS = 37'-6"

CODE REFERENCES

BUILDING CODE.	IBC "2003"
MECHANICAL CODE:	UMC "2003"
PLUMBING CODE	UPC "2003"
ELECTRICAL CODE:	NEC "2005"
ACCESSIBILITY CODE:	ANSI "1998"
FIRE CODE	IFC "2003"

CODE DATA

ADDRESS:	NE CORNER OF PASEO DEL NORTE & SAN PEDRO DRIVE		
ZONING:	SU-2 /IP		
OCCUPANCY:	A & M		
BUILDING TYPE:	TYPE IIB		
SEISMIC ZONE	2B		
# OF STORIES	ONE		
FIRE PROTECTION	McDONALDS	UN-SPRINKLED	(4,994 SF)
	CHICK-FIL-A.	UN-SPRINKLED	(4,360 SF)
	FUTURE PHASE		
	PAD C	UN-SPRINKLED	(6,000 SF)
	PAD D	UN-SPRINKLED	(6,000 SF)
	PAD E.	SPRINKLED	(20,000 SF)
	PAD F	UN-SPRINKLED	(5,200 SF)

SITE DATA:

PROPOSED USAGE. C-2 USE

LOT AREA. 374,664 SF (8.6 ACRES)

LANDSCAPE REQUIRED: 6.5%

OCCUPANT LOAD.

McDONALDS -5,322 SF/15 = 354 PERSONS
CHICK-FIL-A - 4,360 SF/15 = 291 PERSONS

FUTURE PHASE (PROPOSED RETAIL)

PAD C - 6,000 SF/30 = 200 PERSONS
PAD D - 6,000 SF/30 = 200 PERSONS
PAD E - 20,000 SF/30 = 667 PERSONS
PAD F - 5,200 SF/30 = 173 PERSONS

PARKING DATA:

SITE DATA	BUILDING AREA	PARKING REQD	PARKING PROVIDED
PAD A	4,994 S.F	25	46
PAD B	4,360 S F	22	47
PAD C	6,000 S F	30	44
PAD D	6,000 S F	30	44
PAD E	20,000 S F	80	90
PAD F	5,200 S F	26	51

PARKING DATA CONT:

McDONALDS -H C PRKNG REQD 1 SPACE - PROVIDED 2 SPACES
MOTORCYCLE PRKNG REQD 1 SPACE -PROVIDED 1 SPACE
BICYCLE SPACES REQD 2 SPACES - PROVIDED 5 SPACES

CHICK-FIL-A - H C PRKNG REQD. 1 SPACE - PROVIDED 2 SPACES
MOTORCYCLE PRKNG. REQD 1 SPACE -PROVIDED 1 SPACE
BICYCLE SPACES REQD 2 SPACES - PROVIDED 5 SPACES

FUTURE PHASE (PROPOSED RETAIL)

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MOTORCYCLE PRKNG REQD. 1 SPACE -PROVIDED 1 SPACE
BICYCLE SPACES REQD 2 SPACES - PROVIDED 5 SPACES
SITTING SPACES 4 SEATS - PROVIDED 1 BENCH (SEATS 4)

PAD D - H C PRKNG REQD 2 SPACES - PROVIDED 2 SPACES
MOTORCYCLE PRKNG REQD 1 SPACE -PROVIDED 1 SPACE
BICYCLE SPACES REQD 2 SPACES - PROVIDED 5 SPACES
SITTING SPACES 4 SEATS - PROVIDED 1 BENCH (SEATS 4)

PAD E - H C PRKNG REQD 4 SPACES - PROVIDED 4 SPACES
MOTORCYCLE PRKNG. REQD 3 SPACES -PROVIDED 3 SPACES
BICYCLE SPACES REQD 4 SPACES - PROVIDED 5 SPACES
SITTING SPACES 12 SEATS - PROVIDED 3 BENCHES (1 SEATS 4)

PAD F - H.C.PRKNG REQD 2 SPACES - PROVIDED 2 SPACES
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BICYCLE SPACES REQD 2 SPACES - PROVIDED 5 SPACES
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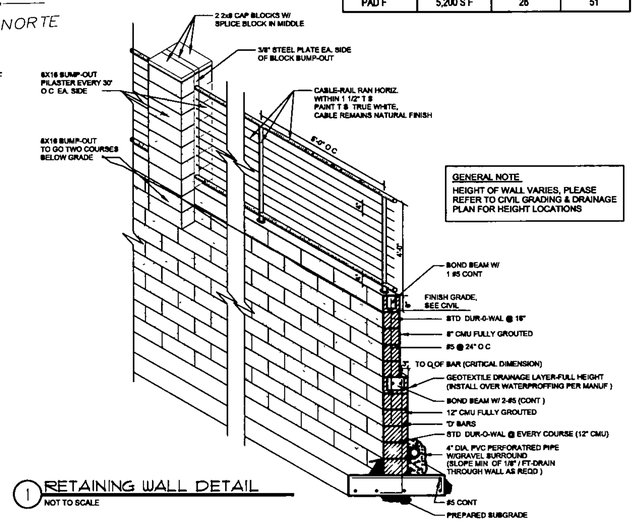
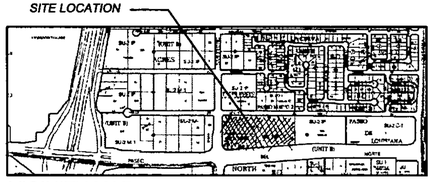


GENERAL NOTE
HEIGHT OF WALL VARIES, PLEASE REFER TO CIVIL GRADING & DRAINAGE PLAN FOR HEIGHT LOCATIONS

1 RETAINING WALL DETAIL
NOT TO SCALE

SITE LOCATION



VICINITY MAP

SITE LEGEND:

EXISTING PROPERTY LINE
PROPOSED CURB
PROPOSED SIDEWALK
PROPOSED CROSSWALK
PROPOSED FIRE HYDRANT
PROPOSED BIKE RACK
PROPOSED PARKING LOT LIGHTING
PROPOSED OUTDOOR SEATING EA. BENCH SEATS FOUR (4)
VEHICLE INGRESS/EGRESS

REV	DATE	BY	REVISION
1			
2			
3			
4			
5			
6			

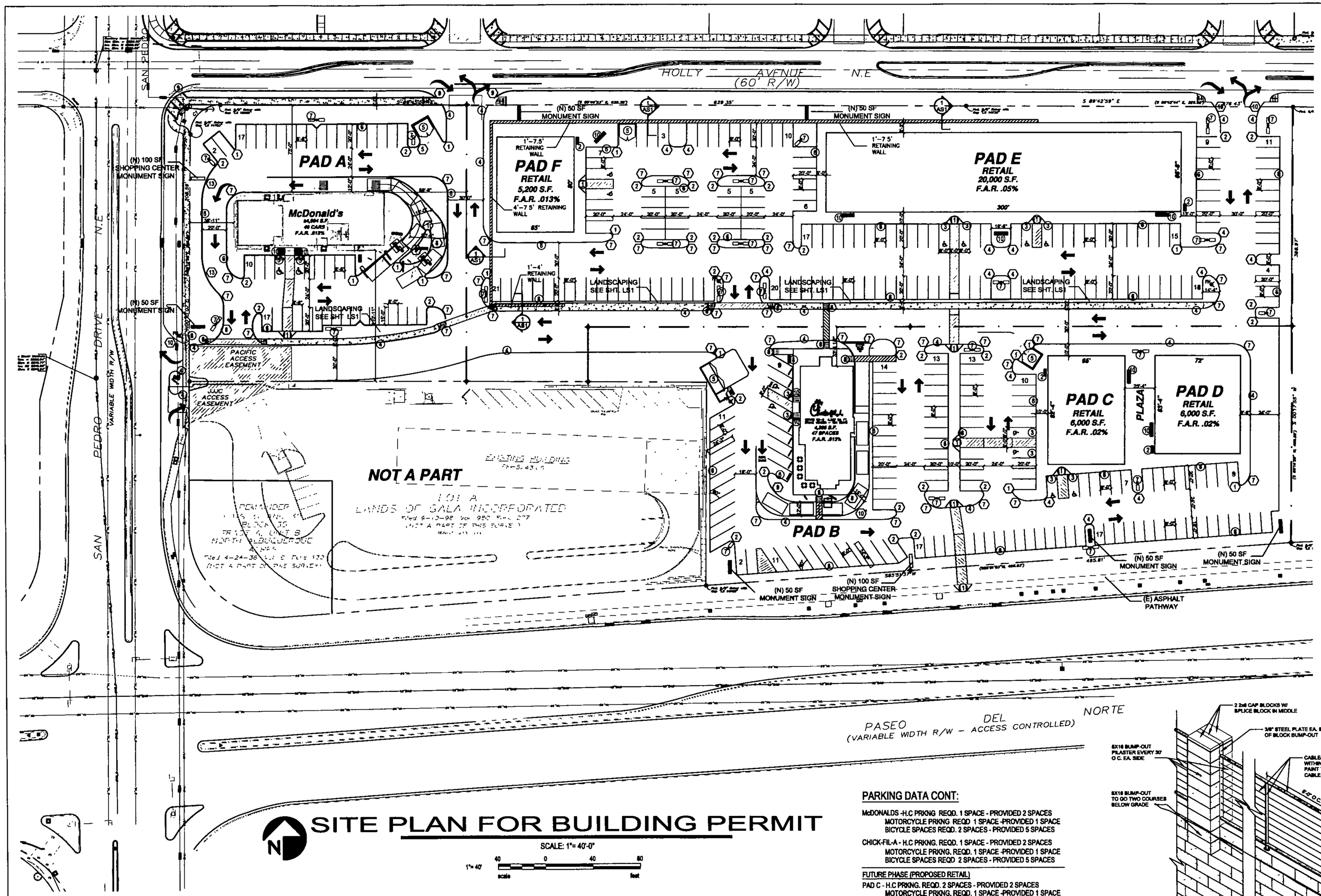
GEORGE RAINHART ARCHITECT AND ASSOCIATES PC
2325 SAN PEDRO N.E. SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

PRELIMINARY NOT FOR CONSTRUCTION

PROJECT TITLE
DEL NORTE PLAZA
SAN PEDRO & PASEO DEL NORTE
ALBUQUERQUE, NEW MEXICO

PROJECT MANAGER William Suttles
JOB NO 0538A
DRAWN BY WRS
SHEET TITLE SITE PLAN FOR BLDG. PERMIT

DATE 4.29.2008
SCALE 1"=40'-0"
sheet- AS1
of-

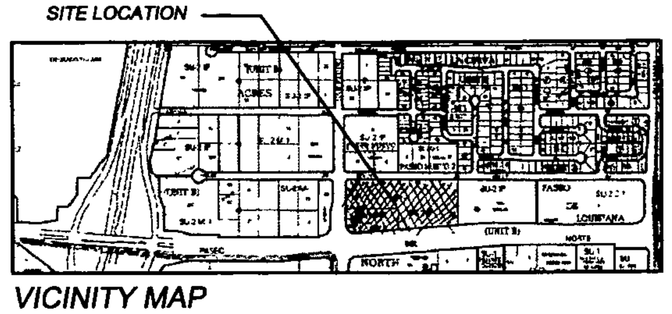


SITE PLAN FOR BUILDING PERMIT

SCALE: 1"= 40'-0"

1"= 40' 40 0 40 80 scale feet

SITE LOCATION



VICINITY MAP

SITE LEGEND:

- EXISTING PROPERTY LINE
- PROPOSED CURB
- PROPOSED SIDEWALK
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- PROPOSED BIKE RACK
- PROPOSED PARKING LOT LIGHTING
- PROPOSED OUTDOOR SEATING EA. BENCH SEATS FOUR (4)
- VEHICLE INGRESS/EGRESS

PARKING DATA CONT:

McDONALDS -H.C PRKNG REQD. 1 SPACE - PROVIDED 2 SPACES
MOTORCYCLE PRKNG REQD 1 SPACE -PROVIDED 1 SPACE
BICYCLE SPACES REQD. 2 SPACES - PROVIDED 5 SPACES

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FUTURE PHASE (PROPOSED RETAIL)

PAD C - H.C PRKNG. REQD. 2 SPACES - PROVIDED 2 SPACES
MOTORCYCLE PRKNG. REQD. 1 SPACE -PROVIDED 1 SPACE
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MOTORCYCLE PRKNG. REQD. 3 SPACES -PROVIDED 3 SPACES
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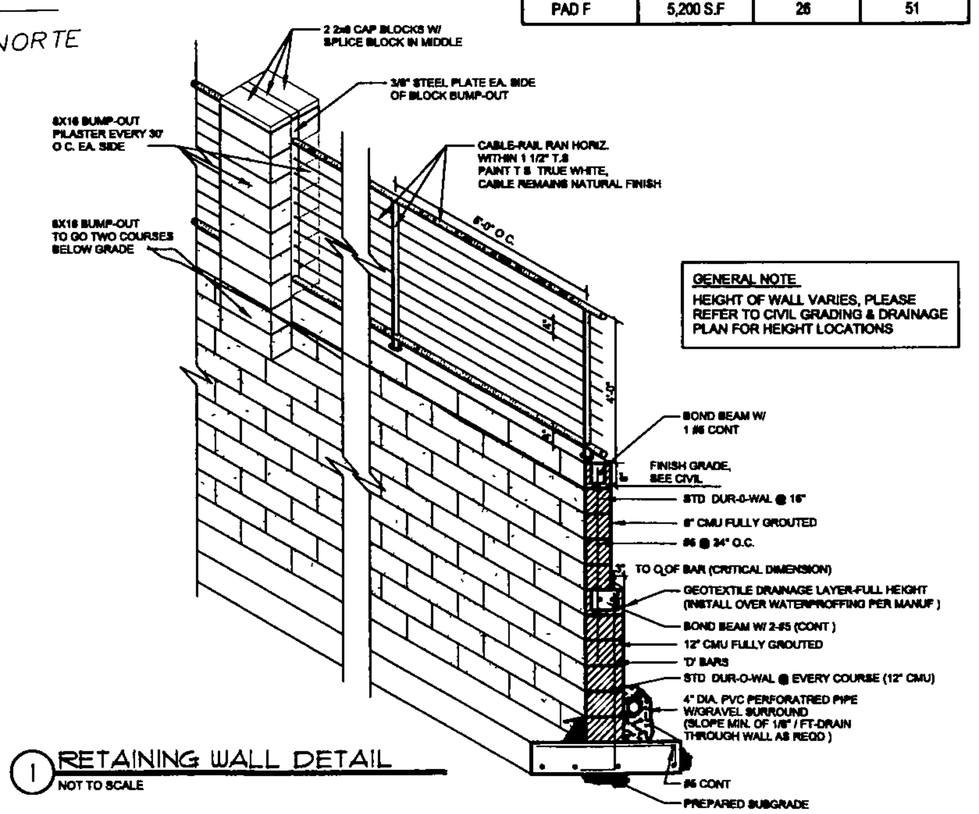

1 RETAINING WALL DETAIL
NOT TO SCALE

GENERAL NOTE:
HEIGHT OF WALL VARIES, PLEASE REFER TO CIVIL GRADING & DRAINAGE PLAN FOR HEIGHT LOCATIONS

PARKING NOTES:

TYPICAL STANDARD SPACES ARE —9'-0" x 20'-0"
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9. RADIUS = 25'-0"
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12. RADIUS = 37'-6"

CODE REFERENCES

BUILDING CODE:	IBC "2003"
MECHANICAL CODE:	UMC "2003"
PLUMBING CODE	UPC "2003"
ELECTRICAL CODE	NEC "2005"
ACCESSIBILITY CODE:	ANSI "1998"
FIRE CODE	IFC "2003"

CODE DATA

ADDRESS:	NE CORNER OF PASEO DEL NORTE & SAN PEDRO DRIVE		
ZONING:	SU-2 /IP		
OCCUPANCY:	A & M		
BUILDING TYPE:	TYPE III		
SEISMIC ZONE.	2B		
# OF STORIES	ONE		
FIRE PROTECTION:	McDONALDS.	UN-SPRINKLED	(4,994 SF)
	CHICK-FIL-A.	UN-SPRINKLED	(4,360 SF)
	FUTURE PHASE		
	PAD C:	UN-SPRINKLED	(6,000 SF)
	PAD D:	UN-SPRINKLED	(6,000 SF)
	PAD E.	SPRINKLED	(20,000 SF)
	PAD F.	UN-SPRINKLED	(5,200 SF)

SITE DATA:

PROPOSED USAGE:	C-2 USE
LOT AREA.	374,564 SF (8.6 ACRES)
LANDSCAPE REQUIRED:	6.5%

OCCUPANT LOAD:

McDONALDS -5,322 SF/15 = 354 PERSONS
CHICK-FIL-A - 4,360 SF/15 = 291 PERSONS

FUTURE PHASE (PROPOSED RETAIL)

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GEORGE RAINHART ARCHITECT AND ASSOCIATES PC
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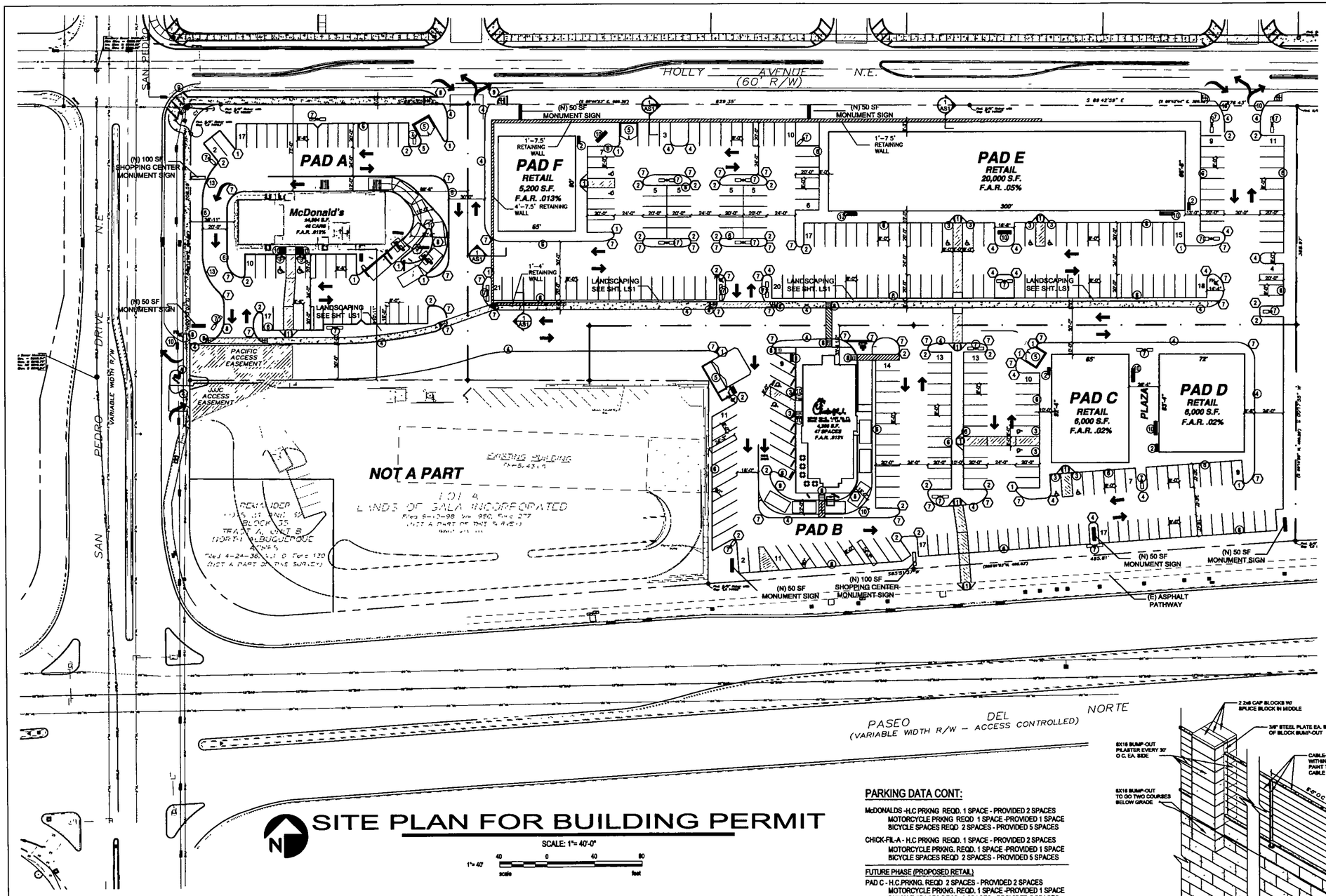
PRELIMINARY
NOT FOR
CONSTRUCTION

PROJECT TITLE
DEL NORTE PLAZA
SAN PEDRO & PASEO DEL NORTE
ALBUQUERQUE, NEW MEXICO

PROJECT MANAGER: William Suttles
DRAWN BY: WRS
JOB NO. 0538A

SHEET TITLE
SITE PLAN FOR BLDG. PERMIT

DATE: 4.29.2008
SCALE: 1"=40'-0"
sheet- AS1
of-

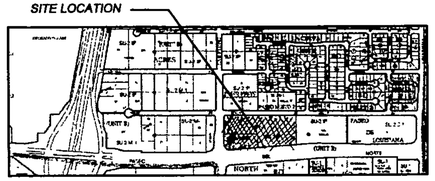


SITE PLAN FOR BUILDING PERMIT

SCALE: 1"= 40'-0"

1"= 40' 40 0 40 80 scale feet

SITE LOCATION



VICINITY MAP

SITE LEGEND:

- EXISTING PROPERTY LINE
- PROPOSED CURB
- PROPOSED SIDEWALK
- PROPOSED CROSSWALK
- PROPOSED FIRE HYDRANT
- PROPOSED BIKE RACK
- PROPOSED PARKING LOT LIGHTING
- PROPOSED OUTDOOR SEATING EA. BENCH SEATS FOUR (4)
- VEHICLE INGRESS/EGRESS

PARKING DATA CONT:

McDONALDS -H.C PRKNG REQD. 1 SPACE - PROVIDED 2 SPACES
MOTORCYCLE PRKNG REQD 1 SPACE -PROVIDED 1 SPACE
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CHICK-FIL-A - H.C PRKNG REQD. 1 SPACE - PROVIDED 2 SPACES
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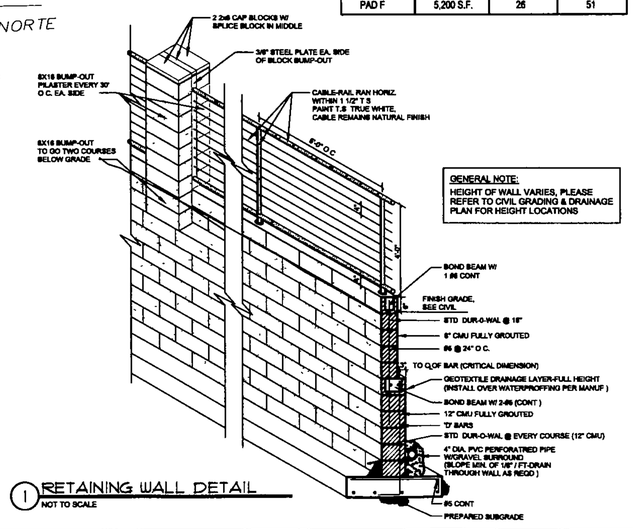
MOTORCYCLE PRKNG. REQD 3 SPACES -PROVIDED 3 SPACES
BICYCLE SPACES REQD. 2 SPACES - PROVIDED 5 SPACES
SITTING SPACES 4 SEATS - PROVIDED 1 BENCH (SEATS 4)



1 RETAINING WALL DETAIL
NOT TO SCALE

GENERAL NOTE:
HEIGHT OF WALL VARIES, PLEASE REFER TO CIVIL GRADING & DRAINAGE PLAN FOR HEIGHT LOCATIONS

PARKING NOTES:

TYPICAL STANDARD SPACES ARE — 8'-0" x 17'-0"
TYPICAL SMALL CAR SPACES ARE — 7'-6" x 15'-0"
TYPICAL HANDICAP SPACES ARE — 8'-0" x 20'-0"
WITH A 8' WIDE ACCESS AISLE — 8'-0" x 20'-0"

* ALL SPACES ARE STANDARD SIZE UNLESS OTHERWISE NOTED *

RADIUS:

1. RADIUS = 2'-0"
2. RADIUS = 3'-0"
3. RADIUS = 3'-6"
4. RADIUS = 5'-0"
5. RADIUS = 10'-0"
6. RADIUS = 12'-0"
7. RADIUS = 15'-0"
8. RADIUS = 20'-0"
9. RADIUS = 25'-0"
10. RADIUS = 28'-0"
11. RADIUS = 30'-0"
12. RADIUS = 37'-6"

CODE REFERENCES

BUILDING CODE:	IBC "2003"
MECHANICAL CODE:	UMC "2003"
PLUMBING CODE:	UPC "2003"
ELECTRICAL CODE:	NEC "2005"
ACCESSIBILITY CODE.	ANSI "1998"
FIRE CODE:	IFC "2003"

CODE DATA

ADDRESS:	NE CORNER OF PASEO DEL NORTE & SAN PEDRO DRIVE		
ZONING:	SU-2 /IP		
OCCUPANCY:	A & M		
BUILDING TYPE:	TYPE III		
SEISMIC ZONE:	2B		
# OF STORIES	ONE		
FIRE PROTECTION	McDONALDS	UN-SPRINKLED	(4,994 SF)
	CHICK-FIL-A	UN-SPRINKLED	(4,380 SF)
	FUTURE PHASE		
	PAD C:	UN-SPRINKLED	(6,000 SF)
	PAD D:	UN-SPRINKLED	(6,000 SF)
	PAD E.	SPRINKLED	(20,000 SF)
	PAD F.	UN-SPRINKLED	(5,200 SF)

SITE DATA:

PROPOSED USAGE.	C-2 USE
LOT AREA.	374,664 SF (8.6 ACRES)
LANDSCAPE REQUIRED:	8.5%

OCCUPANT LOAD:

McDONALDS -5,322 SF/15 = 354 PERSONS
CHICK-FIL-A - 4,380 SF/15 = 291 PERSONS

FUTURE PHASE (PROPOSED RETAIL)

PAD C - 6,000 SF/30 = 200 PERSONS
PAD D - 6,000 SF/30 = 200 PERSONS
PAD E - 20,000 SF/30 = 667 PERSONS
PAD F - 5,200 SF/30 = 173 PERSONS

PARKING DATA:

SITE DATA	BUILDING AREA	PARKING REQD	PARKING PROVIDED
PAD A	4,994 S.F.	25	46
PAD B	4,380 S.F.	22	47
PAD C	6,000 S.F.	30	44
PAD D	6,000 S.F.	30	44
PAD E	20,000 S.F	80	90
PAD F	5,200 S.F.	26	51

REV	DATE	BY	REVISION
1			
2			
3			
4			
5			
6			

GEORGE RAINHART ARCHITECT AND ASSOCIATES PC
2325 SAN PEDRO N.E. SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

PRELIMINARY NOT FOR CONSTRUCTION

PROJECT TITLE
DEL NORTE PLAZA
SAN PEDRO & PASEO DEL NORTE
ALBUQUERQUE, NEW MEXICO

PROJECT MANAGER: William Sutlee
JOB NO. 0636A
DRAWN BY: WRS
SHEET TITLE
SITE PLAN FOR BLDG. PERMIT

DATE: 4.29.2008
SCALE 1"=40'-0"
sheet- AS1
of-

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

11/13/2007 Issued By: PLNSDH

Permit Number: **2007 070 389** **Category Code 910**

Application Number: 07DRB-70389, Minor - Sdp For Subdivision

Address:

Location Description: SAN PEDRO DR NE BETWEEN PASEO DEL NORTE NE AND HOLLY AVE NE

Project Number: 1006868

Applicant
Pacific Paseo Development Llc

5243 W Hidden Spring Dr
Boise ID 83714
208-577-8332

Agent / Contact
George Rainhart Architects
William Johnson
2325 San Pedro Ne
Albuquerque NM 87110

bjohnson@gra-arch.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	$20.00
441006/4983000	DRB Actions	$385.00
	TOTAL:	**$405.00**

City Of Albuquerque
Treasury Division

11/13/2007 12:26PM LOC: ANNX
WS# 008 TRANS# 0029
RECEIPT# 00084048-00084048
PERMIT# 2007070389 TESDMS
Trans Amt $790.00
Conflict Manag. Fee $20.00
DRB Actions $385.00
Thank You

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

11/13/2007 Issued By: PLNSDH

Permit Number: **2007 070 390** **Category Code 910**

Application Number: 07DRB-70390, Minor - Sdp For Building Permit

Address:

Location Description: SAN PEDRO DR NE BETWEEN PASEO DEL NORTE NE AND HOLLY AVE NE

Project Number: 1006868

Applicant
Pacific Paseo Development Llc

5243 W Hidden Spring Dr
Boise ID 83714
208-577-8332

Agent / Contact
George Rainhart Architects
William Johnson
2325 San Pedro Ne
Albuquerque NM 87110

bjohnson@gra-arch.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB Actions	$385.00
	TOTAL:	**$385.00**

City Of Albuquerque
Treasury Division

11/13/2007 12:26PM LOC: ANNX
WSN 008 TRANSN 0029
RECEIPT# 00084048-00084049
PERMIT# 2007070390 TRSDMG
Trans Amt $790.00
DRB Actions $385.00
CK $790.00
CHANGE $0.00

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

10/30/2007 Issued By: PLNSDH

Permit Number: **2007 070 302** **Category Code 910**

Application Number: 07DRB-70302, Major - Preliminary Plat Approval

Address:

Location Description: PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUSISANA BLVD NE

Project Number: 1006868

Applicant
Pacific Paseo Development Llc

6101 Moon Ne, Ste 4000
Albuquerque NM 87109
5057971334

Agent / Contact
Tierra West Llc
Ronald Bohannan
5571 Midway Park Pl Ne
Albuquerque NM 87109

twllc@tierrawestllc.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB Deferral Fee	$110.00
	TOTAL:	**$110.00**

City Of Albuquerque
Treasury Division

10/30/2007 11:17AM LOC: ANNX
WS# 006 TRANS# 0020
RECEIPT# 00084112-00084112
PERMIT# 2007070302 TRSCCS
Trans Amt $110.00
DRB Actions $110.00
CK $110.00
CHANGE $0.00
Thank You

CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

JIM SCHUMACHER request(s) a special exception to Section 14. 16. 2. 23. (A). Reference North I-25 Sector Plan, Section E. 2. c. 1.: a CONDITIONAL USE to allow for a drive-up window (Chick-Fil-A) on all or a portion of Lot(s) 1 A, Tract(s) A, North Albuquerque Acres #B, zoned SU-2/IP and located at **6200 HOLLY AVE. NE** (C-18)

Special Exception No:.....**06ZHE - 00186**
Project No: **1004694**
Hearing Date:.....03-21-06
Closing of Public Record:.....03-21-06
Date of Decision: 04-05-06

STATEMENT OF FACTS: The Applicant requests a conditional use to allow for a drive-up window at his place of business, Chick-Fil-A. The Applicant is represented by Mr. Doug Crandall. Mr. Crandall indicated that this matter will be subsequently taken before the Development Review Board and the Traffic Engineer for their review. Mr. Crandall argues that this proposal will not cause injury to the neighborhood, adjacent property or the community. It is located on Holly Drive near La Cueva. This will be a food facility which is being developed as a part of a large retail project. Lighting will be consistent with lighting requirements. The Applicant will also comply with landscaping. The agents have met with the neighbors.

At the hearing there was a representative of West La Cueva Neighborhood Association. He has requested (and the Applicant is prepared to comply) that the signage be consistent with the existing neighborhood signage and the landscaping be consistent with what is required by the ordinance. Furthermore, the landscaping in the medium will be maintained and the Applicant has consented. This business will operate from 10:00 AM to 11:00 PM; Monday through Saturday. The Neighborhood representative is requesting that the owner place a directional sign encouraging patrons who are exiting the establishment to turn left to not cause traffic to go into the neighborhood.

FINDINGS AND CONCLUSIONS: Based on this testimony, I find that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved with conditions.

CONDITIONS:

1) Compliance with landscaping

2) Signage must be consistent with the overall signage in the neighborhood

3) Directional signage to encourage traffic to turn left.

If you wish to appeal this decision, you may do so by 5:00 PM in the manner described below:

APPEAL IS TO THE BOARD OF APPEALS WITHIN 15 DAYS OF THE DECISION. A filing fee of $55.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.

Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement (2)
ZHE File
Patrick Driscoll, West La Cueva NA, 6812 La Merida NE, 87113
Jim Schumacher, dba. Pacific Paseo Dev, LLC, 6101 Moon NE, 87111
DAC Ent., Inc., Doug Crandall, PO Box 16658, 87109

922-365

998/9049

APR 07 2006

CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

JIM SCHUMACHER request(s) a special exception to Section 14. 16. 2. 23. (A). Reference North I-25 Sector Plan, Section E. 2. c. 1.: a CONDITIONAL USE to allow for a drive-up window (McDonalds) on all or a portion of Lot(s) A, Tract(s) A, Gala Incorporated Addition, zoned SU-2/IP and located **at 6100 SAN PEDRO DR. NE** (C-18)

Special Exception No:..... **06ZHE - 00185**
Project No: **1004693**
Hearing Date: 03-21-06
Closing of Public Record: 03-21-06
Date of Decision: 04-05-06

STATEMENT OF FACTS: The Applicant requests a conditional use to allow for a drive-up window at his place of business, McDonald's. The Applicant is represented by Mr. Doug Crandall. Mr. Crandall indicated that this matter will be subsequently taken before the Development Review Board and the Traffic Engineer for their review. Mr. Crandall argues that this proposal will not cause injury to the neighborhood, adjacent property or the community. It is located on San Pedro Drive near La Cueva. This will be a food facility which is being developed as part of a large retail project. Lighting will be consistent with the Lighting Ordinance. The Applicant will also comply with landscaping. The agents have met with the neighbors.

At the hearing there was a representative of West La Cueva Neighborhood Association. He has requested, and the Applicant is prepared to comply, that the signage be consistent with the existing neighborhood signage and the landscaping be consistent with what is required by the Landscaping Ordinance. Furthermore, the landscaping in the median will be maintained by the Applicant. This will be a 24 hour operation. The Neighborhood would prefer that the drive-up window not be available from 12:00 PM midnight to 5:00 AM and I have reviewed those considerations. Mr. Johnston also requested that traffic exiting from the McDonald's Restaurant be urged to turn left and not to turn right which would require traffic to go into the neighborhood and affect the neighborhood negatively. I will leave that matter up to the Traffic Engineer.

FINDINGS AND CONCLUSIONS: Based on this testimony, I find that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved with conditions.

CONDITIONS:

CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

PACIFIC PASEO DEVELOPMENT, LLC request(s) a special exception to North I-25 Sector development Plan page 48. E. c. a CONDITIONAL USE to allow for retailing which is not permissive in the SU-2 IP zone on all or a portion of Lot(s) 1A, Block(s) 35, Tract(s) TRA, Unit B, North Albuquerque Acres, and located at **6200 HOLLY AVE NE** (C-18)

Special Exception No: **07ZHE-80007**
Project No:..... **1006644**
Hearing Date:..... 08-21-07
Closing of Public Record:..... 08-21-07
Date of Decision: **08-29-07**

STATEMENT OF FACTS: The applicant, Pacific Paseo Development, LLC, requests a conditional use to allow for retailing which is not permissive in the SU-2 IP zone. Doug Crandall testified that this request, if granted, would be used for commercial purposes. He stated that there would be no drive-up services, no outdoor activities, and liquor on-premise consumption only in a sit-down restaurant. Mr. Crandall was informed that any further requests must come before the ZHE for prior approval.

Opposing testimony was concerned about potential blanket approval. Measures will be taken to assure compliance.

FINDINGS AND CONCLUSIONS: I find that this request complies with Section 14. 16. 4. 2. (C). 1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved with conditions.

CONDITIONS:

1. No drive-up services for potential leasers without Conditional Use application and public hearing;
2. Liquor may only be available for on-premise consumption (restaurants);
3. No outdoor activity; and
4. Property owner shall comply with landscaping, lighting and noise ordinances.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 13, 2007 in the manner described below:

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of $55.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

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Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File (2)
Peterson Properties, 2325 San Pedro Drive NE, 87110
DAC Enterprises, Inc., P.O. Box 16658, 87191
Jim Schumacher, 6101 Moon NE #4000, 87111
Melba Junick, P O Box 92255, 87199
Peggy Neff, West La Cueva NA, 8305 Calle Sequelle NE, 87113

TRANSMISSION VERIFICATION REPORT

TIME : 11/19/2007 14:58
NAME :
FAX : 9243864
TEL : 5059243979
SER.# : BROL6J570919

DATE,TIME	11/19 14:57
FAX NO./NAME	98379877
DURATION	00:00:36
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

DEVELOPMENT REVIEW BOARD
FAX FORM

TO Bill Sattles

FAX NUMBER 8374877 **# PAGES** 3

SENT BY: Sheran Matson, DRB Chair **PHONE : 924-3880**

FAX # 924-3864 **PROJECT:** Del Norte Plaza

****

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
November 21, 2007
DRB Comments

ITEM # 6

PROJECT # 1006868 APPLICATION # 07-70302

RE: Del Norte Plaza/SPS &SPBP

1. Because these site plans did not go to EPC, the first paragraphs in the signature blocks are not needed.

2. The title for the utility engineer signature line in the signature block should read "ABCWUA".

3. The SPS is missing language stating maximum building height and minimum building setback as required on the Checklist.

4. Proposed uses for Pads C through F are required on the building footprint.

5. The SPBP site plan sheet looks more like a construction plan set. There is no identification of major site features like walls, fences, pedestrian walkways, signs, outside benches, light fixture locations, etc. One hint: The Key Notes located on Sheet AS3 belong on the site plan sheet.

6. The Zoning listed on the SPBP sheet is not complete according to the ZHE decisions.

7. Replace the cedar slats in the trash enclosure gate with metal slats or change the type of gate. Wood & plastic are not durable enough for a refuse enclosure gate.

8. The entire site should be connected with continuous pedestrian paths.

Sheran Matson, AICP
DRB Chair
924-3880 smatson@cabq.gov

8. The entire site should be connected with continuous pedestrian paths.

Sheran Matson, AICP
DRB Chair
924-3880 smatson@cabq.gov

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT *CHECKLIST*

Revised: 4/18/2006

This checklist will be used to verify the completeness of site plans submitted for review by the Environmental Planning Commission and Development Review Board. Because development proposals vary in type and scale, there may be submittal requirements that are not specified here. Nonetheless, applicants are responsible for providing a complete submittal. Certification as specified below is required.

I CERTIFY THAT THE SUBMITTED SITE DEVELOPMENT PLAN IS COMPLETE AND ACCURATE, AND THAT ALL APPLICABLE INFORMATION AS SPECIFIED IN THIS CHECKLIST IS PROVIDED. FURTHER, I UNDERSTAND THAT THIS APPLICATION IS BEING ACCEPTED PROVISIONALLY AND THAT INACCURATE AND/OR INCOMPLETE INFORMATION MAY RESULT IN THE SUBSEQUENT REJECTION OF THE APPLICATION OR IN A DELAY OF ONE MONTH OR MORE IN THE DATE THE APPLICATION IS SCHEDULED FOR PUBLIC HEARING.

11.13.07

Applicant or Agent Signature / Date

NOTE: MAXIMUM SIZE FOR SUBMITTAL IS 24" X 36".

Site development plan packets shall be composed of the following plan sheets (unless otherwise approved in writing prior to submittal by the Planning Department):

1. **Site Plan** (including utilities and easements)
2. **Landscaping Plan**
3. **Preliminary Grading Plan** (A separate Grading Plan sheet is required for a sites 1 acre or more.)
4. **Building and Structure Elevations**
5. **Conceptual Utility Plan**

Submitted plan packets must be organized in the above manner. The following checklist describes the minimum information necessary for each plan element. **The Applicant must include all checklist items on their site plan drawings and confirm inclusion by checking off the items below. Non-applicable items must be labeled "N/A." Each non-applicable designation must be explained by notation on the Checklist.**

Accompanying Material

✓ A. 8-1/2" x 11" reduction for each plan sheet.

✓ B. **Written project summary**. Each application must include a brief narrative description of the proposed project, its primary features and how compatibility with the surrounding context has been achieved.

SHEET #1 - SITE PLAN

A. General Information

✓ 1. Date of drawing and/or last revision

✓ 2. Scale:

1.0 acre or less	1" = 10'
1.0 - 5.0 acres	1" = 20'
Over 5 acres	1" = 50'
Over 20 acres	1" = 100'

[Other scales as approved by staff]

✓ 3. Bar scale

✓ 4. North arrow

✓ 5. Scaled vicinity map

✓ 6. Property lines (clearly identify)

✓ 7. Existing and proposed easements (identify each)

✓ 8. Phases of development including location and square footages of structures, circulation, parking and landscaping

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT *CHECKLIST* *Revised: 4/18/2006*

B. Proposed Development

1. Structural

✓ A. Location of existing and proposed structures (distinguish between existing & proposed)
✓ B. Square footage of each structure
✓ C. Proposed use of each structure
✓ D. Temporary structures, signs and other improvements
✓ E. Walls, fences, and screening: indicate height, length, color and materials
✓ F. Dimensions of all principal site elements or typical dimensions thereof
✓ G. Loading facilities
✓ H. Site lighting (indicate height & fixture type)
✓ I. Indicate structures within 20 feet of site
✓ J. Elevation drawing of refuse container and enclosure, if applicable.

2. Parking and Internal Circulation

✓ A. Parking layout with spaces numbered per aisle and totaled.
___ 1. **Location and typical dimensions**, including handicapped spaces
✓ 2. **Calculations:** spaces required: SEE AS1 provided: SEE AS1

Handicapped spaces required: SEE AS1 provided: SEE AS1

✓ B. Bicycle parking & facilities
✓ 1. Bicycle racks, spaces required: SEE AS1
provided: SEE AS1

___ 2. Other bicycle facilities, if applicable

✓ C. Vehicular Circulation (Refer to Chapter 23 of DPM)
✓ 1. Ingress and egress locations, including width and curve radii dimensions
✓ 2. Drive aisle locations, including width and curve radii dimensions
✓ 3. End aisle locations, including width and curve radii dimensions
✓ 4. Location & orientation of refuse enclosure, with dimensions
✓ 5. Curb cut locations and dimensions

✓ D. Pedestrian Circulation
✓ 1. Location and dimensions of all sidewalks and pedestrian paths
✓ 2. Location and dimension of drive aisle crossings, including paving treatment
✓ 3. Location and description of amenities, including patios, benches, tables, etc.

3. Streets and Circulation

✓ A. Locate and identify adjacent public and private streets and alleys.
✓ 1. Existing and proposed pavement widths, right-of-way widths and curve radii
✓ 2. Identify existing and proposed turn lanes, deceleration lanes and similar features related to the functioning of the proposal, with dimensions
✓ 3. Location of traffic signs and signals related to the functioning of the proposal
✓ 4. Identify existing and proposed medians and median cuts
✓ 5. Sidewalk widths and locations, existing and proposed

✓ B. Identify Alternate transportation facilities within site or adjacent to site
✓ 1. Bikeways and bike-related facilities

✓ 2. Pedestrian trails and linkages
✓ 3. Bus facilities, including routes, bays and shelters existing or required

4. Utilities

✓ 1. Fire hydrant locations, existing and proposed.
✓ 2. Distribution lines
✓ 3. Right-of-Way and easements, existing and proposed, on the property and adjacent to the boundaries, with identification of types and dimensions.
✓ 4. Existing water, sewer, storm drainage facilities (public and/or private).
✓ 5. Proposed water, sewer, storm drainage facilities (public and/or private)

5. Phasing

✓ A. Proposed phasing of improvements and provision for interim facilities. Indicate phasing plan, including location and square footage of structures and associated improvements including circulation, parking and landscaping.
SEE PHP

SHEET #2 - LANDSCAPING PLAN

Landscaping may be shown on sheet #1 with written approval from Planning Department staff.

✓ 1. Scale - must be same as scale on sheet #1 - Site plan
✓ 2. Bar Scale
✓ 3. North Arrow
✓ 4. Property Lines
✓ 5. Existing and proposed easements
✓ 6. Identify nature of ground cover materials
  ✓ A. Impervious areas (pavement, sidewalks, slope pavings, curb and gutters, etc.)
  ✓ B. Pervious areas (planting beds, grass, ground cover vegetation, etc.)
  ✓ C. Ponding areas either for drainage or landscaping/recreational use
✓ 7. Identify type, location and size of plantings (common and/or botanical names).
  ✓ A. Existing, indicating whether it is to preserved or removed.
  ✓ B. Proposed, to be established for general landscaping.
  ✓ C. Proposed, to be established for screening/buffering.
✓ 8. Describe irrigation system
✓ 9. Planting Beds, indicating square footage of each bed
✓ 10. Turf Area - only 20% of landscaped area can be high water turf; provide square footage and percentage.
✓ 11. Responsibility for Maintenance (statement)
✓ 12. Statement of compliance with Water Conservation...Ordinance, see article 6-1-1-1.
✓ 13. Landscaped area requirement; square footage and percent (specify clearly on plan)
✓ 14. Landscaped area provided; square footage and percent (specify clearly on plan)

SHEET #3 –PRELIMINARY GRADING PLAN –

The Preliminary Grading Plan provides the Planning Commission and staff with an understanding of site topography and how it relates to adjacent property. Planning staff may waive or allow adjustments to the Preliminary Grading Plan requirements for sites that are small, relatively flat and have no existing or proposed extraordinary drainage facilities. Waivers must be obtained in writing from the City Engineer prior to application submittal.

Grading information for sites that are under 1 acre can be included on Sheet #1.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT *CHECKLIST*

Revised: 4/18/2006

A. General Information

✓ 1. Scale - must be same as Sheet #1 - Site Plan
✓ 2. Bar Scale
✓ 3. North Arrow
✓ 4. Property Lines
✓ 5. Existing and proposed easements
✓ 6. Building footprints
✓ 7. Location of Retaining walls

B. Grading Information

✓ 1. On the plan sheet, provide a narrative description of existing site topography, proposed grading improvements and topography within 100 feet of the site.
✓ 2. Indicate finished floor elevation and provide spot elevations for all corners of the site (existing and proposed) and points of maximum cut or fill exceeding 1 foot.
✓ 3. Identify ponding areas, erosion and sediment control facilities.
✓ 4. Cross Sections
Provide cross section for all perimeter property lines where the grade change is greater than 4 feet at the point of the greatest grade change. Provide one additional cross section in each direction within no more than 100 feet of the reference point.

SHEET #4 - BUILDING AND STRUCTURE ELEVATIONS

A. General Information

✓ A. Scale (minimum of 1/8" or as approved by Planning Staff).
✓ B. Bar Scale
✓ C. Detailed Building Elevations for each facade
✓ 1. Identify facade orientation
✓ 2. Dimensions of facade elements, including overall height and width
✓ 3. Location, material and colors of windows, doors and framing
✓ 4. Materials and colors of all building elements and structures

N/A E. Site Development Plans for single family residential projects with multiple units may require submittal of specific information on building features in lieu of elevation drawings for each building. Applicants are advised to discussed submittal requirements with Planning Department staff.

B. Signage

✓ 1. Site location(s)
✓ 2. Sign elevations to scale
✓ 3. Dimensions, including height and width
✓ 4. Sign face area - dimensions and square footage clearly indicated
✓ 5. Lighting
✓ 6. Materials and colors for sign face and structural elements.

Applicants should make sure that the submitted site development plan drawings are accurate and complete, and that items specified in this checklist have been clearly indicated on the plan drawings as required.

SITE DEVELOPMENT PLAN FOR SUBDIVISION CHECKLIST

Revised 4/18/06

This checklist will be used by the Planning Department to verify the completeness of site plans submitted for review by the Environmental Planning Commission (EPC) and Development Review Board (DRB). Since development proposals vary in type and scale, there may be application requirements that are not included here and others that may not be necessary. Nonetheless, it is the applicant's responsibility to provide a complete submittal. The EPC and DRB will not consider incomplete submittals. Incomplete submittals run the risk of not being scheduled for hearing until they are made complete. Site development plans should ordinarily be composed of the following plan sheets:

1. **Site Plan** (required)
2. **Conceptual Utility Plan** (required)
3. **Design requirements for future site development plans for building permit** (optional, but STRONGLY recommended)

The following checklist describes the minimum information necessary for each sheet. Most of the site plan requirements for *Sheet #1* are taken from the definition for "SITE DEVELOPMENT PLAN" as outlined in the Zoning Code (§ 14-16-1-1 et. seq.). **The Applicant shall include and check off all items shown on the site plan or write in "n/a" if not applicable.**
NOTE: MAXIMUM SIZE FOR SUBMITTAL IS 24" X 36".
Accompanying Material

✓ A. Fee payment
✓ B. Complete application
✓ C. Written Summary of Request
✓ D. 8-1/2" x 11" reductions

SHEET # 1 – SITE PLAN (Required)

✓ 1. Scale: at least 1" = 100'
✓ 2. Bar Scale
✓ 3. North Arrow
✓ 4. Scaled Vicinity Map
✓ 5. The Site (property lines)
✓ 6. Proposed Use(s)
✓ 7. Pedestrian Ingress and Egress (Access)
✓ 8. Vehicular Ingress and Egress (Access)
✓ 9. Any Internal Circulation Requirements
✓ 10. For each lot:
  - ✓ a. Maximum Building Height
  - ✓ b. Minimum Building Setback
  - N/A c. Maximum Total Dwelling Units and / or
  - ✓ d. Nonresidential Uses' Maximum Floor Area Ratio (F.A.R.)

Revised 4/18/06

SHEET #2 – DESIGN REQUIREMENTS FOR FUTURE SITE DEVELOPMENT PLANS FOR BUILDING PERMIT (Optional, but STRONGLY recommended)

✓ 1. Overall Design Theme and Land Use Concept
✓ 2. Off-Street Parking Requirements and Design (Automobile and Bicycle)
✓ 3. Street Design
✓ 4. Transit Facilities (benches, shelters, pedestrian connections, etc.)
✓ 5. Landscape Design Requirements (plant list, buffer areas, locations, amounts, etc.)
✓ 6. Architectural Design Requirements (façade elements, massing, colors, materials, etc.)
✓ 7. Signage Design Requirements (face area, colors, materials, maximum height, etc.)
✓ 8. Lighting Design Requirements (type, locations, colors materials, maximum height, etc.)
✓ 9. Pedestrian Amenities (walkways, plazas, shade structures, etc.)

APPLICATION FOR SPECIAL EXCEPTION

CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street NW, Suite 300, 87102
505.924.3918

A. APPLICANT INFORMATION–PLEASE PRINT

TELEPHONE (INCLUDE AREA CODE)

JIM SCHUMACHER d/b/a PACIFIC PASEO DEVEL. LLC — (H)
OWNER NAME (FIRST, LAST)
6101 MOON NE — (W) 505 797 7334
MAILING ADDRESS
ALBUQUERQUE, NM 87111 — (C)
CITY STATE ZIP CODE

DAC ENTERPRISES, INC – DOUG CRANDALL — (H)
AGENT NAME (FIRST, LAST–IF ANY)
P.O. BOX 16658 — (W) 505-294-5243
MAILING ADDRESS
ALBUQUERQUE, NM 87109 — (C)
CITY STATE ZIP CODE

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

TRA, UNIT 8 — 101806429102140102
TRACT(S) — UNIFORM PROPERTY CODE
~~33~~ — A
BLOCK — LOT(S) — MRGCD MAP NO.
~~NORTH ALBUQUERQUE ACRES~~ GAIA Incorporated
SUBDIVISION / ADDITION
MCDONALDS ~~6200 BLK HOLLY NE @ SAN PEDRO~~ (MAP C-18)
STREET ADDRESS OF SPECIAL EXCEPTION 8100 San Pedro Dr. NE — ZIP CODE

B. CRITERIA FOR DECISION– I have been given the Criteria for Decision requirements. Initial Here: RM

C. EXPLANATION OF REQUEST– On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

D. DRAWINGS OF REQUEST– **ATTACH THREE (3) COPIES.** Please follow instructions on the back of this form and attach the appropriate drawings.

E. TRAFFIC ENGINEERING REVIEW– **REQUIRED FOR ALL WALLS AND FENCES IN THE FRONT AND STREET SIDE YARD SETBACKS.** Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor. Initial Here: N/A

F. ACKNOWLEDGEMENT– I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

Doug Crandall for DAC ENTERPRISES, INC. — 02/13/06
SIGNATURE — DATE

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1004693 — APPLICATION #: 06 ZHE 00185

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☑ Conditional Use
- ☐ Expansion of a NonConforming Use
- ☐ NonConforming Use / Status Established Building

☐ Variance: (CHECK AS APPROPRIATE)
- ☐ Distance ☐ Setback
- ☐ Height ☐ Parking
- ☐ Size ☐ Other

SECTION NO. 14-16-2-17 (A) North I-25 SP — REFERENCE SECTION NO: Section E.2 of North I-25

LEGAL AD: Conditional-use to Allow for a drive-up window.

SECTOR DEVELOPMENT AREA: North I-25

ZONED: SU-2 IP — ZONE ATLAS PAGE: C-18 — NO. OF SIGNS ISSUED: 1

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION: 8100 San Pedro Dr. NE

FEE: $ 145.00

Ty Jamison — 2-13-06
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) — DATE

03-21-06

DUPLICATE
City Of Albuquerque
Treasury Division
2/13/2006 11:04AM LOC: ANNX
RECEIPT# 00052526 WS# 008 TRANS# 0015
Account 441018 Fund 0110
Activity 4971000 TRSCCS
Trans Amt $ 290.00
J24 Misc
Thank You

DUPLICATE
City Of Albuquerque
Treasury Division
2/13/2006 11:04AM LOC: ANNX
RECEIPT# 00052527 WS# 008 TRANS# 0015
Account 441006 Fund 0110
Activity 4917000 TRSCCS
Trans Amt $ 100.00
J24 Misc
Thank You

DUPLICATE
City Of Albuquerque
Treasury Division
2/13/2006 11:04AM LOC: ANNX
RECEIPT# 00052528 WS# 008 TRANS# 0015
Account 441032 Fund 0110
Activity 3424000 TRSCCS
Trans Amt $ 10.00
J24 Misc
Thank You

(APN) 441018 / 4971000 $ 35.00
(SEA) 441006 / 4917000 $ 100.00
(CMP) 441032 / 3424000 $ 10.00

Enterprises, Inc.
Zoning & Land Use Services

February 12, 2006

Roberto Albertorio, Esq.
Zoning Hearing Examiner
City of Albuquerque
Albuquerque, New Mexico

Dear Mr. Albertorio:

DAC Enterprises, Inc. has been retained to represent Pacific Paseo Development, LLC to request a conditional use to allow a drive up service window for a portion of Block 35, Tract A, Unit 8, North Albuquerque Acres, zoned SU-2/IP in the North I-25 Sector Development Plan.

Section E. 2 c. 1 of the North I-25 Sector Development Plan refers to Section 14-16-2-17(A) (formerly Section 24.A. 18) of the *Zoning Code* which allows for "Commercial Retail and Service [Uses]" that are permissive in the C-2 zone to be considered as conditional uses in the SU-2/IP zone. The North I-25 plan further requires that such retail uses dedicate the requested right-of-way for the widening of San Pedro Boulevard. Applicant has complied with this request.

Applicant proposes to erect a fast food restaurant of approximately 4300 square feet of area. 48 parking spaces will be provided to accommodate customers and staff.

This request is for a conditional use. The standards for approval of a conditional use are: 1) the use will not be injurious to the adjacent property, the neighborhood or the community; and 2) the use will not be significantly damaged by surrounding structures or activities.

The use will not be injurious to the adjacent property.

The property is zoned SU-2/IP and it is part of a larger tract of land that will contain other retail uses when further developed. The tract s directly abutting this project have not been developed. There will be more than adequate parking for the use, thus mitigating any potential parking problem with future tenants of adjacent sites.

Further, adequate queuing area for the drive up facility must be approved by the traffic engineer prior to development. There will be no negative impact to the adjacent property.

P.O. Box 16658 • Albuquerque, NM 87191 • Phone: 505-294-5243

e use will not be injurious to the neighborhood.

The majority of the nearby neighborhood is zoned commercial, industrial or manufacturing. There is some RD zoning for a housing development along Holly. The RD zoning will not be affected by this development, which will access across from the SU-2/IP portion of Holly Avenue. The actual location of the restaurant will abut Paseo del Norte. The property across the street from Paseo del Norte is zoned RD.

Applicant's agents met with the neighborhood regarding this request. There were no major concerns regarding this request. Applicant has agreed to meet all lighting, signage and landscaping standards. In addition, the building color will be in harmony with the surrounding developments.

The use will not be injurious to the community

Drive up service windows are common in commercial zones. They provide easy access for patrons. If approval of this request is granted by the zoning hearing examiner, subsequent approval of the development review board will be required.

The use will not be significantly damaged by surrounding structures or activities.

This fast food facility will be developed as part of a large retail project. There is a drive up facility for the coffee shop across the street to the west and other drive up facilities all along Paseo del Norte and other nearby lots. Most of the SU-2/IP and SU-2/M-1 property in the vicinity has already been developed as retail and will not damage this proposed use.

Conclusion

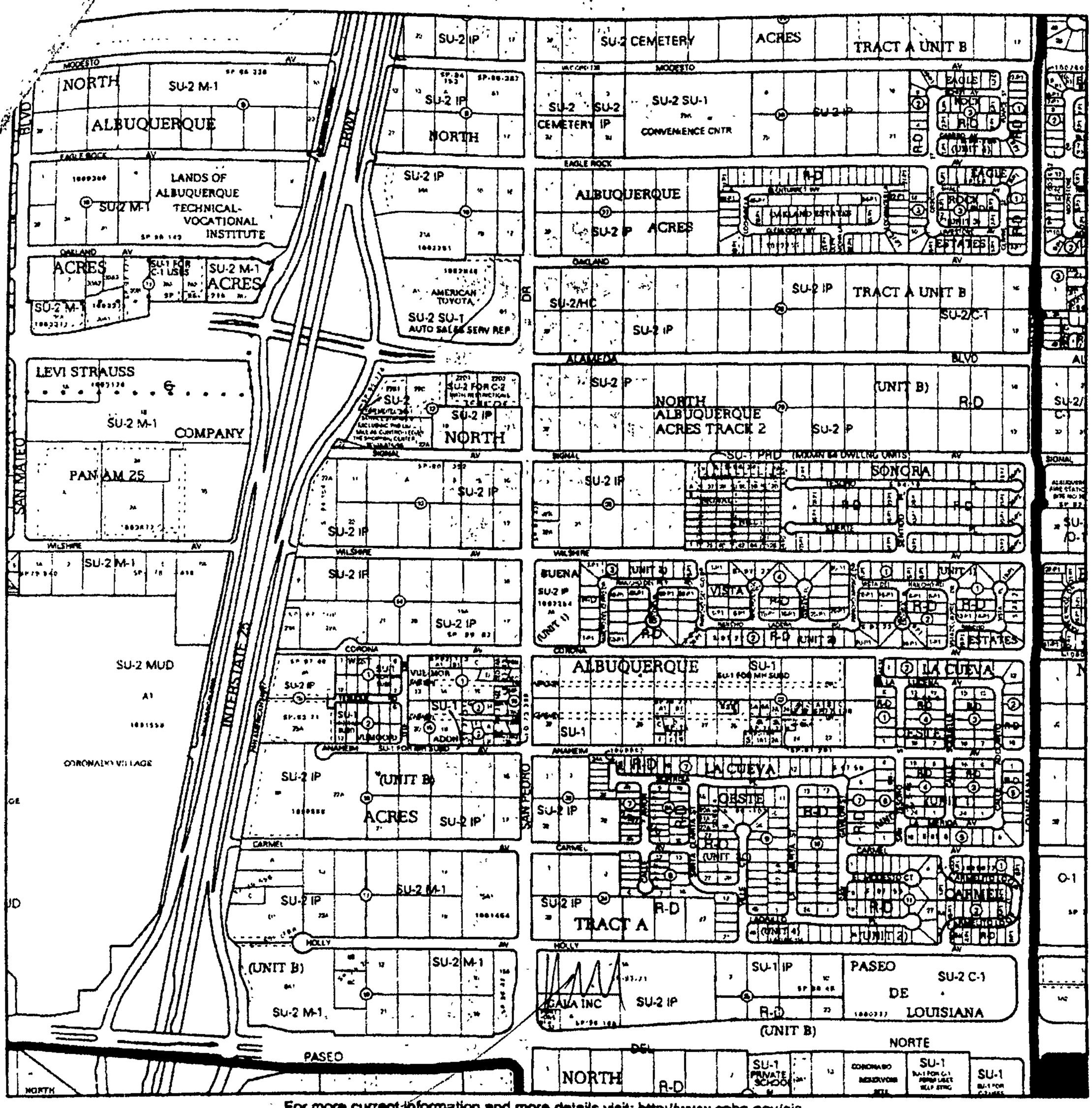
In conclusion, applicant believes that all relevant criteria for approval of a conditional use have been addressed and met. This development will enhance the area by providing needed restaurant uses for this fast growing area.

Your consideration of this request is sincerely appreciated.

Yours truly,

Doug Crandall

Doug Crandall, Principal
DAC Enterprises, Inc.
Agent for Pacific Paseo Development, LLC



Map amended through: **Apr 07, 2005**

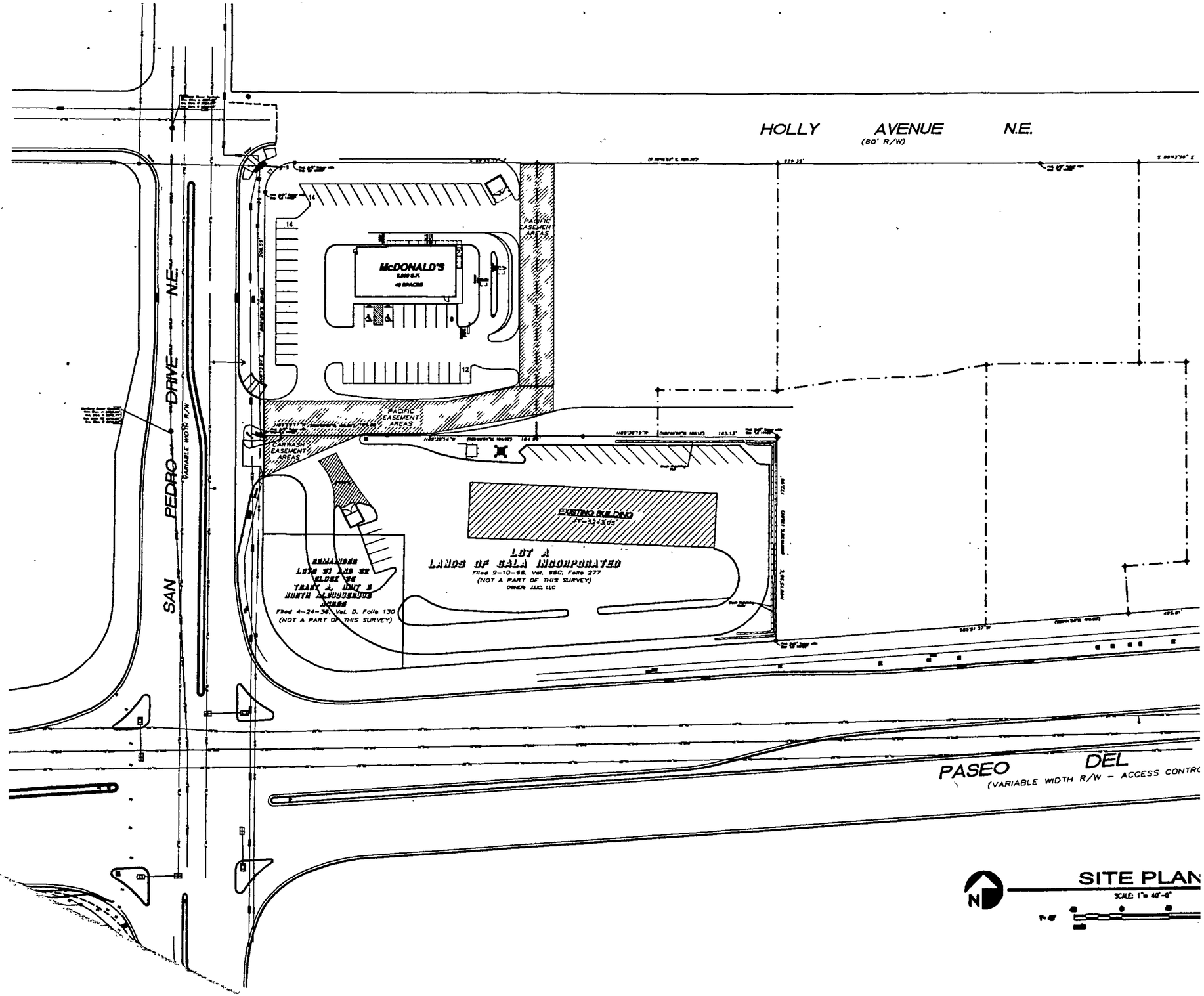
Zone Atlas Page:

C-18-Z

Selected Symbols

- Outside City Limits
- Sector Plans
- Design Overlay Zones
- City Historic Zone
- 11-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Well Overlay Zone

0 750 1,500 Feet


HOLLY AVENUE N.E.
(60' R/W)
SAN PEDRO DRIVE N.E.
(VARIABLE WIDTH R/W)
PASEO DEL
(VARIABLE WIDTH R/W – ACCESS CONTRO
McDONALD'S
PACIFIC EASEMENT AREAS
CARNASH EASEMENT AREAS
EXISTING BUILDING
LOT A
LANDS OF SALA INCORPORATED
Filed 9-10-98, Vol. 98C, Folio 277
(NOT A PART OF THIS SURVEY)
Filed 4-24-38, Vol. D, Folio 130
(NOT A PART OF THIS SURVEY)
SITE PLAN
SCALE: 1"= 40'-0"

a. Site development plans and landscaping plans are required for permissive uses and shall be approved by the Planning Director.

b. Commercial Retail and Services, as listed in Section 24.A.18 and 24.A.20 of the Zoning Code, are not permissive uses.

c. Conditional uses shall be limited to:

1. Commercial Retail and Service as listed in Section 24.A.18 and 24.A.20 of the Zoning Code, and are to be approved by the zonlng Hearing Examiner according to the criteria for decision established 1n Section 42.C.1 of the Zoning Code. Such uses shall be approved, if otherwise appropriate only on premises which have dedicated the requested public right-of-way for the widening of Alameda Boulevard or San Pedro Drive. Retail and customer service shall be at an intersection with Alameda Boulevard or San Pedro Drive, and preferably in sites of two to six net acres devoted to such uses. And

2. Automotive sales, include 1ng related service and repair provided that the premises are developed consistent with an approved, attractive site development plan.

d. Lot Size. No requirements, (but note setback requirements in Section VI).

e. All site plans and landscaping plans shall incorporate the design standards contained in Section VI.

f. Contractors yards which are legally nonconforming shall be made to conform within five years of the daie they become nonconforming. This period includes the open storage, which would otherwise be required to conform within one year.

g. Automotive dismantling as specified in the M-1 zone, if legally nonconforming shall be made to conform within 10 years of the date it becomes nonconforming. This period includes the open storage, which would otherwise be required to conform within one year.

h. The manufacturing and retail sale of portable and modular buildings and mobile homes including outdoor storage and display, and outdoor storage of recreational vehicles (RV's) and boats (as defined in the Comprehensive City Zoniog Code), which are new legally nonconforming or not in compliance and which shall be aede to conform within six years of the date it becomes nonconforming or not in compliance.

3. SU-2/IP-EP (Industrial Park and Earth Products) zone allowing uses permissive and conditional 1n the SU-2/IP zone as regulated by the SU-2/IP zone with the following additions:

APP CATION FOR SPECIAL EXCEPTION
CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street NW, Suite 300, 87102
505.924.3918

A. APPLICANT INFORMATION–PLEASE PRINT

JIM SCHUMACHER d/b/a PACIFIC PASEO DEVEL. LLC — TELEPHONE (INCLUDE AREA CODE) (H) ___
OWNER NAME (FIRST, LAST)
6101 MOON NE — (W) 505-797-6334
MAILING ADDRESS
ALBUQUERQUE, NM 87111 — (C) ___
CITY STATE ZIP CODE

DAC ENTERPRISES, INC - DOUG CRANDALL — (H) ___
AGENT NAME (FIRST, LAST–IF ANY)
P.O. BOX 16658 — (W) 505-294-5243
MAILING ADDRESS
ALBUQUERQUE, NM 87109 — (C) ___
CITY STATE ZIP CODE

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

TRA, UNIT B — 101806432603740132
TRACT(S) — UNIFORM PROPERTY CODE
~~35~~ 35 — 1A — MRGCD MAP NO.
BLOCK — LOT(S)
NORTH ALBUQUERQUE ACRES # B
SUBDIVISION / ADDITION
CHICK-FIL-A — ~~6200 BLK. HOLLY NE @ SAN PEDRO~~ (MAP C-18) — ZIP CODE
STREET ADDRESS OF SPECIAL EXCEPTION — 6200 Holly Ave NE

B. CRITERIA FOR DECISION– I have been given the Criteria for Decision requirements. Initial Here: [illegible]

C. EXPLANATION OF REQUEST– On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

D. DRAWINGS OF REQUEST– **ATTACH THREE (3) COPIES.** Please follow instructions on the back of this form and attach the appropriate drawings.

E. TRAFFIC ENGINEERING REVIEW– **REQUIRED FOR ALL WALLS AND FENCES IN THE FRONT AND STREET SIDE YARD SETBACKS.** Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor. Initial Here: N/A

F. ACKNOWLEDGEMENT– I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case.

Doug Crandall for DAC ENTERPRISES, INC. — 02/13/06
SIGNATURE — DATE

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1004694 — APPLICATION #: 06ZHE00186

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☑ Conditional Use
- ☐ Expansion of a NonConforming Use
- ☐ NonConforming Use / Status Established Building

☐ Variance: (CHECK AS APPROPRIATE)
- ☐ Distance ☐ Setback
- ☐ Height ☐ Parking
- ☐ Size ☐ Other

SECTION NO. 14-16-2-17(A) North I-25 SP — REFERENCE SECTION NO: Section E.2.C.1 North I-25

LEGAL AD: Conditional use to Allow for a Drive-up window

SECTOR DEVELOPMENT AREA: North I-25

ZONED: SU-2 IP — ZONE ATLAS PAGE: C-18 — NO. OF SIGNS ISSUED: 1

6200 Holly Ave NE
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

FEE: $ 145.00

Tri Jameson — 2-13-06
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) — DATE

2-21-06
PUBLIC HEARING

(APN) 441018 / 4971000 $ 35.00
(SEA) 441006 / 4917000 $ 100.00
(CMP) 441032 / 3424000 $ 10.00

City Of Albuquerque
Treasury Division
02/13/2006 11:05AM LOC: ANNX
RECEIPT# 00052529 WS# 008 TRANS# 0015
Account 441018 Fund 0110 TRSCLS
Activity 4971000 $290.00
Trans Amt $290.00
.124 Misc $10.00
Thank You

Enterprises, Inc.
Zoning & Land Use Services

February 12, 2006

Roberto Albertorio, Esq.
Zoning Hearing Examiner
City of Albuquerque
Albuquerque, New Mexico

Dear Mr. Albertorio:

DAC Enterprises, Inc. has been retained to represent Pacific Paseo Development, LLC to request a conditional use to allow a drive up service window for a portion of Block 35, Tract A, Unit 8, North Albuquerque Acres, zoned SU-2/IP in the North I-25 Sector Development Plan.

Section E. 2 c. 1 of the North I-25 Sector Development Plan refers to Section 14-16-2-17(A) (formerly Section 24.A. 18) of the *Zoning Code* which allows for "Commercial Retail and Service [Uses]" that are permissive in the C-2 zone to be considered as conditional uses in the SU-2/IP zone. The North I-25 plan further requires that such retail uses dedicate the requested right-of-way for the widening of San Pedro Boulevard. Applicant has complied with this request.

Applicant proposes to erect a fast food restaurant of approximately 3900 square feet of area. 40 parking spaces will be provided to accommodate customers and staff.

This request is for a conditional use. The standards for approval of a conditional use are: 1) the use will not be injurious to the adjacent property, the neighborhood or the community; and 2) the use will not be significantly damaged by surrounding structures or activities.

The use will not be injurious to the adjacent property.

The property is zoned SU-2/IP and it is part of a larger tract of land that will contain other retail uses when further developed. The tract to the south is already developed with a car wash. The properties across San Pedro NE to the west are zoned M-1 and contain all retail uses. Directly across Holly Aveune to the north the property is zoned SU-2/M-1. There will be more than adequate parking. Further, adequate queuing area for the drive up facility must be approved by the traffic engineer prior to development. There will be no negative impact to the adjacent property.

P.O. Box 16658 • Albuquerque, NM 87191 • Phone: 505-294-5243

he use will not be injurious to the neighborhood.

The majority of the nearby neighborhood is zoned commercial, industrial or manufacturing. There is some RD zoning for a housing development along Holly. The RD zoning will not be affected by this development, which is directly on the corner of San Pedro and Paseo del Norte, an intersection of two major streets. Access to the property will be primarily off of San Pedro, or through internal easements from other uses once the entire property is developed.

Applicant's agents met with representatives of the surrounding neighborhoods to discuss this request. Lighting, signage, landscaping and building color scheme were major issues. Applicant will comply with all applicable regulations regarding the former three items, and will work to provide an acceptable color scheme for the latter.

The use will not be injurious to the community

Drive up service windows are common in commercial zones. They provide easy access for patrons. If approval of this request is granted by the zoning hearing examiner, subsequent approval of the development review board will be required.

The use will not be significantly damaged by surrounding structures or activities.

This fast food facility will be developed as part of a large retail project. There is a drive up facility for the coffee shop across the street to the west and other drive up facilities all along Paseo del Norte and other nearby lots. Most of the SU-2/IP and SU-2/M-1 property in the vicinity has already been developed as retail and will not damage this proposed use.

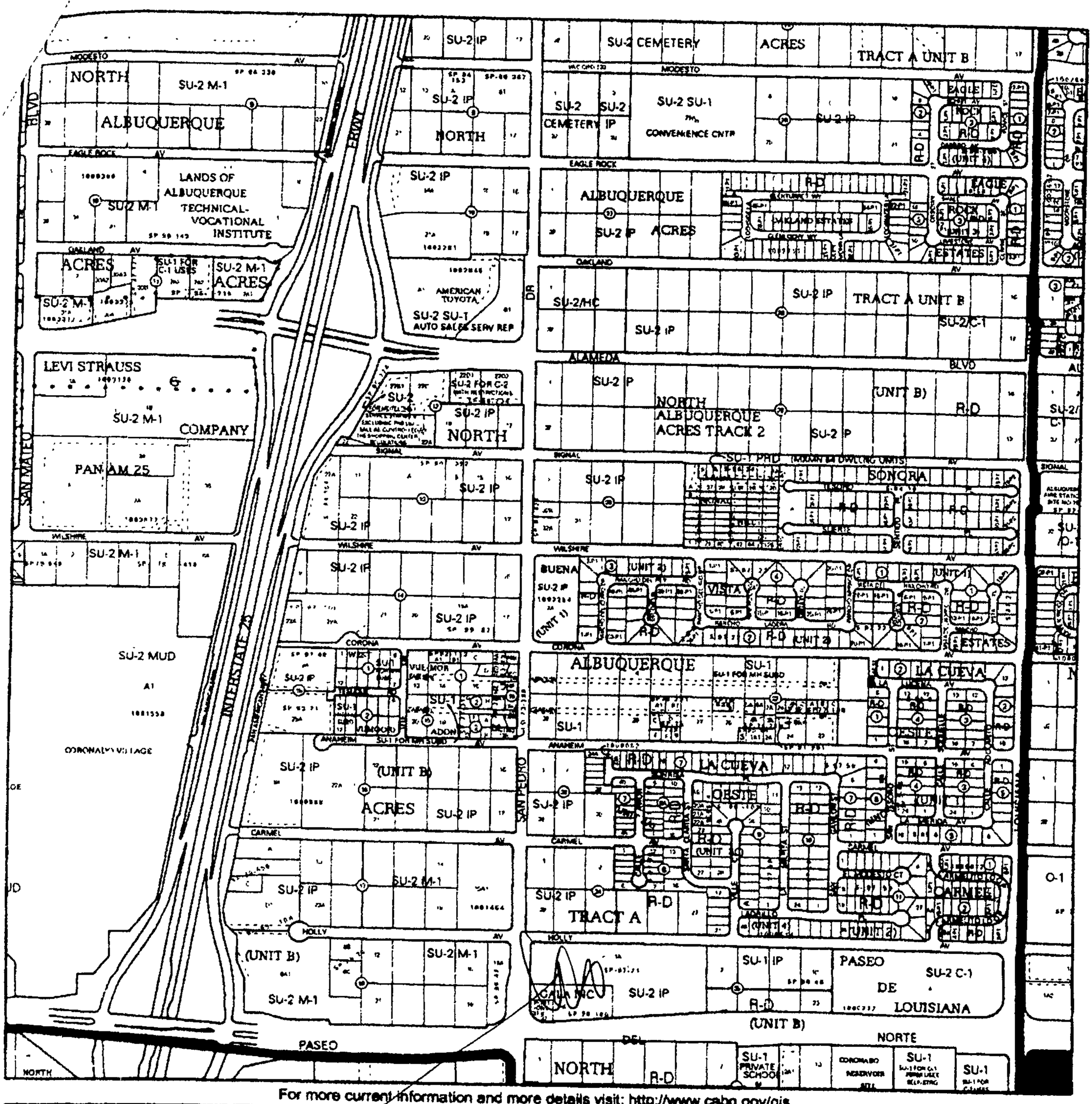
Conclusion

In conclusion, applicant believes that all relevant criteria for approval of a conditional use have been addressed and met. This development will enhance the area by providing needed restaurant uses for this fast growing area.

Your consideration of this request is sincerely appreciated.

Yours truly,

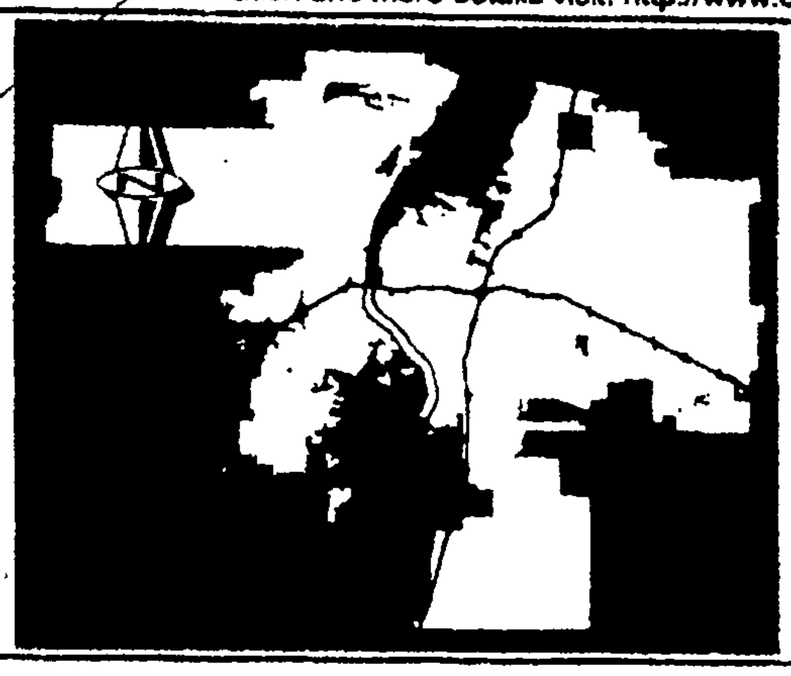
Doug Crandall by [illegible]
Doug Crandall, Principal
DAC Enterprises, Inc.
Agent for Pacific Paseo Development, LLC



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

AGIS
Albuquerque Geographic Information System

Map amended through: **Apr 07, 2005**



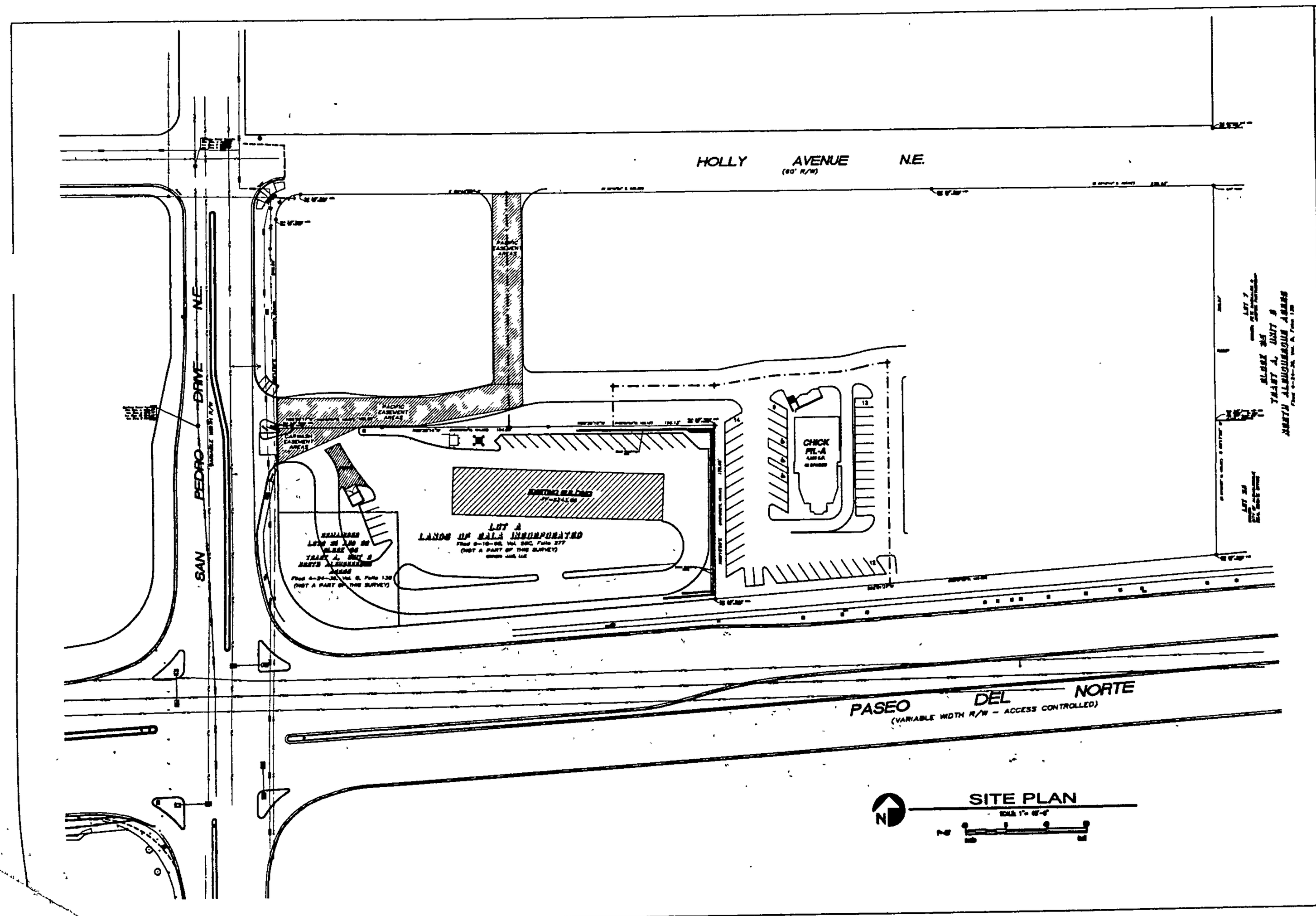
Zone Atlas Page:

C-18-Z

Selected Symbols

- Outside City Limits
- Sector Plans
- Design Overlay Zones
- City Historic Zone
- H-1 Buffer Zone
- Petroglyph Mon
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 — 750 — 1,500 Feet



REV	DATE	BY	REVISION
A			
A			
A			
A			
A			
A			

GEORGE RAINHART ARCHITECT AND ASSOCIATES PC
2325 SAN PEDRO N.E. SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

PRELIMINARY
NOT FOR
CONSTRUCTION

PROJECT TITLE
DEL NORTE PLAZA
SAN PEDRO & PASEO DEL NORTE
ALBUQUERQUE, NEW MEXICO

PROJECT NUMBER:

JOB NO.: 99000

DRAWN BY: MS

SHEET TITLE
SITE PLAN - CHICK-FIL-A

DATE: 7.3.2006

SCALE: AS NOTED

SHEET A5

a. Site development plans and landscaping plans are required for permissive uses and shall be approved by the Planning Director.

b. Commercial Retail and Services, as listed in Section 24.A.18 and 24.A.20 of the Zoning Code, are not permissive uses.

c. Conditional uses shall be limited to:

1. Commercial Retail and Service as listed in Section 24.A.18 and 24.A.20 of the Zoning Code, and are to be approved by the zonlng Hearing Examiner according to the criteria for decision established 1n Section 42.C.1 of the Zoning Code. Such uses shall be approved, if otherwise appropriate only on premises which have dedicated the requested public right-of-way for the widening of Alameda Boulevard or San Pedro Drive. Retail and customer service shall be at an intersection with Alameda Boulevard or San Pedro Drive, and preferably in sites of two to six net acres devoted to such uses. And

2. Automotive sales, include 1ng related service and repair provided that the premises are developed consistent with an approved, attractive site development plan.

d. Lot Size. No requirements, (but note setback requirements in Section VI).

e. All site plans and landscaping plans shall incorporate the design standards contained in Section VI.

f. Contractors yards which are legally nonconforming shall be made to conform within five years of the daie they become nonconforming. This period includes the open storage, which would otherwise be required to conform within one year.

g. Automotive dismantling as specified in the M-1 zone, if legally nonconforming shall be made to conform within 10 years of the date it becomes nonconforming. This period includes the open storage, which would otherwise be required to conform within one year.

h. The manufacturing and retail sale of portable and modular buildings and mobile homes including outdoor storage and display, and outdoor storage of recreational vehicles (RV's) and boats (as defined in the Comprehensive City Zoniog Code), which are new legally nonconforming or not in compliance and which shall be aede to conform within six years of the date it becomes nonconforming or not in compliance.

3. SU-2/IP-EP (Industrial Park and Earth Products) zone allowing uses permissive and conditional 1n the SU-2/IP zone as regulated by the SU-2/IP zone with the following additions:

APPLI ATION FOR SPECI EXCEPTION
CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street, NW, Suite 300, 87102
505.924.3918

APPLICANTION INFORMATION–PLEASE PRINT

DAC ENTERPRISES, INC.
PROFESSIONAL/AGENT NAME (FIRST, LAST)
P.O. BOX 16658
MAILING ADDRESS
ALBUQUERQUE, NM 87191
CITY STATE ZIP CODE

TELEPHONE (INCLUDE AREA CODE)
(H) ___-___-____
(W) 505-294-5243
(C) ___-___-____

PACIFIC PASEO DEVELOPMENT, LLC
OWNER NAME (FIRST, LAST–IF ANY)
6101 MOON ST NE
MAILING ADDRESS
ALBUQUERQUE, NM 87111
CITY STATE ZIP CODE

(H) ___-___-____
(W) 505-797-1334
(C) ___-___-____

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

6200 HOLLY AVE NE — 87113
STREET ADDRESS OF SPECIAL EXCEPTION — ZIP CODE
1 A — TR A UNIT B — 35
LOT(S) — TRACT(S) — BLOCK(s)
NORTH ALBUQUERQUE ACRES
SUBDIVISION / ADDITION / MRGCD MAP NO
101806 432503 640132
UNIFORM PROPERTY CODE

CRITERIA FOR DECISION– I have been given the Criteria for Decision requirements. Initial Here

EXPLANATION OF REQUEST– On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST– **ATTACH THREE (3) COPIES.** Please follow instructions on the back of this form and attach the appropriate drawings.

TRAFFIC ENGINEERING REVIEW– **REQUIRED FOR ALL WALLS AND FENCES IN THE FRONT AND STREET SIDE YARD SETBACKS.** Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor. Initial Here

ACKNOWLEDGEMENT– I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

Doug Gardall — 07/13/07
SIGNATURE — DATE

----------ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY----------

PROJECT #: 1006644 **APPLICATION #:** 07 ZHE 80007

APPLICATION FOR: (CHECK AS APPROPRIATE)
- [x] **(ZHE01)** Conditional Use
- [ ] **(ZHE02)** Expansion of a NonConforming Use
- [ ] **(ZHE03)** NonConforming Use / Status Established Building
- [ ] **(ZHE04)** Variance: [ ] Distance [ ] Setback [ ] Height [ ] Parking [ ] Size [ ] Other

SECTION NO. Page 48 E C. REFERENCE SECTION NO:
(LEGAL AD) ACTION DESCRIPTION A Conditional use to allow retailing which is not permissive in the SU-2 IP zone
SECTOR DEVELOPMENT AREA: North I 25
ZONED: SU-2 IP ZONE MAP PAGE: C-18 NO. OF SIGNS ISSUED: 3
6200 Holly Ave N.E.
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

FEE: $ 145.00

David Kilpatrick — 7-13-07
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) — DATE

(APN) 441018 / 4971000 $ 35.00
(SEA) 441006 / 3927000 $ 100.00
(CMP) 441032 / 3424000 $ 10.00

08-21-07
DATE OF PUBLIC HEARING

SECTOR PLANS

No Features found.

OWNERSHIP

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE	PROPERTY CLASS	TAX DISTRICT	
1	101806432503640132	PACIFIC PASEO LAND INVESTMENT LLC % PACIFIC FISH COMPANY	6101 MOON NE SUITE 4000	ALBUQUERQUE	NM	87111	V	A1A	LT 1A BLK 35 A, BLOCK 35 T

ZONING

Rec	ZONING	DESCRIPTION
1	SU-2	IP

ZONE GRID

Rec	ZONE ATLAS GRID
1	C18

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	6200	HOLLY	AV	NE	1A	35	N ABQ ACRES TR A UNIT B	ABQ21637

SECTOR PLANS

No Features found.

SECTOR PLANS

No Features found.

NEIGHBORHOODS

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONSTATUS
1	WEST LA CUEVA	R

SECTOR PLANS

Rec	SECTOR PLAN NAME
1	NORTH INTERSTATE 25

COUNCIL

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	WINTER	4

ZIPCODES

Rec	ZIPCODE
1	87113

a. Site development plans and landscaping plans are required for permissive uses and shall be approved by the Planning Director.

b. Commercial Retail and Services, as listed in Section 24.A.18 and 24.A.20 of the Zoning Code, are not permissive uses.

c. Conditional uses shall be limited to:

1. Commercial Retail and Service as listed in Section 24.A.18 and 24.A.20 of the Zoning Code, and are to be approved by the zonlng Hearing Examiner according to the criteria for decision established 1n Section 42.C.1 of the Zoning Code. Such uses shall be approved, if otherwise appropriate only on premises which have dedicated the requested public right-of-way for the widening of Alameda Boulevard or San Pedro Drive. Retail and customer service shall be at an intersection with Alameda Boulevard or San Pedro Drive, and preferably in sites of two to six net acres devoted to such uses. And

2. Automotive sales, include 1ng related service and repair provided that the premises are developed consistent with an approved, attractive site development plan.

d. Lot Size. No requirements, (but note setback requirements in Section VI).

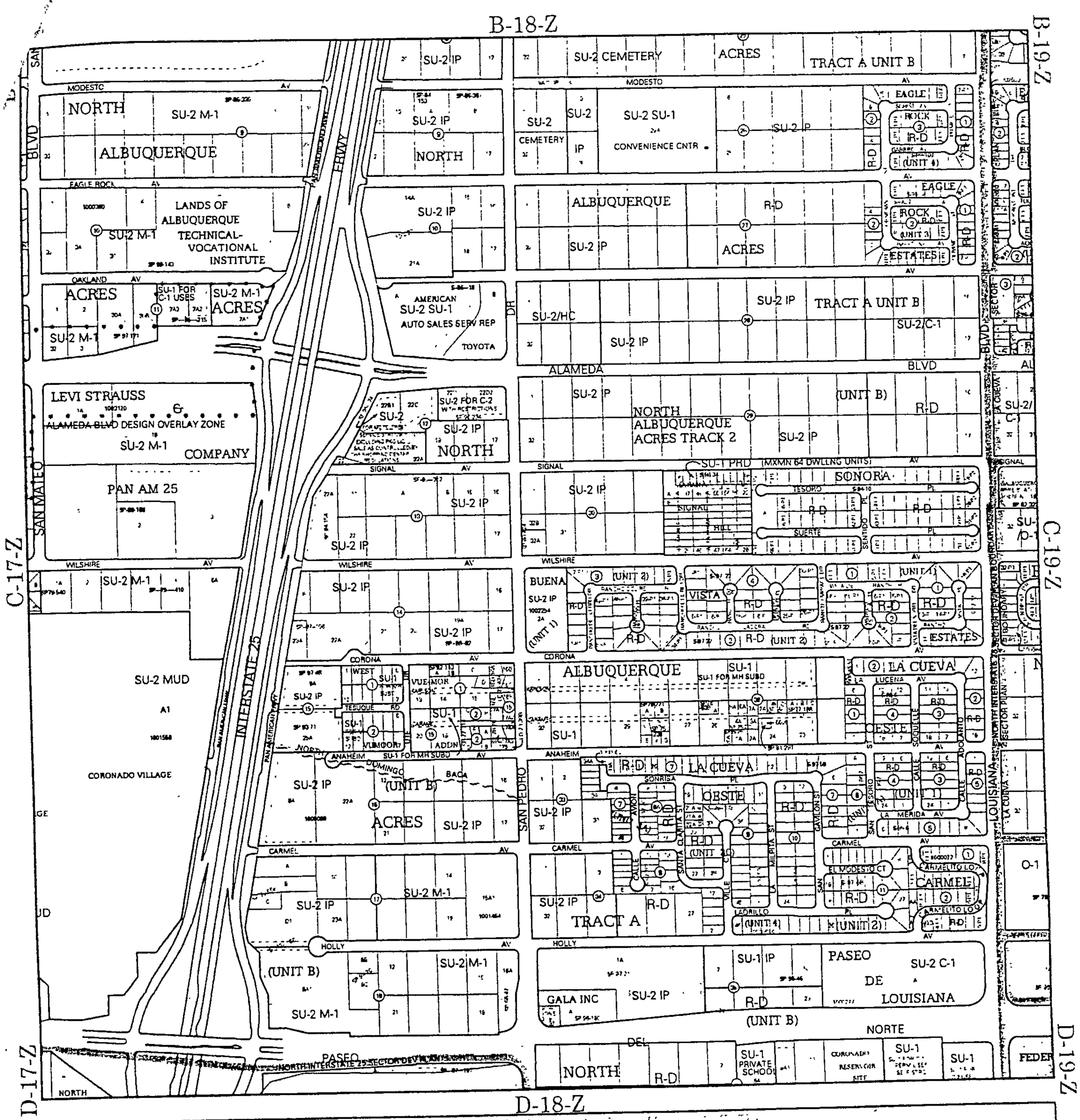
e. All site plans and landscaping plans shall incorporate the design standards contained in Section VI.

f. Contractors yards which are legally nonconforming shall be made to conform within five years of the daie they become nonconforming. This period includes the open storage, which would otherwise be required to conform within one year.

g. Automotive dismantling as specified in the M-1 zone, if legally nonconforming shall be made to conform within 10 years of the date it becomes nonconforming. This period includes the open storage, which would otherwise be required to conform within one year.

h. The manufacturing and retail sale of portable and modular buildings and mobile homes including outdoor storage and display, and outdoor storage of recreational vehicles (RV's) and boats (as defined in the Comprehensive City Zoniog Code), which are new legally nonconforming or not in compliance and which shall be aede to conform within six years of the date it becomes nonconforming or not in compliance.

3. SU-2/IP-EP (Industrial Park and Earth Products) zone allowing uses permissive and conditional 1n the SU-2/IP zone as regulated by the SU-2/IP zone with the following additions:


B-18-Z
B-19-Z
C-17-Z
C-19-Z
D-17-Z
D-18-Z
D-19-Z
NORTH ALBUQUERQUE ACRES
SU-2 M-1
LANDS OF ALBUQUERQUE TECHNICAL-VOCATIONAL INSTITUTE
ACRES
SU-1 FOR C-1 USES
SU-2 M-1
AMERICAN SU-2 SU-1 AUTO SALES SERV REP
TOYOTA
SU-2 CEMETERY
TRACT A UNIT B
SU-2 SU-1
CONVENIENCE CNTR
EAGLE ROCK
ESTATES
ALBUQUERQUE
SU-2 IP
SU-2/HC
SU-2/C-1
LEVI STRAUSS & COMPANY
ALAMEDA BLVD DESIGN OVERLAY ZONE
PAN AM 25
SU-2 FOR C-2
NORTH ALBUQUERQUE ACRES TRACK 2
(UNIT B)
SU-1 PRD (MXMN 64 DWLLNG UNITS)
SONORA
BUENA VISTA
ESTATES
SU-2 MUD
CORONADO VILLAGE
INTERSTATE 25
ALBUQUERQUE
SU-1 FOR MH SUBD
LA CUEVA
OESTE
ACRES
TRACT A
PASEO DE LOUISIANA
SU-2 C-1
GALA INC
NORTE
NORTH
SU-1 PRIVATE SCHOOL
CORONADO RESERVOIR SITE
SU-1
LOUISIANA
FEDER
Zone Atlas Page: C-18-Z
Map amended through: Aug 06, 2004
Selected Symbols
Unincorporated Areas
Sector Plan Boundaries
Parcel Boundaries
Easement Lines
Freeway Lanes
Jurisdictional Boundaries
Westgate Wall
Escarpment
Grant Boundaries
Petroglyph
H-1 Buffer Zone
Arroyos
LDN Noise Level
Airport Clearance Zone
Design Overlay Zones
Feet
0
750
1,500
RIO GRANDE
NOTE: GREY SHADING REPRESENTS AREA OUTSIDE OF THE CITY LIMITS
CITY OF ALBUQUERQUE
1706
THREE HUNDRED YEARS
1706 • 2006
ALBUQUERQUE
Haciendo Historia
Albuquerque Geographic Information System
PLANNING DEPARTMENT
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AC Enterprises, Inc.
Zoning & Land Use Services

July 5, 2007

Roberto Albertorio, Esq.
Chief City Hearing Officer/Zoning Hearing Examiner
City of Albuquerque
Albuquerque, New Mexico

Re: Conditional Use – Block 35, Tract 8, Unit A, North Albuquerque Acres – (Zone Atlas Page C-18-Z)

Dear Mr. Albertorio:

This request is for a conditional use to allow retailing which is not permissive in the SU-2/IP zone, *North I-25 Sector Development Plan.* DAC Zoning and Land Use Services represent Pacific Paseo Development, LLC, owner of the above referenced property. Applicant wishes to obtain a conditional use for the site in order to allow retail development.

Background

The SU-2/IP zone in the *North I-25 Sector Development Plan* requires that all retail and service uses obtain conditional use approval before such uses are allowed. Most retail and service uses are permissive if a lot is zoned straight IP. The original intent of the North I-25 plan was for most of the area north of Paseo del Norte between I-25 and Louisiana to be industrial in nature. Several zone changes later, the Planning Department is currently re-writing the whole plan to reflect the mostly residential and retail development in the area.

Two fast food restaurants with drive up service windows have already been approved on this site. The rest of the site is planned for neighborhood and community retail services and one or more sit down restaurants. No other drive up facilities are planned at this time.

P.O. Box 16658 • Albuquerque, NM 87191 • Phone: 505-294-5243

The standards for approval of a conditional use are: 1) the use will not be injurious to the adjacent property, the neighborhood or the community; and 2) the use will not be significantly damaged by surrounding structures or activities.

The use will not be injurious to the adjacent property.

As stated, this property is zoned SU-2/IP and two retail uses have already been approved. The tract to the south is already developed with a car wash. The properties across San Pedro NE to the west are zoned M-1 and contain all retail uses.

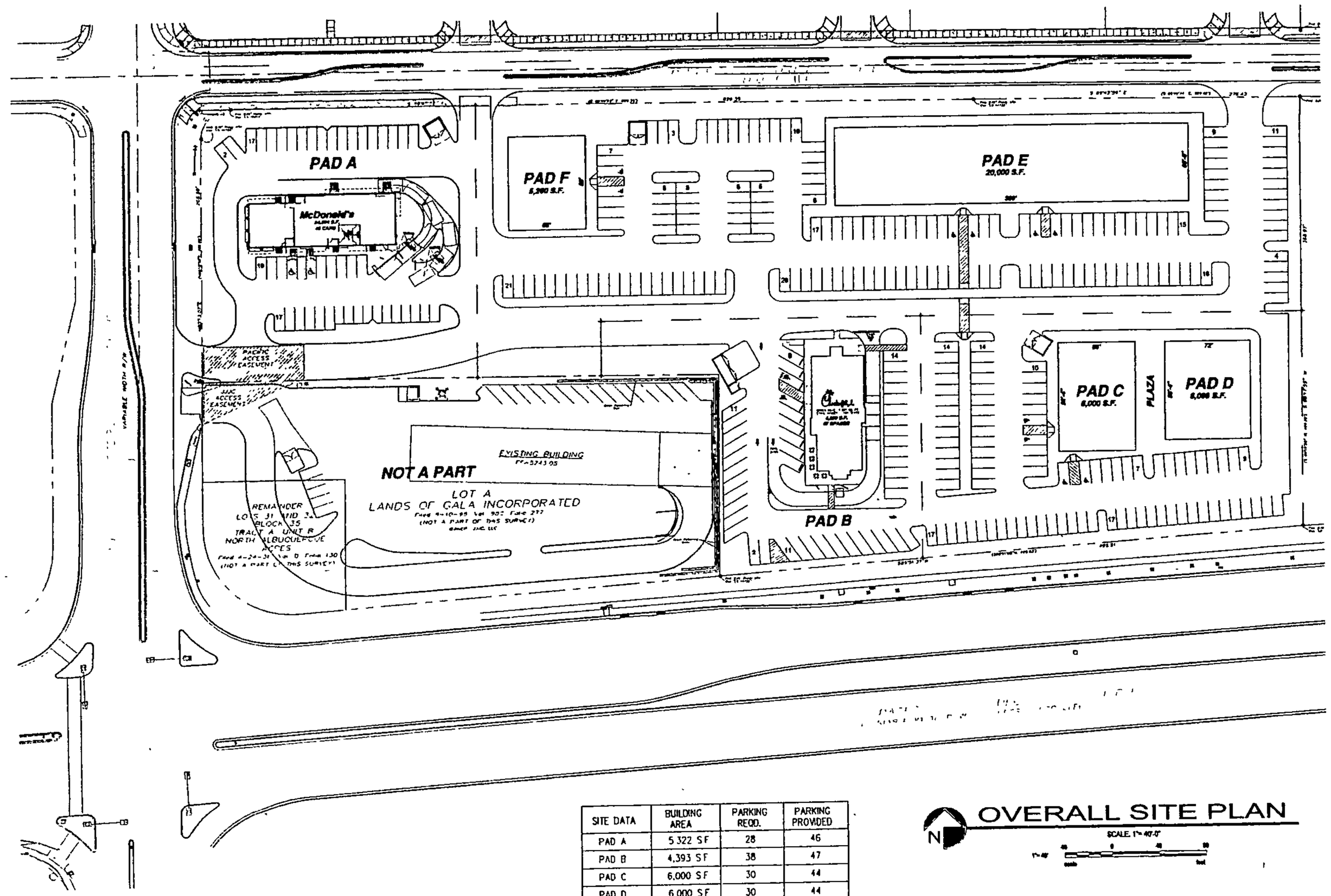
Directly across Holly Aveune to the north the property is zoned SU-2/IP and RD. The property across San Pedro to the west has an approved conditional use to allow retail development. There is a car wash abutting this property to the south. There is adequate parking and access to this site so as not to impact the car wash property.

The use will not be injurious to the neighborhood.

All property in the neighborhood north of Paseo del Norte and west of San Pedro is zoned either SU-2/IP or SU-2/M-1. The property across Paseo del Norte to the southwest is zoned M-1 and is developed with a retail home center, a pharmacy, an office supply store and a discount department store.

There is a tavern to the northwest of the property on Holly Avenue. The property directly

There is significant existing and planned residential development in the neighborhood, including the RD property to the north. There have been several meetings over the years regarding the development of the SU-2/IP property.



SITE DATA	BUILDING AREA	PARKING REQD.	PARKING PROVIDED
PAD A	5,322 SF	28	46
PAD B	4,393 SF	38	47
PAD C	6,000 SF	30	44
PAD D	6,000 SF	30	44
PAD E	20,000 SF	80	90
PAD F	5,200 SF	26	51

OVERALL SITE PLAN

SCALE: 1"=40'-0"

REV	DATE	BY	REVISION
1	5.14.2007	WRS	CHANGES TO LOT 4A
2	5.15.2006	WRS	UPDATED FOR REVIEW COMMENTS
3	5.11.2006	WRS	UPDATED PER REVIEW COMMENTS
4	1.8.2006	WRS	UPDATED PER REVIEW COMMENTS
5	1.30.2006	WRS	OVERALL SITE PLAN

GEORGE RAINHART ARCHITECT AND ASSOCIATES PC
2325 SAN PEDRO N.E. SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

PROJECT TITLE
DEL NORTE PLAZA
SAN PEDRO & PASEO DEL NORTE
ALBUQUERQUE, NEW MEXICO

PROJECT MANAGER

JOB NO

DRAWN BY
WRS

SHEET TITLE
OVERALL SITE PLAN

DATE
5.14.2007

SCALE
1"=40'-0"

SHEET
AS1

A traffic study has been completed and even after approval by the ZHE, the site plan must be further approved at another public hearing by the Development Review Board.

The use will not be injurious to the community

This development will contain common retail uses with limited outside storage or activity and more than adequate. It will provide retail sales and services for the nearby residential area and the community at large. As added indication that this use will not be injurious to the adjacent property, the community or the neighborhood, this infill request furthers the following policies of the *Albuquerque/Bernalillo County Comprehensive Plan*.

City Plans and Policies

- Policy II.B.5.a states that Developing and Established Urban Areas "shall provide a full range of land uses."
- Policy II.B.5.i says that "[e]mployment and service uses shall be located to complement residential areas, and shall be sited to minimize adverse effects of noise, lighting, pollution and traffic on residential environs."
- Policy II.B.5.j. states that new commercial development should generally be located in existing commercially zoned areas.
- Policy II.6.b. emphasizes "[d]evelopment of local business enterprises as well as the recruitment of outside firms ..."

The use will not be significantly damaged by surrounding structures or activities.

The surrounding uses are all standard residential or commercial in nature. There are no activities which would damage this proposed use.

Summary

Applicant is requesting approval for a common retail development. The use will be of benefit to the neighborhood and the community, will provide jobs and will not create any negative impact on the adjacent property. No variances to city regulations are requested and applicant will comply with all applicable codes and ordinances during construction and subsequent occupancy.

Your favorable consideration of this request is sincerely appreciated.

Regards,

Doug Crandall, Principal
DAC Zoning and Land Use Services
Agent for Pacific Paseo Development, LLC

CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

JIM SCHUMACHER request(s) a special exception to Section 14. 16. 2. 23. (A). Reference North I-25 Sector Plan, Section E. 2. c. 1.: a CONDITIONAL USE to allow for a drive-up window (McDonalds) on all or a portion of Lot(s) A, Tract(s) A, Gala Incorporated Addition, zoned SU-2/IP and located **at 8100 SAN PEDRO DR. NE** (C-18)

Special Exception No:..... **06ZHE - 00185**
Project No: **1004693**
Hearing Date: 03-21-06
Closing of Public Record: 03-21-06
Date of Decision: 04-05-06

STATEMENT OF FACTS: The Applicant requests a conditional use to allow for a drive-up window at his place of business, McDonald's. The Applicant is represented by Mr. Doug Crandall. Mr. Crandall indicated that this matter will be subsequently taken before the Development Review Board and the Traffic Engineer for their review. Mr. Crandall argues that this proposal will not cause injury to the neighborhood, adjacent property or the community. It is located on San Pedro Drive near La Cueva. This will be a food facility which is being developed as part of a large retail project. Lighting will be consistent with the Lighting Ordinance. The Applicant will also comply with landscaping. The agents have met with the neighbors.

At the hearing there was a representative of West La Cueva Neighborhood Association. He has requested, and the Applicant is prepared to comply, that the signage be consistent with the existing neighborhood signage and the landscaping be consistent with what is required by the Landscaping Ordinance. Furthermore, the landscaping in the median will be maintained by the Applicant. This will be a 24 hour operation. The Neighborhood would prefer that the drive-up window not be available from 12:00 PM midnight to 5:00 AM and I have reviewed those considerations. Mr. Johnston also requested that traffic exiting from the McDonald's Restaurant be urged to turn left and not to turn right which would require traffic to go into the neighborhood and affect the neighborhood negatively. I will leave that matter up to the Traffic Engineer.

FINDINGS AND CONCLUSIONS: Based on this testimony, I find that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved with conditions.

CONDITIONS:

1) Compliance with landscaping

2) Signage must be consistent with the overall signage in the neighborhood

If you wish to appeal this decision, you may do so by 5:00 p.m., April 18, 2006, in the manner described below:

APPEAL IS TO THE BOARD OF APPEALS WITHIN 15 DAYS OF THE DECISION. A filing fee of $55.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.

Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement (2)
ZHE File
Patrick Driscoll, West La Cueva NA, 6812 La Merida NE, 87113
Jim Schumacher, dba. Pacific Paseo Dev, LLC, 6101 Moon NE, 87111
DAC Ent., Inc., Doug Crandall, PO Box 16658, 87109

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
- ___ 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): Pacific Paseo Development, LLC PHONE (208) 577.8332
ADDRESS: 5243 W. Hidden Spring Dr. FAX
CITY: Boise STATE ID ZIP 83714 E-MAIL:

APPLICANT: George Rainhart & Assoc. PHONE: 884.9110
ADDRESS: 2325 San Pedro NE, Ste. 2B FAX:
CITY: Albuquerque STATE NM ZIP 87110 E-MAIL:
Proprietary interest in site: Bldg Permit/Subdivision **List all owners**: Pacific Paseo Development, LLC

DESCRIPTION OF REQUEST: Submittal for site plan for bldg permit & site plan for subdivision. NE corner of Paseo Del Norte & San Pedro Dr.

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

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

Lot or Tract No. Lot 1A, Tract A Block: 35 Unit: B
Subdiv/Addn/TBKA: North Albuquerque Acres
Existing Zoning: SU-2 for C2 & IP permiss Proposed zoning: C2 MRGCD Map No
Zone Atlas page(s): C-18-Z UPC Code:

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? ✓ Yes Within 1000FT of a landfill? No
No. of **existing** lots: 4 No. of **proposed** lots: 2 Total area of site (acres): 8.6 acres
LOCATION OF PROPERTY BY STREETS: On or Near: San Pedro Dr. NE & Paseo Del Norte
Between: Paseo Del Norte and Holly Ave.

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

SIGNATURE DATE 11.13.07
(Print) William R. Suttles 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
07DRB - - 70389	SPS	P(3)	$385.00
07DRB - - 70390	SBP	P(3)	$385.00
- -	CFM		$20.00
- -			$
- -			$
		Total	$790.00

Hearing date 11/21/07

Sandy Handley 11/13/07
Planner signature / date

Project # 1006868

FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)

☐ **SKETCH PLAN REVIEW AND COMMENT**

__ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) **6** copies
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

☒ **SITE DEVELOPMENT PLAN FOR SUBDIVISION** (DRB18)

✓ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
✓ Letter briefly describing, explaining, and justifying the request
✓ Letter of authorization from the property owner if application is submitted by an agent
✓ Copy of the document delegating approval authority to the DRB
✓ Completed Site Plan for Subdivision Checklist
✓ Infrastructure List, if relevant to the site plan
✓ Fee (see schedule)
N/A Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☒ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT** (DRB 17)

✓ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
✓ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. **6** copies.
✓ Solid Waste Management Department signature on Site Plan
✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
✓ Letter briefly describing, explaining, and justifying the request
✓ Letter of authorization from the property owner if application is submitted by an agent
✓ Copy of the document delegating approval authority to the DRB
✓ Infrastructure List, if relevant to the site plan
✓ Completed Site Plan for Building Permit Checklist
✓ Copy of Site Plan with Fire Marshal's stamp
✓ Fee (see schedule)
✓ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

__ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6** copies.
__ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) Copies as needed above
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Letter of authorization from the property owner if application is submitted by an agent
__ Infrastructure List, if relevant to the site plan
__ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
__ Fee (see schedule)
__ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☐ **D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for SUBDIVISION**

☐ **D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for BUILDING PERMIT**

__ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
__ Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6** copies.
__ Solid Waste Management Department signature on Site Plan (not required for SDP for Subdivision)
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter carefully explaining how each EPC condition has been met **and** a copy of the EPC Notification of Decision
__ Infrastructure List, if relevant to the site plan
__ Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
__ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

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

William Suttles
Applicant name (print)

11.15.07
Applicant signature / date

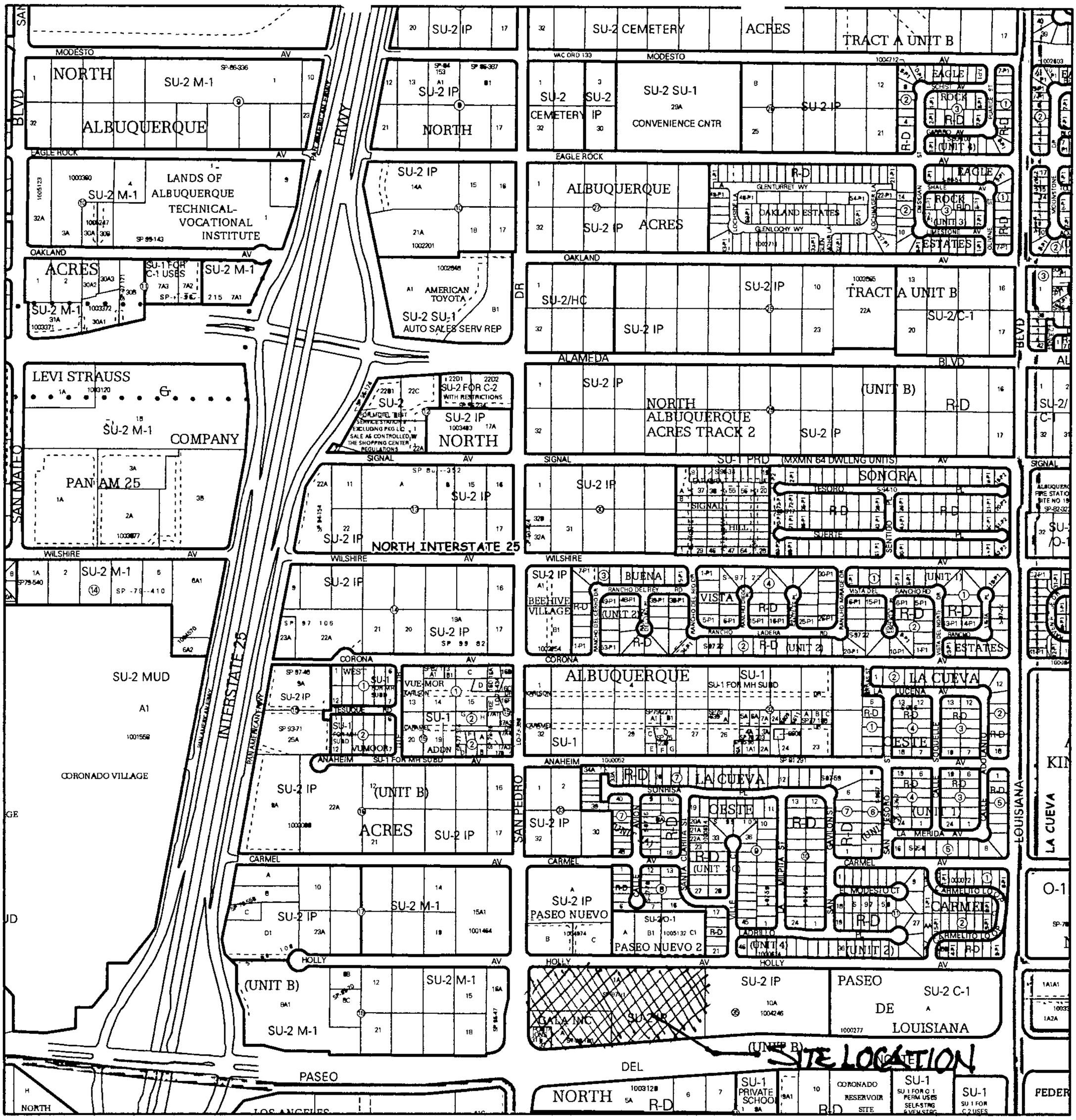
Form revised JUNE 2005

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

Application case numbers
07DRB - - 70389
07DRB - - 70390
- -

Sandy Handley 11/13/07
Planner signature / date

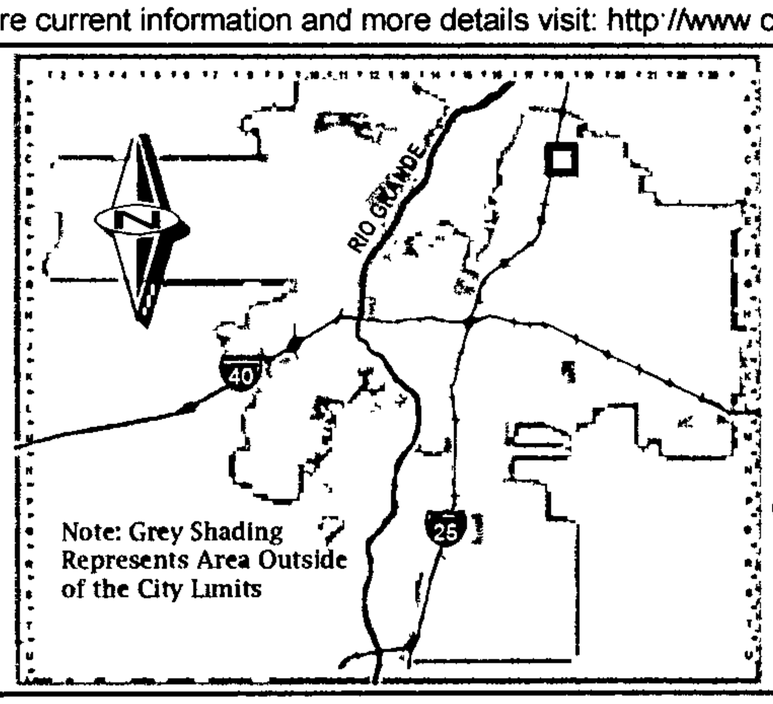
Project # 1006868



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

Albuquerque Geographic Information System

Map amended through: 9/6/2007



Zone Atlas Page:

C-18-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

November 13, 2007

City of Albuquerque
Planning Department
600 2nd Street NW
Albuquerque, NM 87102

To Whom It May Concern:

We herewith wish to inform you that we will be submitting a DRB application for Tuesday, November 13th. The proposed project is located at the NE corner of Paseo Del Norte & San Pedro Dr. NE. on Tract A, Lot 1A, Block 35, Unit B, North Albuquerque Acres Zone Map #C-18-Z. This site lies between San Pedro Dr. NE and Holly Ave. The proposed bldgs. Pads A-F are being submitted for Site Plan For Bldg Permit and Pads A & B are being submitted for Site Plan for Subdivision, The height and size of the buildings are appropriate for the site, and the use is appropriate for C-2 use and the finishes of the buildings will blend in with the architecture within and surrounding the said site. If you have any questions in regards to this request I will be happy to sit down with you
To discuss.

Sincerely,

William Suttles
Project Manager
George Rainhart Architect & Assoc. P.C.

GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.
2325 SAN PEDRO NE SUITE 2-B ■ ALBUQUERQUE, NEW MEXICO 87110
PHONE: 505-884-9110 ■ FAX: 505-837-9877 ■ Email: graa@gra-arch.com

October 11, 2007

Mr. Richard Dineen
Director-Planning Department
City of Albuquerque
600 2nd Street NW
Albuquerque, New Mexico 87103

Re: Planned Commercial Developments
SEC San Pedro & Holly Road
Albuquerque, NM

Dear Mr. Dineen,

Per your request, this letter is written to confirm that the owners (Pacific Paseo Development, L.L.C. & Kozani, LLC) of the properties located south and east of the intersection of San Pedro & Holly Road do not want to provide cross vehicular access between these two separately owned properties. The properties have significant grade differences and forced cross access would be cost prohibitive and functionally dysfunctional. We appreciate your understanding of our position on this matter.

Sincerely,

James Schumacher
Pacific Paseo Development, L.L.C.

Kozani, L.L.C.

Cc: Richard Dourter

November 12, 2007

Development Review Board
City of Albuquerque

Re: Project 1004693-LOT 1A, Block 35, Tract A, Unit B, North Albuquerque Acres
NEC San Pedro & Paseo del Norte, Albuquerque, NM
Site Plan for Subdivision and Site Plan for Building Permit
Pacific Paseo Development

To whom it may concern:

This letter is written as notification of authorization that Owner authorizes George Rainhart & Associates to submit on Owner's behalf the **Site Plan for Subdivision and Site Plan for Building Permit** related to the subject property. As you may already be aware, Tierra West, LLC is our authorized engineer for submittal of the Preliminary Plat and Doug Crandall and Robert Romero are our authorized agents for presentation and discussion at the DRB hearing. If you have any further questions, please contact me at your earliest convenience.

Sincerely,

James Schumacher
Owner
Pacific Paseo Development, LLC

City of Albuquerque

P.O. Box 1293 Albuquerque, New Mexico 87103

Planning Department

Martin J. Chavez, Mayor **Richard Dineen, Director**

Interoffice Memorandum

October 30, 2007

Subject: **Albuquerque Archaeological Ordinance—Compliance Documentation**

Project Number(s):
Case Number(s):
Agent: **DAC Enterprises**
Applicant:
Legal Description: **Lot 1A, Unit B, Block 35, North Albuquerque Acres**
Acreage: **7.0 acres**
Zone Atlas Page: **C-18**

CERTIFICATE OF NO EFFECT: Yes __X__ No _____

CERTIFICATE OF APPROVAL: Yes ____ No _____

SUPPORTING DOCUMENTATION:
A Cultural Resources Survey of a 7-Acre Parcel at Paseo del Norte and San Pedro Drive, Bernalillo County, New Mexico. by TRC Solutions (October 2007; NMCRIS #108105).

SITE VISIT: n/a

RECOMMENDATION(S):

- ***CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 72 Section 4B(1)-- no significant sites in project area).***

SUBMITTED:
Matthew Schmader, PhD
Superintendent, Open Space Division
Acting City Archaeologist

CITY OF ALBUQUERQUE

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

CITY OF ALBUQUERQUE
BOARD OF APPEALS
NOTIFICATION OF DECISION

Peggy Neff, West La Cueva Neighborhood Association appeals the Zoning Hearing Examiner's approval of a special exception to North I-25 Sector Development Plan page 48.E.c.: a **CONDITIONAL USE** to allow for retailing which is not permissive in the SU-2 IP zone on all or a portion of Lot(s) 1A, Block(s) 35, Tract(s) TRA, Unit B, North Albuquerque Acres, and located at 6200 Holly Ave NE (C-18)

Appeal No: 07BOA-20008
Special Exception No: 07ZHE-80007
Project No: 1006644
Hearing Date: 10/23/07
Decision Date: 10/23/07

In the matter of 07BOA-20008, the Board of Appeals voted to approve a request to **WITHDRAW** the appeal at the applicant's request.

Should you have any questions regarding this action, please call me at 924-3860.

Mick McMahan, Chair
Board of Appeals

cc Peterson Properties, 2325 San Pedro Dr NE, Albuquerque, NM 87110
DAC Enterprises, Inc., PO Box 16658, Albuquerque, NM 87191
Jim Schumacher, 6101 Moon NE #4000, Albuquerque, NM 87111
Melba Junick, PO Box 92255, Albuquerque, NM 87199
Board of Appeals Members (4)
Jon Messier, COA/Planning Department
Robert Kidd, Jr, COA/Legal Department
Roberto Albertorio, ZHE, Office of Administrative Hearings, 7th Floor First Plaza Galeria, Ste #735
Zoning Enforcement Division
ZHE File

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

NMCRI NVESTIGATION ABSTRAC ORM (NIAF)

1. NMCRIS Activity No.: 108015	2a. Lead (Sponsoring) Agency: City of Albuquerque	2b. Other Permitting Agency(ies):	3. Lead Agency Report No.:

4. Title of Report: A Cultural Resources Survey of a 7-Acre Parcel at Paseo del Norte and San Pedro Drive, in Bernalillo County, New Mexico.

Author(s) Amador Minjares

5. Type of Report
☒ Negative ☐ Positive

6. Investigation Type
☐ Research Design ☒ Survey/Inventory ☐ Test Excavation ☐ Excavation ☐ Collections/Non-Field Study
☒ Overview/Lit Review ☐ Monitoring ☐ Ethnographic study ☐ Site specific visit ☐ Other

7. Description of Undertaking (what does the project entail?): A 100-percent-coverage pedestrian survey was completed for the proposed Pacific Paseo shopping center located north of Paseo del Norte and east of San Pedro Drive, in Bernalillo County, New Mexico (see Figure 1). The small parcel will contain a new shopping center and a parking lot.

8. Dates of Investigation: (from: to:)
October 26, 2007

9. Report Date: October 2007

10. Performing Agency/Consultant: TRC
Principal Investigator: Todd Howell, Ph.D.
Field Supervisor: Amador Minjares
Field Personnel Names: Amador Minjares

11. Performing Agency/Consultant Report No.: 155246-C-02

12. Applicable Cultural Resource Permit No(s):

13. Client/Customer (project proponent): DAC Enterprises
Contact: Robert Romero
Address: PO Box 16658, Albuquerque, NM 87191
Phone: (505) 242-3232

14. Client/Customer Project No.: 155246

15. Land Ownership Status *(Must be indicated on project map):*

Land Owner	Acres Surveyed	Acres in APE
Private	7	7
TOTALS	7	7

16 Records Search(es):

Date(s) of ARMS File Review 10/25/2007	Name of Reviewer(s) Amador Minjares	
Date(s) of NR/SR File Review	Name of Reviewer(s)	
Date(s) of Other Agency File Review	Name of Reviewer(s)	Agency

See Tables 1 and 2 for the results of the ARMS site records review

17. Survey Data:

a. Source Graphics ☒ NAD 27 ☐ NAD 83
☒ USGS 7.5' (1:24,000) topo map ☐ Other topo map, Scale:
☒ GPS Unit Accuracy ☐<1.0m ☒ 1-10m ☐ 10-100m ☐>100m

b. USGS 7.5' Topographic Map Name / USGS Quad Code

USGS 7.5' Topographic Map Name	USGS Quad Code
Alameda, NM 1960 (1972)	35106-B5

c. County(ies): Bernalillo

17. Survey Data (continued):

d. Nearest City or Town: Albuquerque

e. Legal Description:

Township (N/S)	Range (E/W)	Section	¼ ¼ ¼
11N	3E	Unplatted	, , .
			, , .
			, , .
			, , .
			, , .
			, , .
			, , .
			, , .
			, , .

Projected legal description? Yes [X], No [ ] Unplatted [X]

f. Other Description (e.g. well pad footages, mile markers, plats, land grant name, etc.): The project area is located in the Elena Gallegos Land Grant.

18. Survey Field Methods:
Intensity: ☒ 100% coverage ☐ <100% coverage

Configuration: ☒ block survey units ☐ linear survey units (l x w): ☐ other survey units (specify):

Scope: ☒ non-selective (all sites recorded) ☐ selective/thematic (selected sites recorded)

Coverage Method: ☒ systematic pedestrian coverage ☐ other method (describe)

Survey Interval (m): 15 Crew Size: 1 Fieldwork Dates: 10/26/2007

Survey Person Hours: 1 Recording Person Hours: 0 Total Hours: 1

Additional Narrative: There were no cultural resources recorded during this survey.

19. Environmental Setting (NRCS soil designation; vegetative community; elevation; etc.): The project area is located within the Tijeras-Embudo soil association, with level to moderately sloping, well drained loamy and gravelly soils on alluvial fans. This soil supports a desert scrub environment including Russian thistle and various grasses. The project area ranges in elevation from 5,230 to 5,570 feet above mean sea level (amsl).

20. a. Percent Ground Visibility: 25-51 percent b. Condition of Survey Area (grazed, bladed, undisturbed, etc.): The project area is located near a few commercial buildings. Construction disturbance was noted during the survey, which consisted of importing and compacting backfill to create a level surface along the northern boundary of the property, as well as some earth removal at the eastern boundary of the project area.

21. CULTURAL RESOURCE FINDINGS ☐ Yes, See Page 3 ☒ No, Discuss Why: There were no cultural resources identified on the project area, possibly due to the current construction disturbance noted during the survey.

22. Required Attachments (check all appropriate boxes):
☒ USGS 7.5 Topographic Map with sites, isolates, and survey area clearly drawn
☒ Copy of NMCRIS Mapserver Map Check
☐ LA Site Forms - new sites (*with sketch map & topographic map*)
☐ LA Site Forms (update) - previously recorded & un-relocated sites (*first 2 pages minimum*)
☐ Historic Cultural Property Inventory Forms
☐ List and Description of isolates, if applicable
☐ List and Description of Collections, if applicable

23. Other Attachments:
☐ Photographs and Log
☒ Other Attachments
(Describe): Class I site records check

24. I certify the information provided above is correct and accurate and meets all applicable agency standards.

Principal Investigator/Responsible Archaeologist: Todd Howell, Ph.D.

Signature _____ Date 10/29/2007 Title (if not PI):

25. Reviewing Agency:
Reviewer's Name/Date

Accepted ( ) Rejected ( )

Tribal Consultation (if applicable): ☐ Yes ☐ No

26. SHPO
Reviewer's Name/Date:

HPD Log #:
SHPO File Location:
Date sent to ARMS:

CULTURAL RESOURCE FINDINGS

[fill in appropriate section(s)]

1. NMCRIS Activity No.: 108015	2. Lead (Sponsoring) Agency: City of Albuquerque	3. Lead Agency Report No.:

SURVEY RESULTS:

Sites discovered and registered: 0
Sites discovered and NOT registered: 0
Previously recorded sites revisited (*site update form required*): **0**
Previously recorded sites not relocated ***(site update form required):*** **0**
TOTAL SITES VISITED: 0
Total isolates recorded: 0 **Non-selective isolate recording?** ☐
Total structures recorded (*new and previously recorded, including acequias*): **0**

MANAGEMENT SUMMARY: There were no cultural resources recorded during this survey. No further treatment is recommended for the project area. TRC therefore recommends construction clearance for the 7-acre parcel.

IF REPORT IS NEGATIVE YOU ARE DONE AT THIS POINT.

SURVEY LA NUMBER LOG

Sites Discovered:

LA No.	Field/Agency No.	Eligible? (Y/N, applicable criteria)

Previously recorded revisited sites:

LA No.	Field/Agency No.	Eligible? (Y/N, applicable criteria)

MONITORING LA NUMBER LOG *(site form required)*

Sites Discovered (*site form required*) **:** **Previously recorded sites** ***(Site update form required):***

LA No.	Field/Agency No.	LA No.	Field/Agency No.

Areas outside known nearby site boundaries monitored? Yes ☐, No ☐ If no explain why:

TESTING & EXCAVATION LA NUMBER LOG (*site form required*)

Tested LA number(s)	Excavated LA number(s)

Table 1 **Previously recorded sites within one mile of the project area**

LA Number	Site Type	Temporal Affiliation	National Register Status
LA 150012	Non-structural	Historic	Not entered

Table 2 **Previous projects within one mile of the project area**

NMCRIS No.	Project Description	Number of Sites	Reference
6898	Letter Report: Survey of Paseo del Norte From 1-25 to Tramway Boulevard	0	Koczan 1985
8906	Cultural Resource Investigations on Paseo del Norte, NMSHD Project No. SP-GRM-4045(200)	0	Koczan 1985
18485	Letter report: Additional Areas for Paseo del Norte	0	Taylor 1987
48809	A Cultural Resources Survey of 26 Acres for a Proposed Detention Dam Bernalillo County, New Mexico	0	Evaskovich 1992
49638	A Cultural Resource Inventory at the Alameda Days Inn Location at Interstate 25 and Alameda in Albuquerque Archaeological Clearance for Driveway Permit	0	Eakin 1995
49912	A Literature Search and Archaeological Survey of Proposed Intersection Improvements in Albuquerque, New Mexico	0	Allen 1995
53764	A Cultural Resource Survey for the Proposed Interstate 25 Paseo del Norte to Tramway Improvement Project, Bernalillo County, New Mexico	0	Marshall 1996
56674	A Cultural Resource Survey for Proposed Traffic Signal Improvements Along Portion of 12 Streets in Albuquerque, New Mexico	0	Berry 1997
57360	Cultural Resources Survey for the Proposed Construction of Alameda BLVD (East Corridor) Bernalillo County, New Mexico	0	Fletcher 1996
57577	Cultural Resources Survey for the Proposed Construction of Paseo del Norte (east) City of Albuquerque and Bernalillo County, New Mexico	0	Fletcher 1997
64747	City of Albuquerque Water Resources Management Strategy Implementation Cultural Resource Survey, North I-25 Industrial Recycling Project, Bernalillo County, New Mexico	0	Ecosystem Management Inc. 1999
66898	City of Albuquerque Water Resources Management Strategy Implementation Cultural Resources Survey Report Non-potable Water Reclamation and Reuse Northeast Heights and Southeast Albuquerque, New Mexico	11	Ecosystem Management Inc. 2000
75228	A Cultural Resource Survey for the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) North Domingo Baca Drainage Improvement Project	0	Marshall 2001
94992	Unknown	1	Unknown
99495	A Negative Cultural Resource Survey for the ASCG Coronado Pump Station Project	0	Roberts 2006

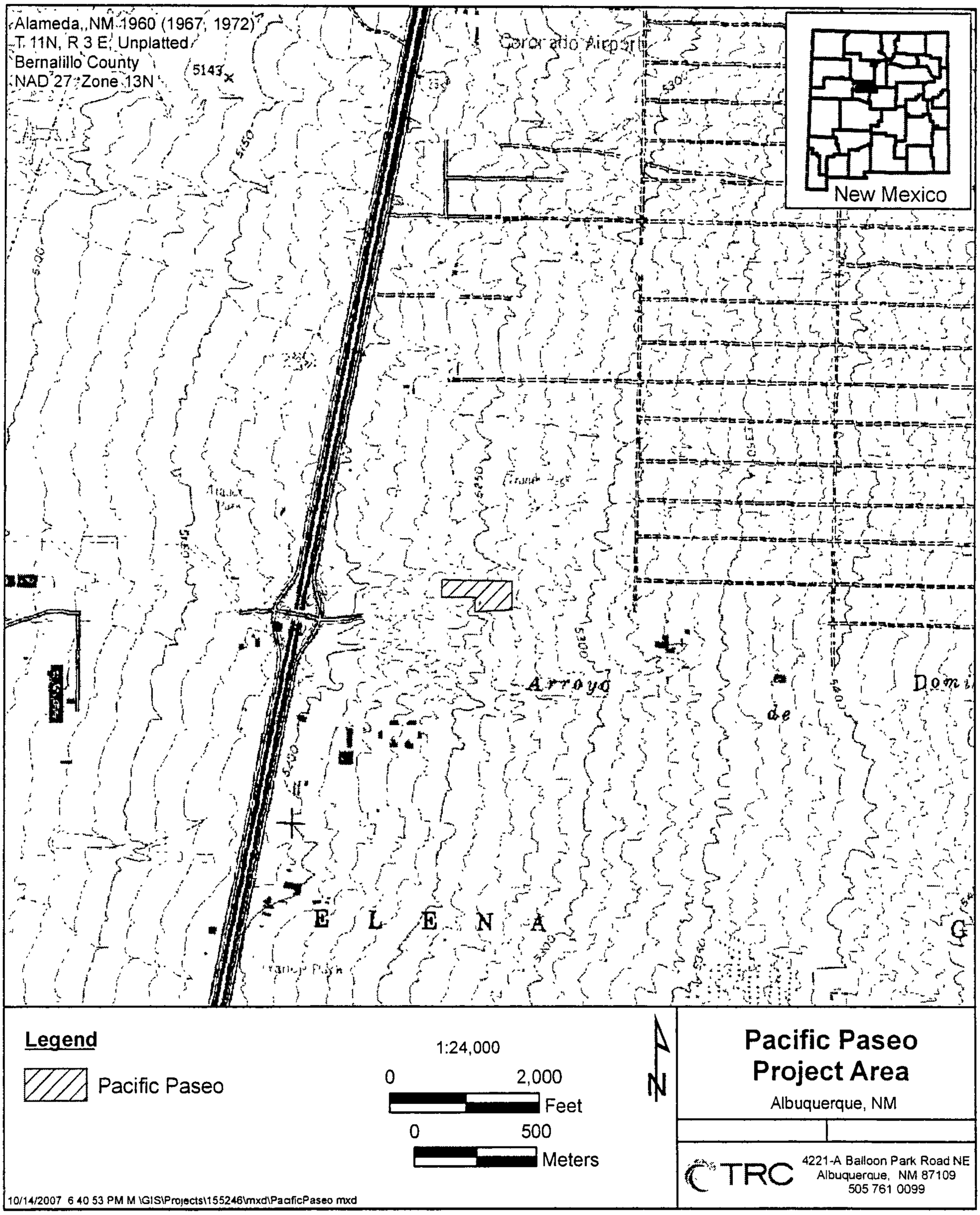


Figure 1 Project Location Map

November 12, 2007

Ms. Sheran Matson
Chair, Development Review Board
City of Albuquerque

Re: Project 1004693-DRB Major Preliminary Plat Submittal and Site Plan For Building Permit, Pacific Paseo Development, LLC, Lot 1A, Block 35, Tract A, Unit B, North Albuquerque Acres

Dear Ms. Matson:

This letter is written in to address the comments submitted by various City departments regarding our submittal at the above referenced property.

Transportation Department *Comments* and Response

1. *Where is the cross access easement for the properties to the east?* We have discussed this matter with Planning Director Richard Dineen. Attached is our letter to him. Basically, neither Pacific Paseo, nor the adjoining property owner desires an easement. In our case it is a highly problematic undertaking as there is a 9' grade difference between our property and the property to the east. We ask that the plan be approved without the cross access easement.
2. *Has Holly been accepted?* Yes. It's 100% complete and has been accepted by the City.
3. *Is a signal required at Holly?* Not at this time. We have agreed to provide a bond as may be necessary to pay for our share of a signal should one be required in the future. We have no problem with a signal as long as it does not impact any of our access points.
4. *A sketch of the improvements in place along San Pedro is required to determine both infrastructure and dedication requirements.* This information is provided in our submittal.
5. *Have the TIS offsite measures been negotiated?* Yes, they were negotiated through Terry Brown.
6. *A site plan is needed.* The site plan is provided in this submittal.

Planning Department *Comments* and Response

1. *The North I25 Sector Plan does not allow retail and commercial uses in the SU-2/IP property per page 48 of the plan.* Our submittal includes two separate conditional use approvals for the retail and drive up components of the project.
2. *The plat cannot receive approval from the DRB until the required site plans are approved per the Subdivision Ordinance. If the agent is planning to*

present the site plans at the October 31 hearing, why isn't that fact mentioned in the letter of explanation. The hearing was deferred for three weeks and the site plan is included with this submittal.

3. *Is there a zone change?* Please refer to reply #1.
4. *The city archeological Ordinance provisions apply to this property.* A letter of no impact has been provided.

There was also a question from the Water Authority regarding an overlap of an easement which has been resolved by eliminating the overlap.

We look forward to making our presentation and answering any further questions when we appear before the Development Review Board next week.

Sincerely,

Current DRC
Project Number:_____

FIGURE 12

Date Submitted _____
Date Site Plan Approved: August 30, 2006
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A
DRB Project No.: 10066644
DRB Application No.: _____

INFRASTRUCTURE LIST

(Rev 9-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Del Norte Plaza
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 1, 2, 3, & 4 Del Norte Plaza
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
		8"	Waterline	Eastside of Lot 2	Holly Avenue	South Property Line	/	/	/
		8"	Waterline	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Waterline	West PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		8"	Sanitary Sewer Line	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Sanitary Sewer Line	Westh PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		6'	Sidewalk	San Pedro Blvd	South Entrance	Holly Avenue	/	/	/
							/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
							/	/	/
							/	/	/
							/	/	/

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
							/	/	/
							/	/	/

Approval of Creditable Items:

Impact Fee Admistrator Signature Date

Approval of Creditable Items:

City User Dept. Signature Date

NOTES

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

Street lights per City rquirements.

1

2

3

AGENT / OWNER

Ronald R. Bohannan
NAME (print)

Tierra West LLC
FIRM

10/2/07
SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DRB CHAIR - date

PARKS & GENERAL RECREATION - date

TRANSPORTATION DEVELOPMENT - date

AMAFCA - date

UTILITY DEVELOPMENT - date

_____ - date

CITY ENGINEER - date

_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

(rev 9-05)

Current DRC
Project Number:_____

FIGURE 12

Date Submitted: 11-28-07 24065 DRB
Date Site Plan Approved: August 30, 2006
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A
DRB Project No.: 1006868
DRB Application No.: 07-70302
07-70390

ORIGINAL

INFRASTRUCTURE LIST

(Rev 9-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Del Norte Plaza
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 1, 2, 3, & 4 Del Norte Plaza
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
		8"	Waterline	Eastside of Lot 2	Holly Avenue	South Property Line	/	/	/
		8"	Waterline	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Waterline	West PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		8"	Sanitary Sewer Line	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Sanitary Sewer Line	Westh PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		6'	Sidewalk	San Pedro Blvd.	South Entrance	Holly Avenue	/	/	/
							/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
			Offsite Traffic Mitigation Addition of protected/ permitted left turn phase for north bound and south bound left turns at the intersection of Paseo Del Norte and Louisiana	Paseo Del Norte/Louisiana			/	/	/
							/	/	/
							/	/	/
		1/4	Traffic Signals Modified B ($,60,000)	San Pedro & Holly			/	/	/
		6'	Bike Lane	San Pedro	Holly Ave	South PL	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
			Street signage and striping per DPM				/	/	/
			Water Infrastructure to include Valves, Fittings, Valve Boxes, and Fire Hydrants as required				/	/	/
			Sanitary Sewer to include Manholes and Service Connections as required.				/	/	/
			Catch Basins and RCP connections included with Storm Sewer.				/	/	/
			Residential Street Lights per DPM.				/	/	/

(rev 9-05)

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
							/	/	/
							/	/	/

Approval of Creditable Items:

Impact Fee Admistrator Signature Date

Approval of Creditable Items:

City User Dept. Signature Date

NOTES

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

Street lights per City rquirements.

1

2

3

AGENT / OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS	
Ronald R. Bohannon NAME (print)	Andrew Garcia 11-28-07 DRB CHAIR - date	Christina Sandoval 11/28/07 PARKS & GENERAL RECREATION - date
Tierra West LLC FIRM	11-28-07 TRANSPORTATION DEVELOPMENT - date	AMAFCA - date
SIGNATURE - date	Roger Lee 11-28-07 UTILITY DEVELOPMENT - date	_____ - date
	11-28-07 CITY ENGINEER - date	_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

(rev 9-05)

FIGURE 12

SUBDIVISION IMPROVEMENTS
AGREEMENT-PUBLIC AND/OR PRIVATE
(Procedure B Modified Non-Work Order)

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 13th day of March, 2008, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and **Pacific Paseo Development LLC** ("Subdivider"), a **Limited Liability Company**, whose address is **6101 Moon NE, Suite 4000, Albuquerque, NM 87111** and whose telephone number is **505-797-1334**, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [describe:] **Lot 1-A, Block 35, Tract A, Unit B, North Albuquerque Acres**, recorded on **January 22**, 19**97** in the records of the Bernalillo County Clerk at Book **97C**, Folio **26** (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] **Pacific Paseo Development LLC** ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as **Del Norte Plaza** describing Subdivider's Property.

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

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the **14th** day of **February**, 20**10** ("Construction Completion Deadline"), at no cost to the City.

Note: To compute the Construction Completion Deadline: The Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

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

To meet the Subdivision Ordinance requirements, the Subdivider has acquired or is able to acquire the following AFinancial Guarantee:≡

Type of Financial Guaranty: **Letter of Credit # NZS615315**
Amount: **$60,000.00**
Name of Financial Institution or Surety providing Guaranty:
Wells Fargo
Date City first able to call Guaranty: **February 14, 2010**
[Construction Completion Deadline]: **February 14, 2010**
If Guaranty other than a Bond, last day City able to call Guaranty is:
April 14, 2010
Additional information:_____

4. Completion, Acceptance and Termination. Upon completion of the required infrastructure, the Subdivider shall notify the City Engineer and the Design Review Section of Public works Department. After the City Engineer approves the construction, the City will promptly release this Agreement and the Financial Guaranty.

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

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

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

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

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

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

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

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

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

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

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

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

Executed on the date stated in the first paragraph of this Agreement.

SUBDIVIDER:	CITY OF ALBUQUERQUE
By [Signature]:	
Name: Jim Schumacher	City Engineer
Title: Managing Member	Dated: 3-13-08
Dated: 2/25/08	

Lyl 3/13/08

3-6-08

SUBDIVIDER'S NOTARY

STATE OF **New Mexico**)
) ss.
COUNTY OF **Bernalillo**)

This instrument was acknowledged before me on 5th day of February, ~~10~~ 2008 by [name of person:] **Jim Schumacher**, **Managing Member** of [Subdivider:] **Pacific Paseo Development LLC**.

Keli D. Krueger
Notary Public

My Commission Expires:

March 6, 2010

OFFICIAL SEAL
KELI D. KRUEGER
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: March 6, 2010

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 13th day of March, 2008 by ~~_____, Director, Public Works Department~~ of the City of Albuquerque, a municipal corporation, on behalf of said corporation. City Engineer, Richard Dourte

Notary Public

My Commission Expires:

10-07-08

FINANCIAL GUARANTY AMOUNT

01/23/2008

Type of Estimate: SIA Procedure - B - Modified Non-W.O.- w/F.G.

Project Description:

Project ID #: 686482, Del Norte Plaza, Phase/Unit #: 1

Requested By: **Jonathon Niski**

TOTAL FINANCIAL GUARANTY REQUIRED **$60,000.00**

APPROVAL: DATE:

Stephen Woodall 1-23-08

Notes: MB-1, 1/4 Traffic Signals San Pedro & Holly, Plans have not been approved

Current DRC
Project Number:_____

FIGURE 12

Date Submitted: 11-28-07
Date Site Plan Approved: August 30, 2006
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A
DRB Project No.: 1006868
DRB Application No.: 07-70382
07-70390

ORIGINAL

INFRASTRUCTURE LIST

(Rev. 9-05)

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

Del Norte Plaza
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 1, 2, 3, & 4 Del Norte Plaza
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
		8"	Waterline	Eastside of Lot 2	Holly Avenue	South Property Line	/	/	/
		8"	Waterline	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Waterline	West PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		8"	Sanitary Sewer Line	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Sanitary Sewer Line	Westh PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		6'	Sidewalk	San Pedro Blvd.	South Entrance	Holly Avenue	/	/	/
							/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
			Offsite Traffic Mitigation Addition of protected/ permitted left turn phase for north bound and south bound left turns at the intersection of Paseo Del Norte and Louisiana	Paseo Del Norte/Louisiana			/	/	/
							/	/	/
							/	/	/
M-Bl		1/4	Traffic Signals Modified B ($,60,000)	San Pedro & Holly			/	/	/
[Bl		6'	Bike Lane	San Pedro	Holly Ave	South PL	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
			Street signage and striping per DPM				/	/	/
			Water Infrastructure to include Valves, Fittings, Valve Boxes, and Fire Hydrants as required.				/	/	/
			Sanitary Sewer to include Manholes and Service Connections as required.				/	/	/
			Catch Basins and RCP connections included with Storm Sewer.				/	/	/
			Residential Street Lights per DPM.				/	/	/

(rev. 9-05)

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
							/	/	/
							/	/	/

Approval of Creditable Items:

Impact Fee Admistrator Signature Date

Approval of Creditable Items:

City User Dept. Signature Date

NOTES

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

Street lights per City rquirements.

1

2

3

AGENT / OWNER

Ronald R. Bohannon
NAME (print)

Tierra West LLC
FIRM

SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Andrew Garcia 11-28-07
DRC CHAIR - date

11-28-07
TRANSPORTATION DEVELOPMENT - date

Kogut Rice 11-28-07
UTILITY DEVELOPMENT - date

11-28-07
CITY ENGINEER - date

Christina Sandoval 11/28/07
PARKS & GENERAL RECREATION - date

AMAFCA - date

_____ - date

_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

(rev. 8-05)

WELLS FARGO BANK, N.A.
TRADE SERVICES DIVISION - STANDBY LETTER OF CREDIT UNIT
One Front Street, 21st Floor, San Francisco, California 94111
Phone: (800) 798-2815 Option 1; Fax: 415-296-8905; E-Mail: sftrade@wellsfargo.com

Irrevocable Letter of Credit

February 27, 2008
Letter of Credit No. NZS615315

Beneficiary:
City of Albuquerque
600 2ND St. NW
Albuquerque, NM 87103
Attn: Bruce J. Perlman, PhD.

RE: Letter of Credit for Pacific Paseo Development LLC
City of Albuquerque Project No.: 686482
Project Name: Del Norte Plaza

Dear Chief Administrative Officer:

This Letter of Credit is to advise the City of Albuquerque ("City") that, at the request of Pacific Paseo Development LLC; Wells Fargo Bank, N.A., San Francisco, CA. has established an irrevocable Letter of Credit in the sum of Sixty Thousand United States Dollars (US$60,000.00) ("Letter of Credit") for the exclusive purpose of providing the financial guarantee which the City requires Pacific Paseo Development LLC ("Subdivider") to provide for the installation of the improvements which must be constructed at Del Norte Plaza, Project No. 686482 ("Project").

The amount of the Letter of Credit is 125% of the City's estimated cost of construction of improvements as required by the City's Subdivision Ordinance. The development is identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on 3/17/08 in the records of the Clerk of Bernalillo County, New Mexico in Book ~~Misc.~~ NA, at pages NA to NA, as amended ("Agreement"). Document # 2008030016

A draft or drafts for any amount up to, but not in excess of Sixty Thousand United States Dollars (US$60,000.00) is available by payment at sight at Wells Fargo Bank, N.A., One Front Street, 21st Floor, San Francisco, CA 94111 ***if presented on or after February 14, 2010, and on or before April 14, 2010.***

When presented for payment, the draft(s) is/are to be accompanied by the City's notarized certificate stating:

"1) Pacific Paseo Development LLC has failed to comply with the terms of the Agreement; and

2) The undersigned is the Chief Administrative Officer of the City of Albuquerque and is authorized to sign this certification; and

3) The amount of the draft(s) does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreement."

We hereby agree with the drawer of draft(s) drawn under and in compliance with the terms of this credit that such draft will be duly honored upon presentation to the drawee ***if presented on or after February 14, 2010 and on or before April 14, 2010.***

The draft(s) drawn under this credit must contain the clause: "**Drawn under Letter of Credit No. NZS615315 of Wells Fargo Bank, N.A., San Francisco, CA dated February 27, 2008.**" and the original Letter of Credit must be endorsed on the reverse side with the amount of each draft. This Letter of Credit must accompany each draft and be attached to the draft, which exhausts this credit.

This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable **until the earliest to occur of:**

1.) Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or

2.) City notification of Pacific Paseo Development LLC failure to comply with the terms of the Agreement, and payment by certified check from Wells Fargo Bank, N.A., San Francisco, to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or

3.) Expiration of the date April 14, 2010; or

4.) Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Administrative Officer.

This Letter of Credit will terminate **at 5:00 p.m., San Francisco time, April 14, 2010.**

This credit is subject to the Uniform Customs and practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600.

Very truly yours,

Wells Fargo Bank, N.A.

By: _____
Name: EISA CHAU
Title: ASSISTANT VICE PRESIDENT

No. Of Lots 4
Nearest Major Streets **San Pedro Drive NE**

FIGURE 12
SUBDIVISION IMPROVEMENTS
AGREEMENT-PUBLIC AND/OR PRIVATE
(Procedure B)

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

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1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [describe:] **Lot 1-A, Block 35, Tract A, Unit B, North Albuquerque Acres**, recorded on **January 22,** 19**97** in the records of the Bernalillo County Clerk at Book **97C**, Folio **26** (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by **Pacific Paseo Development LLC** ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as **Del Norte Plaza** describing Subdivider's Property.

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

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the **14th** day of **February**, 20**10** ("Construction Completion Deadline"), at no cost to the City. The improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. **686482**.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board (DRB), unless the DRB grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

Doc# 2008030017
03/17/2008 02:46 PM Page: 1 of 7
AGRE R:$21.00 M. Toulouse, Bernalillo County

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

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

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

Type of Fee	Amount
Engineering Fee	3.25% of Actual Construction Cost
Excavation & Sidewalk Fees	As required per City-approved estimate
Street Restoration Fees	As required per City-approved estimate (Fig. 7)

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

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

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

B. Construction Inspection methods. Inspection of the construction of the Public Improvements shall be performed by **To Be Determined**, and inspection of the Private Improvements shall be performed by **To Be Determined**, both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider shall ensure that the inspecting entity provides all inspection results, reports and related data to the City, which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City engineer. The Subdivider shall pay the City a reasonable fee for the level of inspection performed by the City.

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

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

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

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

Type of Financial Guaranty: **Letter of Credit # NZS615316**
Amount: **$ 178,340.85**
Name of Financial Institution or Surety providing Guaranty:
Wells Fargo
Date City first able to call Guaranty: **February 14, 2010**
[Construction Completion Deadline]: **February 14, 2010**
If Guarantee other than a Bond, last day City able to call on Guaranty is:
April 14, 2010
Additional information: **Infrastructure Improvements**

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

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

8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon or in which the Public Improvements are constructed, the Subdivider will convey to the city all real and personal property rights

which the City deems reasonably necessary, and all Public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the Public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

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

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

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

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

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

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

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

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

11. Assignment. This Agreement shall not be assigned without the prior written

consent of the City and the Subdivider and the express written concurrence of any financial institution or surety, which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

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

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

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

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

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

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

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

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

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

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

Executed on the date stated in the first paragraph of this Agreement.

SUBDIVIDER:

By [Signature]:
Name: Jim Schumacher
Title: Managing Member
Dated: 1/25/08

CITY OF ALBUQUERQUE

Approved by:
City Engineer
Dated: 3-13-08

3/13/08

3-10-08

SUBDIVIDER'S NOTARY

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

This instrument was acknowledged before me on 5th day of February, 2008 by [name(s) of person(s):] Jim Schumacher ,] Managing Member of Pacific Paseo Development LLC .

Keli D Krueger
Notary Public

My Commission Expires:

March 6, 2010

OFFICIAL SEAL
KELI D. KRUEGER
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: March 6, 2010

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 13th day of March, 2008 by Richard Dourte, City Engineer, of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Notary Public

My Commission Expires:

10-07-08

EXHIBIT A AND POWER OF ATTORNEY ATTACHED

Current DRC
Project Number:_____

FIGURE 12

Date Submitted: 11-28-07 DKB
Date Site Plan Approved: August 30, 2006
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A
DRB Project No.: 1006 P6B
DRB Application No.: 07-70382
07-70390

ORIGINAL

INFRASTRUCTURE LIST

(Rev. 6-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Del Norte Plaza

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 1, 2, 3, & 4 Del Norte Plaza

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Const Engineer
		8"	Waterline	Eastside of Lot 2	Holly Avenue	South Property Line	/	/	/
		8"	Waterline	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Waterline	West PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		8"	Sanitary Sewer Line	South PL of Lot 2	East PL of Lot 2	West PL of Lot 2	/	/	/
		8"	Sanitary Sewer Line	Westh PL of Lot 2	South PL of Lot 2	Holly Avenue	/	/	/
		6'	Sidewalk	San Pedro Blvd.	South Entrance	Holly Avenue	/	/	/
							/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Const Engineer
			Offsite Traffic Mitigation Addition of protected/ permitted left turn phase for north bound and south bound left turns at the intersection of Paseo Del Norte and Louisiana	Paseo Del Norte/Louisiana			/	/	/
							/	/	/
							/	/	/
		1/4	Traffic Signals Modified B ($,60,000)	San Pedro & Holly			/	/	/
		6'	Bike Lane	San Pedro	Holly Ave	South PL	/	/	/
							/	/	/
							/	/	/

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Const Engineer
							/	/	/
							/	/	/

Approval of Creditable Items: _____ Impact Fee Admistrator Signature Date

Approval of Creditable Items: _____ City User Dept. Signature Date

NOTES

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

Street lights per City requirements.

1 _____

2 _____

3 _____

AGENT / OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS	
Ronald R. Bohannon NAME (print)	Andrew Garcia 11-28-07 DRC CHAIR - date	Christina Sandoval 11/28/07 PARKS & GENERAL RECREATION - date
Tierra West LLC FIRM	11-28-07 TRANSPORTATION DEVELOPMENT - date	AMAFCA - date
SIGNATURE - date	11-28-07 UTILITY DEVELOPMENT - date	_____ - date
	11-28-07 CITY ENGINEER - date	_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

(rev. 9-05)

FINANCIAL GUARANTY AMOUNT

01/04/2008

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

Project Description:

Project ID #: 686482, Del Norte Plaza, Phase/Unit #: 1

Requested By: **Jonathan Niski**

Approved estimate amount:		$111,748.62
Contingency Amount:	10.00%	$11,174.86
Subtotal:		$122,923.48
NMGRT	6.875%	$8,450.99
Subtotal:		$131,374.47
Engineering Fee	6.60%	$8,670.72
Testing Fee	2.00%	$2,627.49
Subotal:		$142,672.68
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		$.00
TOTAL FINANCIAL GUARANTY REQUIRED		**$178,340.85**

APPROVAL: DATE:

S Woodall 1-4-08

Notes: B-1; Plans and final eng estimatehave not been approved, 10% contingency, requires street lights per DPM,

WELLS FARGO BANK, N.A.
TRADE SERVICES DIVISION - STANDBY LETTER OF CREDIT UNIT
One Front Street, 21st Floor, San Francisco, California 94111
Phone: (800) 798-2815 Option 1; Fax: 415-296-8905; E-Mail: sftrade@wellsfargo.com

Irrevocable Letter of Credit

February 27, 2008
Letter of Credit No. NZS615316

Beneficiary:
City of Albuquerque
600 2ND St. NW
Albuquerque, NM 87103
Attn: Bruce J. Perlman, PhD.

RE: Letter of Credit for Pacific Paseo Development LLC
City of Albuquerque Project No.: 686482
Project Name: Del Norte Plaza

Dear Chief Administrative Officer:

This Letter of Credit is to advise the City of Albuquerque ("City") that, at the request of Pacific Paseo Development LLC; Wells Fargo Bank, N.A., San Francisco, CA. has established an irrevocable Letter of Credit in the sum of One Hundred Seventy Eight Thousand Three Hundred Forty and 85/100's United States Dollars (US$178,340.85) ("Letter of Credit") for the exclusive purpose of providing the financial guarantee which the City requires Pacific Paseo Development LLC ("Subdivider") to provide for the installation of the improvements which must be constructed at Del Norte Plaza, Project No. 686482 ("Project").

The amount of the Letter of Credit is 125% of the City's estimated cost of construction of improvements as required by the City's Subdivision Ordinance. The development is identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on 3/17/2008 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. NA, at pages NA to NA, as amended ("Agreement"). Document # 200803001 7

A draft or drafts for any amount up to, but not in excess of One Hundred Seventy Eight Thousand Three Hundred Forty and 85/100's United States Dollars (US$178,340.85) is available by payment at sight at Wells Fargo Bank, N.A., One Front Street, 21st Floor, San Francisco, CA 94111 ***if presented on or after February 14, 2010, and on or before April 14, 2010.***

When presented for payment, the draft(s) is/are to be accompanied by the City's notarized certificate stating:

"1) Pacific Paseo Development LLC has failed to comply with the terms of the Agreement; and

2) The undersigned is the Chief Administrative Officer of the City of Albuquerque and is authorized to sign this certification; and

3) The amount of the draft(s) does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreement."

We hereby agree with the drawer of draft(s) drawn under and in compliance with the terms of this credit that such draft will be duly honored upon presentation to the drawee ***if presented on or after February 14, 2010 and on or before April 14, 2010.***

The draft(s) drawn under this credit must contain the clause: "**Drawn under Letter of Credit No. NZS615316 of Wells Fargo Bank, N.A., San Francisco, CA dated February 27, 2008.**" and the original Letter of Credit must be endorsed on the reverse side with the amount of each draft. This Letter of Credit must accompany each draft and be attached to the draft, which exhausts this credit.

This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable **until the earliest to occur of:**

1.) Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or

2.) City notification of Pacific Paseo Development LLC failure to comply with the terms of the Agreement, and payment by certified check from Wells Fargo Bank, N.A., San Francisco, to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or

3.) Expiration of the date April 14, 2010; or

4.) Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Administrative Officer.

This Letter of Credit will terminate **at 5:00 p.m., San Francisco time, April 14, 2010.**

This credit is subject to the Uniform Customs and practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600.

Very truly yours,

Wells Fargo Bank, N.A.

By: _____
Name: EISA CHAU
Title: ASSISTANT VICE PRESIDENT

TIERRA WEST, LLC

5571 Midway Park Place NE
Albuquerque, NM 87109

(505) 858-3100
fax (505) 858-1118

twllc@tierrawestllc.com
1-800-245-3102

October 25, 2007

Ms. Sheran Matson, AICP, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Three Week Deferral
Del Norte Plaza
Project # 100~~6644~~ 68 68

Dear Ms. Matson:

Tierra West LLC, on behalf of Pacific Paseo Development LLC, requests a three week deferral of the preliminary plat to the November 21, 2007 hearing. We are requesting the deferral to allow time to complete the Site Development Plan for Subdivision that is required by the North I-25 Sector Development Plan as well as completion of the Archaeological survey.

If you have any questions or need additional information regarding this matter, please do not hesitate to call me.

Sincerely,

Ronald R. Bohannan, PE

Cc: Jim Schumacher

JN: 24065
RRB/JN/kdk

2004- 24065 Deferral Letter 102507

INTERA Incorporated
6000 Uptown Boulevard NE
Suite 100
Albuquerque, NM 87110
Telephone: 505 246 1600
Fax: 505 246 2600

MEMORANDUM

DATE: October 29, 2007

TO: Sheran Matson, Planning Department – Design Review Board

COPY: Suzanne Busch, Environmental Health Department
Kevin Curran, Legal Department
Tierra West, LLC

FROM: Jim Joseph, P.E., INTERA Inc.

SUBJECT: Project # 1006868, 07DRB-70302 Major – Preliminary Plat Approval, Lot 1A, Block 35, North Albuquerque Acres, Unit B (to be known as Del Norte Plaza), Located on Paseo Del Norte NE between San Pedro Dr. NE and Louisiana Blvd. NE.

The above-referenced project is within the former buffer zone of a former privately owned/operated landfill (Holly Avenue Landfill). The landfill was removed during March 2005 and no longer provides a source for potential landfill gas impacts. Therefore, the Albuquerque Environmental Health Department has exempted the project from following the most current version of the "City of Albuquerque Interim Guidelines for Development within City Designated Landfill Buffer Zones." The project may proceed through the development process provided all other City requirements are met.

City Albuquerque Planning Department

One Stop Shop – Development and Building Services

10/05/2007 Issued By: PLNSDH

Permit Number: **2007 070 302** **Category Code 910**

Application Number: 07DRB-70302, Major - Preliminary Plat Approval

Address:

Location Description: PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUSISANA BLVD NE

Project Number: 1006868

Applicant
Pacific Paseo Development Llc

6101 Moon Ne, Ste 4000
Albuquerque, NM 87109
5057971334

Agent / Contact
Tierra West Llc
Ronald Bohannan
5571 Midway Park Pl Ne
Albuquerque, NM 87109

twllc@tierrawestllc.com

Application Fees

441018/4971000	Public Notification	$75.00
441032/3424000	Conflict Mgmt Fee	$20.00
441006/4983000	DRB Actions	$625.00
	TOTAL:	**$720.00**

City Of Albuquerque
Treasury Division

10/5/2007 9:24AM LOC: ANNX
WS# 007 TRANS# 0007
RECEIPT# 00088979-00088979
PERMIT# 2007070302 TRSMSP
Trans Amt $720.00
APN Fee $75.00
Conflict Manag. Fee $20.00
DRB Actions $625.00
CK $720.00
CHANGE

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION
- X Major Subdivision action
- ____ Minor Subdivision action
- ____ Vacation
- ____ Variance (Non-Zoning)

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

STORM DRAINAGE (Form D)
- ____ Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING
- ____ Annexation
  - ____ County Submittal
  - ____ EPC Submittal
- ____ Zone Map Amendment (Establish or Change Zoning)

P
- ____ Sector Plan **(Phase I, II, III)**
- ____ Amendment to Sector, Area, Facility or Comprehensive Plan
- ____ Text Amendment (Zoning Code/Sub Regs)

D
- ____ 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.

APPLICATION INFORMATION:

Professional/Agent (if any): Tierra West LLC PHONE: 505-858-3100
ADDRESS: 5571 Midway Park Place NE FAX: 505-858-1118
CITY: Albuquerque STATE NM ZIP 87109 E-MAIL:

APPLICANT: Pacific Paseo Development LLC PHONE: 505-797-1334
ADDRESS: 6101 Moon NE, Suite 4000 FAX: 505-797-1362
CITY: Albuquerque STATE NM ZIP 87109 E-MAIL:
Proprietary interest in site: ____ **List all owners:** ____

DESCRIPTION OF REQUEST: Major Subdivision Preliminary Plat approval

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

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

Lot or Tract No. Lot 1A Block: 35 Unit: B
Subdiv/Addn/TBKA: North Albuquerque Acres TBK Del Norte Plaza
Existing Zoning: SU-2 for IP Proposed zoning: No Change MRGCD Map No ____
Zone Atlas page(s): C-18 UPC Code: 101806432503640132

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

CASE INFORMATION:
Within city limits? X Yes Within 1000FT of a landfill? No
No. of **existing** lots: 1 No. of **proposed** lots: 4 Total area of site (acres): +/- 6.7402
LOCATION OF PROPERTY BY STREETS: On or Near: Paseo del Norte NE
Between: San Pedro Dr. NE and Louisiana Blvd. NE

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

SIGNATURE Keri D. Krueger for DATE 10/5/07
(Print) Ronald R. Bohannan 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
07DRB-70302	PP	5(2)	$ 625.00
	ADV		$ 75.00
	CMF		$ 20.00
			$
			$
			Total $ 720.00

Hearing date 10/31/07

Sandy Handley 10/05/07
Planner signature / date

Project # 1006868

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

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

☒ **MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)**

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

Preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

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

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

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

Amended preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

☐ **MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT (DRB09)**

(Temporary sidewalk deferral extension use FORM-V)

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

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

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

Ronald R. Bohannan P.E.
Applicant name (print)

Keri D. Krueger for 10/5/07
Applicant signature / date

Form revised **October 2007**

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

Application case numbers
07DRB-_____-70302
_____-_____-_____
_____-_____-_____

Sandy Handley
Planner signature / date

Project # 1006868

TIERRA WEST, LLC

5571 Midway Park Place NE
Albuquerque, NM 87109

(505) 858-3100
fax (505) 858-1118

twllc@tierrawestllc.com
1-800-245-3102

October 5, 2007

Ms. Sheran Matson, AICP, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Preliminary Plat Approval
Del Norte Plaza
Project # 1006644, Zone Atlas Page C-18

Dear Ms. Matson:

Tierra West LLC, on behalf of Pacific Paseo Development LLC, requests approval of the Preliminary Plat for the above-referenced project. The site is located on Paseo Del Norte, between San Pedro Drive NE and Louisiana Boulevard NE. The site, currently undeveloped, is zoned SU2 for IP Uses and contains ± 6.7402acres. Our client proposes to further subdivide the property into four lots for various retail/commercial uses.

Water and sewer availability was requested and drainage report was submitted and approved by the City of Albuquerque November 14, 2006. Copies of the water and sewer availability letter and the approval for the Hydrology Department have been included for your reference. The infrastructure list is included for review and approval. A copy of the declaration of easements has also been included for review.

If you have any questions or need additional information regarding this matter, please do not hesitate to call me.

Sincerely,

Keli D. Krueger for
Ronald R. Bohannan, PE

Enclosure/s

cc: Jim Schumacher
Peggy Neff, West La Cueva N.A.
April Sweet, West La Cueva N.A.

JN: 24065.1000
RRB/JN/kdk

2004: 24065 DNP Prelim Plat 100407

SIGN POSTING REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Planning Division at a charge of $3.00 each.

1. LOCATION

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

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

3. PHYSICAL POSTING

   A. A heavy stake with two crossbars or 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 OCTOBER 16, 2007 To OCTOBER 31, 2007

5. REMOVAL

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

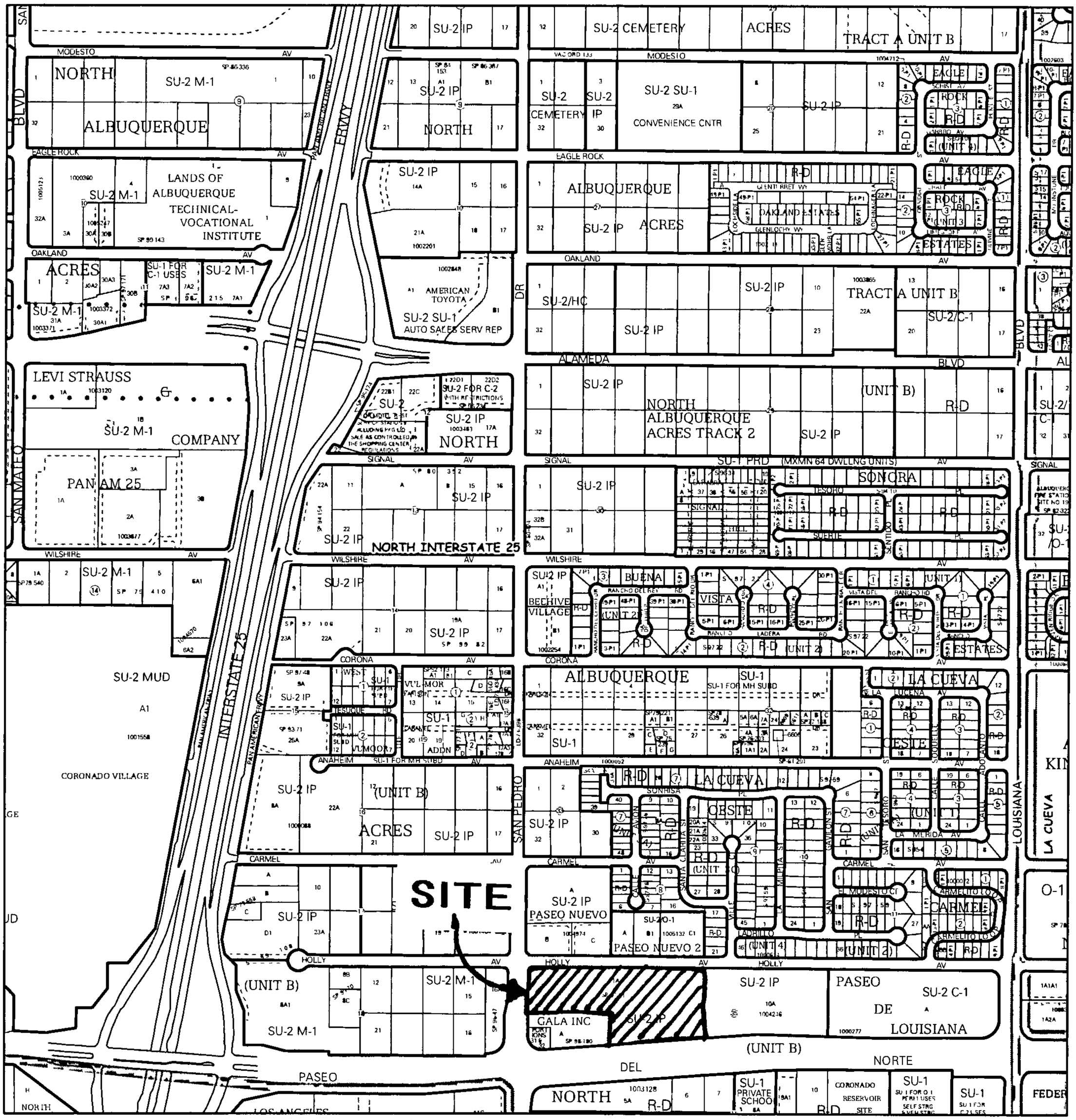
I have read this sheet and discussed it with the Planning Division staff. I understand (A) my obligation to keep the sign(s) posted for fifteen (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Keli D. Krueger, 10-3-07
(Applicant or Agent) (Date)

I issued 2 signs for this application, 10/05/07, Sandra Handley
(Date) (Staff Member)

Rev. 11/8/90

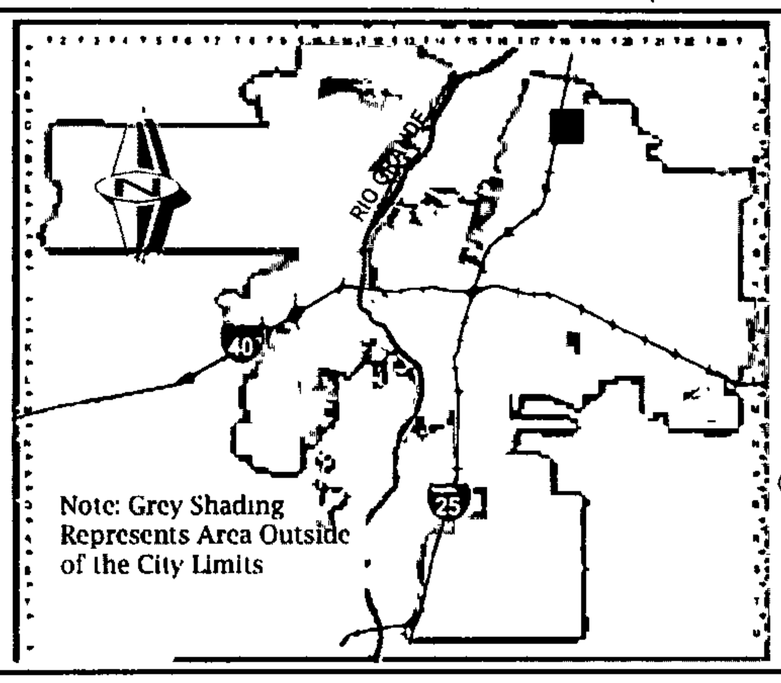
APPLICATION NUMBER: 10069369



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

Albuquerque Geographic Information System

Map amended through: 9/6/2007



Zone Atlas Page:

C-18-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

TIERRA WEST, LLC

5571 Midway Park Place NE
Albuquerque, NM 87109

Phone: 505-858-3100
Fax: 505-858-1118

FACSIMILE TRANSMITTAL

To: OFFICE OF NEIGHBORHOOD COORDINATION FAX: 924-3913
TOTAL OF (2) PAGES

From: KELI KRUEGER (kkrueger@tierrawestllc.com)

Subject: HOMEOWNERS ASSOCIATION INFORMATION
JN: 24065

Date: October 3, 2007

PLEASE FORWARD INFORMATION ON ALL RECOGNIZED AND UNRECOGNIZED HOMEOWNER ASSOCIATIONS IN THE AREA OF THE PROPERTY DESCRIBED AS:

Lot 1A, Block 35, Tract A, Unit B, North Albuquerque Acres
LEGAL DESCRIPTION

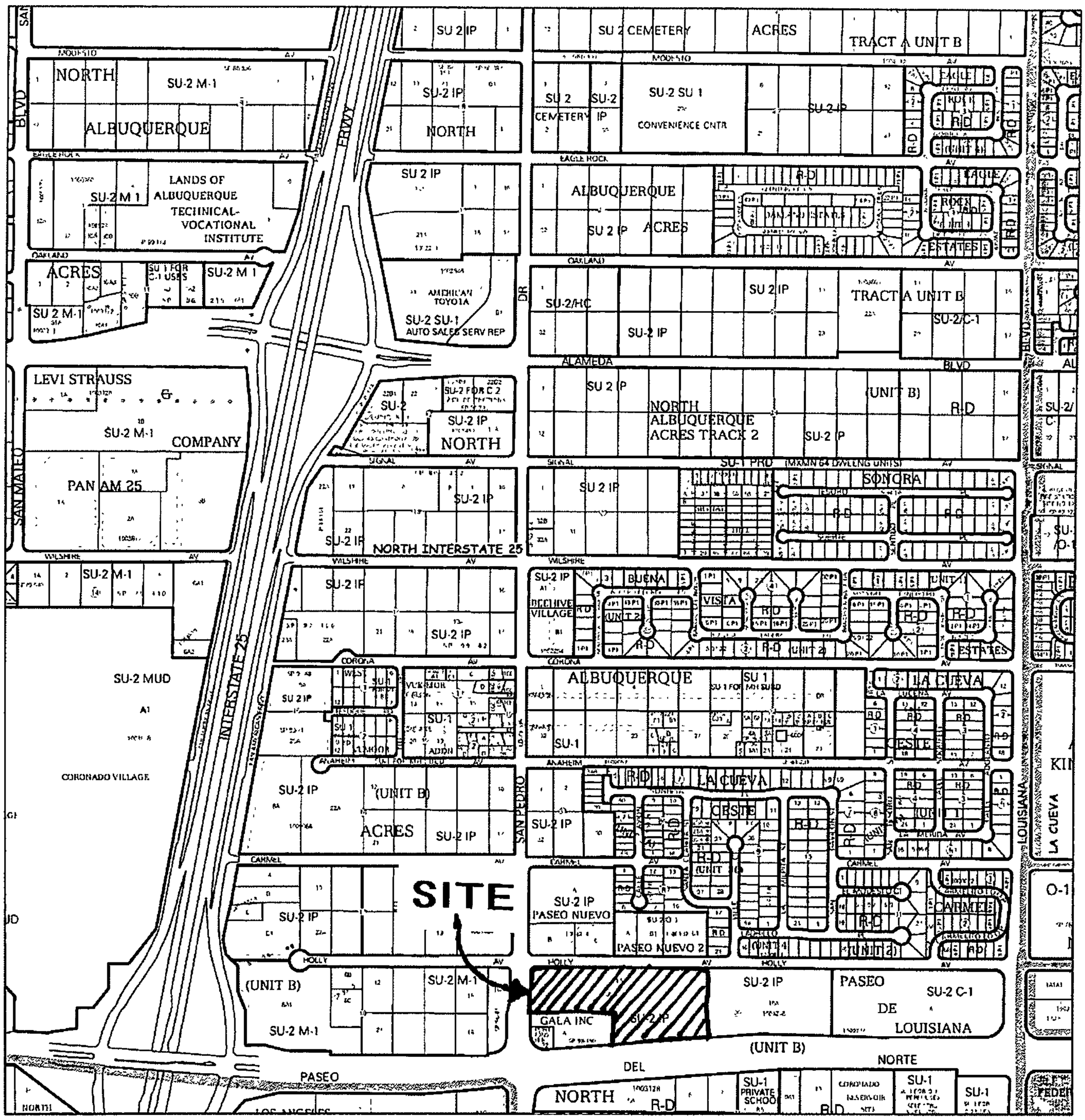
LOCATED ON Paseo Del Norte
STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN San Pedro Drive NE AND Louisianan Blvd. NE
STREET NAME OR OTHER IDENTIFYING LANDMARK STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS INDICATED ON THE FOLLOWING ZONE ATLAS SHEET: **C-18**
PLEASE CALL IF YOU HAVE ANY QUESTIONS.

SHOULD YOU HAVE ANY QUESTIONS REGARDING THIS TRANSMITTAL OR ANY OTHER ITEMS PERTAINING TO THIS PROJECT, PLEASE DO NOT HESITATE TO CONTACT OUR OFFICE.

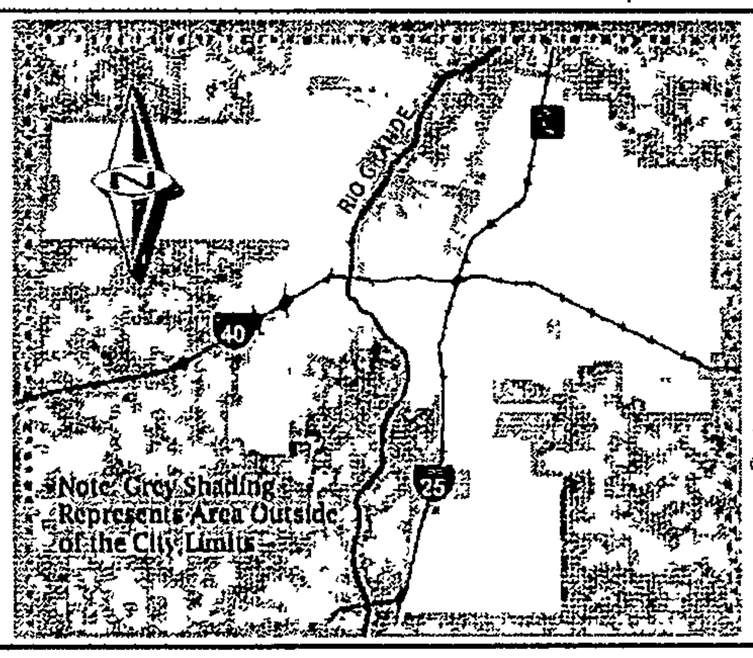
IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMITTAL, OR IF MATERIAL IS NOT LEGIBLE, PLEASE CONTACT OUR OFFICE FROM 7:00 AM TO 5:00 PM, MST, MONDAY THROUGH THURSDAY, 8:00 AM TO 12:00 PM, MST, FRIDAY. THANK YOU.



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

Albuquerque Geographic Information System

Map amended through: 9/6/2007



Zone Atlas Page:

C-18-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

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

P.O. Box 1293, Albuquerque, NM 87103

October 3, 2007

Keli Krueger
Tierra West, LLC
5571 Midway Park Place NE/87109
Phone: 505-858-3100/Fax: 505-858-1118
Email: kkrueger@tierrawestllc.com

Dear Keli:

Thank you for your inquiry of **October 3, 2007** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOT 1A, BLOCK 35, TRACT A, UNIT B, NORTH ALBUQUERQUE ACRES, LOCATED ON PASEO DEL NORTE NE BETWEEN SAN PEDRO DRIVE NE AND LOUISIANA BOULEVARD NE** zone map **C-18.**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

WEST LA CUEVA N.A. (WLC) "R"
***Peggy Neff**
8305 Calle Sequelle NE/87113 823-1041 (h)
April Sweet
6939 Carmelito Lp. NE/87113 280-8586 (c)

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

!!!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 recognized neighborhood 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 amendment 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.
   d) 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 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 Associations *(if there are associations)*. A copy must be submitted with application packet

[X] Copies of the certified receipts to Neighborhood 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.**

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

* * * \

You are not required by the O-92 Ordinance to "officially notify" these neighborhood associations of this project. You did request the names of the following "Unrecognized" associations in the area of the property to let them know.

FOR JN: 24065 – NONE - swinklepleck@cabq.gov

FORM DRWS: DRAINAGE REPORT / WATER & SANITARY SEWER AVAILABILITY
THIS FORM IS REQUIRED WITH THE DEVELOPMENT REVIEW BOARD APPLICATION FOR MAJOR SUBDIVISIONS AND SITE DEVELOPMENT PLANS.

PROJECT NAME: Del Norte Plaza

AGIS MAP # C-18

LEGAL DESCRIPTIONS: Lot 1A, Block 35, Tract A, Unit B
North Albuquerque Acres

X **DRAINAGE REPORT**

A drainage report, as per the Drainage Ordinance, was submitted to the City of Albuquerque Public Works Department, Hydrology Division (2nd Floor Plaza del Sol) on March 2, 2006 (date). Approved November 14, 2006

Keli D. Krueger — 10-3-07
Applicant/Agent — Date

Brad Bi[illegible] — 10/5/07
Hydrology Division Representative — Date

X **WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was requested from the City of Albuquerque Utilities Development Division (2nd floor, Plaza del Sol) on August 17, 2006 (date).

Keli D. Krueger — 10-3-07
Applicant/Agent — Date

Brad Bi[illegible] — 10/5/[illegible]
Utilities Division Representative — Date

PROJECT # [illegible]

Revised 4/03

24065
Utilities

Albuquerque Bernalillo County Water Utility Authority

One Civic Plaza NW, Room 5012
Albuquerque, NM 87102
Phone (505) 768-2500
Fax (505) 768-2580

Chair
Alan B. Armijo
County of Bernalillo
Commissioner, District 1

Vice-Chair
Issac Benton
City of Albuquerque
Councillor, District 3

Michael J. Cadigan
City of Albuquerque
Councillor, District 5

Teresa Cordova
County of Bernalillo
Commissioner, District 2

Issac Benton
City of Albuquerque
Councillor, District 3

Martin Heinrich
City of Albuquerque
Councillor, District 6

Deanna Archuleta
County of Bernalillo
Commissioner, District 3

Martin J Chávez
City of Albuquerque
Mayor

Ex-Officio Member
Pablo R Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
http://www cabq.gov/wua

September 1, 2006

Tierra West
5571 Midway Park Place NE
Albuquerque, NM 87109
Attn: Jonathan D. Niski

RE: Tract 1A, Block 35, North Albuquerque Acres, Tract A, Unit A C-18

Dear Sirs:

Existing Conditions: The property is a 6-acre parcel on the east side of San Pedro between Holly and Paseo Del Norte, it surrounds the car wash property at the corner. Zoning is SU-2/IP. Development comes under the North I-25 Sector Plan. Existing public utilities in San Pedro include 6- water distribution line on the west side and a12-inch zone 2E master plan water line on the east. There is also an 8-inch sanitary sewer collector; there are no lines in the adjoining portion of Holly. Paseo Del Norte lines are not accessible/available for connections.

Proposed Development: The site plan provided showed retail development at 6-pad sites ranging from approximately 3500 to 20,000sq. ft. At least half the pad sites appear to be fast food restaurants, two with drive-up service.

Required Infrastructure: Development as proposed will require site plan and plat approval through the Development Review Board (DRB). DRB sign off will be contingent on financial guarantees for infrastructure in Holly including a looped 8-inch water line from San Pedro to the stub proximate to your east property line. An 8-inch sanitary sewer collector will also be required. The line must be extended from San Pedro to the eastern most lot not already serviced. Based on existing and recently approved platting that would be the common lot line of Lots 27 & 28, see attached. Note: Comparable infrastructure is required for service to the property on the north side of Holly - also your client; see our letter of July 31.

Design and construction: All required improvements will be at the developer/property owner's expense and must be coordinated through the City of Albuquerque via the DRC, city work order process. Designs must be by a licensed, New Mexico registered Professional Engineer. Construction must be by a licensed, bonded, public utility contractor.

On-site Improvements: Material provided by you, proposed on-site public lines midway between the Holly and Paseo rights-of-way, with a further extension to the proposed strip retail on the adjoining property to the east. Such parallel public lines would be unwarranted, redundant infrastructure. They were not required in the availability statement issued for the adjoining property (see our letter of May 12), and they are not required or acceptable for service to this development. All on-site water and sanitary sewer lines for this and the adjoining development will be private. All

pad sites will be serviceable via routine connection to the new lines in Holly. Construction must include fire hydrants and manholes at standard locations, and service and fire line stub outs for all pad sites. All meters will be located in the Holly right-of-way. Depending on final lot configurations, private on-site utility easements may be required for some pad sites. These must be established at platting.

Costs and Fees: In addition to installation and construction costs, each sanitary sewer and metered water service will be subject to Utility Expansion Charges (UEC) payable at the time of service application. All charges and rates collected will be based on the ordinances and policies in effect at the time service is actually requested and authorized.

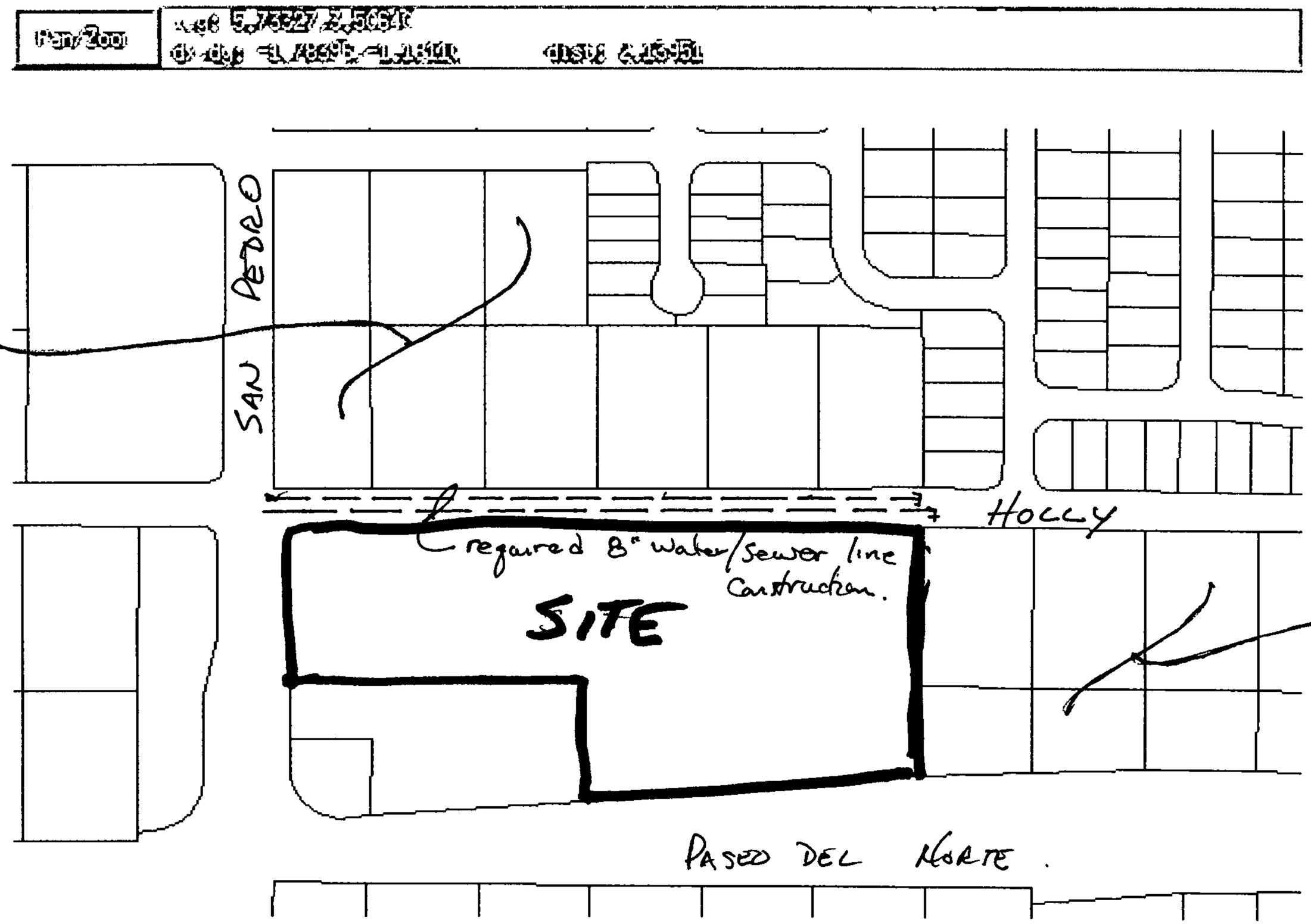
Closure: This statement of availability will remain in effect for a period of one (1) year from the date of issue and applies only to the development identified herein. Its validity is, in part, contingent upon the continuing accuracy of the information supplied by the developer. Changes in the proposed development may require reevaluation of availability and should be brought to the attention of the Utility Development Section of the Water Utility Department as soon as possible. Please feel free to contact that office at (505) 924-3987, or by fax at (505) 924-3864 if you have questions regarding the information presented herein or need additional information.

Sincerely,

Mark S. Sanchez
Executive Director

Encl: System / Area Map(s)

C:	f/	Readers	#60812
	f/	Project	#1004246
	f/	Availability	C-18


Pan/Zoom
SAN PEDRO
HOLLY
required 8" water/sewer line construction.
SITE
PASEO DEL NORTE
see letter of 7-31-06 #60707
see letter of 5-12-06 #60410

N

C-1B

#60812

CITY OF ALBUQUERQUE

November 14, 2006

Incoming
Drainage

Ronald R. Bohannan, P.E.
Tierra West, LLC
5571 Midway Park Pl., NE
Albuquerque, NM 87109

Re: Pacific Paseo, Engineer's Stamp dated 11-1-06 (C18/D42)
Lot 1A Block 35 Tract A Unit B of North Albuquerque Acres

Dear Mr. Bohannan,

Based on the information contained in your submittal received on November 2, 2006, the above referenced plan is approved for Grading Permit and Site Development Plan for Building Permit action by the DRB.

This project will also require a National Pollutant Discharge Elimination System (NPDES) permit. Inquiries regarding this permit should be directed to Charles Caruso with the DMD Storm Drainage Design section at 768-3654 or Sertil Kandar at 768-3645.

If you have any questions or need additional information, feel free to contact me at 924-3990.

Sincerely,

Jeremy Hoover, P.E.
Senior Engineer
Hydrology Section
Development and Building Services

cc: file C18/D42

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

Case History:
List any current prior case number that may be relevant to your application:

Z-97-137
SD-83-246
Z-98-31
SD-83-2-52
Z-82-61
ZA-01-255
AX-82-11
Z-94-99
DRB-97-31
BOA/ZHE
PROJECT # 1006644

7005 1160 0000 1000 6551

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 6.27

USPS ALBUQUERQUE NM 87101 OCT 5 2007 Postmark Here

24065.1000 DRB

Sent To Peggy Neff WLC NA.
Street, Apt. No.; or PO Box No. 8305 Calle Sequelle NE
City, State, ZIP+4 ABQ NM 87113

PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0000 1000 6544

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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 6.27

USPS ALBUQUERQUE NM 87101 OCT 5 2007 Postmark Here

24065.1000 DRB

Sent To April Sweet WLC N.A.
Street, Apt. No.; or PO Box No. 6939 Carmelito Lp. NE
City, State, ZIP+4 Albuquerque 87113

PS Form 3800, June 2002 See Reverse for Instructions

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / AIR QUALITY IMPACT ASSESSMENT (AQIA) FORM

APPLICANT: Tierra West **DATE OF REQUEST:** 10/3/07 **ZONE ATLAS PAGE(S):** C-18

CURRENT:

ZONING SU-2 -IP

PARCEL SIZE (AC/SQ. FT.) _____

LEGAL DESCRIPTION:

LOT OR TRACT # 1A BLOCK # 35

SUBDIVISION NAME Tract A, Unit B North Albuquerque Acres TBK Del Norte Plaza

REQUESTED CITY ACTION(S):

ANNEXATION	[ ]	SECTOR PLAN	[ ]	SITE DEVELOPMENT PLAN:	
COMP. PLAN	[ ]	ZONE CHANGE	[ ]	A) SUBDIVISION [ ]	BUILDING PERMIT [ ]
AMENDMENT	[ ]	CONDITIONAL USE	[ ]	B) BUILD'G PURPOSES [ ]	ACCESS PERMIT [ ]
				C) AMENDMENT [ ]	OTHER [ ]

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT [ ]

NEW CONSTRUCTION [X]

EXPANSION OF EXISTING DEVELOPMENT [ ]

GENERAL DESCRIPTION OF ACTION: [1]

OF UNITS: 6

BUILDING SIZE: 46,000 (sq. ft.)

NOTES: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or AQIA analysis requirements.

APPLICANT OR REPRESENTATIVE Kelli D. Krueger DATE 10-3-07

(TO BE SIGNED UPON COMPLETION OF PROCESSING BY TRAFFIC ENGINEER AND ENVIRONMENTAL HEALTH)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2nd St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [X] NO [ ] BORDERLINE [ ]

THRESHOLDS MET? YES [X] NO [ ] MITIGATING REASONS FOR **NOT** REQUIRING TIS: PREVIOUSLY STUDIED: [ ]

Notes: DEL NORTE PLAZA COMMERCIAL DEV. TIS - 2007

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. ***Any subsequent changes to the development proposal identified above may require an update or new TIS.***

Tony Sol 10-3-07

TRAFFIC ENGINEER DATE

Air Quality Impact Analysis (AQIA) May Be Required:

Section 14-16-3-14 of the COA Comprehensive Zoning Code contains threshold requirements for air quality studies. Criteria and thresholds contained in the Zoning Code specify which land use or plan actions will require preparation of an **AQIA**. Please refer to this section in order to determine if your proposal merits study for air quality impacts. An **AQIA** is not required, if a **TIS** is not required by the City or an associated **TIS** shows all signalized intersections functioning at Level of Service (LOS) C or better. An **AQIA** will only be required for a Sector Development Plan or Sector Development Plan Amendment if it meets AQIA thresholds in the Zoning Code.

AIR QUALITY IMPACT ANALYSIS (AQIA) REQUIRED: YES [ ] NO [X]

Contact an Air Quality Planner at 768-2660 to insure that input is received from the Air Quality Division during the scoping of the companion **TIS**. ***Any subsequent changes to the development proposal identified above may require an update or new AQIA.***

Kelli D. Krueger 10-3-07

APPLICANT DATE

Required **TIS** and/or **AQIA** **must be completed prior to applying to the EPC.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS **-SUBMITTED** 7/22/07 **-FINALIZED** __/__/__

Tony Sol 10-3-07

TRAFFIC ENGINEER DATE

Revised June 27, 2005

When Recorded, Return to:

David L. Lansky
Mariscal, Weeks
Suite 200
2901 North Central Avenue
Phoenix, Arizona 85012

DRAFT

DECLARATION OF EASEMENTS

THIS DECLARATION OF EASEMENTS (the "Declaration") is made and entered into as of the ___ day of ~~January~~, ~~2006~~ 2007, by PACIFIC PASEO DEVELOPMENT, LLC, a New Mexico limited liability company ("Declarant").

RECITALS

A. Declarant is the owner of ~~five~~ four (~~5~~ 4) parcels of real property situated in Albuquerque, Bernalillo County, New Mexico, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Project").

B. The Project is generally located at the ~~southwest~~ northeast corner of ~~Holley Avenue, N.E.~~ Paseo de Norte and San Pedro Drive, N.E., in Albuquerque, Bernalillo County, New Mexico and is shown on the site plan attached hereto as Exhibit "B" and made a part hereof (the "Site Plan").

D. The Project is subject to that certain Reciprocal Easement Agreement dated May 8, 2006 executed by Declarant and JJJC, LLC, a New Mexico limited liability company and recorded on May 15, 2006 in the official records of Bernalillo County, New Mexico as Instrument No. 2006-070652 (the "Prior Declarations").

E. Declarant wishes to impose certain easements upon the Project for the mutual and reciprocal benefit and complement of the Project and the present and future Owners thereof, on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, Declarant declares as follows:

AGREEMENTS

1. Definitions. For purposes hereof:

(a) The term "Common Areas" shall mean those portions of a Parcel that are outside of exterior walls of buildings which are available, in accordance with the terms of this Declaration, for the nonexclusive use, convenience and enjoyment of all Owners and their Permittees, including those portions of the Parcels intended for use as access drives, parking areas, landscaped areas, walkways, roadways and ingress and egress to and from public rights-of-way as may exist from time to time. Common Areas do not include loading, docking, delivery or service areas or facilities, drive up or drive through lanes and/or facilities located on a Parcel, the areas located beneath a gas canopy located on a Parcel, secured exterior areas of a public storage facility or fenced exterior play yard areas of an educational or child care facility.

(b) The term "Constant Dollars" means the present value of the dollars to which such phrase refers. An adjustment shall occur on January 1 of the sixth (6th) calendar year following the date of this Declaration, and thereafter at five (5) year intervals. Constant Dollars shall be determined by multiplying the dollar amount to be adjusted by a fraction, the numerator of which is the Current Index Number and the denominator of which is the Base Index Number. The "Base Index Number" shall be the level of the Index for the month during which this Agreement is dated; the "Current Index Number" shall be the level of the Index for the month during which this Agreement is dated of the year preceding the adjustment year; the "Index" shall be the Consumer Price Index for all urban consumers, U.S. City Average, published by the United States Department of Commerce (base year 1982-84 = 100), or any successor index thereto as hereinafter provided. If publication of the Index is discontinued, or if the basis of calculating the Index is materially changed, then Declarant shall substitute for the Index comparable statistics as computed by an agency of the United States Government or, if none, by a substantial and responsible periodical or publication of recognized authority most closely approximating the result which would have been achieved by the Index.

(c) The term "Declarant" shall mean Pacific Paseo Development, LLC, a New Mexico limited liability company, and the assignee of Declarant's rights and powers under this Declaration pursuant to a recorded instrument reflecting such assignment of rights as required by the provisions of paragraph 11.15, or such successor as contemplated pursuant to the terms of paragraph 11.15.

(d) The term "Owner" or "Owners" shall mean the person who executed this Declaration and any and all successors or assigns of such person as the owner or owners of fee simple title (or beneficial title) to all or any portion of the real property covered hereby, whether by sale, assignment, inheritance, operation of law, trustee's sale, foreclosure, or otherwise. The term "Owner" or "Owners" shall not, however, include the holder of any monetary lien or monetary encumbrance on such real property until such holder acquires fee simple title to such real property.

(e) The term "Parcel" or "Parcels" shall mean each separately identified parcel of real property now constituting a part of the real property subjected to this Declaration and any future subdivisions thereof; provided, however, upon dedication by an Owner to an applicable governmental authority of any portion of such Owner's Parcel for purposes of a public right-of-way, and so long as the same is used solely for such purpose, such dedicated portion shall not be

considered a Parcel, but shall thereupon automatically be deemed excluded from the operation and effect of this Declaration as fully as though the legal description of such portion were not included in the description of the property originally subject to this Declaration.

(f) The term "Permittees" shall mean the tenant(s) or occupant(s) of a Parcel, and the respective employees, agents, contractors, customers, invitees, and licensees of (i) the Owner of such Parcel, and/or (ii) such tenant(s) or occupant(s).

(g) The term "Person" shall mean any individual, general partnership, limited partnership, firm, association, corporation, limited liability company, trust or any other form of business or government entity.

(h) The term "Recording" shall mean placing an instrument of public record in the office of the County Recorder of Bernalillo County, New Mexico and the term "Recorded" shall mean having been so placed of public record.

(i) The term "Site Plan" shall mean that certain site plan attached hereto as Exhibit "B" and all amendments and modifications thereto and incorporated herein by this reference.

(j) The term "Taxes" means all real property taxes, possessory interest taxes, personal property taxes and excise taxes assessed against the buildings and improvements within the Parcels, assessments (whether arising from any improvement or special taxing district, or otherwise), excises, levies, license and permit fees, and all other charges of whatsoever kind and nature and whether any of the foregoing be general or special, ordinary or extraordinary, foreseen or unforeseen, which at any time during may be imposed upon the Parcels and/or the buildings and improvements thereon.

2. Easements.

2.1 Grant of Reciprocal Access Easement. Subject to any express conditions, limitations or reservations contained herein, Declarant hereby declares, establishes and grants for the benefit of, and as an appurtenance to, each Parcel, a non-exclusive and perpetual easement for reasonable access, ingress and egress over the Common Areas of the Parcels as presently or hereafter constructed, so as to provide for the passage of motor vehicles and pedestrians between all portions of the Common Areas of the Parcels intended for such purposes and to and from all abutting streets or rights-of-way furnishing access to the respective Parcels (i.e., Holley Avenue, N.E. and San Pedro Drive, N.E.).

2.2 Storm Drainage and Retention Easement. Declarant hereby declares, establishes and grants, for the benefit of and as an appurtenance to each Parcel, for the use and benefit of such Parcel, its Owner and Permittees, an easement for the drainage and retention of storm water runoff from one Parcel onto the other Parcel through the Common Areas of the Parcels in accordance with the grading and drainage plans for the project prepared by Declarant.

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2.3 Encroachment Easement. Declarant hereby declares, establishes and grants, for the benefit of and as an appurtenance to each Parcel, for the use and benefit of such Parcel, its Owner and Permittees, an easement for footings, screen walls, curbing and light pole bases or standards which may encroach by no more than one foot (1') into or upon the Common Areas of another Owner's Parcel; provided, however, the Owner of a Parcel upon which an improvement encroaches, but for this easement, may require by advance written notice to the encroaching Owner that in the event of damage, destruction, demolition, exterior renovation or remodeling, or other removal by any means of all or any significant portion of the encroaching improvement so identified, that the encroaching improvement must be removed in its entirety from the notifying Owner's Parcel at the encroaching Owner's sole cost and expense.

2.4 Utility Easements. Each Owner agrees to cooperate in the granting of appropriate and proper easements (a) within fifteen (15) feet of the exterior boundaries of the Project to any other Owner, to any governmental entity or to any utility company for underground utility facilities to serve the Parcel of the other Owner; provided, however, any installation, construction, repair, maintenance, removal or replacement of utilities on or under paved surfaces providing access to an Owner's Parcel shall be permitted only with the prior written consent of such Owner, which consent may be subject to reasonable conditions imposed by such Owner.

Paseo del Norte,

2.5 Sign Easement. Subject to any express conditions, limitations or reservations contained in this Declaration, Declarant hereby declares, establishes and grants for the benefit of and as an appurtenance to the Parcels, a non-exclusive easement in, upon, over, above, under and across those portions of the Parcels adjacent to Holley Avenue N.E. and/or San Pedro Drive N.E. designated as the Sign Easement on the Site Plan (the "Sign Easement"). The purpose of this easement is to permit the Owners of the Parcels (and their Permittees) to install sign panels on shared monument sign(s) along Holley Avenue N.E. and/or San Pedro Drive N.E., subject to and in accordance with the further provisions of this paragraph 2.5 (the "Shared Monument Signs"). The easement granted under this paragraph 2.5 shall also grant the right in favor of the Owners of the Parcels and their respective agents and contractors to enter upon that portion of the Common Areas now or hereafter located on the Parcels immediately adjacent to the Sign Easement which is reasonably necessary for the installation, construction, use, operation, maintenance and repair of the Sign Easement and the Shared Monument Signs. The relative position of sign panels on the Shared Monument Signs shall be determined by Declarant, in its sole and absolute discretion, and may be set forth in a Recorded supplement to this Declaration. The Owners (or Permittees) of the Parcels so designated by Declarant shall be solely responsible for the cost of installing sign panels on a Shared Monument Sign. The Shared Monument Signs shall be constructed in a good, workmanlike and lien free manner in substantial conformance with plans and specifications approved by Declarant. In addition, Declarant shall, subject to the further provisions of this Declaration, illuminate, maintain and repair the Shared Monument Signs. Each Owner who maintains (or whose Permittee maintains) signage on a Shared Monument Sign may be assessed for the maintenance, repair, insurance and illumination of the Shared Monument Signs in accordance with a Recorded supplement to this Declaration. Each Owner of a Parcel upon which a Shared Monument Sign is located agrees not to install any landscaping or other obstruction on its Parcel that interferes with the

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reasonable visibility of the sign panels on the Shared Monument Signs from the adjacent public right-of-way and Declarant reserves the right, if necessary, to reasonably thin, prune and trim any landscaping in the vicinity of the Shared Monument Signs so as to assure full visibility of the sign panels installed thereon. If the business of any Owner (or such Owner's Permittee) identified on a Shared Monument Sign permanently closes, upon thirty (30) days' notice from Declarant, the Owner whose (or whose Permittee) business has closed is obligated to replace all sign panels on the Shared Monument Signs identifying such business with blank panels of a color approved by Declarant failing which Declarant has the right, but not the obligation, to do so at the expense of the Owner whose (or whose Permittee) business has closed.

2.6 Grant of Self-Help Easement. Each Owner shall have an easement to enter upon a Parcel pursuant to the provisions of paragraph 9.2 hereof for the purpose of performing any obligation which the Owner of such Parcel is required to perform pursuant to of this Declaration, but fails or refuses to perform within the applicable time period provided in said paragraph 9.2.

2.7 Reasonable Use of Easements. The easements established and granted herein shall be used and enjoyed by each Owner and its Permittees in such a manner as not to unreasonably interfere with, obstruct or delay the conduct and operations of the business of any other Owner or its Permittees at any time conducted on its Parcel, including, without limitation, public access to and from said business, and the receipt or delivery of merchandise in connection therewith.

2.8 No Implied Easements. Nothing contained in this Declaration shall be deemed to create any implied easements not otherwise expressly provided for herein. In this regard, no reciprocal easements for vehicular parking between the Parcels are granted herein. Each Parcel, when improved, must contain a sufficient number of parking spaces to satisfy minimum code requirements (subject to variance) for the use to be made of such Parcel.

2.9 Indemnification. Each Owner having rights with respect to an easement granted hereunder shall indemnify, defend and hold Declarant and the Owner whose Parcel is subject to the easement harmless for, from and against all claims, liabilities, and expenses (including reasonable attorneys' fees) relating to accidents, injuries, loss, or damage of or to any person or property arising from or in any manner relating to the use by the indemnifying Owner or its Permittees of any easement or exercise of any remedy granted hereunder, except as may result from the gross negligence or intentional misconduct of the Owner whose Parcel is subject to the easement or its Permittees. Notwithstanding any other term or condition of this Declaration, to the extent, if at all, Section 56-7-1, New Mexico Statutes Annotated, is applicable to any agreement to indemnify, defend and hold harmless set forth in this Declaration, such agreement will not extend to liability, claims, damages, losses or expenses, including attorneys' fees, arising out of (a) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the indemnitee, or the indemnitee's agents or employees; or (b) the giving or the failure to give directions or instructions by the indemnitee, or the indemnitee's agents or employees, where such giving or failure to give directions or instructions is the primary

cause of bodily injury to persons or damage to property.

3. Intentionally Omitted.

4. Intentionally Omitted.

5. Intentionally Omitted.

6. Insurance.

6.1 Liability Insurance. At its own expense, each Owner (or its Permittee) shall continuously maintain a broad-form policy or policies of commercial general liability insurance against claims and liability on account of bodily injury, personal injury, death and property damage incurred in the Common Areas, buildings and other improvements on such Owner's Parcel. Such insurance shall have a combined single limit of not less than Five Million and No/100 Constant Dollars ($5,000,000) per occurrence, and shall designate all other Owners (and lenders identified in writing to the insuring Owner) as additional insureds. In addition, at its own expense, each Owner (or its Permittee) shall continuously maintain (i) worker's compensation insurance as required by any applicable law or regulation, (ii) employer's liability insurance in the amount of One Million and No/100 Constant Dollars ($1,000,000.00) for each accident for bodily injury, One Million and No/100 Constant Dollars ($1,000,000.00) policy limit for bodily injury by disease and One Million and No/100 Constant Dollars ($1,000,000.00) for each employee for bodily injury by disease, and (iii) automobile liability insurance for owned, hired and non-owned automobiles with limits of liability not less than One Million and No/100 Constant Dollars ($1,000,000.00) combined single limit each accident for bodily injury and property damage.

6.2 Owners' Property Insurance. At its own expense, each Owner shall continuously maintain or cause to be maintained by its Permittee a broad-form policy or policies of commercial property insurance, with a so-called "causes of loss - special form" (formerly known as "all-risk") coverage insuring against loss, damage and destruction of all buildings, and all other improvements. Such insurance shall be in the amount of at least one hundred percent (100%) of the replacement cost of the insured improvements (excluding footings, foundations and excavations).

6.3 Construction Activities. Prior to commencing any construction activities on the Parcels, each Owner (or its Permittee) shall obtain or require its contractor to obtain and thereafter maintain so long as such construction activity is occurring, at least the minimum insurance coverage in Constant Dollars set forth below:

(a) Workers' Compensation and Employer's Liability Insurance: (a) workers' compensation insurance as required by the applicable law or regulation; and (b) employer's liability insurance in the amount of One Million Constant Dollars ($1,000,000) each accident for bodily injury, One Million Constant Dollars ($1,000,000) policy limit for bodily

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injury by disease and One Million Constant Dollars ($1,000,000) each employee for bodily injury by disease.

(b) General Liability Insurance: commercial general liability insurance covering all operations by or on behalf of the contractor, which shall include the following minimum limits of liability and coverages:

(i) Required Coverages:

(1) Premises and operations;

(2) Products and completed operations;

(3) Contractual liability, insuring the indemnity obligations assumed by contractor under the contract documents;

(4) Broad form property damage (including completed operations);

(5) Explosion, collapse and underground hazards; and

(6) Personal injury liability.

(ii) Minimum Limits of Liability:

(1) One Million Constant Dollars ($1,000,000) each occurrence (for bodily injury and property damage);

(2) One Million Constant Dollars ($1,000,000) for personal injury liability;

(3) Two Million Constant Dollars ($2,000,000) aggregate for products and completed operations (which shall be maintained for a three (3) year period following final completion of the work); and

(4) Two Million Constant Dollars ($2,000,000) general aggregate applying separately to the Parcels.

(c) Automobile Liability Insurance: Any automobile liability insurance (bodily injury and property damage liability) including coverage for owned, hired and non-owned automobiles. The limits of liability shall not be less than One Million Constant Dollars ($1,000,000) combined single limit each accident for bodily injury and property damage

combined. The contractor shall require each of its subcontractors to include in their liability insurance policies coverage for automobile contractual liability.

(d) Umbrella/Excess Liability Insurance: The contractor shall also carry umbrella/excess liability insurance in the amount of Five Million Constant Dollars ($5,000,000). If there is no per project aggregate under the commercial general liability policy, the limit shall be Ten Million Constant Dollars ($10,000,000).

If the construction activity involves the use of another Owner's Parcel, then the Owner of such Parcel (and its Permittee) shall be an additional insured, as its interests may appear and such insurance shall provide that the same shall not be canceled or reduced in amount or coverage below the requirements of this Declaration without at least thirty (30) days prior written notice to each insured. If such insurance is canceled or expired, then the constructing Owner (or its Permittee) shall immediately stop all Work or use of any other Owner's Parcel until the required insurance is reinstated or replacement insurance obtained.

6.4 Other Insurance Provisions. All insurance required by this Declaration shall be written on an occurrence basis, shall be procured from companies authorized to do business in the state where the Shopping Center is located and shall be rated by Best's Insurance Reports not less than A-/X. All insurance may be provided under (i) an individual policy covering this location, (ii) a blanket policy or policies which includes other liabilities, properties and locations of such Owner, provided, however, that if such blanket commercial general liability insurance policy or policies contain a general policy aggregate of less than Twenty Million and No/100 Constant Dollars ($20,000,000), then such insuring Owner (or its Permittee) shall also maintain excess liability coverage necessary to establish a total liability insurance limit of Twenty Million and No/100 Constant Dollars ($20,000,000), (iii) a plan of self-insurance, provided that any Owner (or its Permittee) self-insuring notifies the other Owners of its intent to self-insure and agrees that upon request it shall deliver to such other Owners each calendar year a copy of its annual report that is audited by an independent certified public accountant which discloses that such Owner (or its Permittee) has One Hundred Million Constant Dollars ($100,000,000) or more of both tangible net worth and net current assets, or (iv) a combination of any of the foregoing insurance programs. To the extent any deductible is permitted or allowed as a part of any insurance policy carried by an Owner (or its Permittee) in compliance with this Section 6, such Owner (or its Permittee) shall be deemed to be covering the amount thereof under an informal plan of self-insurance; provided, however, that in no event shall any deductible exceed Fifty Thousand Constant Dollars ($50,000.00) unless such Owner (or its Permittee) complies with the requirements regarding self-insurance pursuant to (iii) above. Each Owner and Declarant agree to furnish to any Owner requesting the same, a certificate(s) of insurance, or statement of self-insurance, as the case may be, evidencing that the insurance required to be carried by such Person is in full force and effect. The insurance required pursuant to this paragraph 6 shall include the following provisions: (i) shall provide that the policy may not be canceled or reduced in amount or coverage below the requirements of this Declaration, without at least thirty (30) days prior written notice by the insurer to each insured and to each additional insured; (ii) shall provide for severability of interests; (iii) shall provide that an act or

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omission of one of the insureds or additional insureds which would void or otherwise reduce coverage, shall not reduce or void the coverage as to the other insureds; and (iv) shall provide for contractual liability coverage with respect to the indemnity obligations set forth in paragraph 2.9.

6.5 Each Owner and Permittee hereby waives its rights of recovery against Declarant, and all other Owners and their Permittees for any damage or loss which would be covered by a policy of property insurance (or a program of self-insurance) for property damage maintained by such Owner (or Permittee), regardless of whether such damage or loss shall have been caused by the acts or omissions of Declarant, another Owner or its Permittees.

7. Taxes and Assessments. Each Owner shall pay or cause to be paid, prior to delinquency, all Taxes levied or made by any governmental body or agency with respect to its Parcel.

8. No Rights in Public. Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of the Parcels.

9. Remedies.

9.1 All Available Remedies. In the event of a breach by any Owner or its Permittees of any of the terms or provisions hereof, Declarant and any other Owner shall be entitled forthwith to full and adequate relief by injunction and/or all such other available legal and equitable remedies from the consequences of such breach, including payment of any amounts due and/or specific performance; provided, however, an Owner shall not be entitled to the foregoing remedies if the alleged breach by a Permittee is expressly permitted by the terms and provisions of any lease between an Owner and a Permittee which lease was executed prior to the Recording of this Declaration.

9.2 Self-Help. In addition to all other remedies available at law or in equity, upon the failure of a defaulting Owner to cure a breach of this Declaration by such Owner or its Permittees within thirty (30) days following written notice thereof by another Owner or Declarant (unless, with respect to any such breach the nature of which cannot reasonably be cured within such thirty (30) day period, the defaulting Owner commences such cure within such thirty (30) day period and thereafter diligently prosecutes such cure to completion), any non-defaulting Owner or Declarant shall have the right to perform such obligation contained in this Declaration on behalf of such defaulting Owner and be reimbursed by such defaulting Owner upon demand for the reasonable costs thereof together with a fifteen percent (15%) administrative fee. Notwithstanding the foregoing to the contrary, if the nature of the breach of this Declaration presents an immediate risk of damage to property, injury to persons, interruption of utility service or loss, obstruction or blockage of access, the prior notice requirement of this paragraph shall not apply, and Declarant or such non-defaulting Owner shall be authorized to take immediate steps to minimize or eliminate such risk, and be reimbursed for the reasonable costs thereof as aforesaid. In such event, notice of such action shall be given to the defaulting Owner as soon as reasonably practicable under the circumstances.

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9.3 Remedies Cumulative. The remedies specified herein shall be cumulative and in addition to all other remedies permitted at law or in equity.

9.4 No Termination for Breach. Notwithstanding anything to the contrary herein contained, no breach hereunder shall entitle any Owner to cancel, rescind, or otherwise terminate this Declaration, or shall defeat or render invalid the lien of any mortgage or deed of trust upon all or any portion of the Parcels made in good faith for value, but the easements, rights and obligations contained herein shall be binding upon and effective against any owner thereof whose title thereto is acquired by foreclosure, trustee's sale, or otherwise.

9.5 Interest. At any time an Owner shall not pay any sum payable under this Declaration to another Owner or to Declarant within fifteen (15) days of the due date, such delinquent Owner shall pay interest on such amount from the due date to and including the date such payment is received by the Person entitled thereto at the lesser of (a) the highest rate permitted by law to be paid on such type of obligation by the Person obligated to make such payment or the Person to whom such payment is due, whichever is less, or (b) four percent (4%) plus the rate of interest from time to time publicly announced, quoted or published by JP Morgan Chase Bank, National Association or its successor at its main Albuquerque, New Mexico office as its "prime rate."

9.6 Assessment Lien. Costs and expenses accruing and/or assessed pursuant to this Declaration shall constitute a lien against the defaulting Owner's Parcel. The lien shall attach and take effect only upon Recording of a claim of lien. The claim of lien shall include the following: (a) the name of the lien claimant, (b) a statement concerning the basis for the claim of lien and identifying the lien claimant as a curing party, (c) an identification of the Owner or reported Owner of the Parcel or interest therein against which the lien is claimed, (d) a description of the Parcel against which the lien is claimed, (e) a description of the work performed which has given rise to the claim of lien and a statement itemizing the amount thereof; and (f) a statement that the lien is a claim pursuant to the provisions of this Declaration, reciting the date, book and page of Recordation hereof. The notice shall be duly verified, acknowledged and contain a certificate that a copy thereof has been served upon the Owner against whom the lien is claimed in accordance with the provisions of paragraph 11.1. The lien so claimed shall attach from the date of Recordation solely in the amount claimed thereby and may be enforced in any judicial proceedings allowed by law, including without limitation, suit in the nature of a suit to foreclose a mortgage or mechanics' lien under the applicable provisions of New Mexico law.

9.7 Mortgagee Protection. Breach of any of the covenants or restrictions contained in this Declaration shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to any Parcel or any part of a Parcel, but all of the foregoing provisions, restrictions and covenants shall be binding upon and effective against any Owner whose title to a Parcel (or a portion of a Parcel) is acquired by foreclosure, trustee sale, deed in lieu of foreclosure or otherwise.

9.8 Lease Protection. Breach of any of the covenants or restrictions contained in this Declaration shall not defeat or render invalid any lease executed by an Owner in good faith and for value as to all or any portion of a Parcel, but all of the foregoing provisions, restrictions and covenants shall be binding upon and effective against the tenant or lessee under any such lease.

10. Term. The covenants, conditions, restrictions and easements contained in this Declaration shall be effective commencing on the date this Declaration is Recorded, and shall remain in full force and effect for a period of ninety nine (99) years from and after said date of Recording, unless this Declaration is modified, amended, cancelled or terminated by Declarant or all then record Owners of the Parcels in accordance with paragraph 11.3 hereof.

11. Miscellaneous.

11.1 Notices. Any notice to be given hereunder shall be given in writing and delivered in person, or by reputable nationwide overnight courier (e.g., Federal Express), or forwarded by certified or registered mail, postage prepaid, return receipt requested, at the address indicated below, unless the party giving such notice has been notified, in writing of a change of address:

Declarant:

Pacific Paseo Development, LLC
c/o Pacific Companies
1702 East Highland, Suite 310
Phoenix, Arizona 85016
Attention: William S. Levine

With a copy to:

Pacific Paseo Development, LLC
c/o Pacific Fish Company
6101 Moon NE
Suite 4000
Albuquerque, New Mexico 87111
Attention: Jim Schumacher

With a copy to:

David L. Lansky
Mariscal, Weeks
Suite 200
2901 North Central Avenue
Phoenix, Arizona 85012

Any such notice shall be deemed effective on the date on which such notice is delivered, if notice is given by personal delivery or overnight courier, or if notice is sent through the United States mail, on the date of actual delivery as shown on the addressee's receipt or upon the expiration of three (3) days following the date of mailing, whichever first occurs.

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11.2 Attorneys' Fees. In the event of any legal action or proceeding for the enforcement of any right or obligation herein contained, the prevailing party shall be entitled to recover from the unsuccessful party its costs and reasonably attorneys' fees incurred in the preparation and prosecution of such action or proceeding.

11.3 Amendment.

(a) This Declaration may be terminated, modified or amended only by the written consent of all record Owners of the Parcels. Any such termination, modification or amendment of this Declaration shall be evidenced by a document that has been fully executed and acknowledged by Declarant and all such Owners and Recorded. Notwithstanding the provisions of this paragraph 11.3(a) to the contrary, so long as Declarant is the Owner of any Parcel, Declarant may unilaterally terminate, modify or amend this Declaration.

11.4 Consents. Whenever in this Declaration the consent or approval of an Owner or Declarant is required, unless otherwise expressly provided herein, such consent or approval shall not be unreasonably withheld or delayed. Any request for consent or approval shall: (a) be in writing; (b) specify the section hereof which requires that such notice be given or that such consent or approval be obtained; and (c) be accompanied by such background data as is reasonably necessary to make an informed decision thereon. Except as expressly set forth otherwise in this Declaration, provided that the request for consent prominently discloses that the failure of an Owner or Declarant to give its consent or approval or to state specific grounds for disapproval within thirty (30) days after receipt of the request for consent or approval, then, in such event, the failure of an Owner or Declarant to give such consent or approval, or specific grounds for disapproval, within thirty (30) days following the date such notice is effective in accordance with paragraph 11.1 hereof shall be deemed to constitute such Owner's or Declarant's consent or approval to the matter which is the subject of such request.

11.5 No Waiver. No waiver of any default of any obligation by any party hereto shall be implied from any omission by the other party to take any action with respect to such default.

11.6 No Agency. Nothing in this Declaration shall be deemed or construed by either party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between the parties.

11.7 Covenants to Run with Land. It is intended that each of the easements, covenants, conditions, restrictions, rights and obligations set forth herein shall run with the land and create equitable servitudes in favor of the real property benefited thereby, shall bind every person having any fee, leasehold or other interest therein and shall inure to the benefit of the respective parties and their successors, assigns, heirs, and personal representatives. However, no easement, covenant, condition, restriction or other right or benefit accruing hereunder in favor of any Parcel

shall be assignable, transferable or otherwise delegable to or for the benefit of neighboring real property that is not a Parcel hereunder (for example, no Owner of a Parcel shall have the right to assign the easement for vehicular access over the Common Areas of the Parcels arising under paragraph 2.1 above in favor of other real property in the vicinity of the Parcels).

11.8 Grantee's Acceptance. The grantee of any Parcel or any portion thereof, by acceptance of a deed conveying title thereto or the execution of a contract for the purchase thereof, whether from an original party or from a subsequent Owner of such Parcel, shall accept such deed or contract upon and subject to each and all of the easements, covenants, conditions, restrictions and obligations contained herein. By such acceptance, any such grantee shall for himself and his successors, assigns, heirs, and personal representatives, covenant, consent, and agree to and with all other Owners, to keep, observe, comply with, and perform the obligations and agreements set forth herein with respect to the property so acquired by such grantee, whereupon the grantor of such property shall be released from such obligations and agreements thereafter arising in respect of such property.

11.9 Separability. Each provision of this Declaration and the application thereof to the Parcels are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration. In the event the validity or enforceability of any provision of this Declaration is held to be dependent upon the existence of a specific legal description, the parties agree to promptly cause such legal description to be prepared.

11.10 Time of Essence. Time is of the essence of this Declaration.

11.11 Entire Agreement. This Declaration contains the complete understanding and agreement of the parties hereto with respect to all matters referred to herein, and all prior representations, negotiations, and understandings are superseded hereby.

11.12 Counterparts. This Declaration may be executed in one or more counterparts, each of which may be executed by one or more of the parties hereto, with the same force and effect as though all the parties executing such counterparts had executed but one instrument. Signature and/or acknowledgment pages may be detached from such counterparts and attached to this Declaration to physically form one legally effective document for recording purposes.

11.13 Governing Law and Jurisdiction. The laws of the State of New Mexico shall govern the interpretation, validity, performance, and enforcement of this Declaration.

11.14 Estoppel Certificate. Each Owner and Declarant agrees that within thirty (30) days following receipt of a written request (which shall not be more frequent than three (3) times during any calendar year) of any other party or Declarant, it will issue, without cost, to such person, or its prospective mortgagee or successor, an estoppel certificate stating to the best

of the issuer's knowledge that as of such date (a) whether it knows of any default under this Declaration by the requesting Owner and if there are known defaults, specifying the nature thereof, (b) whether this Declaration has been assigned, modified or amended in any way by it and if so, then stating the nature thereof, and (c) whether this Declaration is in full force and effect. Such statement shall act as a waiver of any claim by the person furnishing it to the extent such claim is based upon facts contrary to those asserted in the statement and to the extent the claim is asserted against a bona fide encumbrancer or purchaser for value without knowledge of facts to the contrary of those contained in the statement and who has acted in reasonable reliance upon the statement. The issuance of an estoppel certificate shall in no event subject the Person furnishing it to any liability for the negligent or inadvertent failure of such Person to disclose correct and/or relevant information or challenge acts committed for which approval by the Owner or Declarant was required but not sought or obtained. Should an Owner fail to timely execute an estoppel certificate, it shall be conclusively deemed as of the expiration of the thirty (30) day period described in this paragraph 11.14 that (a) such Owner knows of no default under this Declaration by the requesting Owner; and (b) this Declaration has not been assigned, modified or amended in any way except as may have been represented by the requesting Owner; and (c) that this Declaration is in full force and effect.

11.15 Assignment of Declarant's Rights. By Recorded instrument, Declarant may assign all of its right, title and interest as "Declarant" to any other Person, provided further that such assignment is signed by both assignor and assignee. No conveyance by Declarant of any Parcel shall result in an assignment of Declarant's rights, titles and interests as "Declarant" in absence of an express provision to that effect. No Person may be the Declarant unless such Person is an Owner of a Parcel. No succeeding Declarant may terminate, rescind or revoke any rights or consents previously granted by Declarant to a Person, including any Owner or Permittee, without the express consent of such Person.

11.16 Interpretation. Except for judicial construction, Declarant shall have the exclusive right to construe and interpret the provisions of this Declaration. In the absence of any adjudication to the contrary by a court of competent jurisdiction, the Declarant's construction or interpretation of the provisions of this Declaration shall be final, conclusive and binding as to all Persons and property benefited or bound by the terms, covenants, easements, restrictions and provisions of this Declaration.

11.17 Change in Circumstances. Except as otherwise expressly provided in this Declaration, no change of conditions or circumstances shall operate to extinguish, terminate or modify any of the provisions of this Declaration.

11.18 Declarant's Disclaimer of Representations. Anything to the contrary in this Declaration notwithstanding, and except as otherwise may be expressly set forth on a Recorded map or plat or other Recorded instrument or agreement, Declarant makes no warranties or representations whatsoever that the plans presently envisioned for the complete development of the Parcels can or will be carried out or that any land now owned or hereafter acquired by

Declarant is or will be committed to or developed for a particular plan or any use or that if such land is once used for a particular use, such use will continue in effect.

11.19 No Merger. The ownership of the entirety of the Parcels by the same Person shall not effect a termination of this Declaration. In addition, the ownership of the fee interest and the leasehold estate in and to an entire parcel by the same Person shall not affect a termination of this Declaration.

11.20 No Third Party Beneficiary. No rights, privileges or immunities set forth in this Declaration shall inure to the benefit of any Permittee of any Owner of any Parcel, nor shall any Permittee of any such Owner be deemed to be a third party beneficiary of any provisions contained in this Declaration, except as otherwise specifically provided in any lease by and between a Permittee and an Owner.

11.21 Further Assurances. Each Owner of a Parcel shall execute and deliver such further documents and instruments and take such further action as may be reasonably requested by another Owner and as is consistent with the provisions of this Declaration in order to accomplish the purpose and intent of this Declaration.

11.22 Prescriptive Easements/Adverse Possession. No title, easement or use pertaining to the Project or any portion thereof may be established by prescription or adverse possession, the statute of limitations for such purposes being expressly hereby waived.

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EXHIBIT A
PROJECT LEGAL DESCRIPTION

EXHIBIT B
SITE PLAN

The attached site plan is for general informational purposes only. Any and all features, matters and other information depicted thereon are for illustrative purposes only and are subject to modification without notice, are not intended to be relied upon by any Owner and are not intended to constitute representations, warranties or covenants as to the size and nature of the improvements to be constructed (or that any improvements will be constructed) or as to the identity or nature of any occupants thereof.