

May 3, 2016

City of Albuquerque  
Development Review Board  
Care of: Mr. Jack Cloud (Chairman of the DRB)  
600 2<sup>nd</sup>. St. NW  
Albuquerque, NM 87102

**RE: DRB Justification Letter for submittal for Final Sign-Off for EPC Approved Site Development Plan for Building Permit – Project Number 1006973**

Dear DRB Chairman Mr. Jack Cloud:

Joshua J. Skarsgard (“**Agent**”) acted as agent on behalf of Century Bank for EPC application 16EPC-40006 for approval of a Site Development Plan for Building Permit Amendment. The Subject Property has since been sold to Red Shamrock 10, LLC, who is now the “**Applicant**” in this request for Final Sign-Off for EPC Approved Site Development Plan for Building Permit to the Development Review Board (“**DRB**”) on the real property described as:

*Tract numbered One (1) of the Plat of tracts 1, 2, 3, and 4 OF PARADISE PLAZA, projected Section 2, T. 11N, R. 2 E., N.M.P.M., Town of Alameda Grant, City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on said plat, filed in the office of the County Clerk of Bernalillo County, New Mexico on December 7, 2009 in Plat Book 2009C, page 170 as Document No. 2009132927*

(“**Subject Property**”).

The EPC issued a Notice of Decision on March 11, 2016 to approve Applicant’s application for a Site Development Plan for Building Permit Amendment. The Applicant attended the DRB hearing on April 20, 2016 for this application and was given additional comments from city agencies. The purpose of this Justification Letter is to provide responses as to how the Applicant has addressed those comments.

**APRIL 20, 2016 TRANSPORTATION COMMENTS:**

1. Add a “One-Way Do Not Enter” sign to the south of the access aisle south of the building.

APPLICANT’S RESPONSE: A “One-Way Do Not Enter” sign and “One-Way Do Not Enter” pavement striping are located on the south side of the building as shown on the Site Plan as Key Notes 21 and 22.

2. Please include a copy of your shared access agreement with the adjacent property owner.

*APPLICANT'S RESPONSE:* A copy of the Declaration of Reciprocal Easements with Covenants, Conditions and Restrictions is attached to this letter.

3. Please add the clear sight triangle to each subdivision entrance. Add the following note as well: "Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in the clear sight triangle."

*APPLICANT'S RESPONSE:* A clear sight triangle has been added to each subdivision entrance and Key Note 28 has been added.

4. The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "**Violators Are Subject to a Fine and/or Towing.**" If that language is present it is not visible in the detail.

*APPLICANT'S RESPONSE:* The ADA accessible parking sign shall have required language per 66-7-352.4C NMSA 1978 "**Violators Are Subject to a Fine and/or Towing**" as shown the Site Plan Key Note 29.

5. Please remove all the revision bubbles and triangles. Although they were very helpful for review, they are confusing if the site plan comes in for an Administrative Amendment.

*APPLICANT'S RESPONSE:* All revisions bubbles and triangles have been removed.

#### **APRIL 20, 2016 HYDROLOGY COMMENTS:**

1. An approved Drainage Report, Grading Plan, and/or Infrastructure List are required for Site Plan approval.

*APPLICANT'S RESPONSE:* Fred Arfman submitted the Drainage Report and Grading Plan. It is currently being reviewed for building permit approval separately through the Hydrology Department. We expect a response this week.

2. Drainage Report or Narrative should reference the original drainage plan for this site, A11D012.

*APPLICANT'S RESPONSE:* The Drainage Report does now reference the original grading drainage plan.

#### **APRIL 20, 2016 HYDROLOGY COMMENTS:**

1. Serviceability statement #160302 provides the conditions for service. The statement indicates that a Water Authority Board approved Service Connection Agreement shall be obtained prior to service.

*APPLICANT'S RESPONSE:* The subject site is not within the service area of the ABCWUA and as such; a Service Connection Agreement will be required and approved by the ABCWUA Board. The Agreement is being prepared by the Water Authority and will be send to our attention this week. Once signed off by the Owner, it will be processed through Mark Sanchez's office and then presented to the ABCWUA Board for official action.

2. Serviceability statement also indicates that fire flow cannot be met from the single fire hydrant from the onsite public 6" waterline. Two hydrants are required to meet the fire flow, with connections to both the public 6" waterline onsite and the public 8" waterline along Crown Rd.

*APPLICANT'S RESPONSE:* An additional Fire Hydrant was added off of the unused fire stub along the south side of Crown Rd. See Keyed Note #1 and #8 for fire hydrant locations.

3. The utility plan indicated an irrigation stub from the domestic private waterline. Coordinate with Cross Connection for the locations of the containment devices.

*APPLICANT'S RESPONSE:* The irrigation system will be isolated from the domestic service line by a backflow preventer.

4. How is Tract 2 to the south (Walgreens) being served? Possibly from Crown Rd.? Project #26-7772.82-09 installed two water meters along the south side of Crown Rd. There may be a need to provide a private waterline easement. It is understood that there is a Declaration of Reciprocal Easements with Covenants, Conditions and Restrictions. Does this account for the private waterline easement for the development to the south?

*APPLICANT'S RESPONSE:* Walgreen's is served by the existing public water line off of Crown Rd. that runs in from of the proposed site in a 20' wide Public Water line Easement. A private waterline easement is not needed.

5. Is the existing fire hydrant serving Walgreens being supplied by the 6" public waterline on the subject site? If so, the proposed fire hydrant is connecting to the private fire line owned by Walgreens which may be covered in the Declaration of Reciprocal Easements with Covenants, Conditions and Restrictions mentioned above?

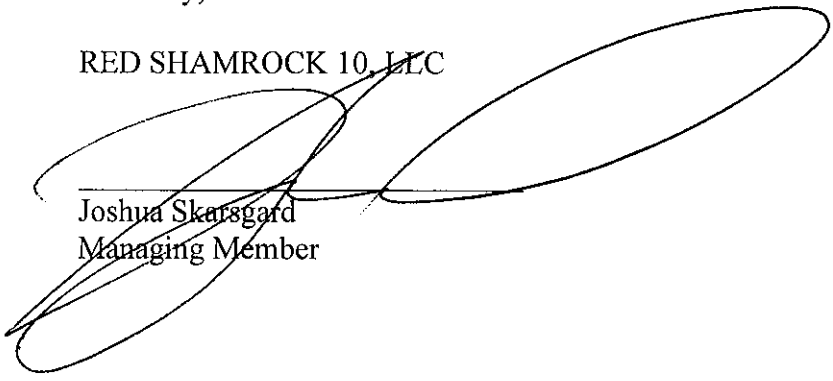
*APPLICANT'S RESPONSE:* The Walgreen's fire suppression line is an existing private fire line off of the existing public water line as stated. The right to cross the property line is allowed by the existing Declaration of Reciprocal Easements with Covenants, Conditions and Restrictions. covering the two tracts.

#### **CONCLUSION:**

If you have any questions or concerns regarding this Application, please contact me using the following contact information: Joshua Skarsgard - 8220 San Pedro NE Suite 500 Albuquerque, NM 87113 - Phone: 505-262-2323 E-mail: [josh@retailsouthwest.com](mailto:josh@retailsouthwest.com). I, Josh Skarsgard, am the managing member of Red Shamrock 10, LLC the new Owner of the Subject Property (and therefore an updated Agency Authorization letter will not accompany this letter).

Sincerely,

RED SHAMROCK 10, LLC



Joshua Skarsgard  
Managing Member