OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 12, 2012

Project# 1008069
12DRB-70281 VACATION OF PRIVATE EASEMENT

GORDON SKARSGARD agent(s) for RESOLUTION EQUITIES LLC request(s) the above action(s) for all or a portion of Lot(s) 20-A, Block(s) 10, **NORTH ALBUQUERQUE ACRES Unit(s) 3,** zoned SU-2, located on HOLLY BETWEEN WYOMING AND LOUISIANA containing approximately .568 acre(s). (C-19)

At the September 12, 2012 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B)(1)(3) of the Subdivision Ordinance.

Findings
The application was filed by the owner of all the footage of land abutting the proposed vacation.

The public welfare is in no way served by retaining this portion of easement; the City of Albuquerque does not anticipate any need to utilize the existing easement for roadway purposes.

There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right; all the benefitted and burdened parties of the easement have been clearly defined and have agreed in writing to the vacation.

CONDITIONS:

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

If you wish to appeal this decision, you must do so by September 27, 2012 in the manner described below.

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

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

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

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

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

Jack Cloud, DRB Chair

Cc: Gordon Skarsgard
Marilyn Maldonado
file

COMPLETED 05/26/10 SH

DRB CASE ACTION LOG

(Preliminary/Final Plat)

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

DRB Application No.: 10*DRB-70028* Project # *1008069*

Project Name: *North Albuquerque Acres*

Agent: *Joshua Skarsgard* Phone No.:

Your request was approved on 2-17-10 by the **DRB with delegation of signature(s) to the following departments.**

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

- ☐ **TRANSPORTATION**:
- ☐ **ABCWUA**:
- ☐ **CITY ENGINEER / AMAFCA**:
- ☐ **PARKS / CIP**:
- ☑ **PLANNING (Last to sign)**: for subdivision completion of site plan ✓
- ☐ **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.**

DRB CASE ACTION LOG
(Preliminary/Final Plat)

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

DRB Application No.: 10*DRB-70028* Project # *1008069*

Project Name: *North Albuquerque Acres*

Agent: *Joshua Skarsgard* Phone No.:

Your request was approved on 2-17-10 by the **DRB with delegation of signature(s) to the following departments.**

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

- ☐ **TRANSPORTATION**:
- ☐ **ABCWUA**:
- ☐ **CITY ENGINEER / AMAFCA**:
- ☐ **PARKS / CIP**:
- ☒ **PLANNING (Last to sign)**: - completion of site plan for subdivision

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

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

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

8069

DXF Electronic Approval Form

DRB Project Case #: 1008069

Subdivision Name: NORTH ALBUQUERQUE ACRES UNIT 3 TRACT 2 BLOCK 10 LOTS 20A & 21A

Surveyor: ANTHONY L HARRIS

Contact Person: ANTHONY L HARRIS

Contact Information: 889-8056

DXF Received: 2/19/2010 Hard Copy Received: 2/19/2010

Coordinate System: Ground rotated to NMSP Grid

Approved — Date: 02.23.2010

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

AGIS Use Only

Copied fc **8069** to agiscov on **2/23/2010** Contact person notified on **2/23/2010**

COMPLETED 05/17/10 SH

DRB CASE ACTION LOG
(Site Plan Subdivision)

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

DRB Application No.: 10*DRB-70027* Project #: [redacted]*1008069*

Project Name: *North Albuquerque Acres*

Agent: *Joshua Skarsgard* Phone No.:

Your request was approved on 2-17-10 by the **DRB with delegation of signature(s) to the following departments.**

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

- ☐ **TRANSPORTATION**:
- ☐ **ABCWUA**:
- ☐ **CITY ENGINEER / AMAFCA**:
- ☐ **PARKS / CIP**:
- ☑ **PLANNING (Last to sign)**: - case planner approval
- ☐ **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.**

DRB CASE ACTION LOG
(Site Plan Subdivision)

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

DRB Application No.: 10*DRB-70027* Project #: *1008069*

Project Name: *North Albuquerque Acres*

Agent: *Joshua Skarsgard* Phone No.:

Your request was approved on 2-17-10 by the **DRB with delegation of signature(s) to the following departments.**

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

- ☐ **TRANSPORTATION**:
- ☐ **ABCWUA**:
- ☐ **CITY ENGINEER / AMAFCA**:
- ☐ **PARKS / CIP**:
- ☑ **PLANNING (Last to sign)**: - case planner approval
- ☐ **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:** _____
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- ☐ **3 copies of the approved site plan. Include all pages.**
- ☐ **County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- ☐ **Property Management's signature must be obtained prior to Planning Department's signature.**
- ☐ **AGIS DXF File approval required.**
- ☐ **Copy of recorded plat for Planning.**

COMPLETED 05/17/10 SH Kevin K.

DRB CASE ACTION LOG

(Site Plan Building Permit)

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

DRB Application No.: 10*DRB-70026* Project # *1008069*

Project Name: *North Albuquerque Acres*

Agent: *Joshua Skarsgard* Phone No.:

Your request was approved on 2-17-10 by the **DRB with delegation of signature(s) to the following departments.**

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

- ☐ **TRANSPORTATION**:
- ☐ **ABCWUA**:
- ☒ **CITY ENGINEER / AMAFCA**: - 5/A ←→
- ☐ **PARKS / CIP**:
- ☒ **PLANNING (Last to sign)**: Case plandes approval

- ☐ **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.**

DRB CASE ACTION LOG

(Site Plan Building Permit)

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

DRB Application No.: 10*DRB-70026* Project # *1008069*

Project Name: *North Albuquerque Acres*

Agent: *Joshua Skarsgard* Phone No.:

Your request was approved on 2-17-10 by the **DRB with delegation of signature(s) to the following departments.**

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

☐ **TRANSPORTATION**:

☐ **ABCWUA**:

☑ **CITY ENGINEER / AMAFCA**: - SIA

☐ **PARKS / CIP**:

☑ **PLANNING (Last to sign)**: Case planner approval

☐ **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.**

8069

DXF Electronic Approval Form

DRB Project Case #: 1008069

Subdivision Name: NORTH ALBUQUERQUE ACRES UNIT 3 TRACT 2 BLOCK 10 LOTS 20A & 21A

Surveyor: ANTHONY L HARRIS

Contact Person: ANTHONY L HARRIS

Contact Information: 889-8056

DXF Received: 1/22/2010 Hard Copy Received: 1/22/2010

Coordinate System: Ground rotated to NMSP Grid

Approved

01-25-2010
Date

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

AGIS Use Only

Copied fc **8069** to agiscov on **1/25/2010** Contact person notified on **1/25/2010**

3. **Project# 1007871**
09DRB-70379 MAJOR - PRELIMINARY PLAT APPROVAL
09DRB-70380 SIDEWALK WAIVER
09DRB-70381 SUBDIVISION DESIGN VARIANCE FROM MIN DPM STDS

ISAACSON AND ARFMAN PA agent(s) for BISHOP'S COMPOUND, LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 2 & 3, **ALVARADO GARDENS UNIT 3 [**TBKA **BISHOP'S COMPOUND],** zoned R-LT, located on CANDELARIA RD NW between RIO GRANDE BLVD NW and CALLE SAN YSIDRO NW containing approximately 1.3379 acre(s). (G-12) *[Deferred from 1/6/10, 1/27/10]* **DEFERRED TO 3/10/10 AT THE AGENT'S REQUEST.**

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

4. **Project# 1005437**
10DRB-70042 MAJOR - AMENDED SDP BP/SUBD

MARBLE BREWERY request(s) the above action(s) for all or a portion of Lot(s) 9-12, Block(s) 5, **SU-2** located on MARBLE AVE SW BETWEEN 1ST NW AND 2ND ST NW (J-14) **THE AMENDED SITE PLAN FOR BUILDING PERMIT AND SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO INCLUDE THE LATEST APPROVED PLAN AS SHEET 2, AND 3 COPIES OF THE APPROVED SITE PLAN PLUS MYLAR.**

5. **Project#-1008069**
10DRB-70026 EPC APPROVED SDP FOR BUILD PERMIT
10DRB-70027 EPC APPROVED SDP FOR SUBDIVISION
10DRB-70028 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

JOSHUA SKARSGARD agent(s) for RESOLUTION EQUITITES LLC request(s) the above action(s) for all or a portion of Lot(s) 13 & portions of 20 &21, **NORTH ALBUQUERQUE ACRES,** zoned SU-2 MU, located on HOLLY AVE NE BETWEEN WYOMING NE AND PASEO DEL NORTE NE containing approximately 1.75 acre(s). (C-19)*[Deferred from 1/27/10]* **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND TO PLANNING FOR CASE PLANNER APPROVAL. THE SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR CASE PLANNER'S INITIALS. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 2/27/10, THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR COMPLETION OF THE SITE PLANE FOR SUBDIVISION AND COPY OF AGIS DXF FILE.**

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1008069 **AGENDA ITEM NO: 5**

SUBJECT:

Site Plan for Subd
Site Plan for BP
Final Plat
Preliminary Plat

ACTION REQUESTED:

PO Box 1293

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

Albuquerque

ENGINEERING COMMENTS:

An approved Subdivision Improvements Agreement with financial guarantees is required for Site Development Plan sign-off.

NM 87103

An approved conceptual drainage plan is required for Site Development Plan sign-off.
Comments on plat.

www.cabq.gov

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: January 27, 2010

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1008069 AGENDA ITEM NO: 5

SUBJECT:
FINAL PLAT
PRELIMINARY PLAT
SITE PLAN FOR BUILDING PERMIT
SITE PLAN FOR SUBDIVISION

ENGINEERING COMMENTS:

Plat Comments:
Provide an exhibit showing the location of sidewalk and defining the distance from face of curb to the property line. Right of way dedication may be required.
The site plan shows connections to Lot 22 and Tract A as well as Lot 20A. Cross access easements must be provided for these lots.

Site Plan Comments:
Additional information regarding the TIS is required: Please see EPC condition 3c. Condition 3c specifies that the applicant must provide proof of completion of all required improvements. This must be completed prior to approval.
A copy of the cross access easements with adjacent property owners must be provided with this submittal. See EPC condition 3d.
A 6-foot wide pedestrian connection is shown tying to Tract A. Clarify what this connection will tie to. Why is this path not ADA accessible? (See EPC condition 4f)
Provide details for all ramps.
The entrance off of Holly Avenue must have ramps on both sides.
Sidewalk is required along the entire frontage of Holly Avenue.

Infrastructure List Comments:
Holly Avenue from west property line to east property line: 24 feet of permanent pavement plus 4 foot sidewalk (south side) is required.

TIS – PLAZA AT LA CUEVA: WYOMING AND PASEO DEL NORTE TRAFFIC IMPACT STUDY (BHI, 2004)

RESOLUTION:

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

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

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

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

DATE: JANUARY 27, 2010

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1008069 AGENDA ITEM NO: 5

SUBJECT:
FINAL PLAT
PRELIMINARY PLAT
SITE PLAN FOR BUILDING PERMIT
SITE PLAN FOR SUBDIVISION

ENGINEERING COMMENTS:

Plat Comments:
Provide an exhibit showing the location of sidewalk and defining the distance from face of curb to the property line. Right of way dedication may be required.
The site plan shows connections to Lot 22 and Tract A as well as Lot 20A. Cross access easements must be provided for these lots.

Site Plan Comments:
Additional information regarding the TIS is required. Please see EPC condition 3c. Condition 3c specifies that the applicant must provide proof of completion of all required improvements. This must be completed prior to approval.
A copy of the cross access easements with adjacent property owners must be provided with this submittal. See EPC condition 3d.
A 6-foot wide pedestrian connection is shown tying to Tract A. Clarify what this connection will tie to. Why is this path not ADA accessible? (See EPC condition 4f)
Provide details for all ramps.
The entrance off of Holly Avenue must have ramps on both sides.
Sidewalk is required along the entire frontage of Holly Avenue.

Infrastructure List Comments:
Holly Avenue from west property line to east property line: 24 feet of permanent pavement plus 4 foot sidewalk (south side) is required.

TIS – PLAZA AT LA CUEVA: WYOMING AND PASEO DEL NORTE TRAFFIC IMPACT STUDY (BHI, 2004)

RESOLUTION:

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

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

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

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

DATE: JANUARY 27, 2010

MEMO

Date: February 9, 2010

To: Jack Cloud, DRB Chair

cc: Josh Skarsgard, Esq., via email

From: Carol Toffaleti, Planner
Current Planning Division, City of Albuquerque Planning Department
Tel 924-3345, cgtoffaleti@cabq.gov

Re: Project #1008069, 09EPC-40064 & 40063, SDPs for Subdivision & Building Permit, Holly/Paseo de Norte

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I have the following comments on the revised DRB submittal dated Feb. 2, 2010:

09EPC-40064 SDP for Subdivision – All EPC conditions of approval have been met.

09EPC-40063 SDP for Building Permit – The EPC conditions of approval have been met with the following exceptions:

9.j Since the applicant has decided to use a temporary sprinkler system on lot 13 for the native seed, this information needs to be added to the irrigation information on L002, and the second sentence under Plant Legend (off-site), Crimp straw/native seed should be deleted on sheets L001 & L002.

9.k In the landscape calculations, the section on landscape requirements is fine. However, the rest of the calculations should be corrected:

Total landscaped bed provided	15081 sf (31%)
incl. 7284 off-site (public ROW)	[since this area is part of provided bed]
Live cover requirement	75%
Total live cover requirement	11311 sf
Total live cover provided	…sf (…%) [fill in]
Temporary off-site provided (lot 13)	16891 sf

11. The curb cuts for rainwater harvesting need to be called out on the landscape plan.

14. In Elevation #1, the column and portico on the left side of the building should be keyed "9 & 6 beyond".

In elevation #3, the storefront must be labeled "no entry".

Please contact me if you have any questions or concerns.

Carl

M E M O

Date: Jan. 26, 2010

To: Jack Cloud, DRB Chair

From: Carol Toffaleti, Planner
Current Planning Division, City of Albuquerque Planning Department
Tel 924-3345, cgtoffaleti@cabq.gov

Re: Project #1008069, 09EPC-40064 & 40063, SDPs for Subdivision and Building Permit – Holly & Paseo del Norte

---

The EPC approved the dual request at a public hearing on December 17, 2009.

Approval of the site development plan for subdivision (09EPC 40064) was subject to 15 conditions. The staff planner delegates review of condition #3 to the City Engineer. The other conditions have been met with the following exceptions:

12. General Note J should be based on the exact language in the condition, i.e. "If a free-standing sign on lot 20 is approved by the ZHE that includes advertising for tenants on lot 13, the total sign face of building mounted signs on lot 13 shall not exceed 10% of the total façade area."

14.c General Note H should be based on the exact language in the condition, i.e. "If a free-standing sign on lot 20 is approved by the ZHE, the total sign face area of building mounted signs on lot 20 shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the façade area of each tenant's premises for south elevations and 10% for other elevations."

Approval of the site development plan for building permit (09EPC 40063) was subject to 17 conditions. The staff planner delegates review of condition #4 to the City Engineer, but requests confirmation under 4.b that cross-access with the property-owners of lots 22 and 9A includes pedestrian as well as vehicular cross-access to comply with the site plan for subdivision. Also, Keyed Note 20 should include ", including pedestrian access." The other conditions have been met with the following exceptions:

9. Landscape Plan

   a. The location of the sidewalk is shown correctly on the site development plan, but is contrary to what is stated in the cover letter. For clarity, the trees should be labeled "street" not "shade" trees on the plan and in the plant legends.

   e. 3 trellises on the west elevation of Building 1 were approved by the EPC, but are missing from the elevations sheet. Additional vines are required for these and for one trellis on the north elevation.

f. The proposed Broom Baccharis is too wide to maintain access and should be replaced with a narrower plant, such as Potentilla, English Lavender, Salvia Greggii.

j. Include lbs/acre in plant legends on both sheets of landscape plan. For clarity, state that the native seed/wildflower mix on lot 13 is planted with development of lot 20 and is temporary until lot 13 is developed. Staff questions whether the proposed # of lbs/acre is sufficient to achieve 75% live cover, particularly on lot 13 where no irrigation is provided. Increase # of lbs/acre in both off-site areas and state that lot 13 will be watered manually to ensure adequate germination and 75% live cover.

k. Correct calculations: to reflect the total site area indicated under site data on sheet 1; to distinguish permanent off-site area in the Paseo del Norte ROW from temporary off-site area on lot 13.

10.a For clarity, insert "including restaurant patio" at end of Keyed Note 36.

11. Call out the curb cuts in the landscaped end islands of the north parking area on the site development plan and landscape plan.

14. Elevations:

d. The notes are legible, but the elevations themselves are dark, which makes the façade design unclear and the typ. dimensions of doors and windows illegible. The following also need correcting:

- Three trellises are missing from #1 west elevation of Building 1
- The column on the left side of the west elevation of Building 1 is confusing. Eliminate it or label it "9. beyond (on Bldg 2)".
- Label the storefront on #3 east elevation of Building 2 "no entry" (since the path is less than 15' along this façade).

15.b General Note M: use same language as in comment under SDP for subdivision for condition 14.c

Please contact me if you have any questions or concerns.

Carol Iaffaldi

HEARING DATE 1-27-10 (SBP, SPS)(P/F)

FIGURE 12
INFRASTRUCTURE LIST

Project Number: _____

ORIGINAL

Date Submitted 2-17-10
Date Site Plan Approved 2-17-10
Date Preliminary Plat Approved _____
Date Preliminary Plat Expires _____
DRB Project No. 1008069
DRB Application No.: _____

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (DRB) REQUIRED INFRASTRUCTURE IMPROVEMENTS LIST

7441 & 7501 Paseo Del Norte

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 13, 20 &21, Block 10, Tract 2, Unit 3, North Albuquerque Acres, Albuquerque, Bernalillo County, New Mexico

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of **PUBLIC/PRIVATE** Infrastructure required to be constructed 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 on the related portions of the financial guarantee. All such revisions require approval from the DRC Chair, the User Department and agent/owner. If such approvals are obtained, those 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 Constr: Engineer
		6"	Fire Hydrants - 2 each	Project Site			/	/	/
		8" Dia	Waterline - 515 LF	Project Site	Holly Ave.	Site	/	/	/
		8" Dia	Waterline - 330 LF	Holly Ave.	P.L. – tract A	West PL	/	/	/

FIGURE 12
INFRASTRUCTURE LIST

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E	City Const Engineer
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
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FIGURE 12
INFRASTRUCTURE LIST

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

Approval of Creditable Items:

Impact Fee Administrator Date

Approval of Creditable Items:

City User Dept. Signature Date

FIGURE 12
INFRASTRUCTURE LIST

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	
JOSH SEARSONRD	2-17-10	Christina Sandoval 2/17/10
NAME [print]	DRB CHAIR – date	PARKS & GENERAL RECREATION – date
	02/17/10	
FIRM	TRANSPORTATION DEVELOPMENT – date	AMAFCA – date
2/17/0010	02/17/10	_____
SIGNATURE – date	UTILITY DEVELOPMENT – date	_____-date
	Bradley L. Bingham 2/17/10	_____
	CITY ENGINEER – date	_____-date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

09/04/2012 Issued By: E08375 161323

Category Code 910
2012 070 281

Application Number: **12DRB-70281**, Vacation Of Private Easement

Address:

Location Description: HOLLY BETWEEN WYOMING AND LOUISIANA

Project Number: 1008069

Applicant
RESOLUTION EQUITIES LLC

8220 SAN PEDRO SE STE 500
ALBUQUERQUE NM 87113

Agent / Contact
GORDON SKARSGARD

8220 SAN PEDRO NE STE 500
ALBUQUERQUE NM 87113
5052622323

Application Fees	
APN Fee	
Conflict Mgmt Fee	**$20.00**
DRB Actions	**$45.00**
TOTAL:	**$65.00**

City of Albuquerque Treasury
State Date:9/4/2012 Office:ANNEX
Batch ID:WS0000008 Cashier:TRSSIV
Permit: 697 Trans #:39
Receipt: 20120702311
Payment Num 00049439
Payment Total:$65.00

0901 Conflict Manag. Fee	$20.00
0903 DRB Actions	$45.00
Check Tendered :	$65.00

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

10/02/2012 Issued By: BLDAVM 165172

Category Code 910
2012 070 313

Application Number: **12DRB-70313**, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: HOLLY BETWEEN WYOMING AND LOUISIANA

Project Number: 1008069

Applicant
RESOLUTINO EQUITIES LLC

8220 SAN PEDRO NE, SUITE 500
ALBUQUERQUE NM 87113

Agent / Contact
GORDON SKARSGARD

8220 SAN PEDRO NE, SUITE 500
ALBUQUERQUE NM 87113
5052622323

Application Fees		
APN Fee		
Conflict Mgmt Fee		$20.00
DRB Actions		$215.00
	TOTAL:	$235.00

City of Albuquerque Treasury
Date:10/2/2012 Office:ANNEX
Stat ID:WS000008 Cashier:TRSSIV
Batch: 826 Trans #:18
Permit: 2012070313
Receipt Num 00058145
Payment Total:$235.00
0901 Conflict Manag. Fee $20.00
0903 DRB Actions $215.00
Check Tendered : $235.00

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

HYDROLOGY DEVELOPMENT SECTION
DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1008069

AGENDA ITEM NO: 8

SUBJECT:

Vacation of Private Easement

ENGINEERING COMMENTS:

Hydrology has no objection.

RESOLUTION/COMMENTS:

SIGNED:

Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

DATE: 9-12-12

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1008069 AGENDA ITEM NO: 8

SUBJECT:

VACATION OF PRIVATE EASEMENTS

ENGINEERING COMMENTS:

No adverse comments.

Disclaimer: The comments provided are based upon the information received from the applicant. If new or revised information is submitted, additional comments may be provided by Transportation Development.

RESOLUTION:

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

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

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

SIGNED: Kristal D. Metro DATE: SEPTEMBER 12, 2012
Transportation Development 505-924-3991

Figure 12
INFRASTRUCTURE LIST

Project Number 1008069

Date Submitted _____
Date Site Plan Approved_____
Date Preliminary Plat Approved_____
Date Preliminary Plat Expires _____
DRB Project No._____
DRB Application No.: _____.

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (DRB) REQUIRED INFRASTRUCTURE IMPROVEMENTS LIST

Vila Tuscana / SDP for Building Permit and SDP for Subdivision
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lot 13 and portions of 20 & 21 Block 10 Unit 3 Tract 2
North Albuquerque Acres
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC:PRIVATE infrastructure required to be constructed 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 on the related portions of the financial guarantee. All such revisions require approval from the DRC Chair, the User Department and agent/owner. If such approvals are obtained, those 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.

SIA Seq #	COA DRC Proj #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Const Engineer
___	___	8"ϕ	WATERLINE +/- 330 LF	HOLLY AVE.	EAST E.O.L	WEST P.L	__/__	__/__	__/__
___	___	6"ϕ	WATER LINE +/- 494 LF	ON SITE	HOLLY	F.H.'s	__/__	__/__	__/__
___	___	6"	GATE VALVES 3-EACH	ON SITE			/	/	/
___	___	6"	FIRE HYDRANTS 2-EACH	ON SITE	___	___	__/__	__/__	__/__
___	___	4"	SIDEWALK-PCC +/- 100 LF - 6'-0" WIDE	HOLLY AVE.	DRIVE	WEST P.L	__/__	__/__	__/__
___	___	6"	DRIVE PAD - PCC W/ FILLETS	HOLLY AVE.	___	___	__/__	__/__	__/__
___	___	1½"ϕ	WATER METER + BOX	HOLLY AVE.			/	/	/
		2' WIDE	SIDEWALK CULVERT	PASSO DEL NORTE	___	___	__/__	__/__	__/__

Figure 12
INFRASTRUCTURE LIST

SIA Seq #	COA DRC Proj #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Const Engineer
									/

NOTES

1

2

3

AGENT/OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS	
NAME (print)	DRB CHAIR – date	PARKS & GENERAL RECREATION – date
TITLE	TRANSPORTATION DEVELOPMENT – date	AMAFCA – date
SIGNATURE – date	UTILITY DEVELOPMENT – date	_____ date

MAXIMUM TIME ALLOWED TO CONSTRUCT THE IMPROVEMENTS WITHOUT A TIME EXTENSION: _____

CITY ENGINEER · date

_____-date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

8069

DXF Electronic Approval Form

DRB Project Case #: 1008069

Subdivision Name: LOT 20A1, BLOCK 10, TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES

Surveyor: ANTHONY L HARRIS

Contact Person: ANTHONY L HARRIS

Contact Information: 889-8056

DXF Received: 10/22/2012 Hard Copy Received: 10/22/2012

Coordinate System: NMSP Grid (NAD 83)

Approved

10-23-12

Date

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

AGIS Use Only

Copied fc **8069** to agiscov on **10/23/2012** Contact person notified on **10/23/2012**

DRB CASE ACTION LOG - BLUE SHEET

☒ *Preliminary/Final Plat [FP]*

☐ *Site Plan - Subdivision [SPS]*

☐ *Site Plan - Building Permit [SBP]*

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

Project #: 1008069/1009359 *Application #:* 12DRB-70313

Project Name: North Albuquerque Acres

Agent: Gordon Skarsgard *Phone #:*

****Your request was approved on** 12/10/12 **by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed****

☐ **TRANSPORTATION:**

☐ **ABCWUA:**

☐ **CITY ENGINEER / AMAFCA:**

☐ **PARKS / CIP:**

☐ **PLANNING (Last to sign):** revise drainage easement
dxf files titled and dated
cover sheet signature

PLATS:

☐ **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.
-County Treasurer's signature must be obtained prior to the recording of the plat with 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.**

ALL SITE PLANS:

☐**3 copies of the approved site plan. Include all pages.**

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental Form (SF)

SUBDIVISION — **S**
- ___ Major subdivision action
- ✓ Minor subdivision action
- **V** ___ Vacation
- ___ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN — **P**
- ___ for Subdivision
- ___ for Building Permit
- ___ Administrative Amendment/Approval (AA)
- ___ IP Master Development Plan
- **D** ___ Cert. of Appropriateness (LUCC)

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

Z **ZONING & PLANNING**
- ___ Annexation
- ___ Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- ___ Adoption of Rank 2 or 3 Plan or similar
- ___ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- ___ Street Name Change (Local & Collector)

L **A** **APPEAL / PROTEST of...**
- ___ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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): Gordon Skarsgard PHONE: 505-262-2323
ADDRESS: 8220 San Pedro NE Suite 500 FAX: 505-998-9099
CITY: Albuquerque STATE NM ZIP 87113 E-MAIL: Skip@ziarisingnm.com

APPLICANT: Resolution Equities LLC PHONE: 505-262-2323
ADDRESS: 8220 San Pedro NE Suite 500 FAX: 505-998-9099
CITY: Albuquerque STATE NM ZIP 87113 E-MAIL: ___
Proprietary interest in site: owner List all owners: ___

DESCRIPTION OF REQUEST: approval of final plat

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. 20-A Block: 10 Unit: 3
Subdiv/Addn/TBKA: North Albuquerque Acres
Existing Zoning: SU-2 Proposed zoning: ___ MRGCD Map No ___
Zone Atlas page(s): C-19 UPC Code: 101906420603630120

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Project 1008069 12DRB-70281

CASE INFORMATION:

Within city limits? ✓ Yes Within 1000FT of a landfill? no
No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): .568 acres

LOCATION OF PROPERTY BY STREETS: On or Near: Holly Ave
Between: Wyoming NE and Louisiana NE

Check if project was previously reviewed by: Sketch Plat/Plan ☐ or Pre-application Review Team(PRT) ☐. Review Date: ___

SIGNATURE Gordon Skarsgard DATE 9/25/12
(Print Name) Gordon Skarsgard, Managing Member Applicant: X Agent

FOR OFFICIAL USE ONLY **Revised: 4/2012**

- ☑ **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
12DRB-70313	P&F	___	$215.00
___	CmF	___	$20.00
___	___	___	$___
___	___	___	$___
___	___	___	$___
			Total $235.00

Hearing date Oct. 10, 2012

10-2-12
Staff signature & Date

Project # 1008069

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

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

☐ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Your attendance is required.**
- __ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 **copies**
- __ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ List any original and/or related file numbers on the cover application

☐ **EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)** **Your attendance is required.**
- __ Preliminary Plat reduced to 8.5" x 11"
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ Copy of DRB approved infrastructure list
- __ Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- __ List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)** **Your attendance is required.**
- __ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- __ Design elevations & cross sections of perimeter walls **3 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- __ Copy of recorded SIA
- __ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- __ List any original and/or related file numbers on the cover application
- __ DXF file and hard copy of final plat data for AGIS is required.

☑ **MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)** **Your attendance is required.**
- NA 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 ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- NA Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- NA 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
- NA Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- ✓ Fee (see schedule) – take check
- ✓ List any original and/or related file numbers on the cover application
- NA 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.

Resolution Equities LLC Managing Member
by Gordon L. Skaksgard,
Applicant name (print)

Applicant signature / date 9-25-12

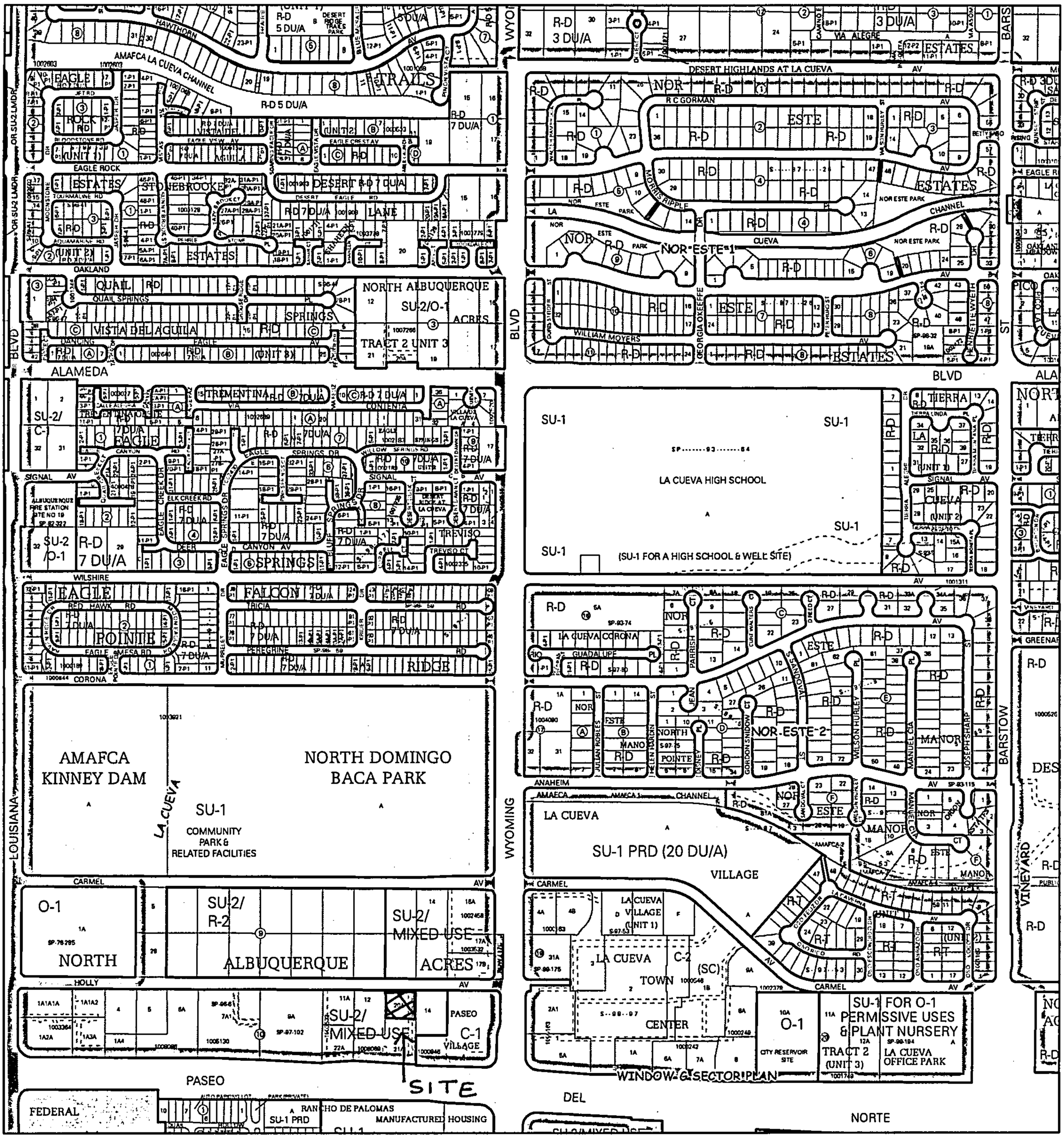
Form revised **October 2007**

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

Application case numbers 12 - DRB 70313
____ - ____ - ____
____ - ____ - ____

10-2-12
Planner signature / date

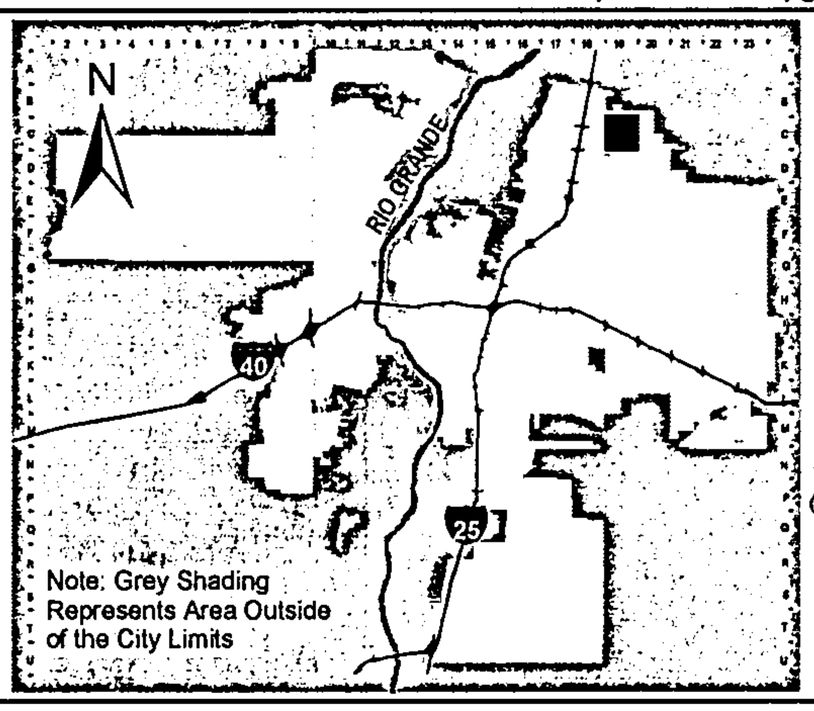
Project # 1008069



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

Albuquerque Geographic Information System

Map amended through: 4/2/2012



Zone Atlas Page:

C-19-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

Feet: 0 — 750 — 1,500

September 25, 2012

City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87103

Dear Planning Department:

Please be advised that Gordon L. Skarsgard represents the Applicant for an application for Minor Subdivision Preliminary/Final Plat Approval and an application for an Administrative Amendment to the Site Development Plan for Subdivision for the real property described as Lot 20-A, Block 10, Unit 3 in North Albuquerque Acres. The subject site is located at the northwest corner of the Paseo del Norte and Wyoming Blvd. intersection just west of the Paseo Village shopping center and contiguous to the Holly Ave.

The attached final application is being requested to finalize the plat showing a vacation of private easement that would reduce the size of the private easement from 30' to 27' located along the easterly portion of Lot 21A. This 3' vacation of private easement was heard by the DRB on September 12, 2012 and approved unanimously.

In conjunction with the final plat application, the Applicant is also submitting an Administrative Amendment to the Site Development Plan for Subdivision to amend the SDP for Subdivision to reflect the 3' reduction to the private easement.

Below is my contact information. Please feel free to contact me with any questions or comments.

Gordon L. Skarsgard
8220 San Pedro NE Suite 500
Albuquerque, NM 87113
Phone: 505-262-2323
Fax: 505-998-9099

Sincerely,

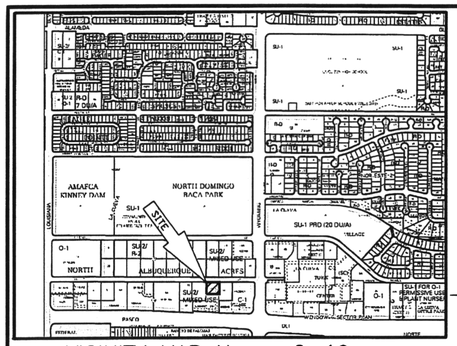
Gordon L. Skarsgard

Application # :

PROJECT # 10080169

12-70313

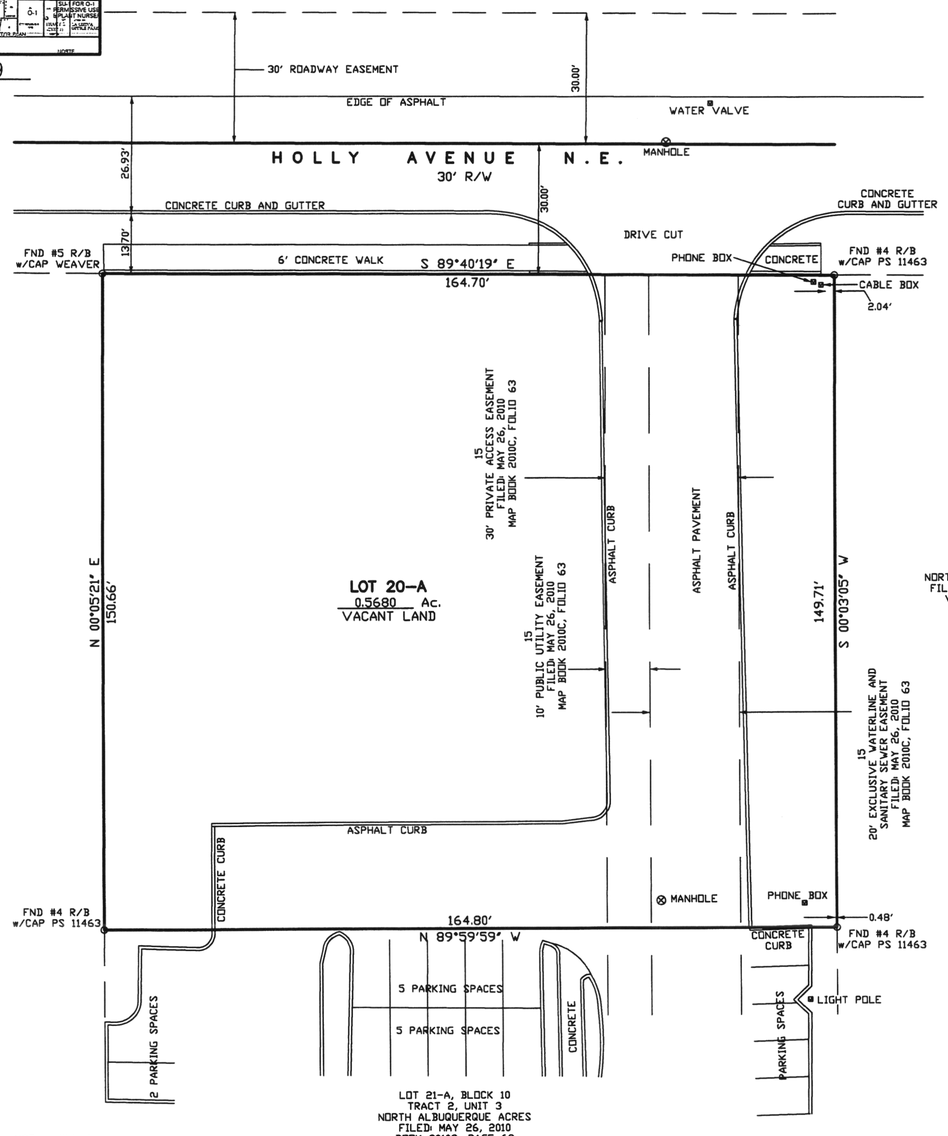
SITE SKETCH



VICINITY MAP No. C-19

LEGAL DESCRIPTION:
LOT NUMBERED TWENTY-A (20-A) IN BLOCK NUMBERED TEN (10), TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON MAY 26, 2010 IN MAP BOOK 2010C, FOLIO 63

A.L.T.A / A.C.S.M. LAND TITLE SURVEY
OF
LOT 20-A, BLOCK 10
TRACT 2, UNIT 3
NORTH ALBUQUERQUE ACRES
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JUNE, 2012



20' 10' 0 20'
SCALE: 1" = 20'

The property shown hereon is NOT within the 100 year flood plain. Zone" X ", FIRM Panel # 35002C0141G Dated: SEPTEMBER 26, 2008

GENERAL NOTES:

1: OWNER OF RECORD PER FIDELITY NATIONAL TITLE CO. TITLE BINDER DATED: APRIL 26, 2012 IS RESOLUTION EQUITIES, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY
2: LEGAL DESCRIPTION AND EASEMENTS SHOWN WERE PROVIDED BY FIDELITY NATIONAL TITLE CO. COMMITMENT No. FTO00102470-DORAKM
3: PLATS USED TO ESTABLISH BOUNDARY.
A: PLAT OF LOTS 20-A AND 21-A, BLOCK 10 TRACT 2, UNIT 3 NORTH ALBUQUERQUE ACRES FILED: MAY 26, 2010 IN MAP BOOK 2010C, FOLIO 63
4: FIELD WORK PERFORMED ON: JUNE, 2012
5: PARKING
HANDICAP: 0
REGULAR: 0
TOTAL: 0
6: CURRENT ZONING: SU-2/MIXED USE

GENERAL NOTES:

ITEM NO. 12. ARE THE COVENANTS, CONDITION, RESTRICTIONS, TERMS, PROVISIONS AND EASEMENTS RECORDED IN BOOK 174, PAGE 108, RECORDS OF BERNALILLO COUNTY, NEW MEXICO BUT DELETING ANY COVENANT CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C). NO EASEMENTS ARE NOTED.

ITEM NO. 13. ARE THE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS FOR VILLA TOSCANA RECORDED JULY 6, 2010 AS DOCUMENT NUMBER 2010-64384, RECORDS OF BERNALILLO COUNTY, NEW MEXICO WHICH AFFECT THIS PROPERTY BUT CANNOT BE PLOTTED.

ITEM NO. 14. IS AN AGREEMENT TO ABATE RECORDED N BOOK 9805, PAGE 9359, AS DOCUMENT NO. 1998020821, RECORDS OF BERNALILLO COUNTY, NEW MEXICO WHICH AFFECTS THIS PROPERTY BUT CANNOT BE PLOTTED.

ITEM NO. 15. ARE EASEMENTS AND RESTRICTIONS AS SHOWN ON THE RECORDED PLAT, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MAY 26, 2010, IN PLAT BOOK 2010C, FOLIO 63 AS DOCUMENT NO. 2020047178 WHICH ARE SHOWN HEREON.

ITEM NO. 16. ARE PERPETUAL MUTUAL EASEMENT (UTILITIES AND ACCESS) RECORDED DECEMBER 31, 2008, AS DOCUMENT NO. 2009141318, RECORDS OF BERNALILLO COUNTY, NEW MEXICO WHICH AFFECT THIS PROPERTY BUT CANNOT BE PLATTED.

ITEM NO. 17. ARE MUTUAL EASEMENT FOR UTILITIES AND ACCESS RECORDED MAY 25, 2010 AS DOCUMENT NO. 2010045756, RECORDS OF BERNALILLO COUNTY, NEW MEXICO WHICH AFFECT THIS PROPERTY BUT CANNOT BE PLOTTED.

ITEM NO. 18. IS A DECLARATION OF PRIVATE ACCESS EASEMENT AND PRIVATE ACCESS EASEMENT MAINTENANCE AGREEMENT RECORDED NOVEMBER 16, 2011 AS DOCUMENT NUMBER 2011-104633, RECORDS OF BERNALILLO COUNTY, NEW MEXICO WHICH AFFECT THIS PROPERTY BUT CANNOT BE PLOTTED.

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

CERTIFY TO: PHIL M BACA AND LAURIE BACA AND FIDELITY NATIONAL TITLE COMPANY

I, ANTHONY L. HARRIS, A PROFESSIONAL SURVEYOR, LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THERE ARE NO ENCROACHMENTS FROM THIS PROPERTY TO ADJOINING PROPERTIES OR FROM ADJOINING PROPERTIES TO THIS PROPERTY UNLESS HEREON SHOWN. I FUTURE CERTIFY THAT THIS MAP OR PLAT AND SURVEY ON WHICH IT IS BASED WERE MADE (i) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM LAND IN 2011, AND INCLUDES ITEMS: 1, 2, 3, 4, 6, 7(A), 7(C), 8, 9, 10, 11(A), 13, 14, AND 18 OF TABLE A THEREOF, AND (ii) PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION) ON AN URBAN SURVEY.

GIVEN UNDER MY HAND AND SEAL AT ALBUQUERQUE, NEW MEXICO
THIS _____ DAY OF _____, 2012

ANTHONY L. HARRIS, N.M.P.S. #11463

HARRIS SURVEYING, INC.
2115-B MONROE STREET N.E.
ALBUQUERQUE, NEW MEXICO 87110
PHONE: (505) 889-8056
FAX: (505) 889-8645

12-0323.DWG (JUNE, 2012)

Created by Neevia docuPrinter trial version

GORDON L. SKARSGARD, ESQ.

TEL: (505) 262-2323
FAX: (505) 998-9099

August 28, 2012

City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87103

Dear Planning Department:

Please be advised that The Skarsgard Firm, P.C., represents the Applicant for this application for Vacation of Private Easement for the real property described as Lot 20-A, Block 10, Unit 3 in North Albuquerque Acres. The subject site is located at the northwest corner of the Paseo del Norte and Wyoming Blvd. intersection just west of the Paseo Village shopping center and contiguous to the Holly Ave.

The attached application is being requested to vacate at a 3' portion of a private access easement. This vacation would reduce the size of the private easement from 30' to 27'.

PURPOSE THE VACATION:
The purpose behind vacating 3 feet of the existing 30 foot private non exclusive vehicular access easement is to allow a row of parking on the east side of the affected property. If approved, this private access easement will be 27 feet wide allowing for the striping of a row of parking that would not otherwise be allowed within this Vila Toscana Shopping Center.

CONDITON PRECEDENT:
The Applicant voluntarily accepts a condition precedent placed upon the DRB Notice of Decision (in the event of an approval) that the affected property owner to the west (Burgarello Properties, LLC) signs the plat as evidence of their approval of the reduction of the private access easement from 30 feet to 27 feet.

Below is my contact information. Please feel free to contact me with any questions or comments.

Gordon L. Skarsgard
8220 San Pedro NE Suite 500
Albuquerque, NM 87113
Phone: 505-262-2323
Fax: 505-998-9099

Sincerely,

Gordon L. Skarsgard

WOLF & FOX

A LAW CORPORATION

September 4, 2012

Mr. Jack Cloud
Development Review Board
600 2nd Street NW
Albuquerque, NM 87102
Email: jcloud@cabq.gov

Re: Resolution Equities, LLC application for a three foot (3') vacation of private access easement Project No. .

Dear Mr. Cloud:

Please be advised that Burgarello Properties, LLC is the owner of the following real property:

> Lot numbered Twenty-One-A (21-A), Block numbered Ten (10), Tract Two(2) Unit Three (3), North Albuquerque Acres (hereafter "**Lot 21A**").

On the 26th day of May, 2010 a plat was recorded entitled "*Lots 20-A and 21-A, Block 10, Tract 2, Unit 3 North Albuquerque Acres as Document No. 2010047178*" ("**Original Plat**") (See Exhibit A).

On the 4th day of September, 2012 Res Eq submitted an application to the Development Review Board ("DRB") for the vacation of a three foot (3') portion along the eastern edge of the thirty foot (30') private access easement within Lot 20-A-1 (See Exhibit B). Burgarello Properties, LLC does not oppose the application.

Please call or write with any questions.

Remainder of the page left blank intentionally, signatures to follow on the next page.

OWNER OF LOT 21A:

BURGARELLO PROPERTIES, LLC,
a New Mexico limited liability company

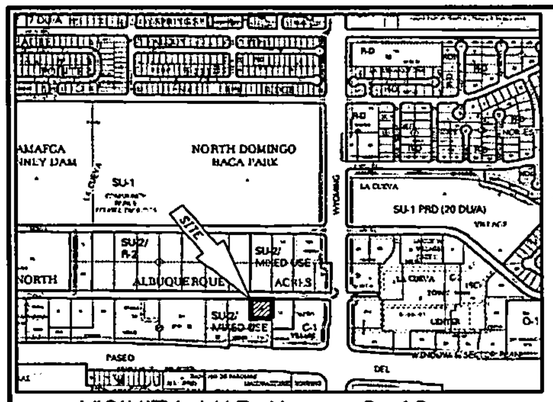
By: _____

Name:

Title: Co-Managing Member

Sincerely,

Bret A. Blanchard, Esq.
WOLF & FOX, P.C.
1200 Pennsylvania NE
Albuquerque, New Mexico 87110
Telephone: (505) 268-7000
Facsimile: (505) 268-7027



N.T.S.

VICINITY MAP No. C-19

LEGAL DESCRIPTION

LOT NUMBERED TWENTY-A (20-A) IN BLOCK NUMBERED TEN (10), TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON MAY 26, 2010 IN MAP BOOK 2010C, FOLIO 63

PURPOSE OF PLAT:

THE PURPOSE OF THIS PLAT IS TO VACATE 3' OF THE 30' PRIVATE ACCESS EASEMENT AND GRANT ANY EASEMENTS AS SHOWN.

GENERAL NOTES:

1: UNLESS NOTED, No. 4 REBAR WITH CAP STAMPED P.S.#11463 WERE SET AT ALL PROPERTY CORNERS.
2: THIS PLAT SHOWS ALL EASEMENTS OF RECORD.
3: TOTAL AREA OF PROPERTY: 0.5680 ACRES.
4: BASIS OF BEARINGS IS THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 1983.
5: DISTANCES ARE GROUND, BEARINGS ARE GRID.
6: DATE OF FIELD WORK: JUNE, 2012
7: NO PROPERTY WITHIN THE AREA OF THIS PLAT SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BINDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

A. Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
C. Qwest for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

Disclaimer

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

FREE CONSENT

THE SUBDIVISION HEREON DESCRIBED IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETOR THEREOF. SAID OWNER / PROPRIETOR DOES HEREBY GRANT ANY AND ALL EASEMENTS AS MAY BE CREATED BY THIS PLAT. THOSE SIGNING AS OWNERS WARRANT THAT THEY HOLD AMONG THEM COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE LAND SUBDIVIDED.

_____ DATE

ACKNOWLEDGMENT

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

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME A NOTARY PUBLIC

THIS _____, DAY OF _____, 20_____,

BY: _____
OWNERS NAME

MY COMMISSION EXPIRES: _____ BY: _____
NOTARY PUBLIC

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON

UPC# _____

PROPERTY OWNER OF RECORD: _____

BERNALILLO CO. TREASURER'S OFFICE: _____

12-0323.DWG (AUGUST, 2012)

PLAT OF
LOT 20-A-1, BLOCK 10
TRACT 2, UNIT 3
NORTH ALBUQUERQUE ACRES

WITHIN
ELENA GALLEGOS LAND GRANT
PROJECTED SECTION 18, TOWNSHIP 11 NORTH, RANGE 4 EAST, N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
AUGUST, 2012

PROJECT NUMBER: _____

APPLICATION NUMBER: _____

UTILITY APPROVALS:

_____ PUBLIC SERVICE COMPANY OF NEW MEXICO DATE

_____ NEW MEXICO GAS COMPANY DATE

_____ QWEST CORPORATION D/B/A CENTURYLINK QC DATE

_____ COMCAST DATE

CITY APPROVALS:

_____ CITY SURVEYOR DATE

_____ *REAL PROPERTY DIVISION (CONDITIONAL) DATE

_____ **ENVIRONMENTAL HEALTH DEPARTMENT (CONDITIONAL) DATE

_____ TRAFFIC ENGINEERING, TRANSPORTATION DIVISION DATE

_____ ABCWUA DATE

_____ PARKS AND RECREATION DEPARTMENT DATE

_____ AMAFCA DATE

_____ CITY ENGINEER DATE

_____ DRB CHAIRPERSON, PLANNING DEPARTMENT DATE

SURVEYORS CERTIFICATE:

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

I, ANTHONY L. HARRIS, A DULY PROFESSIONAL LICENSED LAND SURVEYOR, UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR SAID PLAT AND MEETS THE REQUIREMENTS FOR MONUMENTATION AND SURVEY OF THE ALBUQUERQUE SUBDIVISION ORDINANCE AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEETS THE MINIMUM REQUIREMENTS FOR LAND SURVEYS AS SET FORTH BY THE STATE OF NEW MEXICO.

GIVEN UNDER MY HAND AND SEAL AT ALBUQUERQUE, NEW MEXICO,
THIS _____ DAY OF _____, 2012.

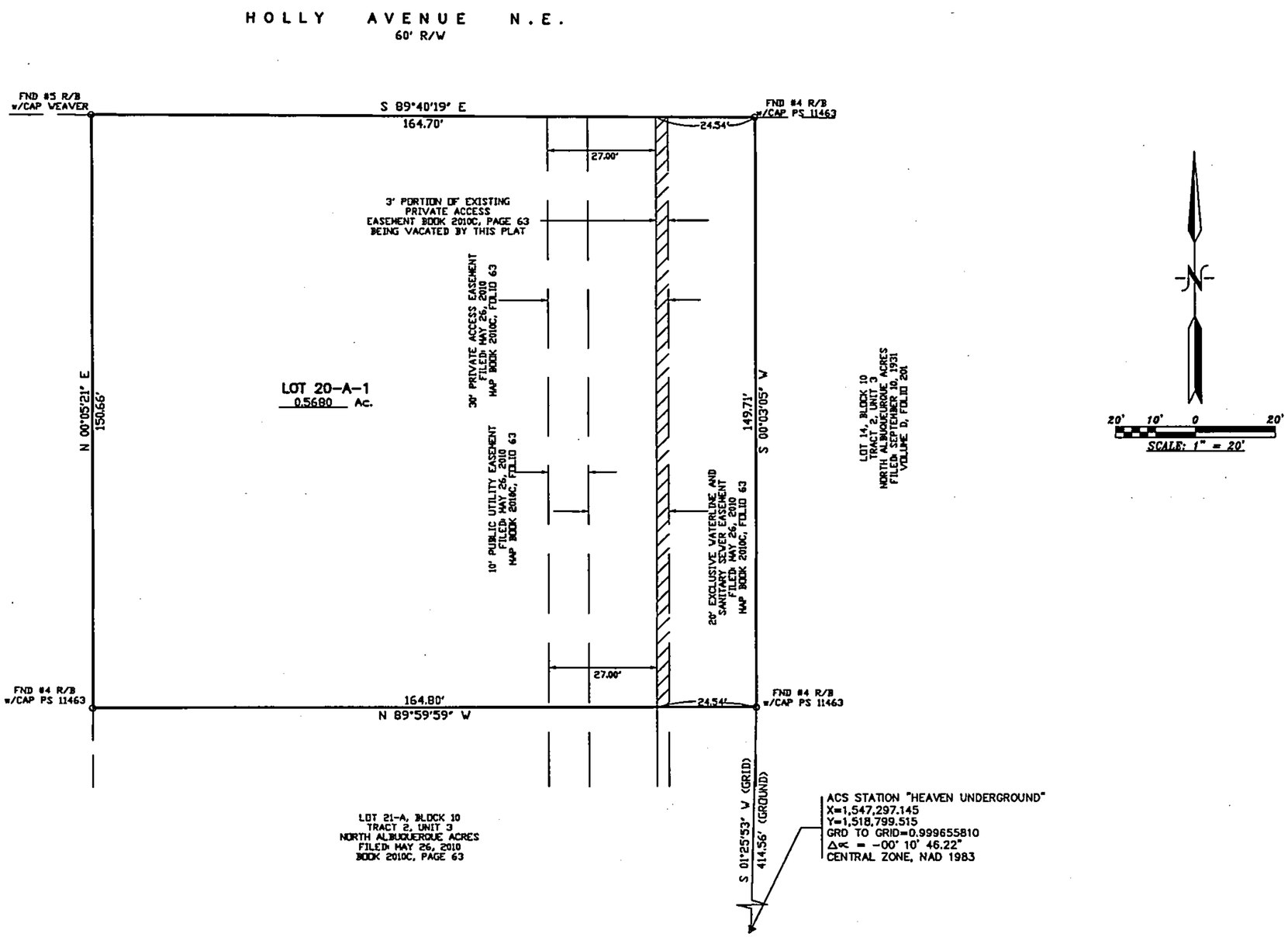
_____
ANTHONY L. HARRIS. P.S. # 11463

HARRIS SURVEYING, INC
5113-B MONROE STREET N.E.
ALBUQUERQUE, NEW MEXICO 87110
PHONE: (505) 889-8066
FAX: (505) 889-8645

Created by Neevia docuPrinter trial version

PLAT OF
LOT 20-A-1, BLOCK 10
TRACT 2, UNIT 3
NORTH ALBUQUERQUE ACRES

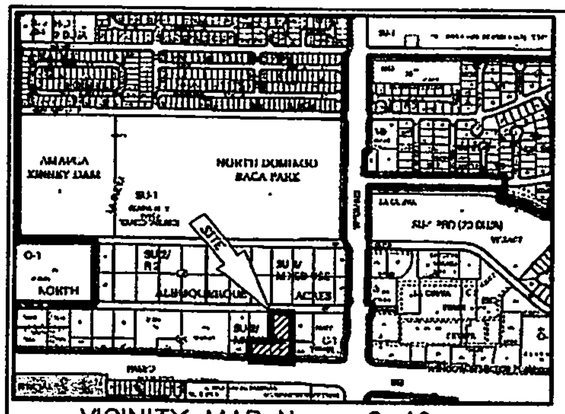
WITHIN
ELENA GALLEGOS LAND GRANT
PROJECTED SECTION 18, TOWNSHIP 11 NORTH, RANGE 4 EAST, N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
AUGUST, 2012



HARRIS SURVEYING, INC.
2412-B MONROE STREET N.E.
ALBUQUERQUE, NEW MEXICO 87110
PHONE: (505) 889-8056
FAX: (505) 889-8645

12-0323.DWG (AUGUST, 2012)

Created by Neevia docuPrinter trial version



VICINITY MAP No. C-19

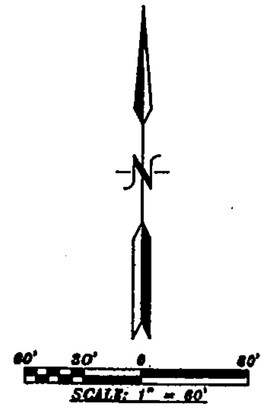
PLAT OF
LOTS 20-A AND 21-A, BLOCK 10
TRACT 2, UNIT 3
NORTH ALBUQUERQUE ACRES

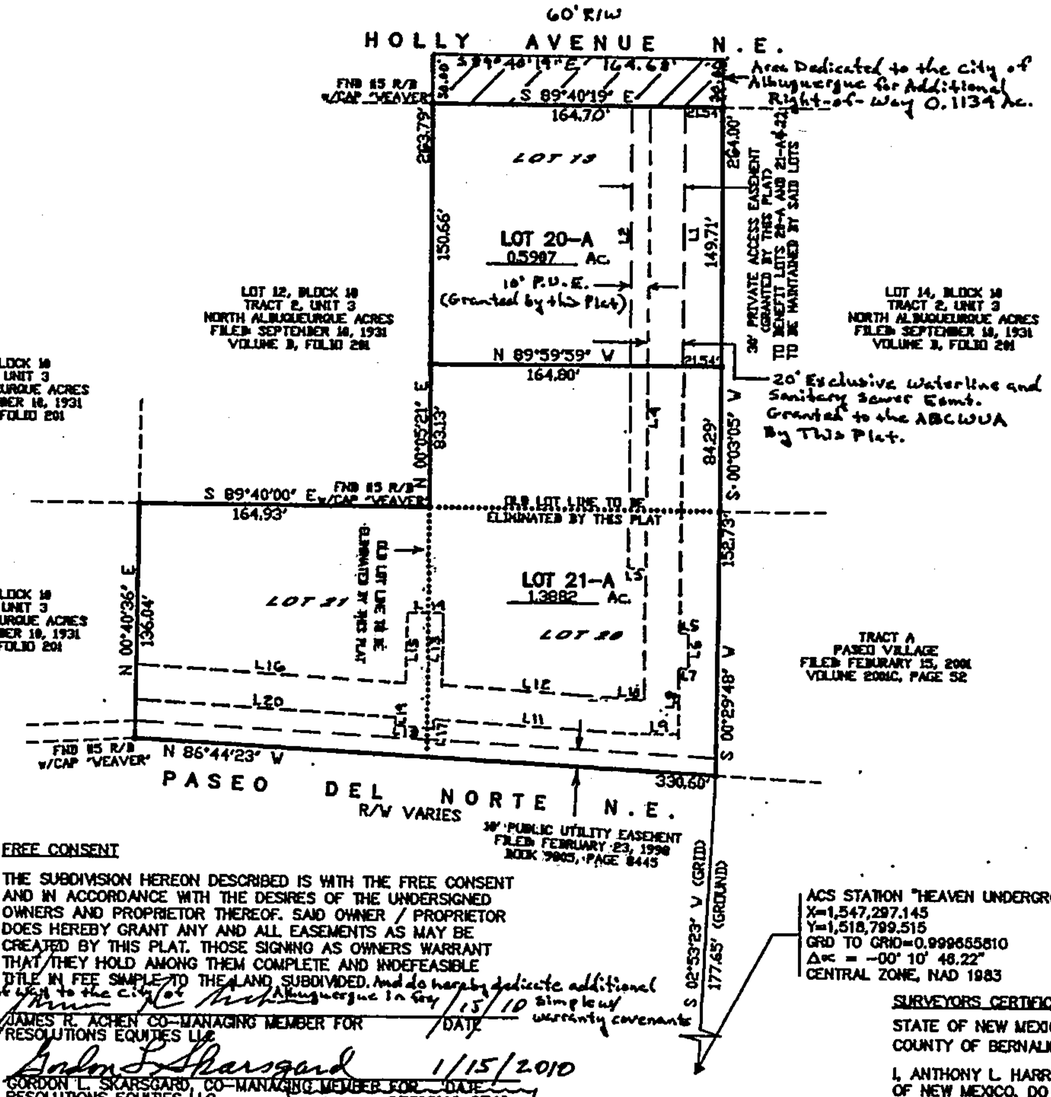
WITHIN
ELENA GALLEGOS LAND GRANT
PROJECTED SECTION 18, TOWNSHIP 11 NORTH, RANGE 4 EAST, N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JANUARY, 2010

PROJECT NUMBER: 1008069
APPLICATION NUMBER:

LEGAL DESCRIPTION

A CERTAIN TRACT OF LAND BEING THE REMAINING PORTIONS OF LOTS NUMBERED TWENTY (20) AND TWENTY-ONE (21) AND ALL OF LOT NUMBERED THIRTEEN (13) IN BLOCK NUMBERED TEN (10) IN TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 10, 1931 IN VOLUME D, FOLIO 201, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, BEING A POINT ON THE NORTHERLY LINE OF PASEO DEL NORTE, WHENCE CITY OF ALBUQUERQUE CONTROL MONUMENT "HEAVEN UNDERGROUND" HAVING NEW MEXICO STATE PLANE COORDINATES OF (CENTRAL ZONE, NAD 1983) X=1,547,297.145 AND Y=1,518,799.515 BEARS S 02°53'23" W, A DISTANCE OF 177.65 FEET
RUNNING THENCE N 86°44'23" W, ALONG THE NORTHERLY LINE OF PASEO DEL NORTE, A DISTANCE OF 330.60 FEET TO THE SOUTHWEST CORNER;
THENCE N 00°40'36" E, A DISTANCE OF 136.04 FEET TO A POINT;
THENCE S 89°40'00" E, A DISTANCE OF 164.93 FEET TO A POINT;
THENCE N 00°05'21" E, A DISTANCE OF 263.79 FEET TO THE NORTHWEST CORNER, BEING A POINT ON THE SOUTH LINE OF HOLLY AVENUE;
THENCE S 89°40'19" E, ALONG THE SOUTH LINE OF HOLLY AVENUE, A DISTANCE OF 164.70 FEET TO THE NORTHEAST CORNER;
THENCE S 00°03'05" W, A DISTANCE OF 264.00 FEET TO A POINT;
THENCE S 00°29'48" W, A DISTANCE OF 152.73 FEET TO THE SOUTHEAST CORNER AND PLACE OF BEGINNING CONTAINING 2.0124 ACRES MORE OR LESS





LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 00°03'05" W	304.57'
L2	S 00°03'05" W	267.99'
L3	S 89°56'55" E	10.00'
L4	S 00°03'05" W	343.05'
L5	S 89°56'55" E	5.00'
L6	S 00°03'05" W	20.00'
L7	S 89°56'55" E	5.00'
L8	S 00°03'05" W	38.48'
L9	N 89°56'55" W	23.78'
L10	N 89°56'55" W	5.14'
L11	N 86°43'56" W	114.61'
L12	N 86°43'56" W	109.59'
L13	S 00°03'05" W	41.96'
L14	S 89°56'55" E	20.00'
L15	S 00°03'05" W	48.84'
L16	N 86°43'56" W	155.85'
L17	S 83°16'04" W	5.00'
L18	N 86°43'56" W	20.00'
L19	N 83°16'04" E	5.00'
L20	N 86°43'56" W	149.63'

ACS STATION "HEAVEN UNDERGROUND"
X=1,547,297.145
Y=1,518,799.515
GRD TO GRID=0.999655810
Δac = -00° 10' 48.22"
CENTRAL ZONE, NAD 1983

CITY APPROVALS:

CITY SURVEYOR	1-19-10 DATE
*REAL PROPERTY DIVISION (CONDITIONAL)	N/A DATE
**ENVIRONMENTAL HEALTH DEPARTMENT (CONDITIONAL)	N/A DATE
TRAFFIC ENGINEERING, TRANSPORTATION DIVISION	02/17/10 DATE
ABCWUA	2/17/10 DATE
PARKS AND RECREATION DEPARTMENT	Christina Sandoval 2/17/10 DATE
AMAFCA	Bradley L. Bingham 2/17/10 DATE
CITY ENGINEER	Bradley L. Bingham 2/17/10 DATE
DRB CHAIRPERSON, PLANNING DEPARTMENT	05-17-10 DATE

PURPOSE OF PLAT:

THE PURPOSE OF THIS PLAT IS TO COMBINE LOTS 13, 20 AND 21 INTO 2 LOTS AND GRANT ANY EASEMENTS AS SHOWN. AND Dedicate Additional Right-of-Way.

GENERAL NOTES:

1: UNLESS NOTED, No. 4 REBAR WITH CAP STAMPED P.S.#11463 WERE SET AT ALL PROPERTY CORNERS.
2: THIS PLAT SHOWS ALL EASEMENTS OF RECORD.
3: TOTAL AREA OF PROPERTY: 2.0124 ACRES.
4: TALOS LOG NO. 2010030876
5: BASIS OF BEARINGS IS THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 1983.
6: DISTANCES ARE GROUND, BEARINGS ARE GRID.
7: BEARINGS AND DISTANCES SHOWN IN PARENTHESIS ARE RECORD.
8: DATE OF FIELD WORK: AUGUST, 2009
9: NO PROPERTY WITHIN THE AREA OF THIS PLAT SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BINDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT

FREE CONSENT

THE SUBDIVISION HEREON DESCRIBED IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETOR THEREOF. SAID OWNER / PROPRIETOR DOES HEREBY GRANT ANY AND ALL EASEMENTS AS MAY BE CREATED BY THIS PLAT. THOSE SIGNING AS OWNERS WARRANT THAT THEY HOLD AMONG THEM COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE LAND SUBDIVIDED. And do hereby dedicate additional Right of Way to the city of Albuquerque in fee simple w/ warranty covenants

JAMES R. ACHEN CO-MANAGING MEMBER FOR RESOLUTIONS EQUITIES LLC — DATE 1/15/10

GORDON L. SKARSGARD, CO-MANAGING MEMBER FOR RESOLUTIONS EQUITIES LLC — DATE 1/15/2010

ACKNOWLEDGMENT
STATE OF NEW MEXICO) S.S.
COUNTY OF BERNALILLO)

OFFICIAL SEAL
Trisha A. Lopez
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 4/10/2013

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME A NOTARY PUBLIC
THIS 15TH DAY OF January 20 10
BY: James R. Achen and Gordon L. Skarsgard
OWNERS NAME
MY COMMISSION EXPIRES: 4/10/2013 BY: NOTARY PUBLIC

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON
UPC# 1-019-064-189016-201-12
PROPERTY OWNER OF RECORD: North Albuquerque Acres
BERNALILLO CO. TREASURER'S OFFICE:

DOC# 2010047178
01/26/2010 10:27 AM Page: 1 of 1
PLAT R:27.00 B: 2010C P: 0063 M. Toulous Olivere, Bernalillo Coun

SURVEYORS CERTIFICATE:

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

I, ANTHONY L. HARRIS, A DULY PROFESSIONAL LICENSED LAND SURVEYOR, UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR SAID PLAT AND MEETS THE REQUIREMENTS FOR MONUMENTATION AND SURVEY OF THE ALBUQUERQUE SUBDIVISION ORDINANCE AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEETS THE MINIMUM REQUIREMENTS FOR LAND SURVEYS AS SET FORTH BY THE STATE OF NEW MEXICO.

GIVEN UNDER MY HAND AND SEAL AT ALBUQUERQUE, NEW MEXICO, THIS 14th DAY OF January, 2010.

ANTHONY L. HARRIS, P.S. # 11463

ANTHONY L. HARRIS STATE OF NEW MEXICO #11463 REGISTERED PROFESSIONAL LAND SURVEYOR

HEC HARRIS ENGINEERING CONSULTANTS, INC. 2155-B RENARD PLACE SE ALBUQUERQUE, NEW MEXICO 87106 PHONE: (505) 883-8686 FAX: (505) 883-8646

REV06-0505.DWG (AUGUST, 2009)

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
- ✓ for Subdivision — **P**
- ✓ for Building Permit
- ___ Administrative Amendment (AA)
- ___ IP Master Development Plan — **D**
- ___ Cert. of Appropriateness (LUCC) — **L**

STORM DRAINAGE (Form D) — **A**
- ___ Storm Drainage Cost Allocation Plan

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

APPEAL / PROTEST of...
- ___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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

APPLICATION INFORMATION:

Professional/Agent (if any): Joshua Skarsgard PHONE: 505-262-2323
ADDRESS: 8220 San Pedro NE Suite 500 FAX: 505-998-9099
CITY: Albuquerque STATE NM ZIP 87113 E-MAIL: josh@skarsgardfirm.com

APPLICANT: Resolution Equities LLC PHONE: 505-262-2323
ADDRESS: 8220 San Pedro NE Suite 500 FAX: 505-998-9099
CITY: Albuquerque STATE NM ZIP 87113 E-MAIL: ___
Proprietary interest in site: Owner List all owners: ___

DESCRIPTION OF REQUEST: Approval for Site Plan for Building Permit and Site Plan for Subdivision.

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 13 and portions of 20 & 21 Block: 10 Unit: 3 Tract 2
Subdiv/Addn/TBKA: North Albuquerque Acres
Existing Zoning: SU-2 MU Proposed zoning: Same MRGCD Map No ___
Zone Atlas page(s): C19 UPC Code: 101906418901630112

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): 09EPC-40063, Project # 1008069

CASE INFORMATION:

Within city limits? ✓ Yes Within 1000FT of a landfill? no
No. of existing lots: 3 No. of proposed lots: 3 Total area of site (acres): 1.75 ac +/-
LOCATION OF PROPERTY BY STREETS: On or Near: Southside of Holly Ave. West of Wyoming
Between: Holly Ave. and Paseo del Norte

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team: ✓ Date of review: 7/8/09

SIGNATURE [signature] DATE 1/18/10
(Print) Joshua Skarsgard 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
10DRB	70026	SBP	___	$ 0
10DRB	70027	SPB	___	$ 0
10DRB	70028	P&F	___	$ 355.00
		CMF	___	$ 20.00
			___	$ ___
				Total $ 375.00

Hearing date 01/27/10

Sandy Handley 01/19/10
Planner signature / date

Project # 1008069

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

☐ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**

__ 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) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ List any original and/or related file numbers 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)** **Maximum Size: 24" x 36"**

__ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
__ 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) clearly outlined
__ 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)
__ List any original and/or related file numbers on the cover application

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

☐ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17) Maximum Size: 24" x 36"**

__ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
__ 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) clearly outlined
__ 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)
__ List any original and/or related file numbers on the cover application

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

☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01) Maximum Size: 24" x 36"**
☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02) Maximum Size: 24" x 36"**

__ 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) 6 **copies**
__ Zone Atlas map with the entire property(ies) clearly outlined
__ 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)
__ List any original and/or related file numbers on the cover application

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

☑ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
☑ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**

__✓ 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 for Building Permit
__✓ Zone Atlas map with the entire property(ies) clearly outlined
__✓ 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)
__✓ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original** to the meeting.
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.

Joshua Skarsgard / Agent
Applicant name (print)

Applicant signature / date

Form revised October 2007

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

Application case numbers
10DRB-70026
10DRB-70027
- -

Planner signature / date 01/19/10

Project # 10080069

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

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

☐ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Your attendance is required.**
- __ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 **copies**
- __ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ List any original and/or related file numbers on the cover application

☐ **EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)** **Your attendance is required.**
- __ Preliminary Plat reduced to 8.5" x 11"
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ Copy of DRB approved infrastructure list
- __ Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- __ List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)** **Your attendance is required.**
- __ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- __ Design elevations & cross sections of perimeter walls **3 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- __ Copy of recorded SIA
- __ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- __ List any original and/or related file numbers on the cover application
- __ DXF file and hard copy of final plat data for AGIS is required.

☑ **MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)** **Your attendance is required.**
- N/A 5 Acres or more: Certificate of No Effect or Approval
- ✓ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- N/A Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- N/A Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- N/A Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- ✓ Zone Atlas map with the entire property(ies) clearly outlined
- ✓ Letter briefly describing, explaining, and justifying the request
- ✓ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- N/A Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- ✓ Fee (see schedule)
- ✓ List any original and/or related file numbers on the cover application
- ✓ 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.

Joshua Skarsgard / Agent
Applicant name (print)

Applicant signature / date

Form revised October 2007

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

Application case numbers
10DRB - 70028
- - -
- - -

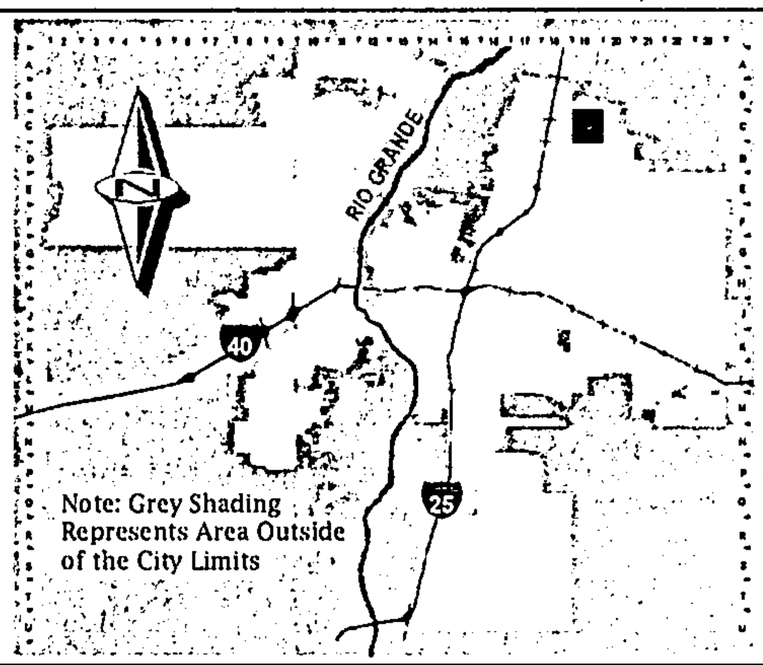
Sandy Handley 01
Planner signature / date

Project # 10080069

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

Albuquerque Geographic Information System

Map amended through: 6/13/2008



Zone Atlas Page:

C-19-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

THE Skarsgard Firm, P.C.

JOSHUA J. SKARSGARD, ESQ.
ATTORNEY AT LAW

GORDON L. SKARSGARD, ESQ.
ATTORNEY AT LAW

8220 SAN PEDRO NE, SUITE 500
ALBUQUERQUE, NM 87113

TEL: (505) 262-2323
FAX: (505) 998-9099

January 19, 2010

Mr. Jack Cloud, Chairman
City of Albuquerque
Planning Department
Development Review Board
600 2nd St. NW
Albuquerque, NM 87103

RE: Justification letter Preliminary/Final Plat Approval

Dear Mr. Cloud:

Please be advised that The Skarsgard Firm, P.C., represents Resolution Equities, LLC ("Applicant") in this application for Minor Subdivision Preliminary/Final Plat approval for the real property described as Lots 13 and 20, Block 10, Unit 3, Tract 2 of North Albuquerque Acres. The subject site is located on North side of Paseo del Norte just west of Wyoming.

The attached application for Minor Subdivision Preliminary/Final Plat is being requested to finalize the subdivision of the subject property.

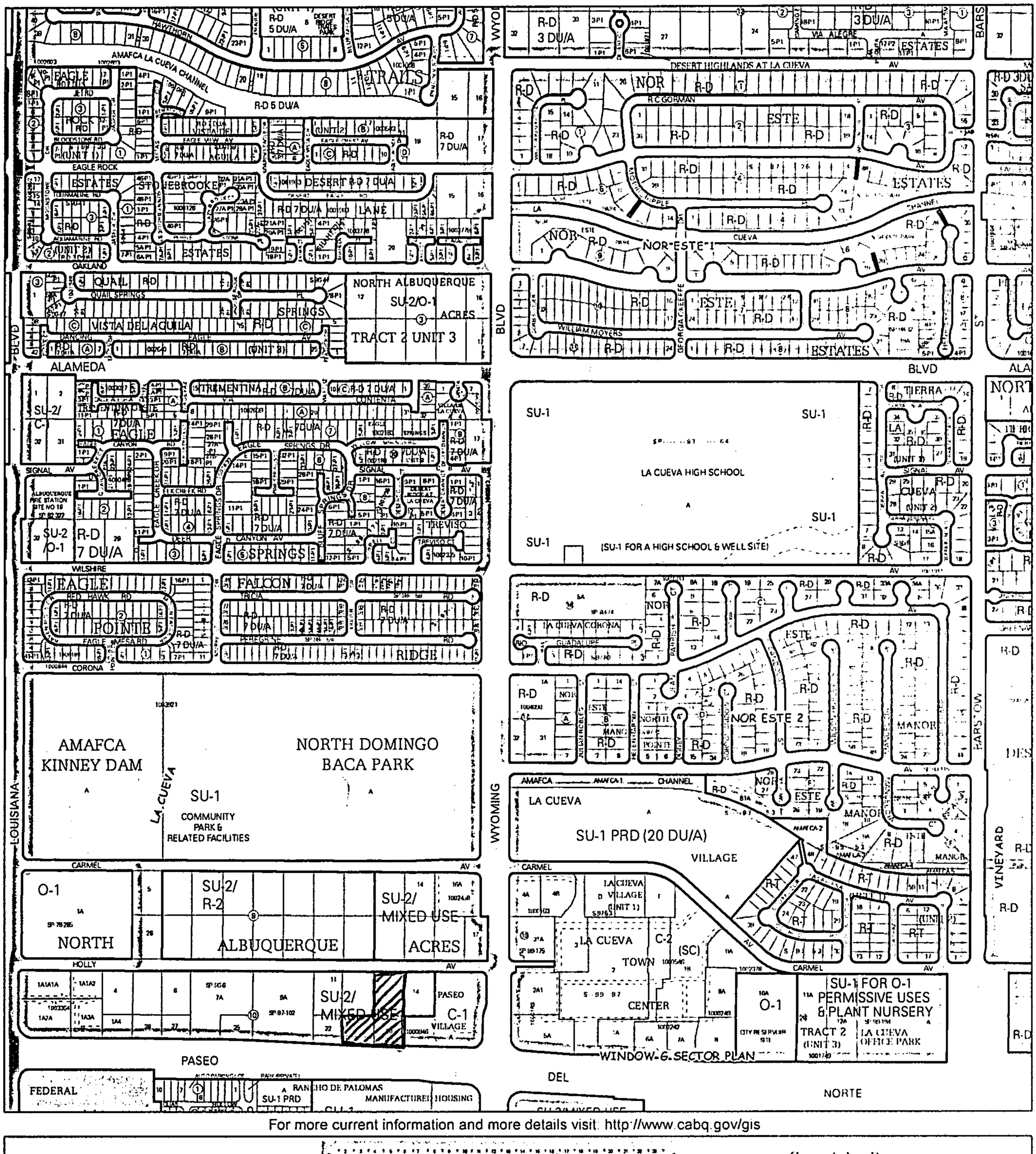
Below is my contact information. Please contact me with any questions or comments.

Joshua Skarsgard
Phone: 505-262-2323
Fax: 505-998-9099
E-mail: josh@skarsgardfirm.com

Sincerely,

Joshua J. Skarsgard, Esq.

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



THE Skarsgard Firm, P.C.

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TEL: (505) 262-2323
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January 18, 2010

Mr. Jack Cloud
City of Albuquerque
Planning Department
Development Review Board
600 2nd St. NW
Albuquerque, NM 87103

Re: Letter explaining how the Environmental Planning Commission ("EPC") Conditions of Approval have been met for the Site Development Plan ("SDP") for subdivision and SDP for building permit applications to the Development Review Board ("DRB")

Dear Mr. Cloud:

I, Joshua Skarsgard, am submitting this letter of explanation on behalf of Resolution Equities, L.L.C. ("Applicant"), the owner of the real property described as Lot 13 and portions of Lot 20 and 21, Block 10, Unit 3, Tract 2, North Albuquerque Acres ("Subject Site"), to explain how each EPC condition of approval has been met in our revised SDP for building permit, and SDP for subdivision (Project 1008069 / 09EPC-40064).

On December 17, 2009 the EPC voted to **APPROVE**, a a SDP for subdivision for the Subject Site, zoned SU-2 / MU, subject to the following Conditions of Approval:

EPC Condition:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

Applicant Response:

This letter serves as an explanation as to how the site plan has been modified to meet each of the EPC conditions.

EPC Condition:

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

Applicant Response:

Applicant met with staff planner, Carol Toffaleti, on Friday, January 8, 2010 to ensure that all conditions of approval were met.

EPC Condition:

3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required. However, these system improvements may have already been addressed with Transportation Development as part of the original development proposal or constructed as part of the Wyoming Boulevard Widening Project. The applicant will need to verify and provide evidence that they have been addressed and/or constructed.
d. As it stands, the current proposal is located on property that is land locked. Therefore, the applicant will need to provide appropriate cross access agreements with adjacent property owners (i.e. Tract A – Paseo Village, Lot 13, Lot 22 and Tract 9A (New Covenant Church)).
e. Designated disabled parking spaces need to be 20' in length.
f. Provide more detail, of the connection between proposed Lot 20 and Tract A – Paseo Village (i.e. paving, curb & gutter, parking, striping, etc.).
g. Concurrent platting action required at DRB.
h. Site plan shall comply and be designed per DPM Standards.

Applicant Response:

a. All requirements of previous actions taken by EPC are complete.
b. The Developer understands responsibility for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).

c. The subject site was included in an 8-acre project covered by a TIS, dated 7/29/2004 and entitled Plaza at La Cueva, that was reviewed by City Transportation Staff.
d. Access Agreements have been executed with adjacent land owners and are attached to this letter.
e. Designated disabled parking spaces are 20' in length.
f. Connection between both sites not shown on Site plan for Subdivision and is not applicable. Information shown on SP for Building Permit.
g. An application for Minor Subdivision Preliminary/Final Plat Approval is being submitted to the DRB concurrent with SDP for Subdivision and SDP for Building Permit Final Sign-Off application.
h. Information is reflected in general note 'D' on Site Plan for Subdivision.

EPC Condition:

4. Add a note stating that development shall comply with the SU-2, SU-2/Mixed Use zone and Common Design Regulations (Sections 5.4., 5.4.5, 5.4.6, La Cueva sector development plan 2000, revised 2003).

Applicant Response:

Note has been added as general note 'E' on Site Plan for Subdivision.

EPC Condition:

5. Add information to Site Data on new lot 13 and provide the total acreage of the subdivision. Coordinate the acreage of new lot 20 between the site development plans for subdivision and building permit.

Applicant Response:

Site data information has been revised to reflect site area of lot 13 and total area of lot 13 and 20 on Site Plan for Subdivision.

EPC Condition:

6. In General Note B, insert "(#1008069, 09EPC-40063)" after site development plan for building permit.

Applicant Response:

Information has been added to general note 'B' on Site Plan for Subdivision.

EPC Condition:

7. In General Note C, add "according to a site development plan approved by the EPC, per the La Cueva sdp (2000, rev. 2003)".

Applicant Response:

Information has been added to general note 'C' on Site Plan for Subdivision.

EPC Condition:

8. In Keyed Note 5, briefly explain why the PUE is 5 ft along internal property lines.

Applicant Response:

The existing PUE is 10 ft. along Paseo (keyed note #5) and has been revised to reflect that. The other dashed lines shown are actually building setbacks and are called out with keyed note #8.

EPC Condition:

9. Show pedestrian cross-access between the two proposed lots within the subdivision.

Applicant Response:

Pedestrian cross-access is now shown between lots 13 and 20 on Site Plan for Subdivision.

EPC Condition:

10. Show entire site of subdivision in vicinity map.

Applicant Response:

Entire site of subdivision is show in vicinity map.

EPC Condition:

11. Show the public utility easements and overhead lines on the conceptual utility plan.

Applicant Response:

The public easements and overhead lines are shown on the utility plan.

EPC Condition:

12. Add to General Note C: "The site development plan, including pedestrian circulation, building orientation, architecture and signage, shall be designed to coordinate with development on lot 20 to form a cohesive retail center. If a free-standing sign is approved by the ZHE that includes advertising for tenants on lot 13, the total sign face area of building-mounted signs shall not exceed 10% of the total façade area."

Applicant Response:

General note 'C' has been revised. General note 'J' has been added to reflect the information pertaining to the free-standing signage on Site Plan for Subdivision.

EPC Condition:

13. Concurrent final sign-off at DRB of the associated site development plan for building permit (#1008069, 09EPC-40063).

Applicant Response:

An application for final sign off at DRB for SDP for Building Permit is being submitted concurrent to application for final sign off at DRB for Subdivision.

EPC Condition:

14. Add a Note "D. Signage" to the General Notes that shall include the following:
    a. The text of General Note A on Sheet 6 of the accompanying site development plan for building permit (SDPBP).
    b. The text of General Note K on sheet 1 of the SDPBP, amended to also cite the signage regulations of the La Cueva SDP.
    c. "If a free-standing sign on the site is approved by the ZHE, the total sign face area of building-mounted signs shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for the other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the total façade area of each tenant's premises for the south elevations, and 10% for other elevations."
    d. "The logo background of the restaurant wall signs shall comply with 13R-9 of the La Cueva SDP."
    e. "The free-standing sign shown on the site development plan is not allowed unless a variance is obtained from the ZHE."
    f. "All signage to provide minimum contrast of 70% between graphics and background per ADA."

Applicant Response:

a. General note 'A' from sheet 6 has been added and is now general note 'F' on Site Plan for Subdivision.
b. General note 'K' has been revised on Site Plan for Subdivision.
c. This information is reflected in general note 'H' on Site Plan for Subdivision.
d. This information is reflected in general note 'G' on Site Plan for Subdivision.
e. An application has been submitted to the ZHE for a variance to allow a free standing sign. The ZHE hearing date is January 19, 2010. Attached to this letter is the drawing of the proposed sign.
f. This information is reflected in general note 'I' of the Site Plan for Subdivision.

EPC Condition:

15. Show the location of the proposed monument sign on the site development plan for subdivision.

Applicant Response:

The location of the proposed monument sign is shown on the SDP for Subdivision.

On December 17, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1008069 / 09EPC-40063, a site development plan for building permit for all or a portion of Lots 13, 20 & 21, Block 10, Tract 2, Unit 3, NORTH ALBUQUERQUE ACRES, zoned SU-2 / MU, subject to the following Conditions:

EPC Condition:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

Applicant Response:

This letter serves as an explanation as to how the site plan has been modified to meet each of the EPC conditions.

EPC Condition:

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

Applicant Response:

Applicant met with staff planner, Carol Toffaleti, on Friday, January 8, 2010 to ensure that all conditions of approval were met.

EPC Condition:

Add a note stating that the uses shall comply at minimum with SU-2/Mixed Use zoning (Section 5.4.5, La Cueva sector development plan 2000, revised 2003).

Applicant Response:

This information has been added as general note 'T' to the Site Plan for Building Permit.

EPC Condition:

3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

   Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

   a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
   b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
   c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required. However, these system improvements may have already been addressed with Transportation Development as part of the original development proposal or constructed as part of the Wyoming Boulevard Widening Project. The applicant will need to verify and provide evidence that they have been addressed and/or constructed.
   d. As it stands, the current proposal is located on property that is land locked. Therefore, the applicant will need to provide appropriate cross access agreements with adjacent property owners (i.e. Tract A – Paseo Village, Lot 13, Lot 22 and Tract 9A (New Covenant Church)).
   e. Designated disabled parking spaces need to be 20' in length.
   f. Provide more detail, of the connection between proposed Lot 20 and Tract A – Paseo Village (i.e. paving, curb & gutter, parking, striping, etc.).
   g. Concurrent platting action required at DRB.
   h. Site plan shall comply and be designed per DPM Standards.

Applicant Response:

a. All requirements of previous actions taken by EPC are complete.
b. The Developer understands responsibility for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
c. The subject site was included in an 8-acre project covered by a TIS, dated 7/29/2004 and entitled Plaza at La Cueva, that was reviewed by City Transportation Staff.
d. Access Agreements have been executed with adjacent land owners and are attached to this letter.
e. Designated disabled parking spaces are 20' in length.
f. This information has been revised in keyed note #21 of the Site Plan for Building Permit.
g. An application for Minor Subdivision Preliminary/Final Plat Approval is being submitted to the DRB concurrent with SDP for Subdivision and SDP for Building Permit Final Sign-Off application.
h. This information has been revised in general note 'A' of the Site Plan for Building Permit.

EPC Condition:

4. Complete the view analysis to include views into the site and additional views out of the site, per Regulation 11R-1 of the La Cueva sdp.

Applicant Response:

Additional views have been done into and out of the site and accompany this application.

EPC Condition:

5. Refuse enclosure:

   a. Add "and Recycling" to title of detail.

   b. Improve legibility of text on detail of refuse enclosure.

Applicant Response:

a. "Recycling" has been added to the title of detail 2/sheet 1.
b. Text is now legible.

EPC Condition:

6. Pedestrian access/circulation:

   a. Relocate the raised pathway currently in the middle of the parking area north of the restaurant to provide a safer and more pleasant pedestrian connection between the development, lot 13 and the sidewalk on Holly. Clarify how it will be designed to allow motorists to drive over it.

   b. Crosswalks across site drives, as distinct from pathways, shall not be raised. Other information in keyed note 8 shall remain the same.

   c. Increase the width of the walkway along the south facades to 15 ft to comply with Regulation 3R-4 in the La Cueva SDP. A minimum clear, level path of 6 ft shall be maintained at ramps.

   d. Provide a minimum clear path of 4.5 ft under porticos between the supporting columns and the facades of the buildings.

   e. Provide additional shade for pedestrians per Regulation 3R-4 in the La Cueva SDP, by extending the portico along the façade of the building or by planting one shade tree at the southern edge of the walkway along Building 1 between the storefronts of units 3 and 4. Add one shade tree at the southern edge of the walkway between Buildings 1 and 2.

   f. The freezer on north side of restaurant shall be relocated within the building envelope.

   g. Wheel stops shall be added to the row of parking along the east elevation of the restaurant.

Applicant Response:

a. Pedestrian pathway has been relocated to the east. Pathway will be raised in landscaped areas then shall ramp down before it meets the automobile drive aisle. Pathway then will ramp up into the landscaped area after it crossed the automobile drive aisle.
b. Keyed note #8 has been revised on the Site Plan for Building Permit.
c. The walkway in front of the buildings is now a minimum 15 ft. in width.
d. Column locations have been revised to allow 4'-6" clear between building façade and column.
e. Portico along Building 1 façade has been extended along the southern façade. A Shade tree has been added between Building 1 and 2 close to the accessible parking spaces.
f. Freezer is now located within the building envelope of Building 2.
g. Wheel stops have been added the parking spaces along the eastern façade of Building 2.

EPC Condition:

7. Lighting

a. On sheet 1, add a reference to the lighting regulations of the La Cueva sdp in General Note E.

b. Add lights to better cover all walkways. Lighting may be in the form of lightpoles or bollards as appropriate.

c. The color of the light poles shall match the building.

Applicant Response:

a. General note 'E' has been revised on the site Plan for Building Permit.
b. Additional light poles have been added to better light the pedestrian connections.
c. Detail #3 has been revised to reflect light pole color.

EPC Condition:

8. Landscaping:

a. Place street trees on Holly between the curb and the sidewalk, as per the Street Tree Ordinance. Adjust spacing to accord with the spread of each species at maturity, e.g. 45' is acceptable for Bur Oak (75% of mature spread). The trees shall be planted with development of lot 13.

b. Landscape the strip of public ROW on Paseo del Norte between the sidewalk and the property line with drought-tolerant species. Relocate street trees from 5' buffer within the site to this area. Reduce the number of street trees to reflect their spread at maturity and any existing street trees between the curb and sidewalk. Provide required clearance for overhead lines.

c. 5 ft. of the required landscape buffer on Paseo del Norte may be within the right-of-way.

d. Add 1 shade tree at the southwest corner of the retail building and 1 shade tree at the northeast corner of the restaurant, to shade the surface area of parking lot more evenly and to take advantage of opportunities for rainwater harvesting via curb cuts.

e. Add planters/beds and plants for the trellises shown on the elevations sheet. Use evergreen vines for trellises on the rear elevations of the buildings.

f. Add upright shrubs or small trees (minimum 1/3 to be evergreen) in the landscape buffer along the north side of Building 1. Keep a pathway clear along the rear of the building for fire access.

g. Label the overhead utility line and poles on the Paseo del Norte frontage.

h. Use the same symbols to identify species planted on and off-site.

i. Correct plant sizes at maturity: Spanish broom (genista hispanica) is 4' x 4'; Turpentine bush is 3' x 4'; Blue avena is 2' x 1'; Winter jasmine is 4' x 6'.

j. Provide more information on the native seed/wildflower used on lot 13: the type of mix, lbs per square feet, and the means of irrigation to ensure germination and growth.

k. Adjust calculations according to above changes.

Applicant Response:

a. The sidewalk is adjacent to the curb, therefore trees cannot be put there as directed. Trees have been placed apart no greater than 75% of mature canopy spread. Note added that trees shall be planted with development of lot 13.
b. Native seed and wildflower mix with Red Yucca, Prickly Pear, Spanish Broom and Broom Baccharis (all low to medium water use plant material) has been provided. Trees from 5' buffer within site area have been relocated. Trees have been placed apart no greater than 75% of mature canopy spread. There are no significant shade trees on site. All shade trees have been moved into ROW.
c. Architect has made this site change. Shrubs have been rearranged to accommodate the smaller planting bed.
d. Two shade trees have been provided as directed.
e. Eleven English Ivy have been added to the north elevation trellises and nine Banks Rose have been added to all other trellises.
f. As the space behind this building is only 6', it limits the plant material that can be uses and still provide ample walking space for fire access. However, we have provided Turpentine Bush 3' on center. This shrub is evergreen and has a 3' spread and 4' height at maturity.
g. Overhead utility line and poles on the Paseo del Norte frontage have been labeled.
h. The same symbols to identify species planted on and off-site have been used.
i. Plant sizes at maturity have been corrected.
j. Landscaping shown on the east side of Lot 13 shall be installed once the property is developed. In the interim, the landscape area shall be seeded under this application submittal. A seeding schedule shall occur between May 15 and September 15 to allow the best chance of germination by natural (rainwater) means.
k. Calculations have been adjusted accordingly.

EPC Condition:

9. Public outdoor space:

    a. Define a plaza area for shoppers in the space between Buildings 1 and 2 with at minimum seating, shade structures and/or landscaping.

    b. Define a pathway to the rear of the restaurant, if appropriate.

    c. Provide the total square footage and identify the different parts of the space on the site development plan to demonstrate compliance with LCSDP design standard 8R-3.

Applicant Response:

a. Refer to keyed notes #36, 37, and 38 on the Site Plan for Building Permit.
b. Site plan has been revised to show clear pathway behind the restaurant (north side building 2).
c. Refer to keyed note #36 on the Site Plan for Building Permit.

EPC Condition:

10. Grading & Drainage: Add curb cuts in landscaped beds, where appropriate, to utilize stormwater and reduce irrigation needs while improving tree and plant health. Also show them on the site development plan and landscape plan.

Applicant Response:

Dropped curb locations added at the landscape islands for collection of drainage. This has been shown on the Grading and Drainage plan.

EPC Condition:

11. Add a note to the site development plan stating that all new utilities shall be placed underground per 11R-2 of the La Cueva SDP.

Applicant Response:

Information has been added as general note 'L' on the Site Plan for Building Permit.

EPC Condition:

12. Conditions from PNM

- It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements or agreements.

- It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility

easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.

- Screening should be designed to allow for access to utility facilities. It is necessary to provide adequate clearance surrounding all ground-mounted utilities for safe operation, maintenance and repair purposes: ten feet in front of the door and five feet on other sides.

- Existing electric distribution infrastructure is located in the area of the site. It is necessary for the applicant to coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height in order to ensure sufficient safety clearances and to avoid interference with the existing distribution facilities along Paseo del Norte and the southern boundary of the site.

Applicant Response:

Information has been added as general notes 'P', 'Q', 'R', and 'S' on the Site Plan for Building Permit. Verified location of overhead electric lines and have then shown on utility plan along with the utility easement.

EPC Condition:

13. Architecture/Elevations

    a. Add a minimum of one clerestory or opaque block window on the north elevation of the restaurant and add evergreen vegetation for the trellis. Remove recessed facades.

    b. On the north elevation of Building 1, move awnings over service doors to make them functional. Extend recesses to grade. Place trellises within recesses to ensure clear path for fire access.

    c. The flat portion of the roof shall be an energy-efficient color and material, per Regulation 9R-3 of the La Cueva SDP, and shall be indicated in a note on the elevations sheet.

    d. Improve legibility of notes on elevations.

    e. The dimensions and scale on the elevations shall match.

    f. Add building heights to elevations.

Applicant Response:

a. Two glass block windows have been added to the north façade of the restaurant.
b. Awnings have been moved over the service doors. Trellises have been moved within the building recesses.
c. Information has been added as general note 'B' on the elevations sheet.
d. Legibility of notes have been corrected.
e. Scale of drawings have been rectified.
f. Dimension strings for the building heights have been added to the elevations.

EPC Condition:

14. Signage:

a. General Note K on sheet 1 shall also cite the signage regulations of the La Cueva SDP.

b. Add a note to sheet 1 stating that, if a free-standing sign on the site is approved by the ZHE, the sign face area of building-mounted signs shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for the other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the total façade area of each tenant's premises for the south elevations, and 10% for other elevations

c. The logo background of the restaurant wall signs shall comply with 13R-9 of the La Cueva SDP.

d. The free-standing sign shown on the site development plan is not allowed unless a variance is obtained from the ZHE.

e. All signage to provide minimum contrast of 70% between graphics and background per ADA.

Applicant Response:

a. General note 'K' has been revised on Site Plan for Building Permit.
b. Information has been added as general note 'M' of the Site Plan for Building Permit.
c. Information has been added to general note 'K' of the Site Plan for Building Permit.
d. An application has been submitted to the ZHE for a variance to allow the free-standing sign. The hearing is January 19, 2010. Attached to this letter is the drawing of the proposed sign.
e. Information ahs been added as general note 'N' of the Site Plan for Building Permit.

EPC Condition:

15. Concurrent final sign-off at DRB of the associated site development plan for subdivision (#1008069, 09EPC-40064).

Applicant Response:

An application for final sign off at DRB for SDP for Subdivision is being submitted concurrent to application for final sign off at DRB for Building Permit.

EPC Condition:

16. The revised site development plan for building permit dated 12/16/2009 and presented at the EPC hearing shall be reflected in the submittal to the DRB.

Applicant Response:

The revised site development plan for building permit dated 12/16/2009 and presented at the EPC hearing is reflected in the submittal to the DRB.

Please feel free to contact me with any questions. Thank you for your consideration of this project.

Sincerely,

Joshua Skarsgard, Esq.

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

Date: December 18, 2009

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1008069**
09EPC-40063 SITE DEVELOPMENT - BUILDG PRMT
09EPC-40064 SITE DEVELOPMENT - SUBDIVISION

Resolution Equities, LLC
8220 San Pedro NE
Suite 500
Albuquerque, NM 87113

LEGAL DESCRIPTION: JOSHUA SKARSGARD agent for RESOLUTION EQUITIES LLC requests the above actions for all or a portion of lot(s) 13, 20 & 21, block 10, tract 2, NORTH ALBUQUERQUE ACRES Unit 3 zoned SU-2 / MU located on HOLLY AND PASEO DEL NORTE WEST OF WYOMING containing approximately 2 acres. (C-19) Carol Toffaleti, Staff Planner

On December 17, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1008069 / 09EPC-40064, a site development plan for subdivision for all or a portion of Lots 13, 20 & 21, Block 10, Tract 2, Unit 3, NORTH ALBUQUERQUE ACRES, zoned SU-2 / MU, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. The request is a site development plan for subdivision (SDPS) for lots 13, 20 and 21, Block 10, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 2 acres zoned SU-2/MU, located on Holly Ave. and Paseo del Norte, west of Wyoming Blvd. NE. The three lots would be reconfigured into two lots. The larger lot to the south would face Paseo del Norte and the smaller lot to the north would face Holly Ave, with a shared access off Holly Ave.

2. The request is accompanied by a site development plan for building permit for the new southern lot (1008069, 09EPC 40063). Future development on the northern lot is subject to EPC approval.

3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva sector development plan (LCSDP). Wyoming Blvd. is an Enhanced

Transit Corridor and Paseo del Norte an Express Corridor, as designated in the Comprehensive Plan. Lots 13 and 20 of the subject site are within the La Cueva Community Activity Center, designated in the Comprehensive Plan.

4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva sector development plan (2000, revised 2003) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

5. The subject site was included in an 8-acre project covered by a TIS, dated 7/29/2004 and entitled Plaza at La Cueva, that was reviewed by City Transportation Staff.

6. Paseo del Norte (NM 423) is a principal arterial with limited access. Although the site abuts this public right-of-way, direct vehicular access to it is not allowed.

7. Development on the site is subject to the regulations of the SU-2/MU zone and the "Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva sector development plan. Approval of a site development plan and landscape plan by the EPC is required.

8. The request furthers the following goals and policies of the Comprehensive Plan (CP) and the La Cueva sector plan (LCSDP):

   a. The proposal will offer additional choice of restaurants and retail uses, in a moderate intensity development and in a location accessible by all modes of transport, which respects neighborhood values (Developing Urban Area Goal, policy II.B.5d)

   b. The subdivision is proposed on vacant land contiguous to existing urban facilities and service and where the integrity of existing neighborhoods can be ensured (policy II.B.5.c)

   c. The small retail center would be located in an existing commercially zoned area (policy II.B.5.j)

   d. Vehicular access and circulation for the development are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Ave, which will protect the livability and safety of the residential zone to the north (policy II.B.5.k)

   e. The proposed commercial subdivision has appropriate uses, density and access for the designated La Cueva Community Activity Center and helps encourage walking between destinations within the center (Activity Center policy II.B.7.a, Community Identity and Urban Design policy II.C.9.d)

   f. The project will increase the concentration of employment uses in the activity center (Economic Development policy II.D.6.g)

g. The subdivision contributes to a balanced circulation system by providing vehicular and pedestrian access to both public rights of way and adjoining properties to the east and west (Transportation and Transit Goal and policy II.D.4.g)

h. The subdivision contributes a moderate intensity development containing restaurant and retail businesses to Window C of the sector plan area (LCSDP Guiding Principles)

9. The proposed restaurant and retail center will not provide employment opportunities with a wide range of occupational skills and salary levels (Economic Development policy II.D.6.a).

10. Conditions of approval are recommended to correct deficiencies related to cross-access and to correct minor errors and omissions.

11. Property-owners within 100 ft, the North Domingo Baca and North Wyoming Neighborhood Associations (NAs) and the District 4 Coalition were notified. A facilitated meeting was declined by the NAs and a "no meeting report" was submitted. The North Domingo Baca NA supports the proposal and the North Wyoming NA has no concerns. Written comments were received from the owners of adjoining lot 12 who have concerns about possible impacts of the development on their solar/wind-power access and about runoff, traffic and parking encroaching on their property. There is no known opposition to the request.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

   Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

   a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
   b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).

c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required. However, these system improvements may have already been addressed with Transportation Development as part of the original development proposal or constructed as part of the Wyoming Boulevard Widening Project. The applicant will need to verify and provide evidence that they have been addressed and/or constructed.
d. As it stands, the current proposal is located on property that is land locked. Therefore. the applicant will need to provide appropriate cross access agreements with adjacent property owners (i.e. Tract A – Paseo Village, Lot 13, Lot 22 and Tract 9A (New Covenant Church)).
e. Designated disabled parking spaces need to be 20' in length.
f. Provide more detail, of the connection between proposed Lot 20 and Tract A – Paseo Village (i.e. paving, curb & gutter, parking, striping, etc.).
g. Concurrent platting action required at DRB.
h. Site plan shall comply and be designed per DPM Standards.

4. Add a note stating that development shall comply with the SU-2, SU-2/Mixed Use zone and Common Design Regulations (Sections 5.4., 5.4.5, 5.4.6, La Cueva sector development plan 2000, revised 2003).

5. Add information to Site Data on new lot 13 and provide the total acreage of the subdivision. Coordinate the acreage of new lot 20 between the site development plans for subdivision and building permit.

6. In General Note B, insert "(#1008069, 09EPC-40063)" after site development plan for building permit.

7. In General Note C, add "according to a site development plan approved by the EPC, per the La Cueva sdp (2000, rev. 2003)".

8. In Keyed Note 5, briefly explain why the PUE is 5 ft along internal property lines.

9. Show pedestrian cross-access between the two proposed lots within the subdivision.

10. Show entire site of subdivision in vicinity map.

11. Show the public utility easements and overhead lines on the conceptual utility plan.

12. Add to General Note C: "The site development plan, including pedestrian circulation, building orientation, architecture and signage, shall be designed to coordinate with development on lot 20 to form a cohesive retail center. If a free-standing sign is approved by the ZHE that includes advertising for tenants on lot 13, the total sign face area of building-mounted signs shall not exceed 10% of the total façade area."

13. Concurrent final sign-off at DRB of the associated site development plan for building permit (#1008069, 09EPC-40063).

14. Add a Note "D. Signage" to the General Notes that shall include the following:

    a. The text of General Note A on Sheet 6 of the accompanying site development plan for building permit (SDPBP).

    b. The text of General Note K on sheet 1 of the SDPBP, amended to also cite the signage regulations of the La Cueva SDP.

    c. "If a free-standing sign on the site is approved by the ZHE, the total sign face area of building-mounted signs shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for the other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the total façade area of each tenant's premises for the south elevations, and 10% for other elevations."

    d. "The logo background of the restaurant wall signs shall comply with 13R-9 of the La Cueva SDP."

    e. "The free-standing sign shown on the site development plan is not allowed unless a variance is obtained from the ZHE."

    f. "All signage to provide minimum contrast of 70% between graphics and background per ADA."

15. Show the location of the proposed monument sign on the site development plan for subdivision.

On December 17, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1008069 / 09EPC-40063, a site development plan for building permit for all or a portion of Lots 13, 20 & 21, Block 10, Tract 2, Unit 3, NORTH ALBUQUERQUE ACRES, zoned SU-2 / MU, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. The request is a site development plan for building permit for the southern portion of lot 13 and lots 20 and 21, Block 10, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 1.41 acres zoned SU-2/MU, located on Holly Ave. and Paseo del Norte, west of Wyoming Blvd. NE. The proposed development consists of a 4,000 sf sit-down restaurant and an 8,288 sf retail building with 7 units. Vehicular access would be off Holly Ave. through the northern portion of lot 13.

2. The request is accompanied by a site development plan for subdivision (1008069, 09EPC 40064).

3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva sector development plan (LCSDP). Wyoming Blvd. is an Enhanced Transit Corridor and Paseo del Norte an Express Corridor, as designated in the Comprehensive Plan. Lots 13 and 20 of the subject site are within the La Cueva Community Activity Center. designated in the Comprehensive Plan.

4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva sector development plan (2000, revised 2003) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

5. The subject site was included in an 8-acre project covered by a TIS, dated 7/29/2004 and entitled Plaza at La Cueva, that was reviewed by City Transportation Staff.

6. Paseo del Norte (NM 423) is a principal arterial with limited access. Although the site abuts this public right-of-way, direct vehicular access to it is not allowed.

7. Development on the site is subject to the regulations of the SU-2/MU zone and the "Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva sector development plan. Approval of a site development plan and landscape plan by the EPC is required.

8. The request furthers the following goals and policies of the Comprehensive Plan and the La Cueva sector plan (LCSDP):

    a. The proposal will offer the surrounding community an additional choice of restaurants and retail uses, in a moderate intensity development and in a location accessible by all modes of transport, which respects neighborhood values (Developing Urban Area Goal and policy II.B.5.d)

    b. The development is proposed on vacant land contiguous to existing urban facilities and service and where the integrity of existing neighborhoods can be ensured (policy II.B.5.e)

    c. The small retail center would be located in an existing commercially zoned area (policy II.B.5.j)

    d. Vehicular access and circulation for the development are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Ave, which will protect the livability and safety of the residential zone to the north (policy II.B.5.k)

    e. The proposed commercial development has appropriate uses, density and access for the designated La Cueva Community Activity Center and helps encourage walking between destinations within the center (Activity Center policy II.B.7.a, Community Identity and Urban Design policy II.C.9.d)

    f. The project will increase the concentration of employment uses in the activity center (Economic Development policy II.D.6.g)

g. The development contributes to a balanced circulation system by providing vehicular and pedestrian access to public rights-of-way and adjoining properties to the east and west (Transportation and Transit Goal and policy II.D.4.g)

h. The landscape plan uses drought-tolerant plants and irrigation systems that minimize water waste (Water Management policy II.D.2.a)

i. The low-rise retail center is appropriately located in the Paseo del Norte corridor and will maintain views. The proposed uses, architecture and good connectivity of the development with adjacent streets and properties will make a positive contribution to the La Cueva area (LCSDP Guiding Principles).

9. The proposal partially furthers the following policies of the Comprehensive Plan:

a. The site design and architectural style are not innovative, but the buildings are well-articulated and use colors and materials that are appropriate to the area (policies II.B.5.l)

b. The one-story buildings maintain vistas from surrounding streets and properties. The facades visible from the arterial are attractive, but those facing Holly lack visual interest (policy II.B.5.m)

c. The landscape plan uses several native species, controls erosion and dust on the future pad site, but does not landscape the adjacent strip of unneeded ROW on Paseo (Developed Landscape policy II.C.8.d)

d. Street trees are provided but are very densely spaced , which may obstruct views of the Sandia Mountains and the west mesa. (policy II.C.8.a)

e. Pedestrian connections are provided within the site and to adjoining sidewalks and properties, but some are deficient in terms of width and safety. (Transportation policy II.D.4.g)

10. The proposal does not include any rainwater harvesting measures which conflicts with Water Management policy II.D.2.b.

11. Conditions of approval are recommended to improve compliance with the regulations of the La Cueva sector development, to provide more clarity and correct errors and omissions. A significant outstanding issue for the site layout is the requirement for a 15' wide sidewalk along the public facades, which is a constraint on space for vehicular circulation, parking and buffering at the front of the retail building.

12. Property-owners within 100 ft, the North Domingo Baca and North Wyoming Neighborhood Associations (NAs) and the District 4 Coalition were notified. A facilitated meeting was declined by the NAs and a "no meeting report" was submitted. The North Domingo Baca NA supports the proposal and the North Wyoming NA has no concerns. Written comments were received from the owners of adjoining lot 12 who have concerns about possible impacts of the development on their solar/wind-power access and about runoff, traffic and parking encroaching on their property. There is no known opposition to the request.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. Add a note stating that the uses shall comply at minimum with SU-2/Mixed Use zoning (Section 5.4.5, La Cueva sector development plan 2000, revised 2003).

4. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

   Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

   a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
   b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
   c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required. However, these system improvements may have already been addressed with Transportation Development as part of the original development proposal or constructed as part of the Wyoming Boulevard Widening Project. The applicant will need to verify and provide evidence that they have been addressed and/or constructed.

d. As it stands, the current proposal is located on property that is land locked. Therefore, the applicant will need to provide appropriate cross access agreements with adjacent property owners (i.e. Tract A – Paseo Village, Lot 13, Lot 22 and Tract 9A (New Covenant Church)).
e. Designated disabled parking spaces need to be 20' in length.
f. Provide more detail, of the connection between proposed Lot 20 and Tract A – Paseo Village (i.e. paving, curb & gutter, parking, striping, etc.).
g. Concurrent platting action required at DRB.
h. Site plan shall comply and be designed per DPM Standards.

5. Complete the view analysis to include views into the site and additional views out of the site, per Regulation 11R-1 of the La Cueva sdp.

6. Refuse enclosure:

   a. Add "and Recycling" to title of detail.

   b. Improve legibility of text on detail of refuse enclosure.

7. Pedestrian access/circulation:

   a. Relocate the raised pathway currently in the middle of the parking area north of the restaurant to provide a safer and more pleasant pedestrian connection between the development, lot 13 and the sidewalk on Holly. Clarify how it will be designed to allow motorists to drive over it.

   b. Crosswalks across site drives, as distinct from pathways, shall not be raised. Other information in keyed note 8 shall remain the same.

   c. Increase the width of the walkway along the south facades to 15 ft to comply with Regulation 3R-4 in the La Cueva SDP. A minimum clear, level path of 6 ft shall be maintained at ramps.

   d. Provide a minimum clear path of 4.5 ft under porticos between the supporting columns and the facades of the buildings.

   e. Provide additional shade for pedestrians per Regulation 3R-4 in the La Cueva SDP, by extending the portico along the façade of the building or by planting one shade tree at the southern edge of the walkway along Building 1 between the storefronts of units 3 and 4. Add one shade tree at the southern edge of the walkway between Buildings 1 and 2.

   f. The freezer on north side of restaurant shall be relocated within the building envelope.

   g. Wheel stops shall be added to the row of parking along the east elevation of the restaurant.

8. Lighting

   a. On sheet 1, add a reference to the lighting regulations of the La Cueva sdp in General Note E.

b. Add lights to better cover all walkways. Lighting may be in the form of lightpoles or bollards as appropriate.

c. The color of the light poles shall match the building.

9. Landscaping:

a. Place street trees on Holly between the curb and the sidewalk, as per the Street Tree Ordinance. Adjust spacing to accord with the spread of each species at maturity. e.g. 45' is acceptable for Bur Oak (75% of mature spread). The trees shall be planted with development of lot 13.

b. Landscape the strip of public ROW on Paseo del Norte between the sidewalk and the property line with drought-tolerant species. Relocate street trees from 5' buffer within the site to this area. Reduce the number of street trees to reflect their spread at maturity and any existing street trees between the curb and sidewalk. Provide required clearance for overhead lines.

c. 5 ft. of the required landscape buffer on Paseo del Norte may be within the right-of-way.

d. Add 1 shade tree at the southwest corner of the retail building and 1 shade tree at the northeast corner of the restaurant, to shade the surface area of parking lot more evenly and to take advantage of opportunities for rainwater harvesting via curb cuts.

e. Add planters/beds and plants for the trellises shown on the elevations sheet. Use evergreen vines for trellises on the rear elevations of the buildings.

f. Add upright shrubs or small trees (minimum 1/3 to be evergreen) in the landscape buffer along the north side of Building 1. Keep a pathway clear along the rear of the building for fire access.

g. Label the overhead utility line and poles on the Paseo del Norte frontage.

h. Use the same symbols to identify species planted on and off-site.

i. Correct plant sizes at maturity: Spanish broom (genista hispanica) is 4' x 4'; Turpentine bush is 3' x 4'; Blue avena is 2' x 1'; Winter jasmine is 4' x 6'.

j. Provide more information on the native seed/wildflower used on lot 13: the type of mix, lbs per square feet, and the means of irrigation to ensure germination and growth.

k. Adjust calculations according to above changes.

10. Public outdoor space:

a. Define a plaza area for shoppers in the space between Buildings 1 and 2 with at minimum seating, shade structures and/or landscaping.

b. Define a pathway to the rear of the restaurant, if appropriate.

c. Provide the total square footage and identify the different parts of the space on the site development plan to demonstrate compliance with LCSDP design standard 8R-3.

11. Grading & Drainage: Add curb cuts in landscaped beds, where appropriate, to utilize stormwater and reduce irrigation needs while improving tree and plant health. Also show them on the site development plan and landscape plan.

12. Add a note to the site development plan stating that all new utilities shall be placed underground per 11R-2 of the La Cueva SDP.

13. Conditions from PNM

- It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements or agreements.

- It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.

- Screening should be designed to allow for access to utility facilities. It is necessary to provide adequate clearance surrounding all ground-mounted utilities for safe operation, maintenance and repair purposes: ten feet in front of the door and five feet on other sides.

- Existing electric distribution infrastructure is located in the area of the site. It is necessary for the applicant to coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height in order to ensure sufficient safety clearances and to avoid interference with the existing distribution facilities along Paseo del Norte and the southern boundary of the site.

14. Architecture/Elevations

a. Add a minimum of one clerestory or opaque block window on the north elevation of the restaurant and add evergreen vegetation for the trellis. Remove recessed facades.

b. On the north elevation of Building 1, move awnings over service doors to make them functional. Extend recesses to grade. Place trellises within recesses to ensure clear path for fire access.

c. The flat portion of the roof shall be an energy-efficient color and material, per Regulation 9R-3 of the La Cueva SDP, and shall be indicated in a note on the elevations sheet.

d. Improve legibility of notes on elevations.

e. The dimensions and scale on the elevations shall match.

f. Add building heights to elevations.

15. Signage:

a. General Note K on sheet 1 shall also cite the signage regulations of the La Cueva SDP.

b. Add a note to sheet 1 stating that, if a free-standing sign on the site is approved by the ZHE, the sign face area of building-mounted signs shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for the other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the total façade area of each tenant's premises for the south elevations, and 10% for other elevations

c. The logo background of the restaurant wall signs shall comply with 13R-9 of the La Cueva SDP.

d. The free-standing sign shown on the site development plan is not allowed unless a variance is obtained from the ZHE.

e. All signage to provide minimum contrast of 70% between graphics and background per ADA.

16. Concurrent final sign-off at DRB of the associated site development plan for subdivision (#1008069, 09EPC-40064).

17. The revised site development plan for building permit dated 12/16/2009 and presented at the EPC hearing shall be reflected in the submittal to the DRB.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY **JANUARY 4, 2010** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly

followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Deferral requests by the applicant for map amendments and site development plans are subject to a $110 fee per item (Zoning Code Section 14-16-4-1(B)). Failure of the applicant to pay such fees and provide proof of payment prior to the date the case(s) are deferred to may result in further deferral of the item(s) until the required fee(s) are paid.

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,

Deborah Stover
Planning Director

DS/ /ma

cc: Resolution Equities, LLC, 8220 San Pedro NE, Suite 500, Albuquerque, NM 87113
Joshua Skarsgard, 8220 San Pedro NE, Suite 500, Albuquerque, NM 87113
Judie Pellegrino, North Domingo Baca N.A., 8515 Murrelet NE, Albuquerque, NM 87113
Erik Bose, North Domingo Baca N.A., 7200 Peregrine NE, Albuquerque, NM 87113
Amy Wasko, North Wyoming N.A., 7808 Callow NE, Albuquerque, NM 87109
Nanci Carriveau, North Wyoming N.A., 8309 Krim Dr. NE, Albuquerque, NM 87109
Amy Whitling, District 4 Coalition of N.A.'s, P.O. Box 91343, Albuquerque, NM 87199
Bambi Folk, District 4 Coalition of N.A.'s, 6617 Esther NE, Albuquerque, NM 87109
Robert & Jean Lehr, 8225 Northridge NE, Albuquerque, NM 87109

DEVELOPMENT REVIEW BOARD
AGENDA

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

January 27, 2010 9:00 AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

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

****

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

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT ANGELA GOMEZ, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

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

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

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

1.	**Project# 1007759** 09DRB-70397 - BULK LAND VARIANCE 09DRB-70398 - TEMP DEFERRAL OF SIDEWALK CONSTRUCTION 09DRB-70399 – SITE DEVELOPMENT PLAN FOR SUBDIVISION 09DRB-70400 - PRELIMINARY/ FINAL PLAT APPROVAL	LARKIN GROUP NM INC and CONSENSUS PLANNING INC, agent(s) for VIRGINIA &ONORIO COLUCCI request(s) the referenced/ above action(s) for all or a portion of Lot(s) 1A & 2, Block(s) 1, **LANDS OF ATRISCO LAND GRANT,** zoned SU-2/ PDA, located on the west side of 98TH ST SW between CENTRAL AVE SW and SUNSET GARDENS RD SW containing approximately 8.6662 acre(s). (L-09)

2. **Project# 1007871**
09DRB-70379 MAJOR - PRELIMINARY PLAT APPROVAL
09DRB-70380 SIDEWALK WAIVER
09DRB-70381 SUBDIVISION DESIGN VARIANCE FROM MIN DPM STDS

ISAACSON AND ARFMAN PA agent(s) for BISHOP'S COMPOUND, LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 2 & 3, **ALVARADO GARDENS UNIT 3 [TBKA BISHOP'S COMPOUND],** zoned R-LT, located on CANDELARIA RD NW between RIO GRANDE BLVD NW and CALLE SAN YSIDRO NW containing approximately 1.3379 acre(s). (G-12) *[Deferred from 1/6/10]*

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

3. **Project# 1007864**
10DRB-70029 EPC APPROVED SDP FOR BUILD PERMIT

MODULUS ARCHITECTS agent(s) for GOODMAN REALTY GROUP request(s) the above action(s) for all or a portion of Tract(s) B, **NEW HOLIDAY PARK,** zoned C-1, located on MONTGOMERY BLVD NE BETWEEN JUAN TABO NE AND CAIRO NE containing approximately 4.9 acre(s). (F-22)

4. **Project# 1007922**
10DRB-70022 EPC APPROVED SDP FOR BUILD PERMIT

SCOTT ANDERSON agent(s) for ST MICHAEL AND ALL ANGLES EPISCOPAL CHURCH request(s) the above action(s) for all or a portion of Lot(s) 9A & 10A, **ZAPF VAN ADDITION #10 NOV. 1, 1988,** zoned SU-1 R-1, located on MONTANO NW BETWEEN 4TH ST NW AND 9TH ST NW containing approximately 2.36 acre(s). (F-14)

5. **Project# 1008069**
10DRB-70026 EPC APPROVED SDP FOR BUILD PERMIT
10DRB-70027 EPC APPROVED SDP FOR SUBDIVISION
10DRB-70028 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

JOSHUA SKARSGARD agent(s) for RESOLUTION EQUITITES LLC request(s) the above action(s) for all or a portion of Lot(s) 13 & portions of 20 &21, **NORTH ALBUQUERQUE ACRES,** zoned SU-2 MU, located on HOLLY AVE NE BETWEEN WYOMING NE AND PASEO DEL NORTE NE containing approximately 1.75 acre(s). (C-19)

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

6. **Project# 1002739**
10DRB-70016 EXT OF SIA FOR TEMP DEFR SDWK CONST

MARK GOODWIN AND ASSOCIATES PA agent(s) for KB HOME NEW MEXICO INC request(s) the above action(s) for all or a portion of **ANDERSON HEIGHTS,** zoned R-D, located on 118TH ST SW BETWEEN DENNIS CHAVEZ SW AND GIBSON BLVD SW (N-8)

7. **Project# 1003062**
10DRB-70024 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERIES request(s) the above action(s) for all or a portion of **AREA NO 2, SPROUL SECURITY SUBDIVISION NO 2** located on INDIAN SCHOOL RD NE BETWEEN TRAMWAY BLVD NE AND CUMBRES ST NE containing approximately 5.3 acre(s).

8. **Project# 1004778**
10DRB-70023 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THE SURVEY OFFICE, LLC agent(s) for ROBERT CRAWFORD request(s) the above action(s) for all or a portion of Lot(s) 2-B-1 AND 2-C-1, located on ASPEN AVE BETWEEN MILL POND RD AND 12TH ST containing approximately 7.5425 acre(s). (H-13)

9. **Project# 1008050**
10DRB-70025 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

CLYDE J KING agent(s) for GARY JOHNSON request(s) the above action(s) for all or a portion of Lot(s) 6, **SHAMBAUH'S SUBDIVISION OF TRACT 66,** zoned R-1, located on COORS NW BETWEEN BLUEWATER RD NW AND LOS VOLCANES NW containing approximately 0.4299 acre(s). (J-10)

10. Approval of the Development Review Board Minutes:

January 6, 2010
January 13, 2010
January 20, 2010

Other Matters:

ADJOURNED:

DRB 1-27-10 7

Figure 12
INFRASTRUCTURE LIST

Project Number 1008069

Date Submitted _____
Date Site Plan Approved _____
Date Preliminary Plat Approved _____
Date Preliminary Plat Expires _____
DRB Project No. _____
DRB Application No.: _____

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (DRB) REQUIRED INFRASTRUCTURE IMPROVEMENTS LIST

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lot 13 and portions of 20 & 21 Block 10 Unit 3 Tract 2 North Albuquerque Acres
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE infrastructure required to be constructed 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 on the related portions of the financial guarantee. All such revisions require approval from the DRC Chair, the User Department and agent/owner. If such approvals are obtained, those 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.

SIA Seq #	COA DRC Proj #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Const Engineer
___	___	8"ϕ	WATERLINE +/- 330 LF	HOLLY AVE	EAST E.O.L	WEST P.L	__/__	__/__	__/__
___	___	6"ϕ	WATER LINE +/- 494 LF	ON SITE	HOLLY	F.H.'s	__/__	__/__	__/__
___	___	6"	GATE VALVES 3-EACH	ON SITE			/	/	/
___	___	6"	FIRE HYDRANTS 2-EACH	ON SITE	___	___	__/__	__/__	__/__
___	___	4"	SIDEWALK-PCC +/- 100 LF - 6'-0" WIDE	HOLLY AVE.	DRIVE	WEST P.L	__/__	__/__	__/__
___	___	6"	DRIVE PAD - PCC W/FILLETS	HOLLY AVE.	___	___	__/__	__/__	__/__
___	___	1½"ϕ	WATER METER + BOX	HOLLY AVE.			/	/	/
		2' WIDE	SIDEWALK CULVERT	PASSO DEL NORTE	___	___	__/__	__/__	__/__

Figure 12
INFRASTRUCTURE LIST

SIA Seq #	COA DRC Proj #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Const Engineer

NOTES

1

2

3

AGENT/OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS	
NAME (print)	DRB CHAIR – date	PARKS & GENERAL RECREATION – date
TITLE	TRANSPORTATION DEVELOPMENT – date	AMAFCA – date
SIGNATURE – date	UTILITY DEVELOPMENT – date	_____ date

MAXIMUM TIME ALLOWED TO CONSTRUCT
THE IMPROVEMENTS WITHOUT A TIME EXTENSION: _____

CITY ENGINEER · date

_____-date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

M E M O

Date: Jan. 26, 2010

To: Jack Cloud, DRB Chair

From: Carol Toffaleti, Planner
Current Planning Division, City of Albuquerque Planning Department
Tel 924-3345, cgtoffaleti@cabq.gov

Re: Project #1008069, 09EPC-40064 & 40063, SDPs for Subdivision and Building Permit – Holly & Paseo del Norte

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The EPC approved the dual request at a public hearing on December 17, 2009.

Approval of the site development plan for subdivision (09EPC 40064) was subject to 15 conditions. The staff planner delegates review of condition #3 to the City Engineer. The other conditions have been met with the following exceptions:

12. General Note J should be based on the exact language in the condition, i.e. "If a free-standing sign on lot 20 is approved by the ZHE that includes advertising for tenants on lot 13, the total sign face of building mounted signs on lot 13 shall not exceed 10% of the total façade area."

14.c General Note H should be based on the exact language in the condition, i.e. "If a free-standing sign on lot 20 is approved by the ZHE, the total sign face area of building mounted signs on lot 20 shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the façade area of each tenant's premises for south elevations and 10% for other elevations."

Approval of the site development plan for building permit (09EPC 40063) was subject to 17 conditions. The staff planner delegates review of condition #4 to the City Engineer, but requests confirmation under 4.b that cross-access with the property-owners of lots 22 and 9A includes pedestrian as well as vehicular cross-access to comply with the site plan for subdivision. Also, Keyed Note 20 should include ", including pedestrian access." The other conditions have been met with the following exceptions:

9. Landscape Plan

   a. The location of the sidewalk is shown correctly on the site development plan, but is contrary to what is stated in the cover letter. For clarity, the trees should be labeled "street" not "shade" trees on the plan and in the plant legends.

   e. 3 trellises on the west elevation of Building 1 were approved by the EPC, but are missing from the elevations sheet. Additional vines are required for these and for one trellis on the north elevation.

f. The proposed Broom Baccharis is too wide to maintain access and should be replaced with a narrower plant, such as Potentilla, English Lavender, Salvia Greggii.

j. Include lbs/acre in plant legends on both sheets of landscape plan. For clarity, state that the native seed/wildflower mix on lot 13 is planted with development of lot 20 and is temporary until lot 13 is developed. Staff questions whether the proposed # of lbs/acre is sufficient to achieve 75% live cover, particularly on lot 13 where no irrigation is provided. Increase # of lbs/acre in both off-site areas and state that lot 13 will be watered manually to ensure adequate germination and 75% live cover.

k. Correct calculations: to reflect the total site area indicated under site data on sheet 1; to distinguish permanent off-site area in the Paseo del Norte ROW from temporary off-site area on lot 13.

10.a For clarity, insert "including restaurant patio" at end of Keyed Note 36.

11. Call out the curb cuts in the landscaped end islands of the north parking area on the site development plan and landscape plan.

14. Elevations:

d. The notes are legible, but the elevations themselves are dark, which makes the façade design unclear and the typ. dimensions of doors and windows illegible. The following also need correcting:

- Three trellises are missing from #1 west elevation of Building 1
- The column on the left side of the west elevation of Building 1 is confusing. Eliminate it or label it "9. beyond (on Bldg 2)".
- Label the storefront on #3 east elevation of Building 2 "no entry" (since the path is less than 15' along this façade).

15.b General Note M: use same language as in comment under SDP for subdivision for condition 14.c

Please contact me if you have any questions or concerns.

Carol Iaffaldi

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
- V — 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): Joshua Skarsgard PHONE 505-262-2323
ADDRESS: 8220 San Pedro NE Suite 500 FAX 505-998-9099
CITY: Albuquerque STATE NM ZIP 87113 E-MAIL josh@skarsgardfirm.com

APPLICANT: Resolution Equities LLC PHONE 505-262-2323
ADDRESS: 8220 San Pedro NE Suite 500 FAX 505-998-9099
CITY: Albuquerque STATE NM ZIP 87113 E MAIL
Proprietary interest in site: Owner List all owners

DESCRIPTION OF REQUEST: Approval for Site Plan for Building Permit and Site Plan for Subdivision.

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 13 and portions of 20 & 21 Block: 10 Unit: 3 Tract 2
Subdiv/Addn/TBKA: North Albuquerque Acres
Existing Zoning: SU-2 MU Proposed zoning: Same MRGCD Map No
Zone Atlas page(s): C19 UPC Code: 101906418901630112

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): 09EPC-40063, Project # 1008069

CASE INFORMATION:

Within city limits? ✓ Yes Within 1000FT of a landfill? no
No. of existing lots: 3 No. of proposed lots: 3 Total area of site (acres): 1.75 ac +/-
LOCATION OF PROPERTY BY STREETS: On or Near: Southside of Holly Ave. West of Wyoming
Between: Holly Ave. and Paseo del Norte

Check-off if project was previously reviewed by Sketch Plat/Plan □, or Pre-application Review Team: ✓ Date of review 7/8/09

SIGNATURE [signature] DATE 1/18/10
(Print) Joshua Skarsgard Applicant □ Agent ✓

FOR OFFICIAL USE ONLY

- ☐ 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
10DRB	70026	SBP		$ 0
10DRB	70027	SPS		$ 0
10DRB	70028	P&F		$ 355.00
		CMF		$ 20.00
				$
				Total $ 375.00

Form revised 4/07

Hearing date 01/27/10

Sandy Handley 01/19/10
Planner signature / date

Project # 1008069

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

☐ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**
- __ 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) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ List any original and/or related file numbers 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)** **Maximum Size: 24" x 36"**
- __ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- __ 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) clearly outlined
- __ 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)
- __ List any original and/or related file numbers on the cover application

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

☐ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)** **Maximum Size: 24" x 36"**
- __ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- __ 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) clearly outlined
- __ 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)
- __ List any original and/or related file numbers on the cover application

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

☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**
- __ 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) **6 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ 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)
- __ List any original and/or related file numbers on the cover application

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

☑ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**

☑ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**
- ✓ 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 for Building Permit
- ✓ Zone Atlas map with the entire property(ies) clearly outlined
- ✓ 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)
- ✓ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original** to the meeting **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.

Joshua Skarsgard / Agent
Applicant name (print)

Applicant signature / date

Form revised October 2007

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

Application case numbers
10DRB - 10026
10DRB - 10027
- -

Sandy Handley 01/19/10
Planner signature / date

Project # 1008069

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

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

☐ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Your attendance is required.**
- __ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 **copies**
- __ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ List any original and/or related file numbers on the cover application

☐ **EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)** **Your attendance is required.**
- __ Preliminary Plat reduced to 8.5" x 11"
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Letter briefly describing, explaining, and justifying the request
- __ Copy of DRB approved infrastructure list
- __ Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- __ List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)** **Your attendance is required.**
- __ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- __ Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- __ Design elevations & cross sections of perimeter walls **3 copies**
- __ Zone Atlas map with the entire property(ies) clearly outlined
- __ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- __ Copy of recorded SIA
- __ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- __ List any original and/or related file numbers on the cover application
- __ DXF file and hard copy of final plat data for AGIS is required.

☑ **MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)** **Your attendance is required.**
- N/A 5 Acres or more: Certificate of No Effect or Approval
- ✓ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- N/A Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- N/A Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- N/A Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- ✓ Zone Atlas map with the entire property(ies) clearly outlined
- ✓ Letter briefly describing, explaining, and justifying the request
- ✓ Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- N/A Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- ✓ Fee (see schedule)
- ✓ List any original and/or related file numbers on the cover application
- ✓ 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.

Joshua Skorsgard / Agent
Applicant name (print)

Applicant signature / date

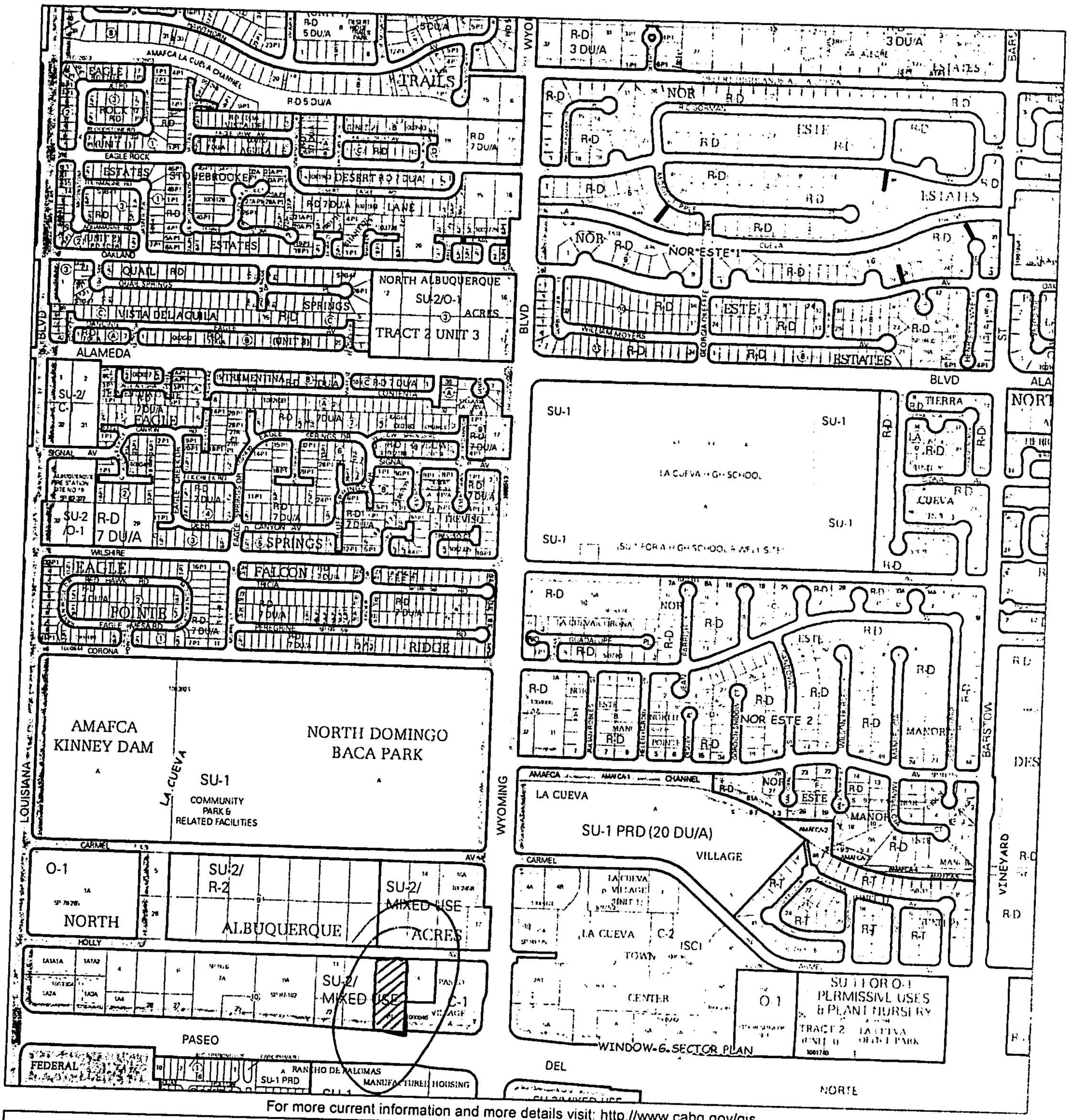
Form revised October 2007

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

Application case numbers
10DRB - 70028
__ - __ - __
__ - __ - __

Sandy Handley 01
Planner signature / date

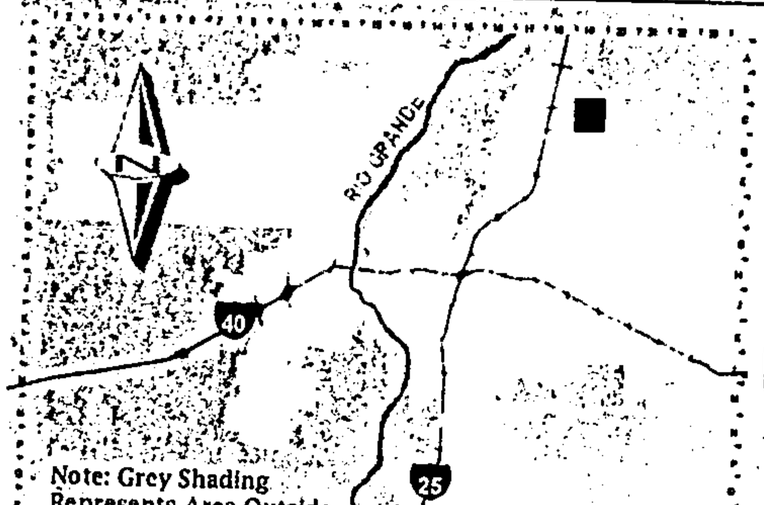
Project # 1008069



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

AGIS
Albuquerque Geographic Information System

Map amended through: 6/13/2008



Zone Atlas Page:

C-19-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

THE Skarsgard Firm, P.C.

JOSHUA J. SKARSGARD, ESQ.
ATTORNEY AT LAW

GORDON L. SKARSGARD, ESQ.
ATTORNEY AT LAW

8220 SAN PEDRO NE, SUITE 500
ALBUQUERQUE, NM 87113

TEL: (505) 262-2323
FAX: (505) 998-9099

January 19, 2010

Mr. Jack Cloud, Chairman
City of Albuquerque
Planning Department
Development Review Board
600 2nd St. NW
Albuquerque, NM 87103

RE: Justification letter Preliminary/Final Plat Approval

Dear Mr. Cloud:

Please be advised that The Skarsgard Firm, P.C., represents Resolution Equities, LLC ("Applicant") in this application for Minor Subdivision Preliminary/Final Plat approval for the real property described as Lots 13 and 20, Block 10, Unit 3, Tract 2 of North Albuquerque Acres. The subject site is located on North side of Paseo del Norte just west of Wyoming.

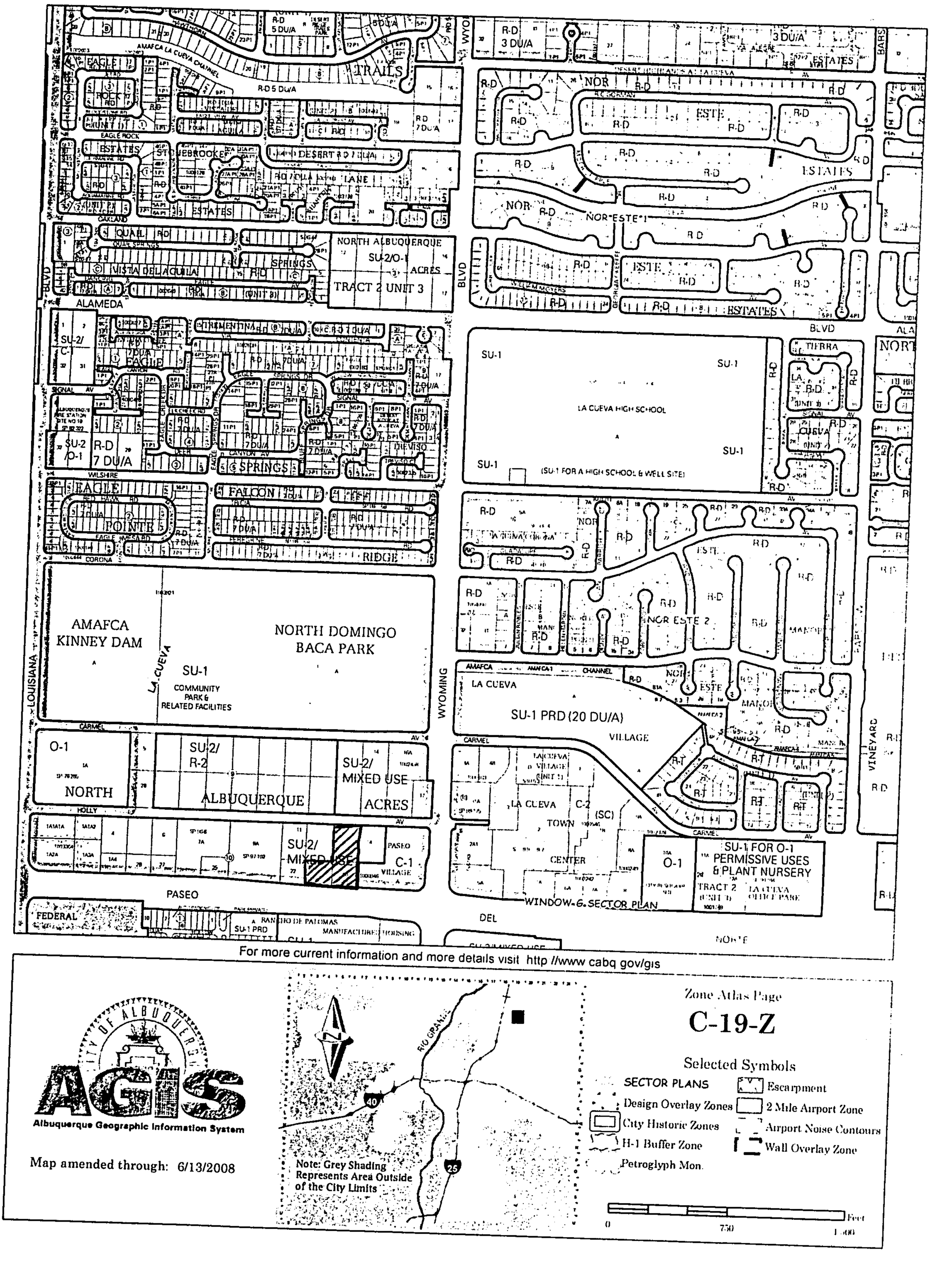
The attached application for Minor Subdivision Preliminary/Final Plat is being requested to finalize the subdivision of the subject property.

Below is my contact information. Please contact me with any questions or comments.

Joshua Skarsgard
Phone: 505-262-2323
Fax: 505-998-9099
E-mail: josh@skarsgardfirm.com

Sincerely,

Joshua J. Skarsgard, Esq.



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

Albuquerque Geographic Information System

Map amended through: 6/13/2008

Zone Atlas Page

C-19-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

THE *Skarsgard Firm, P.C.*

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TEL: (505) 262-2323
FAX: (505) 998-9099

January 18, 2010

Mr. Jack Cloud
City of Albuquerque
Planning Department
Development Review Board
600 2nd St. NW
Albuquerque, NM 87103

Re: Letter explaining how the Environmental Planning Commission ("EPC") Conditions of Approval have been met for the Site Development Plan ("SDP") for subdivision and SDP for building permit applications to the Development Review Board ("DRB")

Dear Mr. Cloud:

I, Joshua Skarsgard, am submitting this letter of explanation on behalf of Resolution Equities, L.L.C. ("Applicant"), the owner of the real property described as Lot 13 and portions of Lot 20 and 21, Block 10, Unit 3, Tract 2, North Albuquerque Acres ("Subject Site"), to explain how each EPC condition of approval has been met in our revised SDP for building permit, and SDP for subdivision (Project 1008069 / 09EPC-40064).

On December 17, 2009 the EPC voted to **APPROVE**, a a SDP for subdivision for the Subject Site, zoned SU-2 / MU, subject to the following Conditions of Approval:

EPC Condition:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

Applicant Response:

This letter serves as an explanation as to how the site plan has been modified to meet each of the EPC conditions.

EPC Condition:

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

Applicant Response:

Applicant met with staff planner, Carol Toffaleti, on Friday, January 8, 2010 to ensure that all conditions of approval were met.

EPC Condition:

3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required. However, these system improvements may have already been addressed with Transportation Development as part of the original development proposal or constructed as part of the Wyoming Boulevard Widening Project. The applicant will need to verify and provide evidence that they have been addressed and/or constructed.
d. As it stands, the current proposal is located on property that is land locked. Therefore, the applicant will need to provide appropriate cross access agreements with adjacent property owners (i.e. Tract A – Paseo Village, Lot 13, Lot 22 and Tract 9A (New Covenant Church)).
e. Designated disabled parking spaces need to be 20' in length.
f. Provide more detail, of the connection between proposed Lot 20 and Tract A – Paseo Village (i.e. paving, curb & gutter, parking, striping, etc.).
g. Concurrent platting action required at DRB.
h. Site plan shall comply and be designed per DPM Standards.

Applicant Response:

a. All requirements of previous actions taken by EPC are complete.
b. The Developer understands responsibility for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).

c. The subject site was included in an 8-acre project covered by a TIS, dated 7/29/2004 and entitled Plaza at La Cueva, that was reviewed by City Transportation Staff.
d. Access Agreements have been executed with adjacent land owners and are attached to this letter.
e. Designated disabled parking spaces are 20' in length.
f. Connection between both sites not shown on Site plan for Subdivision and is not applicable. Information shown on SP for Building Permit.
g. An application for Minor Subdivision Preliminary/Final Plat Approval is being submitted to the DRB concurrent with SDP for Subdivision and SDP for Building Permit Final Sign-Off application.
h. Information is reflected in general note 'D' on Site Plan for Subdivision.

EPC Condition:

4. Add a note stating that development shall comply with the SU-2, SU-2/Mixed Use zone and Common Design Regulations (Sections 5.4., 5.4.5, 5.4.6, La Cueva sector development plan 2000, revised 2003).

Applicant Response:

Note has been added as general note 'E' on Site Plan for Subdivision.

EPC Condition:

5. Add information to Site Data on new lot 13 and provide the total acreage of the subdivision. Coordinate the acreage of new lot 20 between the site development plans for subdivision and building permit.

Applicant Response:

Site data information has been revised to reflect site area of lot 13 and total area of lot 13 and 20 on Site Plan for Subdivision.

EPC Condition:

6. In General Note B, insert "(#1008069, 09EPC-40063)" after site development plan for building permit.

Applicant Response:

Information has been added to general note 'B' on Site Plan for Subdivision.

EPC Condition:

7. In General Note C, add "according to a site development plan approved by the EPC, per the La Cueva sdp (2000, rev. 2003)".

Applicant Response:

Information has been added to general note 'C' on Site Plan for Subdivision.

EPC Condition:

8. In Keyed Note 5, briefly explain why the PUE is 5 ft along internal property lines.

Applicant Response:

The existing PUE is 10 ft. along Paseo (keyed note #5) and has been revised to reflect that. The other dashed lines shown are actually building setbacks and are called out with keyed note #8.

EPC Condition:

9. Show pedestrian cross-access between the two proposed lots within the subdivision.

Applicant Response:

Pedestrian cross-access is now shown between lots 13 and 20 on Site Plan for Subdivision.

EPC Condition:

10. Show entire site of subdivision in vicinity map.

Applicant Response:

Entire site of subdivision is show in vicinity map.

EPC Condition:

11. Show the public utility easements and overhead lines on the conceptual utility plan.

Applicant Response:

The public easements and overhead lines are shown on the utility plan.

EPC Condition:

12. Add to General Note C: "The site development plan, including pedestrian circulation, building orientation, architecture and signage, shall be designed to coordinate with development on lot 20 to form a cohesive retail center. If a free-standing sign is approved by the ZHE that includes advertising for tenants on lot 13, the total sign face area of building-mounted signs shall not exceed 10% of the total façade area."

Applicant Response:

General note 'C' has been revised. General note 'J' has been added to reflect the information pertaining to the free-standing signage on Site Plan for Subdivision.

EPC Condition:

13. Concurrent final sign-off at DRB of the associated site development plan for building permit (#1008069, 09EPC-40063).

Applicant Response:

An application for final sign off at DRB for SDP for Building Permit is being submitted concurrent to application for final sign off at DRB for Subdivision.

EPC Condition:

14. Add a Note "D. Signage" to the General Notes that shall include the following:

    a. The text of General Note A on Sheet 6 of the accompanying site development plan for building permit (SDPBP).

    b. The text of General Note K on sheet 1 of the SDPBP, amended to also cite the signage regulations of the La Cueva SDP.

    c. "If a free-standing sign on the site is approved by the ZHE, the total sign face area of building-mounted signs shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for the other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the total façade area of each tenant's premises for the south elevations, and 10% for other elevations."

    d. "The logo background of the restaurant wall signs shall comply with 13R-9 of the La Cueva SDP."

    e. "The free-standing sign shown on the site development plan is not allowed unless a variance is obtained from the ZHE."

    f. "All signage to provide minimum contrast of 70% between graphics and background per ADA."

Applicant Response:

a. General note 'A' from sheet 6 has been added and is now general note 'F' on Site Plan for Subdivision.
b. General note 'K' has been revised on Site Plan for Subdivision.
c. This information is reflected in general note 'H' on Site Plan for Subdivision.
d. This information is reflected in general note 'G' on Site Plan for Subdivision.
e. An application has been submitted to the ZHE for a variance to allow a free standing sign. The ZHE hearing date is January 19, 2010. Attached to this letter is the drawing of the proposed sign.
f. This information is reflected in general note 'I' of the Site Plan for Subdivision.

EPC Condition:

15. Show the location of the proposed monument sign on the site development plan for subdivision.

Applicant Response:

The location of the proposed monument sign is shown on the SDP for Subdivision.

On December 17, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1008069 / 09EPC-40063, a site development plan for building permit for all or a portion of Lots 13, 20 & 21, Block 10, Tract 2, Unit 3, NORTH ALBUQUERQUE ACRES, zoned SU-2 / MU, subject to the following Conditions:

EPC Condition:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

Applicant Response:

This letter serves as an explanation as to how the site plan has been modified to meet each of the EPC conditions.

EPC Condition:

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

Applicant Response:

Applicant met with staff planner, Carol Toffaleti, on Friday, January 8, 2010 to ensure that all conditions of approval were met.

EPC Condition:

Add a note stating that the uses shall comply at minimum with SU-2/Mixed Use zoning (Section 5.4.5, La Cueva sector development plan 2000, revised 2003).

Applicant Response:

This information has been added as general note 'T' to the Site Plan for Building Permit.

EPC Condition:

3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

   Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

   a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
   b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
   c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required. However, these system improvements may have already been addressed with Transportation Development as part of the original development proposal or constructed as part of the Wyoming Boulevard Widening Project. The applicant will need to verify and provide evidence that they have been addressed and/or constructed.
   d. As it stands, the current proposal is located on property that is land locked. Therefore, the applicant will need to provide appropriate cross access agreements with adjacent property owners (i.e. Tract A – Paseo Village, Lot 13, Lot 22 and Tract 9A (New Covenant Church)).
   e. Designated disabled parking spaces need to be 20' in length.
   f. Provide more detail, of the connection between proposed Lot 20 and Tract A – Paseo Village (i.e. paving, curb & gutter, parking, striping, etc.).
   g. Concurrent platting action required at DRB.
   h. Site plan shall comply and be designed per DPM Standards.

Applicant Response:

a. All requirements of previous actions taken by EPC are complete.
b. The Developer understands responsibility for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
c. The subject site was included in an 8-acre project covered by a TIS, dated 7/29/2004 and entitled Plaza at La Cueva, that was reviewed by City Transportation Staff.
d. Access Agreements have been executed with adjacent land owners and are attached to this letter.
e. Designated disabled parking spaces are 20' in length.
f. This information has been revised in keyed note #21 of the Site Plan for Building Permit.
g. An application for Minor Subdivision Preliminary/Final Plat Approval is being submitted to the DRB concurrent with SDP for Subdivision and SDP for Building Permit Final Sign-Off application.
h. This information has been revised in general note 'A' of the Site Plan for Building Permit.

EPC Condition:

4. Complete the view analysis to include views into the site and additional views out of the site, per Regulation 11R-1 of the La Cueva sdp.

Applicant Response:

Additional views have been done into and out of the site and accompany this application.

EPC Condition:

5. Refuse enclosure:

   a. Add "and Recycling" to title of detail.

   b. Improve legibility of text on detail of refuse enclosure.

Applicant Response:

   a. "Recycling" has been added to the title of detail 2/sheet 1.
   b. Text is now legible.

EPC Condition:

6. Pedestrian access/circulation:

   a. Relocate the raised pathway currently in the middle of the parking area north of the restaurant to provide a safer and more pleasant pedestrian connection between the development, lot 13 and the sidewalk on Holly. Clarify how it will be designed to allow motorists to drive over it.

   b. Crosswalks across site drives, as distinct from pathways, shall not be raised. Other information in keyed note 8 shall remain the same.

   c. Increase the width of the walkway along the south facades to 15 ft to comply with Regulation 3R-4 in the La Cueva SDP. A minimum clear, level path of 6 ft shall be maintained at ramps.

   d. Provide a minimum clear path of 4.5 ft under porticos between the supporting columns and the facades of the buildings.

   e. Provide additional shade for pedestrians per Regulation 3R-4 in the La Cueva SDP, by extending the portico along the façade of the building or by planting one shade tree at the southern edge of the walkway along Building 1 between the storefronts of units 3 and 4. Add one shade tree at the southern edge of the walkway between Buildings 1 and 2.

   f. The freezer on north side of restaurant shall be relocated within the building envelope.

   g. Wheel stops shall be added to the row of parking along the east elevation of the restaurant.

Applicant Response:

a. Pedestrian pathway has been relocated to the east. Pathway will be raised in landscaped areas then shall ramp down before it meets the automobile drive aisle. Pathway then will ramp up into the landscaped area after it crossed the automobile drive aisle.
b. Keyed note #8 has been revised on the Site Plan for Building Permit.
c. The walkway in front of the buildings is now a minimum 15 ft. in width.
d. Column locations have been revised to allow 4'-6" clear between building façade and column.
e. Portico along Building 1 façade has been extended along the southern façade. A Shade tree has been added between Building 1 and 2 close to the accessible parking spaces.
f. Freezer is now located within the building envelope of Building 2.
g. Wheel stops have been added the parking spaces along the eastern façade of Building 2.

EPC Condition:

7. Lighting

a. On sheet 1, add a reference to the lighting regulations of the La Cueva sdp in General Note E.

b. Add lights to better cover all walkways. Lighting may be in the form of lightpoles or bollards as appropriate.

c. The color of the light poles shall match the building.

Applicant Response:

a. General note 'E' has been revised on the site Plan for Building Permit.
b. Additional light poles have been added to better light the pedestrian connections.
c. Detail #3 has been revised to reflect light pole color.

EPC Condition:

8. Landscaping:

a. Place street trees on Holly between the curb and the sidewalk, as per the Street Tree Ordinance. Adjust spacing to accord with the spread of each species at maturity, e.g. 45' is acceptable for Bur Oak (75% of mature spread). The trees shall be planted with development of lot 13.

b. Landscape the strip of public ROW on Paseo del Norte between the sidewalk and the property line with drought-tolerant species. Relocate street trees from 5' buffer within the site to this area. Reduce the number of street trees to reflect their spread at maturity and any existing street trees between the curb and sidewalk. Provide required clearance for overhead lines.

c. 5 ft. of the required landscape buffer on Paseo del Norte may be within the right-of-way.

d. Add 1 shade tree at the southwest corner of the retail building and 1 shade tree at the northeast corner of the restaurant, to shade the surface area of parking lot more evenly and to take advantage of opportunities for rainwater harvesting via curb cuts.

e. Add planters/beds and plants for the trellises shown on the elevations sheet. Use evergreen vines for trellises on the rear elevations of the buildings.

f. Add upright shrubs or small trees (minimum 1/3 to be evergreen) in the landscape buffer along the north side of Building 1. Keep a pathway clear along the rear of the building for fire access.

g. Label the overhead utility line and poles on the Paseo del Norte frontage.

h. Use the same symbols to identify species planted on and off-site.

i. Correct plant sizes at maturity: Spanish broom (genista hispanica) is 4' x 4'; Turpentine bush is 3' x 4'; Blue avena is 2' x 1'; Winter jasmine is 4' x 6'.

j. Provide more information on the native seed/wildflower used on lot 13: the type of mix, lbs per square feet, and the means of irrigation to ensure germination and growth.

k. Adjust calculations according to above changes.

Applicant Response:

a. The sidewalk is adjacent to the curb, therefore trees cannot be put there as directed. Trees have been placed apart no greater than 75% of mature canopy spread. Note added that trees shall be planted with development of lot 13.
b. Native seed and wildflower mix with Red Yucca, Prickly Pear, Spanish Broom and Broom Baccharis (all low to medium water use plant material) has been provided. Trees from 5' buffer within site area have been relocated. Trees have been placed apart no greater than 75% of mature canopy spread. There are no significant shade trees on site. All shade trees have been moved into ROW.
c. Architect has made this site change. Shrubs have been rearranged to accommodate the smaller planting bed.
d. Two shade trees have been provided as directed.
e. Eleven English Ivy have been added to the north elevation trellises and nine Banks Rose have been added to all other trellises.
f. As the space behind this building is only 6', it limits the plant material that can be uses and still provide ample walking space for fire access. However, we have provided Turpentine Bush 3' on center. This shrub is evergreen and has a 3' spread and 4' height at maturity.
g. Overhead utility line and poles on the Paseo del Norte frontage have been labeled.
h. The same symbols to identify species planted on and off-site have been used.
i. Plant sizes at maturity have been corrected.
j. Landscaping shown on the east side of Lot 13 shall be installed once the property is developed. In the interim, the landscape area shall be seeded under this application submittal. A seeding schedule shall occur between May 15 and September 15 to allow the best chance of germination by natural (rainwater) means.
k. Calculations have been adjusted accordingly.

EPC Condition:

9. Public outdoor space:

   a. Define a plaza area for shoppers in the space between Buildings 1 and 2 with at minimum seating, shade structures and/or landscaping.

   b. Define a pathway to the rear of the restaurant, if appropriate.

   c. Provide the total square footage and identify the different parts of the space on the site development plan to demonstrate compliance with LCSDP design standard 8R-3.

Applicant Response:

a. Refer to keyed notes #36, 37, and 38 on the Site Plan for Building Permit.
b. Site plan has been revised to show clear pathway behind the restaurant (north side building 2).
c. Refer to keyed note #36 on the Site Plan for Building Permit.

EPC Condition:

10. Grading & Drainage: Add curb cuts in landscaped beds, where appropriate, to utilize stormwater and reduce irrigation needs while improving tree and plant health. Also show them on the site development plan and landscape plan.

Applicant Response:

Dropped curb locations added at the landscape islands for collection of drainage. This has been shown on the Grading and Drainage plan.

EPC Condition:

11. Add a note to the site development plan stating that all new utilities shall be placed underground per 11R-2 of the La Cueva SDP.

Applicant Response:

Information has been added as general note 'L' on the Site Plan for Building Permit.

EPC Condition:

12. Conditions from PNM

- It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements or agreements.

- It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility

easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.

- Screening should be designed to allow for access to utility facilities. It is necessary to provide adequate clearance surrounding all ground-mounted utilities for safe operation, maintenance and repair purposes: ten feet in front of the door and five feet on other sides.

- Existing electric distribution infrastructure is located in the area of the site. It is necessary for the applicant to coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height in order to ensure sufficient safety clearances and to avoid interference with the existing distribution facilities along Paseo del Norte and the southern boundary of the site.

Applicant Response:

Information has been added as general notes 'P', 'Q', 'R', and 'S' on the Site Plan for Building Permit. Verified location of overhead electric lines and have then shown on utility plan along with the utility easement.

EPC Condition:

13. Architecture/Elevations

a. Add a minimum of one clerestory or opaque block window on the north elevation of the restaurant and add evergreen vegetation for the trellis. Remove recessed facades.

b. On the north elevation of Building 1, move awnings over service doors to make them functional. Extend recesses to grade. Place trellises within recesses to ensure clear path for fire access.

c. The flat portion of the roof shall be an energy-efficient color and material, per Regulation 9R-3 of the La Cueva SDP, and shall be indicated in a note on the elevations sheet.

d. Improve legibility of notes on elevations.

e. The dimensions and scale on the elevations shall match.

f. Add building heights to elevations.

Applicant Response:

a. Two glass block windows have been added to the north façade of the restaurant.
b. Awnings have been moved over the service doors. Trellises have been moved within the building recesses.
c. Information has been added as general note 'B' on the elevations sheet.
d. Legibility of notes have been corrected.
e. Scale of drawings have been rectified.
f. Dimension strings for the building heights have been added to the elevations.

EPC Condition:

14. Signage:

a. General Note K on sheet 1 shall also cite the signage regulations of the La Cueva SDP.

b. Add a note to sheet 1 stating that, if a free-standing sign on the site is approved by the ZHE, the sign face area of building-mounted signs shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for the other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the total façade area of each tenant's premises for the south elevations. and 10% for other elevations

c. The logo background of the restaurant wall signs shall comply with 13R-9 of the La Cueva SDP.

d. The free-standing sign shown on the site development plan is not allowed unless a variance is obtained from the ZHE.

e. All signage to provide minimum contrast of 70% between graphics and background per ADA.

Applicant Response:

a. General note 'K' has been revised on Site Plan for Building Permit.
b. Information has been added as general note 'M' of the Site Plan for Building Permit.
c. Information has been added to general note 'K' of the Site Plan for Building Permit.
d. An application has been submitted to the ZHE for a variance to allow the free-standing sign. The hearing is January 19, 2010. Attached to this letter is the drawing of the proposed sign.
e. Information ahs been added as general note 'N' of the Site Plan for Building Permit.

EPC Condition:

15. Concurrent final sign-off at DRB of the associated site development plan for subdivision (#1008069, 09EPC-40064).

Applicant Response:

An application for final sign off at DRB for SDP for Subdivision is being submitted concurrent to application for final sign off at DRB for Building Permit.

EPC Condition:

16. The revised site development plan for building permit dated 12/16/2009 and presented at the EPC hearing shall be reflected in the submittal to the DRB.

Applicant Response:

The revised site development plan for building permit dated 12/16/2009 and presented at the EPC hearing is reflected in the submittal to the DRB.

Please feel free to contact me with any questions. Thank you for your consideration of this project.

Sincerely,

Joshua Skarsgard, Esq.

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

Date: December 18, 2009

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1008069**
09EPC-40063 SITE DEVELOPMENT - BUILDG PRMT
09EPC-40064 SITE DEVELOPMENT - SUBDIVISION

Resolution Equities, LLC
8220 San Pedro NE
Suite 500
Albuquerque, NM 87113

LEGAL DESCRIPTION: JOSHUA SKARSGARD agent for RESOLUTION EQUITIES LLC requests the above actions for all or a portion of lot(s) 13, 20 & 21, block 10, tract 2, NORTH ALBUQUERQUE ACRES Unit 3 zoned SU-2 / MU located on HOLLY AND PASEO DEL NORTE WEST OF WYOMING containing approximately 2 acres. (C-19) Carol Toffaleti, Staff Planner

On December 17, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1008069 / 09EPC-40064, a site development plan for subdivision for all or a portion of Lots 13, 20 & 21, Block 10, Tract 2, Unit 3, NORTH ALBUQUERQUE ACRES, zoned SU-2 / MU, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. The request is a site development plan for subdivision (SDPS) for lots 13, 20 and 21, Block 10, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 2 acres zoned SU-2/MU, located on Holly Ave. and Paseo del Norte, west of Wyoming Blvd. NE. The three lots would be reconfigured into two lots. The larger lot to the south would face Paseo del Norte and the smaller lot to the north would face Holly Ave, with a shared access off Holly Ave.

2. The request is accompanied by a site development plan for building permit for the new southern lot (1008069, 09EPC 40063). Future development on the northern lot is subject to EPC approval.

3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva sector development plan (LCSDP). Wyoming Blvd. is an Enhanced

Transit Corridor and Paseo del Norte an Express Corridor, as designated in the Comprehensive Plan. Lots 13 and 20 of the subject site are within the La Cueva Community Activity Center, designated in the Comprehensive Plan.

4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva sector development plan (2000, revised 2003) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

5. The subject site was included in an 8-acre project covered by a TIS, dated 7/29/2004 and entitled Plaza at La Cueva, that was reviewed by City Transportation Staff.

6. Paseo del Norte (NM 423) is a principal arterial with limited access. Although the site abuts this public right-of-way, direct vehicular access to it is not allowed.

7. Development on the site is subject to the regulations of the SU-2/MU zone and the "Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva sector development plan. Approval of a site development plan and landscape plan by the EPC is required.

8. The request furthers the following goals and policies of the Comprehensive Plan (CP) and the La Cueva sector plan (LCSDP):

   a. The proposal will offer additional choice of restaurants and retail uses, in a moderate intensity development and in a location accessible by all modes of transport, which respects neighborhood values (Developing Urban Area Goal, policy II.B.5d)

   b. The subdivision is proposed on vacant land contiguous to existing urban facilities and service and where the integrity of existing neighborhoods can be ensured (policy II.B.5.e)

   c. The small retail center would be located in an existing commercially zoned area (policy II.B.5.j)

   d. Vehicular access and circulation for the development are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Ave, which will protect the livability and safety of the residential zone to the north (policy II.B.5.k)

   e. The proposed commercial subdivision has appropriate uses, density and access for the designated La Cueva Community Activity Center and helps encourage walking between destinations within the center (Activity Center policy II.B.7.a, Community Identity and Urban Design policy II.C.9.d)

   f. The project will increase the concentration of employment uses in the activity center (Economic Development policy II.D.6.g)

g. The subdivision contributes to a balanced circulation system by providing vehicular and pedestrian access to both public rights of way and adjoining properties to the east and west (Transportation and Transit Goal and policy II.D.4.g)

h. The subdivision contributes a moderate intensity development containing restaurant and retail businesses to Window C of the sector plan area (LCSDP Guiding Principles)

9. The proposed restaurant and retail center will not provide employment opportunities with a wide range of occupational skills and salary levels (Economic Development policy II.D.6.a).

10. Conditions of approval are recommended to correct deficiencies related to cross-access and to correct minor errors and omissions.

11. Property-owners within 100 ft, the North Domingo Baca and North Wyoming Neighborhood Associations (NAs) and the District 4 Coalition were notified. A facilitated meeting was declined by the NAs and a "no meeting report" was submitted. The North Domingo Baca NA supports the proposal and the North Wyoming NA has no concerns. Written comments were received from the owners of adjoining lot 12 who have concerns about possible impacts of the development on their solar/wind-power access and about runoff, traffic and parking encroaching on their property. There is no known opposition to the request.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

   Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

   a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
   b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).

c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required. However, these system improvements may have already been addressed with Transportation Development as part of the original development proposal or constructed as part of the Wyoming Boulevard Widening Project. The applicant will need to verify and provide evidence that they have been addressed and/or constructed.
d. As it stands, the current proposal is located on property that is land locked. Therefore, the applicant will need to provide appropriate cross access agreements with adjacent property owners (i.e. Tract A – Paseo Village, Lot 13, Lot 22 and Tract 9A (New Covenant Church)).
e. Designated disabled parking spaces need to be 20' in length.
f. Provide more detail, of the connection between proposed Lot 20 and Tract A – Paseo Village (i.e. paving, curb & gutter, parking, striping, etc.).
g. Concurrent platting action required at DRB.
h. Site plan shall comply and be designed per DPM Standards.

4. Add a note stating that development shall comply with the SU-2, SU-2/Mixed Use zone and Common Design Regulations (Sections 5.4., 5.4.5, 5.4.6, La Cueva sector development plan 2000, revised 2003).

5. Add information to Site Data on new lot 13 and provide the total acreage of the subdivision. Coordinate the acreage of new lot 20 between the site development plans for subdivision and building permit.

6. In General Note B, insert "(#1008069, 09EPC-40063)" after site development plan for building permit.

7. In General Note C, add "according to a site development plan approved by the EPC, per the La Cueva sdp (2000, rev. 2003)".

8. In Keyed Note 5, briefly explain why the PUE is 5 ft along internal property lines.

9. Show pedestrian cross-access between the two proposed lots within the subdivision.

10. Show entire site of subdivision in vicinity map.

11. Show the public utility easements and overhead lines on the conceptual utility plan.

12. Add to General Note C: "The site development plan, including pedestrian circulation, building orientation, architecture and signage, shall be designed to coordinate with development on lot 20 to form a cohesive retail center. If a free-standing sign is approved by the ZHE that includes advertising for tenants on lot 13, the total sign face area of building-mounted signs shall not exceed 10% of the total façade area."

13. Concurrent final sign-off at DRB of the associated site development plan for building permit (#1008069, 09EPC-40063).

14. Add a Note "D. Signage" to the General Notes that shall include the following:

a. The text of General Note A on Sheet 6 of the accompanying site development plan for building permit (SDPBP).

b. The text of General Note K on sheet 1 of the SDPBP, amended to also cite the signage regulations of the La Cueva SDP.

c. "If a free-standing sign on the site is approved by the ZHE, the total sign face area of building-mounted signs shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for the other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the total façade area of each tenant's premises for the south elevations, and 10% for other elevations."

d. "The logo background of the restaurant wall signs shall comply with 13R-9 of the La Cueva SDP."

e. "The free-standing sign shown on the site development plan is not allowed unless a variance is obtained from the ZHE."

f. "All signage to provide minimum contrast of 70% between graphics and background per ADA."

15. Show the location of the proposed monument sign on the site development plan for subdivision.

On December 17, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1008069 / 09EPC-40063, a site development plan for building permit for all or a portion of Lots 13, 20 & 21, Block 10, Tract 2, Unit 3, NORTH ALBUQUERQUE ACRES, zoned SU-2 / MU, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. The request is a site development plan for building permit for the southern portion of lot 13 and lots 20 and 21, Block 10, Tract 2, Unit 3, North Albuquerque Acres, a site of approximately 1.41 acres zoned SU-2/MU, located on Holly Ave. and Paseo del Norte, west of Wyoming Blvd. NE. The proposed development consists of a 4,000 sf sit-down restaurant and an 8,288 sf retail building with 7 units. Vehicular access would be off Holly Ave. through the northern portion of lot 13.

2. The request is accompanied by a site development plan for subdivision (1008069, 09EPC 40064).

3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the La Cueva sector development plan (LCSDP). Wyoming Blvd. is an Enhanced Transit Corridor and Paseo del Norte an Express Corridor, as designated in the Comprehensive Plan. Lots 13 and 20 of the subject site are within the La Cueva Community Activity Center, designated in the Comprehensive Plan.

4. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva sector development plan (2000, revised 2003) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

5. The subject site was included in an 8-acre project covered by a TIS, dated 7/29/2004 and entitled Plaza at La Cueva, that was reviewed by City Transportation Staff.

6. Paseo del Norte (NM 423) is a principal arterial with limited access. Although the site abuts this public right-of-way, direct vehicular access to it is not allowed.

7. Development on the site is subject to the regulations of the SU-2/MU zone and the "Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone" in the La Cueva sector development plan. Approval of a site development plan and landscape plan by the EPC is required.

8. The request furthers the following goals and policies of the Comprehensive Plan and the La Cueva sector plan (LCSDP):

   a. The proposal will offer the surrounding community an additional choice of restaurants and retail uses, in a moderate intensity development and in a location accessible by all modes of transport, which respects neighborhood values (Developing Urban Area Goal and policy II.B.5.d)

   b. The development is proposed on vacant land contiguous to existing urban facilities and service and where the integrity of existing neighborhoods can be ensured (policy II.B.5.e)

   c. The small retail center would be located in an existing commercially zoned area (policy II.B.5.j)

   d. Vehicular access and circulation for the development are designed to coordinate with adjoining properties and to diffuse traffic flows onto Holly Ave, which will protect the livability and safety of the residential zone to the north (policy II.B.5.k)

   e. The proposed commercial development has appropriate uses, density and access for the designated La Cueva Community Activity Center and helps encourage walking between destinations within the center (Activity Center policy II.B.7.a, Community Identity and Urban Design policy II.C.9.d)

   f. The project will increase the concentration of employment uses in the activity center (Economic Development policy II.D.6.g)

g. The development contributes to a balanced circulation system by providing vehicular and pedestrian access to public rights-of-way and adjoining properties to the east and west (Transportation and Transit Goal and policy II.D.4.g)

h. The landscape plan uses drought-tolerant plants and irrigation systems that minimize water waste (Water Management policy II.D.2.a)

i. The low-rise retail center is appropriately located in the Paseo del Norte corridor and will maintain views. The proposed uses, architecture and good connectivity of the development with adjacent streets and properties will make a positive contribution to the La Cueva area (LCSDP Guiding Principles).

9. The proposal partially furthers the following policies of the Comprehensive Plan:

a. The site design and architectural style are not innovative, but the buildings are well-articulated and use colors and materials that are appropriate to the area (policies II.B.5.l)

b. The one-story buildings maintain vistas from surrounding streets and properties. The facades visible from the arterial are attractive, but those facing Holly lack visual interest (policy II.B.5.m)

c. The landscape plan uses several native species, controls erosion and dust on the future pad site, but does not landscape the adjacent strip of unneeded ROW on Paseo (Developed Landscape policy II.C.8.d)

d. Street trees are provided but are very densely spaced , which may obstruct views of the Sandia Mountains and the west mesa. (policy II.C.8.a)

e. Pedestrian connections are provided within the site and to adjoining sidewalks and properties, but some are deficient in terms of width and safety. (Transportation policy II.D.4.g)

10. The proposal does not include any rainwater harvesting measures which conflicts with Water Management policy II.D.2.b.

11. Conditions of approval are recommended to improve compliance with the regulations of the La Cueva sector development, to provide more clarity and correct errors and omissions. A significant outstanding issue for the site layout is the requirement for a 15' wide sidewalk along the public facades, which is a constraint on space for vehicular circulation, parking and buffering at the front of the retail building.

12. Property-owners within 100 ft, the North Domingo Baca and North Wyoming Neighborhood Associations (NAs) and the District 4 Coalition were notified. A facilitated meeting was declined by the NAs and a "no meeting report" was submitted. The North Domingo Baca NA supports the proposal and the North Wyoming NA has no concerns. Written comments were received from the owners of adjoining lot 12 who have concerns about possible impacts of the development on their solar/wind-power access and about runoff, traffic and parking encroaching on their property. There is no known opposition to the request.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. Add a note stating that the uses shall comply at minimum with SU-2/Mixed Use zoning (Section 5.4.5, La Cueva sector development plan 2000, revised 2003).

4. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

   Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

   a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
   b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
   c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required. However, these system improvements may have already been addressed with Transportation Development as part of the original development proposal or constructed as part of the Wyoming Boulevard Widening Project. The applicant will need to verify and provide evidence that they have been addressed and/or constructed.

d. As it stands, the current proposal is located on property that is land locked. Therefore, the applicant will need to provide appropriate cross access agreements with adjacent property owners (i.e. Tract A – Paseo Village, Lot 13, Lot 22 and Tract 9A (New Covenant Church)).
e. Designated disabled parking spaces need to be 20' in length.
f. Provide more detail, of the connection between proposed Lot 20 and Tract A – Paseo Village (i.e. paving, curb & gutter, parking, striping, etc.).
g. Concurrent platting action required at DRB.
h. Site plan shall comply and be designed per DPM Standards.

5. Complete the view analysis to include views into the site and additional views out of the site, per Regulation 11R-1 of the La Cueva sdp.

6. Refuse enclosure:

a. Add "and Recycling" to title of detail.

b. Improve legibility of text on detail of refuse enclosure.

7. Pedestrian access/circulation:

a. Relocate the raised pathway currently in the middle of the parking area north of the restaurant to provide a safer and more pleasant pedestrian connection between the development, lot 13 and the sidewalk on Holly. Clarify how it will be designed to allow motorists to drive over it.

b. Crosswalks across site drives, as distinct from pathways, shall not be raised. Other information in keyed note 8 shall remain the same.

c. Increase the width of the walkway along the south facades to 15 ft to comply with Regulation 3R-4 in the La Cueva SDP. A minimum clear, level path of 6 ft shall be maintained at ramps.

d. Provide a minimum clear path of 4.5 ft under porticos between the supporting columns and the facades of the buildings.

e. Provide additional shade for pedestrians per Regulation 3R-4 in the La Cueva SDP, by extending the portico along the façade of the building or by planting one shade tree at the southern edge of the walkway along Building 1 between the storefronts of units 3 and 4. Add one shade tree at the southern edge of the walkway between Buildings 1 and 2.

f. The freezer on north side of restaurant shall be relocated within the building envelope.

g. Wheel stops shall be added to the row of parking along the east elevation of the restaurant.

8. Lighting

a. On sheet 1, add a reference to the lighting regulations of the La Cueva sdp in General Note E.

b. Add lights to better cover all walkways. Lighting may be in the form of lightpoles or bollards as appropriate.

c. The color of the light poles shall match the building.

9. Landscaping:

a. Place street trees on Holly between the curb and the sidewalk, as per the Street Tree Ordinance. Adjust spacing to accord with the spread of each species at maturity. e.g. 45' is acceptable for Bur Oak (75% of mature spread). The trees shall be planted with development of lot 13.

b. Landscape the strip of public ROW on Paseo del Norte between the sidewalk and the property line with drought-tolerant species. Relocate street trees from 5' buffer within the site to this area. Reduce the number of street trees to reflect their spread at maturity and any existing street trees between the curb and sidewalk. Provide required clearance for overhead lines.

c. 5 ft. of the required landscape buffer on Paseo del Norte may be within the right-of-way.

d. Add 1 shade tree at the southwest corner of the retail building and 1 shade tree at the northeast corner of the restaurant, to shade the surface area of parking lot more evenly and to take advantage of opportunities for rainwater harvesting via curb cuts.

e. Add planters/beds and plants for the trellises shown on the elevations sheet. Use evergreen vines for trellises on the rear elevations of the buildings.

f. Add upright shrubs or small trees (minimum 1/3 to be evergreen) in the landscape buffer along the north side of Building 1. Keep a pathway clear along the rear of the building for fire access.

g. Label the overhead utility line and poles on the Paseo del Norte frontage.

h. Use the same symbols to identify species planted on and off-site.

i. Correct plant sizes at maturity: Spanish broom (genista hispanica) is 4' x 4'; Turpentine bush is 3' x 4'; Blue avena is 2' x 1'; Winter jasmine is 4' x 6'.

j. Provide more information on the native seed/wildflower used on lot 13: the type of mix, lbs per square feet, and the means of irrigation to ensure germination and growth.

k. Adjust calculations according to above changes.

10. Public outdoor space:

a. Define a plaza area for shoppers in the space between Buildings 1 and 2 with at minimum seating, shade structures and/or landscaping.

b. Define a pathway to the rear of the restaurant, if appropriate.

c. Provide the total square footage and identify the different parts of the space on the site development plan to demonstrate compliance with LCSDP design standard 8R-3.

11. Grading & Drainage: Add curb cuts in landscaped beds, where appropriate, to utilize stormwater and reduce irrigation needs while improving tree and plant health. Also show them on the site development plan and landscape plan.

12. Add a note to the site development plan stating that all new utilities shall be placed underground per 11R-2 of the La Cueva SDP.

13. Conditions from PNM

- It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements or agreements.

- It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.

- Screening should be designed to allow for access to utility facilities. It is necessary to provide adequate clearance surrounding all ground-mounted utilities for safe operation, maintenance and repair purposes: ten feet in front of the door and five feet on other sides.

- Existing electric distribution infrastructure is located in the area of the site. It is necessary for the applicant to coordinate with PNM's New Service Delivery Department regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height in order to ensure sufficient safety clearances and to avoid interference with the existing distribution facilities along Paseo del Norte and the southern boundary of the site.

14. Architecture/Elevations

a. Add a minimum of one clerestory or opaque block window on the north elevation of the restaurant and add evergreen vegetation for the trellis. Remove recessed facades.

b. On the north elevation of Building 1, move awnings over service doors to make them functional. Extend recesses to grade. Place trellises within recesses to ensure clear path for fire access.

c. The flat portion of the roof shall be an energy-efficient color and material, per Regulation 9R-3 of the La Cueva SDP, and shall be indicated in a note on the elevations sheet.

d. Improve legibility of notes on elevations.

e. The dimensions and scale on the elevations shall match.

f. Add building heights to elevations.

15. Signage:

a. General Note K on sheet 1 shall also cite the signage regulations of the La Cueva SDP.

b. Add a note to sheet 1 stating that, if a free-standing sign on the site is approved by the ZHE, the sign face area of building-mounted signs shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for the other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the total façade area of each tenant's premises for the south elevations, and 10% for other elevations

c. The logo background of the restaurant wall signs shall comply with 13R-9 of the La Cueva SDP.

d. The free-standing sign shown on the site development plan is not allowed unless a variance is obtained from the ZHE.

e. All signage to provide minimum contrast of 70% between graphics and background per ADA.

16. Concurrent final sign-off at DRB of the associated site development plan for subdivision (#1008069, 09EPC-40064).

17. The revised site development plan for building permit dated 12/16/2009 and presented at the EPC hearing shall be reflected in the submittal to the DRB.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY **JANUARY 4, 2010** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly

followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Deferral requests by the applicant for map amendments and site development plans are subject to a $110 fee per item (Zoning Code Section 14-16-4-1(B)). Failure of the applicant to pay such fees and provide proof of payment prior to the date the case(s) are deferred to may result in further deferral of the item(s) until the required fee(s) are paid.

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,

Deborah Stover
Planning Director

DS/ /ma

cc: Resolution Equities, LLC, 8220 San Pedro NE, Suite 500, Albuquerque, NM 87113
Joshua Skarsgard, 8220 San Pedro NE, Suite 500, Albuquerque, NM 87113
Judie Pellegrino, North Domingo Baca N.A., 8515 Murrelet NE, Albuquerque, NM 87113
Erik Bose, North Domingo Baca N.A., 7200 Peregrine NE, Albuquerque, NM 87113
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Nanci Carriveau, North Wyoming N.A., 8309 Krim Dr. NE, Albuquerque, NM 87109
Amy Whitling, District 4 Coalition of N.A.'s, P.O. Box 91343, Albuquerque, NM 87199
Bambi Folk, District 4 Coalition of N.A.'s, 6617 Esther NE, Albuquerque, NM 87109
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THE *Skarsgard Firm, P.C.*

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Proj. no 1008069

February 2, 2010

Jack Cloud

Mr. Jack Cloud
City of Albuquerque
Planning Department
Development Review Board
600 2nd St. NW
Albuquerque, NM 87103

Re: DRB CASE No. 1008069 – Responses to Engineering comments from Development Review Board ("DRB") and Responses explaining revisions to Environmental Planning Commission ("EPC") Conditions of Approval for Site Development Plan ("SDP") for subdivision and SDP for building permit applications to the Development Review Board ("DRB").

Dear Mr. Cloud:

I, Joshua Skarsgard, am submitting this letter of explanation on behalf of Resolution Equities, L.L.C. ("Applicant"), the owner of the real property described as Lot 13 and portions of Lot 20 and 21, Block 10, Unit 3, Tract 2, North Albuquerque Acres ("Subject Site"), to respond to Engineering comments from DRB, and responses to revisions to SDP for subdivision and SDP for building permit requested by Carol Toffaleti on January 26, 2010.

ENGINEERING COMMENTS:

Plat Comments:

ABQ Staff Comment:
Provide an exhibit showing the location of the sidewalk and defining the distance from face of curb to the property line. Right of Way dedication may be required.

Applicant Response:

An exhibit is attached to this response letter. It shows the location of the sidewalk and defines the distance from face of curb to the property line.

ABQ Staff Comment:
The site plan shows connections to Lot 22 and Tract A, as well as, Lot 20A. Cross access easements must be provided for these lots.

Applicant Response:
Cross access easements have been executed by adjacent lots property owners. They are attached to this response letter.

Site Plan Comments:

ABQ Staff Comment:
Additional information regarding the TIS is required. Please see EPC condition 3c. Condition 3c specifies that the applicant must provide proof of completion of all required improvements; this must be completed prior to approval.

Applicant Response:
Carol Toffaleti provided a copy of the Plaza at La Cueva TIS Conclusions and Recommendations page, attached to this letter. The recommendations from the TIS are improvements to Wyoming Blvd. The proposed development does not have connection with Wyoming Blvd.

ABQ Staff Comment:
A copy of the cross access easements with adjacent property owners must be provided with this submittal. See EPC condition 3d.

Applicant Response:
Cross access easements have been executed by adjacent lots property owners. They are attached to this response letter.

ABQ Staff Comment:
A 6-foot wide pedestrian connection is shown tying to Tract A. Clarify what this connection will tie to. Why is this path not ADA accessible? (See EPC condition 4f)

Applicant Response:
The 6 ft. wide pedestrian connection shall tie into the existing sidewalk that fronts the southern elevation of the adjacent retail building to the east. Because of the drastic change in grade elevation between the two sites, stairs are required for easy access. Stairs were designed for this area in lieu of a large switch back ramp because of the many runs that would be required and the probability that the ramp would not fit in that allotted area.

ABQ Staff Comment:
Provide details for all ramps.

Applicant Response:
Ramp details 4 and 5 have been added to sheet 1.

ABQ Staff Comment:
The entrance off of Holly Avenue must have ramps on both sides.

Applicant Response:
A ramp has been added to the east side of the entrance off of Holly.

ABQ Staff Comment:
Sidewalk is required along the entire frontage of Holly Avenue.

Applicant Response:
Sidewalk has been added to the east side of the Holly frontage.

Infrastructure Comments:

ABQ Staff Comment:
Holly Avenue from west property line to east property line: 24 feet of permanent pavement plus 4 foot sidewalk (south side) is required.

Applicant Response:
It is assumed that there is not enough (24 feet) paving in the street and that we should add that to the list but we do have at least 24 feet of paving in Holly and do not need any more paving.

REVISIONS OF EPC CONDITIONS:

Approval of the site development plan for subdivision (09EPC 40064) was subject to 15 conditions. The staff planner delegates review of condition #3 to the City Engineer. The other conditions have been met with the following exceptions:

ABQ Staff Comment:
12. General Note J should be based on the exact language in the condition, i.e. "If a free-standing sign on lot 20 is approved by the ZHE that includes advertising for tenants on lot 13, the total sign face of building mounted signs on lot 13 shall not exceed 10% of the total façade area."

Applicant Response:
Note has been revised to reflect the exact wording of the required information.

ABQ Staff Comment:
14.c General Note H should be based on the exact language in the condition, i.e. "If a free-standing sign on lot 20 is approved by the ZHE, the total sign face area of building mounted signs on lot 20 shall not exceed 12.5% of the total façade area for the south elevations and 10% of the total façade area for other elevations. The total sign face area of each tenant's building-mounted signs shall not exceed 12.5% of the façade area of each tenant's premises for south elevations and 10% for other elevations."

Applicant Response:
Note has been revised to reflect the exact wording of the required information.

Approval of the site development plan for building permit (09EPC 40063) was subject to 17 conditions. The staff planner delegates review of condition #4 to the City Engineer, but requests confirmation under 4.b that cross-access with the property-owners of lots 22 and 9A includes pedestrian as well as vehicular cross-access to comply with the site plan for subdivision. Also, Keyed Note 20 should include ", including pedestrian access." The other conditions have been met with the following exceptions:

Applicant Response:
Cross access easements have been executed by adjacent lots property owners. They are attached to this response letter. Keyed note 20 has been revised to include the additional text.

ABQ Staff Comment:
9. Landscape Plan

a. The location of the sidewalk is shown correctly on the site development plan, but is contrary to what is stated in the cover letter. For clarity, the trees should be labeled "street" not "shade" trees on the plan and in the plant legends.

e. 3 trellises on the west elevation of Building 1 were approved by the EPC, but are missing from the elevations sheet. Additional vines are required for these and for one trellis on the north elevation.

f. The proposed Broom Baccharis is too wide to maintain access and should be replaced with a narrower plant, such as Potentilla, English Lavender, Salvia Greggii.

j. Include lbs/acre in plant legends on both sheets of landscape plan. For clarity, state that the native seed/wildflower mix on lot 13 is planted with development of lot 20 and is temporary until lot 13 is developed. Staff questions whether the proposed # of lbs/acre is sufficient to achieve 75% live cover, particularly on lot 13 where no irrigation is provided. Increase # of lbs/acre in both off-site areas and state that lot 13 will be watered manually to ensure adequate germination and 75% live cover.

k. Correct calculations: to reflect the total site area indicated under site data on sheet 1; to distinguish permanent off-site area in the Paseo del Norte ROW from temporary off-site area on lot 13.

Applicant Response:

a.Revised notes to state "Street Trees", also separated Street trees from parking lot trees in legend.

e. In a phone phone conversation with Carol Toffaleti on Jan. 28, it was agreed that the 3 trellises would not be required. Additional plants were added to more densely populate that area, plants will grow to a minimum of 3 ft. in height at full maturity.

f. Replaced Broom Baccharis with Potentilla.

j. Included lbs/acre in plant legends on both sheets of landscape plan. Note provided that states that the native seed/wildflower mix on lot 13 is planted with development of lot 20 and is temporary until lot 13 is developed. Increased seed rate by 50%. Watering manually (site visit once per day for 2 months to handwater from a hosebib) would be an extremely expensive labor cost therefore I will provide a temporary irrigation system to Lot 13 native seed areas. (A ¾" irrigation was originally requested to the drip system, with the sprinkler system a 1" or greater is suggested)

k.Calculations revised to to reflect the total site area indicated under site data on sheet 1; to distinguish permanent off-site area in the Paseo del Norte ROW from temporary off-site area on lot 13.

ABQ Staff Comment:
10.a For clarity, insert "including restaurant patio" at end of Keyed Note 36.

Applicant Response:
Keyed note 36 has been revised to reflect the additional text.

ABQ Staff Comment:

11. Call out the curb cuts in the landscaped end islands of the north parking area on the site development plan and landscape plan.

Applicant Response:

Curb cuts have been added and are called out with key note 40.

ABQ Staff Comment:

14. Elevations:

d. The notes are legible, but the elevations themselves are dark, which makes the façade design unclear and the typ. dimensions of doors and windows illegible. The following also need correcting:

- Three trellises are missing from #1 west elevation of Building 1
- The column on the left side of the west elevation of Building 1 is confusing. Eliminate it or label it "9. beyond (on Bldg 2)".
- Label the storefront on #3 east elevation of Building 2 "no entry" (since the path is less than 15' along this façade).

Applicant Response:

d. Elevation sheet has been corrected and graphics are more legible.

-In a phone phone conversation with Carol Toffaleti on Jan. 28, it was agreed that the 3 trellises would not be required. Additional plants were added to more densely populate that area, plants will grow to a minimum of 3 ft. in height at full maturity.

-Column has been called out with a key note 9 beyond.

-Storefront has been labeled with the note "no entry".

ABQ Staff Comment:

General Note M: use same language as in comment under SDP for subdivision for condition 14.c.

Applicant Response:

General note M has been revised to reflect the exact wording of the required information.

Please feel free to contact me with any questions. Thank you for your consideration of this project.

Sincerely,

Joshua Skarsgard, Esq.

PLAZA @ LA CUEVA
WYOMING AND
PASEO DEL NORTE
TRAFFIC IMPACT STUDY

JULY 29, 2004

Prepared for:

Paseo Wyoming Development Company, LLC

415 LaSalle Street

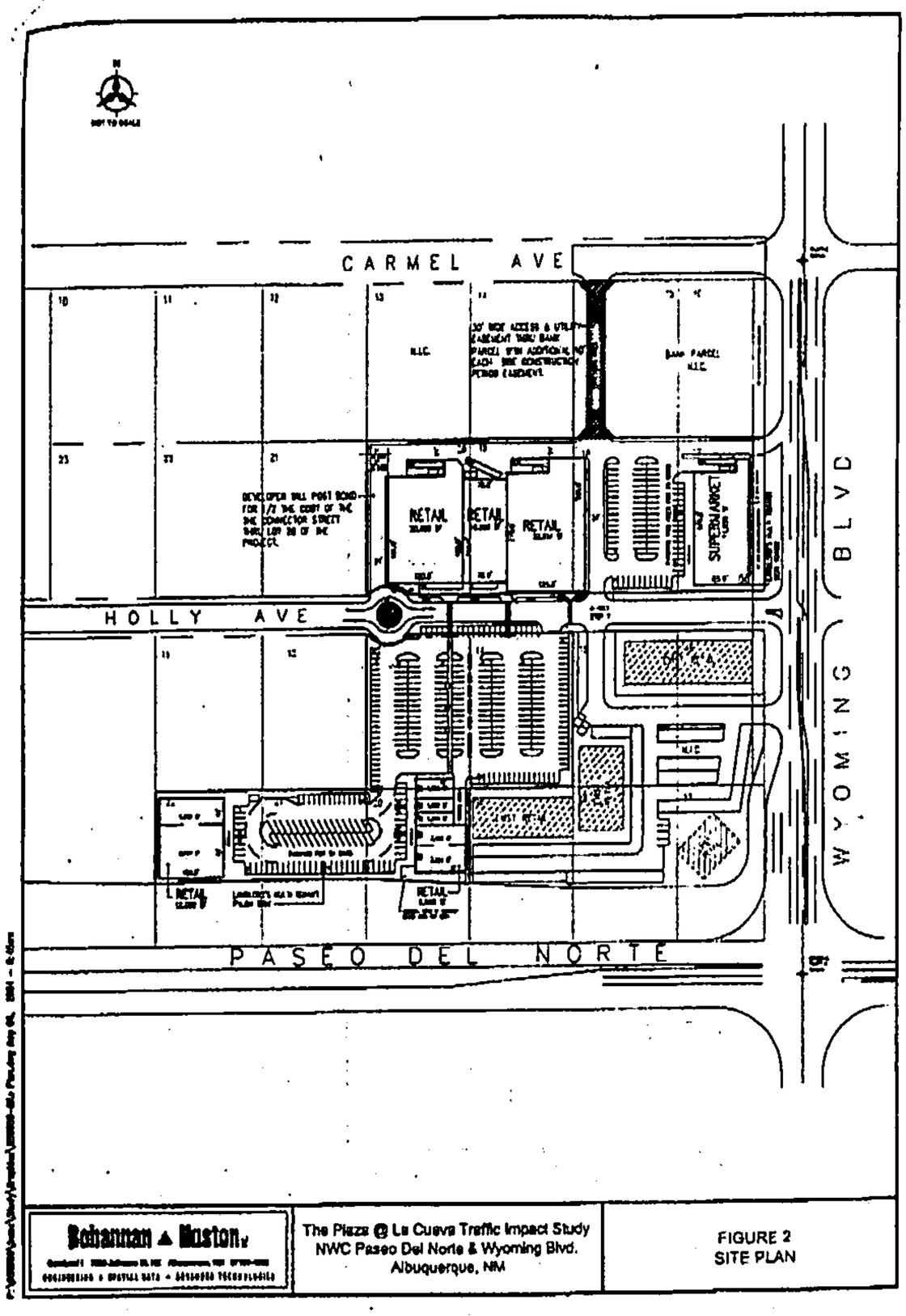
Suite 200

Chicago, IL 60610

Prepared by:

Bohannan Huston Inc.

- ENGINEERING
- ADVANCED TECHNOLOGIES
- SPATIAL DATA



VI. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

All the intersections in the study operate at acceptable levels of service with existing traffic except for the Wyoming and Paseo del Norte intersection. In the 2006 No Build scenario, again only the Wyoming and Paseo del Norte intersection needs improvement to operate at acceptable levels of service.

The build scenario operates similarly to the existing and no build scenarios. All intersections, except for Wyoming and Paseo del Norte operate at acceptable levels of service.

The amount of traffic added to the intersection of Wyoming and Paseo del Norte by the proposed development is relatively small compared to the traffic utilizing the intersection. In the build scenario, it is forecast that the development will add 274 trips to the intersection, or just 3% of the over 10,000 vehicles using the intersection in the PM peak hour. The deficiencies at the intersection are a result of existing and background traffic growth, not as a result of the development.

The amount of improvements required at Wyoming and Paseo del Norte exceed what is considered reasonable under current planning policies and land use. This intersection is not identified as a future grade separated interchange on the MRCOG Long Range Roadway System, although the traffic levels strongly imply that should be considered, particularly given the lane requirements for an at-grade intersection to operate satisfactorily. A true eastbound-to-southbound free right turn lane, with a lane pick-up instead of the current merge, would improve operation somewhat, although the intersection as a whole and most of the other movements still operate at LOS F, even under existing traffic conditions (volume and geometry) assuming a true free right for the eastbound right. Adjusting the computed delay to reflect assumed true free rights on all approaches still results in LOS F under existing traffic levels.

B. Recommendations

The following recommendations are made:

The recommended improvements for the build scenario are are the following:

Dedicate ROW along Wyoming frontage to allow for a future 3rd southbound lane.

Extend the eastbound-to-southbound free right turn lane acceleration lane on Wyoming south and merge at Domingo Baca Arroyo crossing.

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

On this 16th day of December, 2009, before me personally appeared Peggy Diskalos Lycou, Managing Member of Paseo Village, LLC, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Linda McCormick
Notary Public

My commission expires: 10/9/2011

OFFICIAL SEAL
Linda McCormick
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 10/9/2011

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

On this 16th day of December, 2009, before me personally appeared Gordon L. Skarsgard, Managing Member of Resolution Equities, LLC, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary Public

My commission expires: 4/10/2013

OFFICIAL SEAL
Trisha A. Lopes
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 4/10/2013

PERPETUAL
MUTUAL EASEMENT
(Utilities and Access)

Paseo Village, LLC, a New Mexico Limited Liability Company ("Paseo Village") located at 5319 Menual NE Albuquerque, New Mexico 87110, and, Resolution Equities, LLC, a New Mexico Limited Liability Company ("Resolution"), located at 8220 San Pedro NE Suite 500 Albuquerque, New Mexico 87113, grant to each other a mutual perpetual easement for placement and maintenance of utilities, ingress, egress, vehicular traffic, pedestrian traffic and non-exclusive parking, which easement shall be for the mutual benefit of each other and shall run with the land of the following described real estate in Bernalillo County, New Mexico, to-wit:

Paseo Village Property:

Plat of Tract A of Paseo Village situated within projected Sections 18 T.11 N; R4E N.M.P.M. City of Albuquerque, Bernalillo County, New Mexico as same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on February 15, 2001 in Plat Book 2001 C at page 52.

Resolution Equities Property:

Lots thirteen (13) and fourteen (14) and a portion of Lots twenty (20), twenty-one (21) and twenty-two (22) Block 10, Tract 2, of Unit 3 of NORTH ALBUQUERQUE ACRES, a Subdivision of the City of Albuquerque, Bernalillo County, New Mexico as shown on the plat filed September 10, 1931 in Plat Book D-1, Folio 20 in the office of the County Clerk of Bernalillo County, New Mexico.

The Grant of the Easements is shown on Exhibit A attached herein and included by reference.

This Easement may be terminated upon 60 days written notice delivered from one party to the other party if a party determines that the tenants or invitees of the other party are excessively using the parking off their site.

WITNESS ITS hand this 16th day of December 2009.

PASEO VILLAGE, LLC,
A New Mexico Limited Liability
Company

By _____
Managing Member

RESOLUTION EQUITIES, LLC,
A New Mexico Limited Liability
Company

By _____
Managing Member

Doc# 2009141318

12/31/2009 10:03 AM Page: 1 of 3
EASE R:$13.00 M. Toulouse Oliver, Bernalillo County

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

On this 19th day of June, 2009, before me personally appeared Mark D Feiling, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Laura M. Cordova
Notary Public

My commission expires:
10/03/2011

OFFICIAL SEAL
Laura M. Cordova
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 10/03/2011

RETURN TO FIRST AMERICAN TITLE CO GF# [illegible]

PERPETUAL EASEMENT
(Utilities and Access)

New Covenant Church of Albuquerque, a New Mexico non-profit corporation, hereby grants to Augustine C. Grace III and Susan G. Grace, husband and wife of Albuquerque, New Mexico, a perpetual easement for placement and maintenance of utilities, ingress, egress, vehicular traffic, pedestrian traffic and non-exclusive parking upon Lot 9A, Block 10, Tract 2, Unit 3, North Albuquerque Acres, filed May 13, 1997 Volume 3, Folio 153, which easement shall be for the benefit of and shall run with the land of the following described real estate in Bernalillo County, New Mexico, to-wit:

Lots eleven (11) and twenty-two (22), Block 10, Tract 2, of Unit 3 of NORTH ALBUQUERQUE ACRES, a Subdivision of the City of Albuquerque, Bernalillo County, New Mexico as shown on the plat filed September 10, 1931 in Plat Book D-1, Folio 20 in the office of the County Clerk of Bernalillo County, New Mexico.

The Grant of the Easement is described on Exhibit A and is shown on Exhibit B, attached herein and included here by reference.

The Grantee or its assigns, shall place the utilities within the easement area and construct the access road within 24 months from the date this easement is recorded. Grantee or it assigns, shall construct the parking improvements, as described in the Parking Allocation Easement attached herein and included here by reference. Grantor reserves the right to terminate this easement in the event the construction is not complete within 24 months of the recording date.

WITNESS ITS hand this 19th day of June, 2009.

NEW COVENANT CHURCH OF ALBUQUERQUE

By _____
SR. PASTOR/PRESIDENT

Notary on page to follow

Doc #2009074508 eRecorded
07/02/2009 09:03:00 AM Page 1 of 8
EASE Rec Fee: $23.00 M. Toulouse Oliver, Bernalillo County

EXHIBIT A

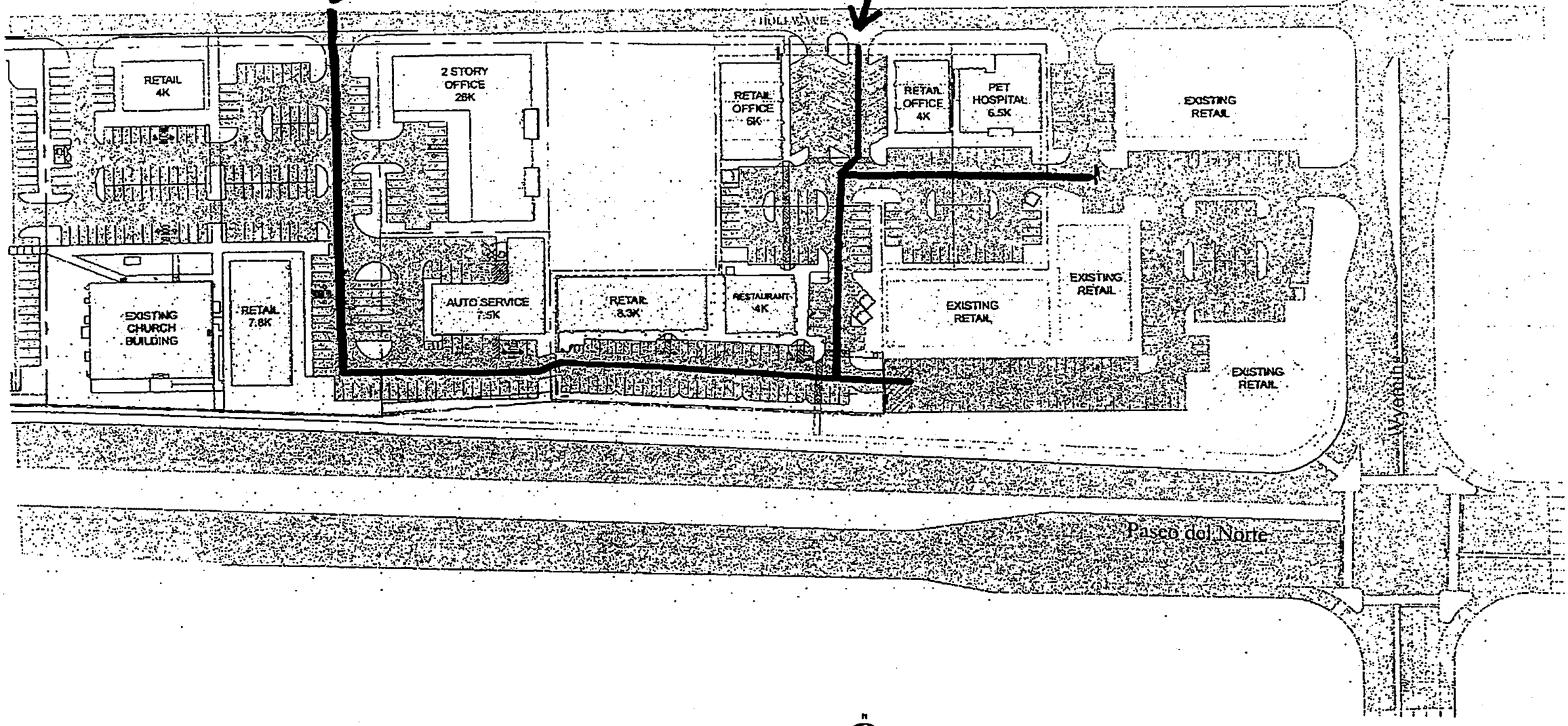
The easement shall be 26 feet wide; the center line of the easement shall be 38.4 feet west of the common lot line between Lot 9A in the west and Lots 11 and 22 in the east and shall run north and south the entire length of Lot 9A. The centerline of the easement shall turn 90 degrees to the east at 37.2 feet north of the south property line of Lot 9A and continue 37.8 feet to terminate at Lot 22.

This easement shall be a mutual access and utility easement to provide access from Lot 22 to Lot 9A and from Lot 9A to Lot 22.

Access Points #1 and #2 as shown on Exhibit B are floating access locations which shall be determined upon development of Lots 11 and 22. The access points shall include mutual ingress, egress and utilities.

Easement granted by document #2009074508 Recorded July 2, 2009 f/b/o Lots 11 and 22

Easement granted by this document

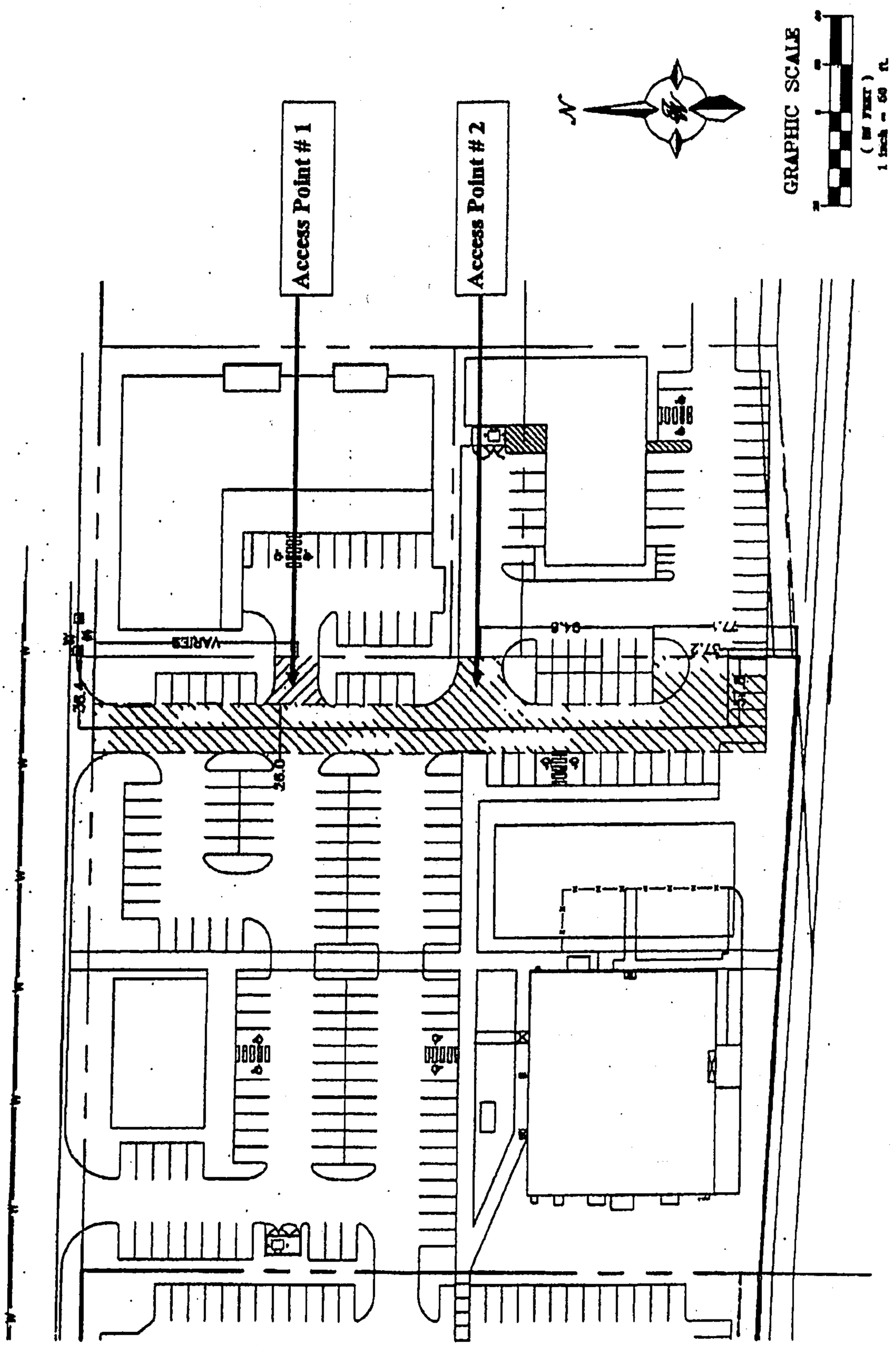


NEC Paseo del Norte & Wyoming Area Plan
Albuquerque, New Mexico October 5, 2009

N
0 50' 100'

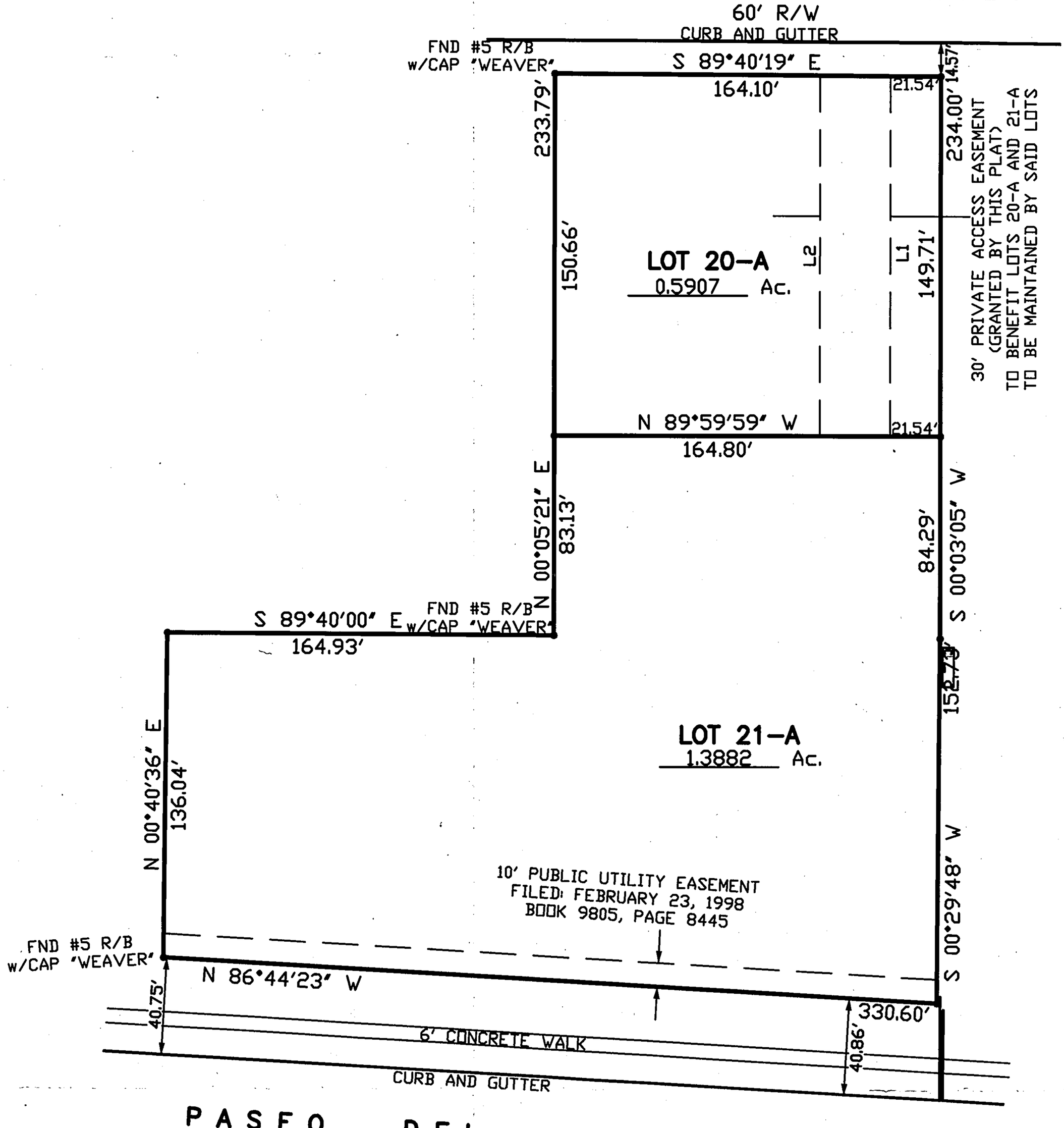
Bohler / Perich / Sabatini

EXHIBIT B


Access Point # 1
Access Point # 2
N
GRAPHIC SCALE
1 Inch = 60 ft.
VARIES
26.0
37.2
24.8

tabbies
EXHIBIT
A
to Plat

HOLLY AVENUE N.E.
60' R/W



PASEO DEL NORTE N.E.
R/W VARIES

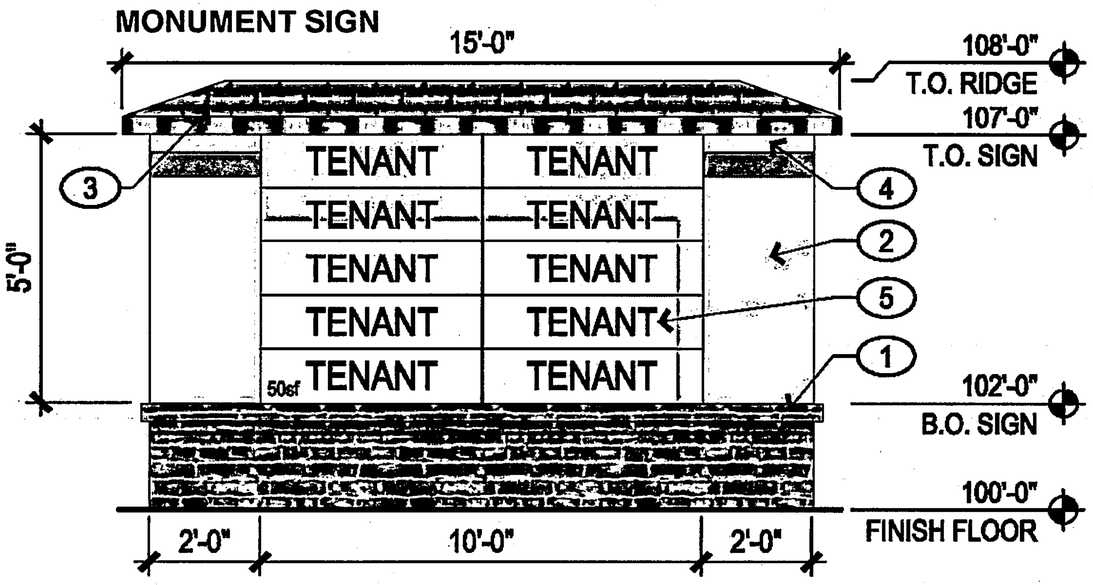
N

Scale: 1" = 60'
Order No.: 09-0505
Field Book: Page:

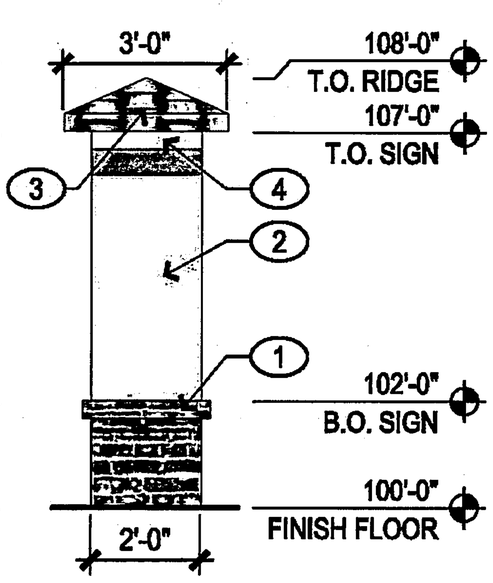
Anthony L. Harris, N.M.P.S.#11463 HARRIS SURVEYING, INC.
2412-D Monroe Street, NE • Albuquerque, New Mexico 87110
Telephone: (505) 889-8056 FAX (505) 889-8057

Created by Neevia docuPrinter trial version

MONUMENT SIGN



WEST ELEVATION



SOUTH ELEVATION

KEYED NOTES (X)

1. QUEEN SIZE BRICK, COLOR: REDISH BROWN.
2. (2) COAT SYNTHETIC STUCCO SYSTEM,COLOR: LIGHT BROWN.
3. CONCRETE TILE ROOF, COLOR: REDISH BROWN.
4. (2) COAT SYNTHETIC STUCCO SYSTEM, COLOR: WHITE.
5. INTERNALLY ILLUMINATED ALUMINUM CABINET WITH DIVIDER BARS, TEXTURED TO MATCH ADJACENT STUCCO.

Dekker/Perich/Sabatini
architecture • interiors • landscape • planning • engineering
7601 Jefferson NE, Suite 100
Albuquerque, NM 87109
505 761-9700
fax 761-4222

7441 & 7501
Paseo Del Norte
Albuquerque, New Mexico 87113

MONUMENT SIGN

DRAWN BY	KK	SCALE	3/8" = 1'-0"
REVIEWED BY	KK		
DATE ISSUED	12.15.2009		A000
PROJECT NO.	09-0055		OF

7441 & 7501 PASEO DEL NORTE

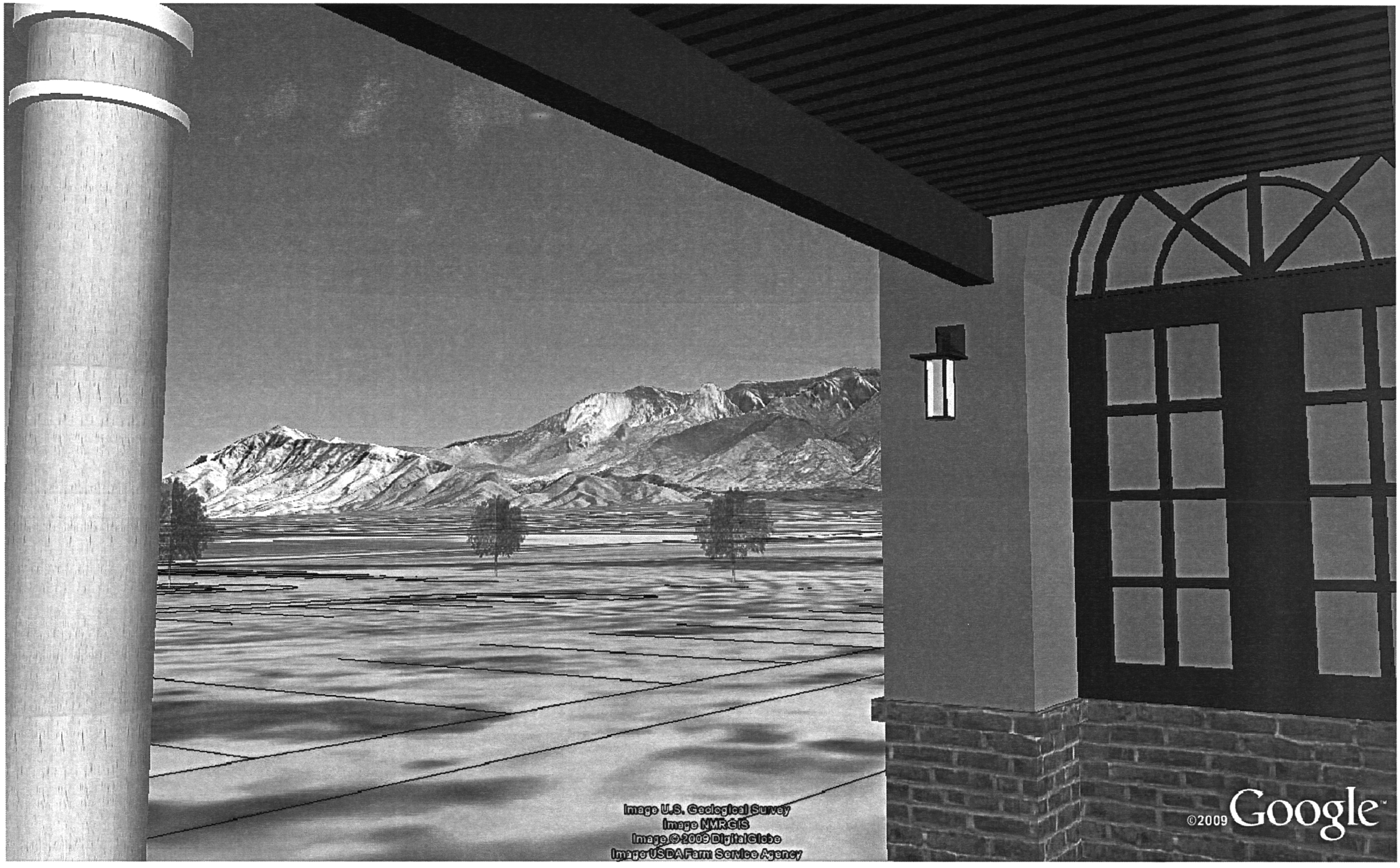
Albuquerque, New Mexico 87113

View Looking from Out of Plaza

Dekker/Perich/Sabatini

architecture interiors landscape planning engineering

7441 & 7501 PASEO DEL NORTE
Albuquerque, New Mexico 87113



View Looking North East
Outdoor Patio Area

Dekker/Perich/Sabatini
architecture interiors landscape planning engineering

7441 & 7501 PASEO DEL NORTE
Albuquerque, New Mexico 87113

View Looking from Paseo del Norte

Dekker/Perich/Sabatini
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7441 & 7501 PASEO DEL NORTE

Albuquerque, New Mexico 87113

View Looking from Holly

Dekker/Perich/Sabatini

architecture interiors landscape planning engineering