



APPLICATION FOR SPECIAL EXCEPTION CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

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

A. APPLICANT INFORMATION-PLEASE PRINT

TELEPHONE (INCLUDE AREA CODE)

Kitts Development LLC (Thomas G. Joseph - Managing Member) (H) 505-867-6597
OWNER NAME (FIRST, LAST)

1380 Rio Rancho Blvd. #282 (W) 505-804-0295
MAILING ADDRESS

Rio Rancho (C) 505-321-6415
CITY STATE ZIP CODE

OAC Enterprises (Doug Crandall - Principal) (H) 505-294-5243
AGENT NAME (FIRST, LAST-IF ANY)

P.O. Box 16656 (W) 505-242-3232
MAILING ADDRESS

Albuquerque (C) 505-280-9021
CITY STATE ZIP CODE

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

D and E Tract D: 101206649648511303
TRACT(S) UNIFORM PROPERTY CODE

N/A N/A D Tract E UPC #: 101206650042511302
BLOCK LOT(S) MRGCD MAP NO.

Paradise Heights Unit 1
SUBDIVISION / ADDITION

10850 Golf Course Rd. NW Albuquerque NM 87114
STREET ADDRESS OF SPECIAL EXCEPTION ZIP CODE

Initial Here

B. CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

C. EXPLANATION OF REQUEST-

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

D. DRAWINGS OF REQUEST-

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

E. TRAFFIC ENGINEERING REVIEW-

REQUIRED FOR ALL WALLS AND FENCES IN THE FRONT AND STREET SIDE YARD SETBACKS.

Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor.

Initial Here

F. ACKNOWLEDGEMENT-

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

SIGNATURE

DATE

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1004503

APPLICATION #: 05ZHE01864

APPLICATION FOR: (CHECK AS APPROPRIATE)

- ? Conditional Use
- ? Expansion of a NonConforming Use
- ? NonConforming Use / Status Established Building

? Variance: (CHECK AS APPROPRIATE)

- ? Distance
- ? Height
- ? Size
- ? Setback
- ? Parking
- ? Other

SECTION NO. 14-16-2-17(B)(6) REFERENCE SECTION NO: _____

LEGAL AD Conditional use to allow dwellings on C-2 Zone

SECTOR DEVELOPMENT AREA: _____

ZONED: C-2(SC) ZONE ATLAS PAGE: A-12 NO. OF SIGNS ISSUED: 2

10850 Golf Course Rd NW
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

FEE: \$ 145.00

Ramon Andrade 12-12-05
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) DATE

(APN) 441018 / 4971000 \$ 35.00

(SEA) 441006 / 4917000 \$ 100.00

1-17-06
DATE OF PUBLIC HEARING

(CMP) 441032 / 3424000 \$ 10.00



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

KITTS DEVELOPMENT LLC request(s) a special exception to Section 14. 16. 2. 17. (B). (6).: a **CONDITIONAL USE** to allow for dwellings in a C-2 zone on all or a portion of Lot(s) D, Tract(s) D & E, Paradise Heights Addition, zoned C-2 and located at **10850 GOLF COURSE RD NW (A-12)** (OLD BUSINESS)

Special Exception No:.....**05ZHE - 01864**
Project No:.....**1004503**
Hearing Date:.....03-21-06
Closing of Public Record:.....03-21-06
Date of Decision:04-05-06

STATEMENT OF FACTS: The Applicant is requesting a conditional use to allow for dwellings in a C-2 zone. The Applicant is proposing to develop 252 dwelling units in approximately 62 buildings. The Applicant submitted a petition of support. He indicates that the impact on the schools would be minimum at best. If approved this project will be completed in 2007 and coincides with the proposed expansion of a school in the area to be completed in 2007. The Agent indicates that the development is consistent with the comprehensive plan in regards to density. He also indicates that this will be a high-end project and therefore property values will likely increase once the development is completed.

This request is aggressively opposed by numerous neighbors which is pursuant to a petitioned which was submitted and is part of the file. Present was Mrs. Sisneros who raised her individual opposition, and Mike Mirabal who indicated that the impact to the existing overcrowded schools will be great. He also argues that this type of development will increase crime, will increase traffic, and that property owners will have their privacy interfered with from second story structures. He also indicates that there will be considerable noise which will have a negative impact on the enjoyment of other land, and he further argues that the property values based on his conversation with real estate agents suggest that they will be decreased five to seven percent. Also in opposition was Mr. Westfall who indicated that the existing infra-structure cannot keep up with the proposed increase in residential living. Mr. Hall was also in opposition and argued that commercial land should be used in a manner which is consistent with commercial zoning.

FINDINGS AND CONCLUSIONS: I find that the Applicants make a very strong case for developing an upscale apartment complex. The parking will be within the interior. The closest residential community is seventy-eight feet away, and the Applicant is prepared to take necessary measures to assure that privacy is enjoyed and that there is no negative impact with regard to their project on the residential community. However, the most crucial issue in this matter is whether or not an increase of 252 dwellings would have a negative impact on an already over capacitated school system. The Agent has

indicated that his client will assist the school problem by placing a portable building as part of APS expansion. There is however no question that the impact of such a large development will affect the existing school problem. This office is supportive of development of high end dwelling units with private parking, security and amenities that would tend to create an advantage to what otherwise has been vacant undeveloped commercial land. It would seem to be an advantage to the area. However, the anticipation by property owners is that the zoned community would be developed commercially and provide opportunities for employment. This proposed use is inconsistent with the zoning and expectations of the residential community. This would have a considerable impact on existing problems and is therefore considered injurious to the neighborhood, adjacent property and the community.

DECISION: Denied.

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

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

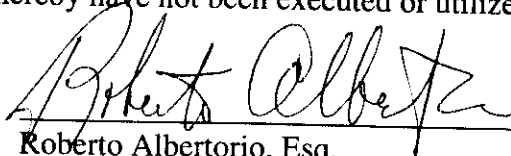
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of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

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

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

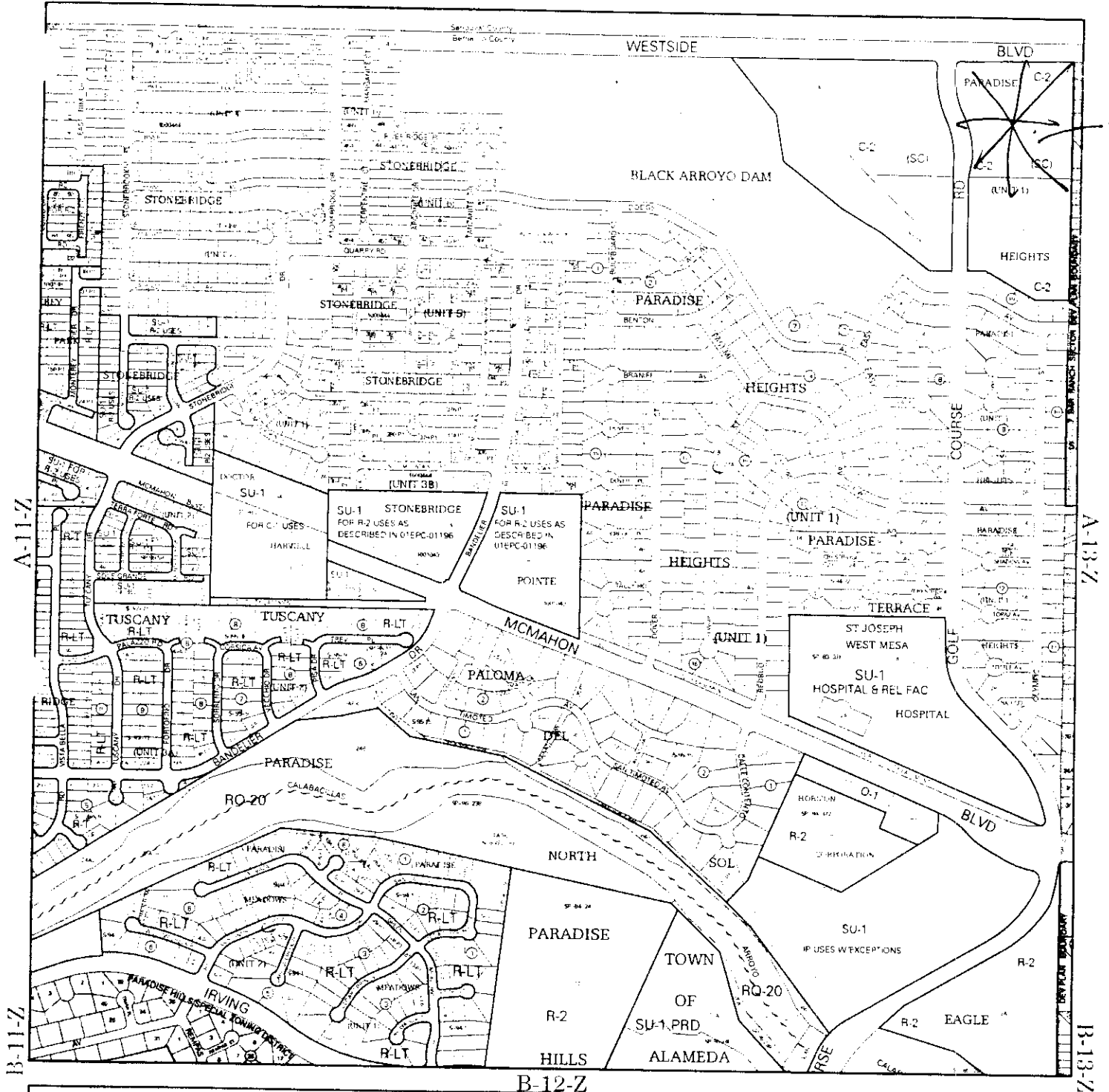
Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your

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



Roberto Albertorio, Esq.
Zoning Hearing Examiner

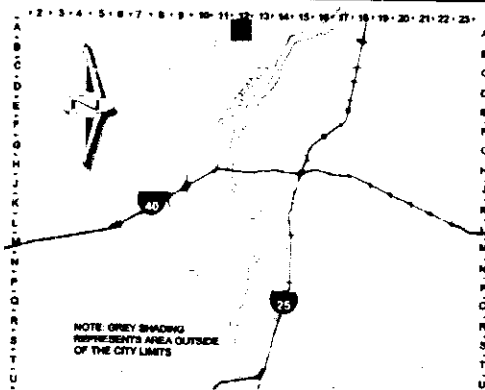
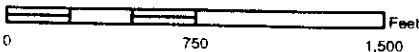
cc: Zoning Enforcement (2)
ZHE File
Doug Crandall/DAC Enterprises, P.O. Box 16658, 87191
Kitts Development, 1380 Rio Rancho Blvd. #282, 87124
Timothy Flynn-O'Brien, 817 Gold Ave SW, 87102
Mike D. Mirabal, 10951 Carreta NW, 87114
Beverly Westfall, 12005 Sullivan Ct. NW, 87114
Linda Gordon, Clayton Heights/Lomas Del Cielo NA, 2509 Spruce SE, 87106
Isabel F. Cabrera, Clayton Heights/Lomas Del Cielo NA, 1720 Buena Vista SE, 87106
Marcia Boyer, Kirtland Community NA, 1624 Alamo Ave SE, 87106
Jocelyn N. Lewis, Kirtland Community NA, P.O. Box 9902, 87119
Steve Schroeder, Victory Hills NA, 909 Princeton SE, 87106
Scott Sandoval, Victory Hills NA, 1816 Cornell SE, 87106



Zone Atlas Page: **A-12-Z**

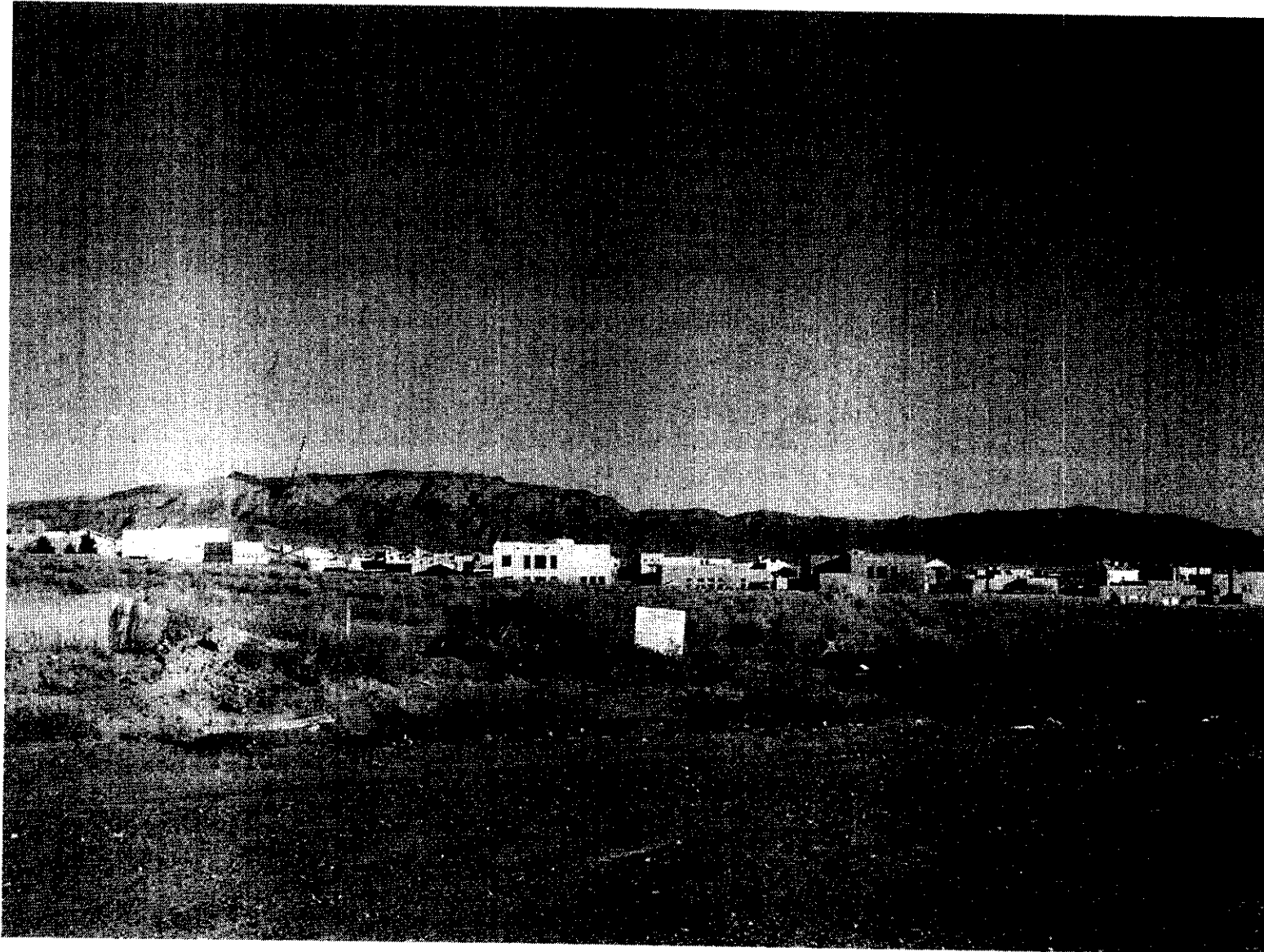
Map amended through: **Aug 06, 2004**
 Selected Symbols

- | | | |
|---------------------------|-------|------------------------|
| Unincorporated Areas | ✕ | Grant Boundaries |
| Sector Plan Boundaries | ○ | Petroglyph |
| Parcel Boundaries | — | H-1 Buffer Zone |
| Easement Lines | - - - | Arroyos |
| Freeway Lanes | — | LDN Noise Level |
| Jurisdictional Boundaries | + | Airport Clearance Zone |
| Westgate Wall | • | Design Overlay Zones |
| Escarpment | ~ | |



NOTE: GREY SHADING REPRESENTS AREA OUTSIDE OF THE CITY LIMITS

ALBUQUERQUE
Hacienda Historia
AGIS
 Albuquerque Geographic Information System
PLANNING DEPARTMENT
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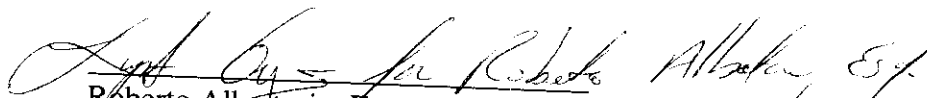
CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

KITTS DEVELOPMENT LLC request(s) a special exception to Section 14. 16. 2. 17. (B). (6): a **CONDITIONAL USE** to allow for dwellings in a C-2 zone on all or a portion of Lot(s) D, Tract(s) D & E, Paradise Heights Addition, zoned C-2 and located at **10850 GOLF COURSE RD NW (A-12)**

Special Exception No:..... **05ZHE - 01864**
Project No:..... **1004503**
Hearing Date:..... 02-14-06
Closing of Public Record:..... None
Date of Decision: None

STATEMENT OF FACTS: The Applicant, Kitts Development LLC, requests a conditional use to allow for apartments in a C-2 zone.

This matter has been deferred to Tuesday, March 21, 2006 with the consent of the applicants.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

- cc: Zoning Enforcement (2)
ZHE File
- ✓ Doug Crandall/DAC Enterprises, P.O. Box 16658, 87191
 - ✓ Kitts Development, 1380 Rio Rancho Blvd. #282, 87124
 - ✓ Timothy Flynn-O'Brien, 817 Gold Ave SW, 87102
 - ✓ Mike D. Mirabal, 10951 Carreta NW, 87114
 - ✓ Beverly Westfall, 12005 Sullivan Ct. NW, 87114
 - ✓ Linda Gordon, Clayton Heights/Lomas Del Cielo NA, 2509 Spruce SE, 87106
 - ✓ Isabel F. Cabrera, Clayton Heights/Lomas Del Cielo NA, 1720 Buena Vista SE, 87106
 - Marcia Boyer, Kirtland Community NA, 1624 Alamo Ave SE, 87106
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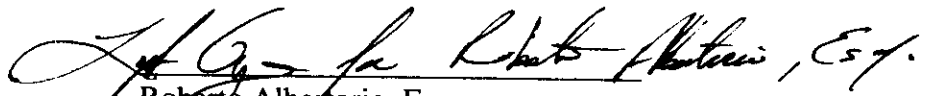
CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

KITTS DEVELOPMENT LLC request(s) a special exception to Section 14. 16. 2. 17. (B). (6): a **CONDITIONAL USE** to allow for dwellings in a C-2 zone on all or a portion of Lot(s) D, Tract(s) D & E, Paradise Heights Addition, zoned C-2 and located at **10850 GOLF COURSE RD NW (A-12)**

Special Exception No:.....**05ZHE - 01864**
Project No:**1004503**
Hearing Date:01-26-06
Closing of Public Record:None
Date of Decision:None

STATEMENT OF FACTS: The Applicant, Kitts Development LLC, requests a conditional use to allow for apartments in a C-2 zone.

This matter has been continued to Tuesday, February 14, 2006 with the consent of the applicants.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

- cc: Zoning Enforcement (2)
ZHE File
Doug Crandall/DAC Enterprises, P.O. Box 16658, 87191
Kitts Development, 1380 Rio Rancho Blvd. #282, 87124
Timothy Flynn-O'Brien, 817 Gold Ave SW, 87102
Mike D. Mirabal, 10951 Carreta NW, 87114
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CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
City of Albuquerque, Planning Department
600 2nd Street NW, Albuquerque, NM 87102

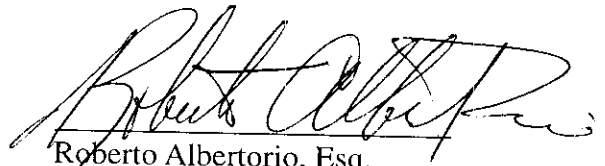
KITTS DEVELOPMENT LLC request(s) a special exception to Section 14. 16. 2. 17. (B). 6.: a CONDITIONAL USE to allow for apartments in a C-2 zone on all or a portion of Lot(s) A, Block(s) 12, Clayton Heights Addition, zoned C-2 and located at 1921 YALE BLVD SE (L-15)

January 19, 2006

Re: Special Hearing
Kitts Development, LLC / 05ZHE - 01863 & 01864

Interested Parties:

The above matter is scheduled for a Special Hearing to be held on Thursday, January 26, 2006 at 1:00 p.m., in the Plaza Del Sol hearing room.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement (2)
ZHE File
Doug Crandall/DAC Enterprises, PO Box 16658, 87191
Kitts Development LLC, 1380 Rio Rancho Blvd. #282, 87124
Timothy Flynn-O'Brien, 817 Gold Ave SW, 87102
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05ZHE - 01863 & 01864

Page 2

Linda Gordon, Clayton Heights/Lomas Del Cielo NA, 2509 Spruce SE, 87106

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87106

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Jocelyn N. Lewis, Kirtland Community NA, P.O. Box 9902, 87119

Steve Schroeder, Victory Hills NA, 909 Princeton SE, 87106

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CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
City of Albuquerque, Planning Department
600 2nd Street NW, Albuquerque, NM 87102

KITTS DEVELOPMENT LLC request(s) a special exception to Section 14. 16. 2. 17. (B). 6.: a CONDITIONAL USE to allow for apartments in a C-2 zone on all or a portion of Lot(s) A, Block(s) 12, Clayton Heights Addition, zoned C-2 and located at 1921 YALE BLVD SE (L-15)

January 13, 2006

Re: 05ZHE-01863 & 01864
Kitts Development, LLC

Interested Parties:

The above matter has been deferred. Parties will be notified of the next scheduled hearing by mail.

Roberto Albertorio, Esq.
Zoning Hearing Examiner

**cc: Zoning Enforcement (2)
ZHE File
Doug Crandall/DAC Enterprises, PO Box 16658, 87191
Kitts Development LLC, 1380 Rio Rancho Blvd. #282, 87124**

**CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: JANUARY 17, 2006
Zone Atlas Page: A-12-Z
Notification Radius: 100 Ft.

**Project# 1004503
App#05ZHE-01864**

**Cross Reference and Location: PARADISE HEIGHTS UNIT 1 / 10850 GOLF
COURSE RD NW**

Applicant: KITTS DEVELOPMENT LLC (THOMAS G. JOSEPH-MANAGING
MEMBER)

Address: 1380 RIO RANCHO BLVD # 282
RIO RANCHO, NM 87124

Agent: DAC ENTERPRISES (DOUG CRANDALL-PRINCIPAL)
PO BOX 16658
ALBUQUERQUE, NM 87191

Special Instructions:

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

Date Mailed: DECEMBER 29, 2005
Signature: YVONNE SAAVEDRA

RECORDS WITH LABELS

PAGE 1

101206649648511303	LEGAL: TR D OF UNIT #1 PARADISE HEIGHTS CONT 8.821 AC PROPERTY ADDR: 00000 GOLF COURSE OWNER NAME: CALABAC ILLAS GROUP OWNER ADDR: 08200 CONSTITUTION	LAND USE: PL NE ALBUQUERQUE NM	87110
101306600551021834	LEGAL: LT 7 4-P1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR N PROPERTY ADDR: 00000 SULLIVAN OWNER NAME: PHAN DAI C OWNER ADDR: 12025 SULLIVAN	LAND USE: CT NW ALBUQUERQUE NM	87114
101206643248110504	LEGAL: TRAC T B- 1 PLAT OF DRAINAGE ROW TRACT A AND TRS B A PROPERTY ADDR: 00000 GOLF COURSE OWNER NAME: CALABACILLAS GROUP OWNER ADDR: 08200 CONSTITUTION	LAND USE: PL NE ALBUQUERQUE NM	87110
101306600250021835	LEGAL: LT 7 3-P1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR N PROPERTY ADDR: 00000 SULLIVAN OWNER NAME: RUFF CHERYL L & KATHLEEN M VIG OWNER ADDR: 07794 CLUB CREST	LAND USE: DR ARVADA CO	80005
101306600449321836	LEGAL: LT 7 2-P1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR N PROPERTY ADDR: 00000 SULLIVAN OWNER NAME: WHITE RICHARD L OWNER ADDR: 12015 SULLIVAN	LAND USE: CT NW ALBUQUERQUE NM	87114
101306600448621837	LEGAL: LT 7 1-P1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR N PROPERTY ADDR: 00000 SULLIVAN OWNER NAME: SANDOVAL NICK A & DEBBIE L OWNER ADDR: 12009 SULLIVAN	LAND USE: CT NW ALBUQUERQUE NM	87114
101306600547821838	LEGAL: LT 7 0-P1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR N PROPERTY ADDR: 00000 SULLIVAN OWNER NAME: WESTFALL ANTHONY D & OWNER ADDR: 12005 SULLIVAN	LAND USE: CT NW ALBUQUERQUE NM	87114
101306600546921840	LEGAL: LT 6 8-P1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR N PROPERTY ADDR: 00000 NOCHE CLARA OWNER NAME: ADAMS BRENDAN M & MEGAN M OWNER ADDR: 04505 NOCHE CLARA	LAND USE: AV NW ALBUQUERQUE NM	87114
101306600146421841	LEGAL: LT 6 7-P1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR N PROPERTY ADDR: 00000 NOCHE CLARA OWNER NAME: RAINWATER KATHRYN M OWNER ADDR: 04509 NOCHE CLARA	LAND USE: AV NW ALBUQUERQUE NM	87114
101306600145521842	LEGAL: LT 6 6-P1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR N PROPERTY ADDR: 00000 CARRETA OWNER NAME: HOOK TOMMY R & SUSAN S OWNER ADDR: 11009 CARRETA	LAND USE: DR NW ALBUQUERQUE NM	87114
101206645043510503	LEGAL: TRAC T C- 1 PLAT OF DRAINAGE ROW TRACT A AND TRS B A PROPERTY ADDR: 00000 GOLF COURSE OWNER NAME: CALABACILLAS GROUP OWNER ADDR: 08200 CONSTITUTION	LAND USE: PL NE ALBUQUERQUE NM	87110

RECORDS WITH LABELS

PAGE 2

101206650042511302	LEGAL: TRAC T "E " PARADISE HEIGHTS UNIT 1 EXC SLY PORT OUT PROPERTY ADDR: 00000 GOLF COURSE OWNER NAME: CALABAC ILLAS GROUP OWNER ADDR: 08200 CONSTITUTION	LAND USE: PL NE ALBUQUERQUE NM	87110
101306600144921438	LEGAL: LOT 65P- 1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR PROPERTY ADDR: 00000 CARRETA OWNER NAME: GREENE STEVEN J & SUSAN L OWNER ADDR: 11005 CARRETA	LAND USE: DR NW ALBUQUERQUE NM	87114
101306600144221437	LEGAL: LOT 64P- 1 PLAT OF ESTRELLA DEL NORTE AT SEVEN BAR PROPERTY ADDR: 00000 CARRETA OWNER NAME: VIOLA STEPHEN W & KAREN C OWNER ADDR: 11001 CARRETA	LAND USE: DR NW ALBUQUERQUE NM	87114

DAC Enterprises, Inc.

Zoning & Land Use Services

January 14, 2007

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

VIA FACSIMILE: 924-3339

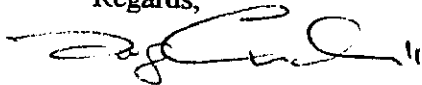
Re: 05ZHE-01863 & 01864

Dear Mr. Albertorio:

Please accept this letter as an official request for withdrawal of the above referenced case. The applicant, Kitts Development, LLC, no longer has an option on the property.

Thank you.

Regards,



Doug Crandall
DAC Enterprises, Inc.
Agent for Kitts Development, LLC

2

A community has to have balance in order to flourish. A well planned community would offer schools, places of worship, community services to include medical facilities, community center, library, post office etc as well as businesses and retail.

Our West Side schools are severely overcrowded. An Albuquerque Journal article dated, January 19, 2006 indicates that James Monroe Middle School has a capacity of 780 students but has an enrollment of 1,400 this year; almost double capacity!! The redistricting solution is to send our child from a school two miles away to one across the river on the already overburdened Alameda, traveling during the morning and evening rush hour traffic. Granted, the Governor has allocated money for West Side Schools but they will not be built tomorrow or next year for that matter. By adding 254 additional families, the school overcrowding is compounded and the area they will be located assures they will be bussed across the river to Taylor Middle School as well. Until we improve our schools, we will not be able to attract new industry and the city of Albuquerque as well as the whole state of New Mexico will suffer.

Currently the business hub for Paradise Hills Community centers in the Cottonwood Mall area even though the west end of the community is rapidly approaching Paseo Del Volcan Rd. Due to the lack of services in my community, I as well as neighbors and friends often go to Rio Rancho for our business needs. Our doctor, chiropractor, dentist, orthodontist, insurance agent, dry cleaner etc., are all located in Rio Rancho due solely to the availability. Our dollar is not being spent in our community or city.

Rio Rancho has sustained their commercial use property strictly for commercial use thereby serving the Rio Rancho resident. They are planning their downtown civic center and other facilities in unison with housing.

Rio Rancho's population in 2004 (yes 2004) was 62,000 residents located on 92,000 acres and Paradise Hills 2005 population was 33,390 with no where near 92,000 acres yet the difference in "transient housing" indicates Rio Rancho's willingness to support their city. In Paradise Hills there are currently fifteen apartment complexes with 4,061 units versus Rio Rancho's eight complexes (note three of the eight complexes were built by Larkspur Development/Kitts Enterprises) consisting of 1,095 units. Paradise Hills' population is half of Rio Rancho's yet we have four times the amount of apartments already in our community. This complex will add an additional 254 apartments to Paradise Hills.

I don't even want to go into the traffic issues on the West Side as this is reported in the media every day but the location of these apartments on Golf Course road (which is main thorough fare between Albuquerque and Rio Rancho) with no traffic light can only spell disaster for that many residents attempting to exit the complex during rush hour traffic.

Mr. Romero has referred to these apartments as "luxury apartments with beautiful landscaping". The larger comparable complexes in Paradise Hills have far more amenities (24 hr fitness center, garages & covered parking, lending library & video rentals, heated pool & spa, movie theaters, conference center, basketball, tennis & sport

MFR: Submitted at hearing by

Ms. Beverly Sinneros. (Examples of development)
Protest. RR.

3/21/06

courts, nail saloon and last but not least a clubhouse). Kitts/Larkspur representatives have indicated in prior meetings that each four-plex will cost about \$450,000 therefore each owner will have to rent each unit for about \$1,000 which is substantially higher than any of the other Paradise Hills complexes. Where do you think someone will live, the higher priced complex with minimal amenities or the lower priced complex with an array of amenities? And as for the "beautiful landscaping", the pictures of their other units indicate otherwise. With each four-plex owned by different owners (many from out of state as indicated by the ownership of their other apartments) probable high rents and no on-sight management, my concerns are great.

As far as Mr. Romero's indication that a Wal-Mart could be constructed on this lot, this is highly improbable since there is one Wal-Mart Supercenter less than a mile west of the proposed apartment location, another being constructed about another mile and a half northwest and a Wal-Mart grocery store less than two miles south on the same street.

Please, let's keep our commercially zoned land for businesses to support our community. The Heights is running out of land and the majority of Albuquerque's growth is on the West Side therefore planning is essential! We only have one chance to get it right! Proper use of zoning is vital to supporting our community and the economic growth of Albuquerque as well as the State of New Mexico.

YAHOO! TRAVEL Sign In New User? Sign Up

FREE DOUBLE UPGRADE ON WEEKLY & WEEKEND RENTALS IN FLORIDA



Interactive Map

Hover over icons to show name. Click on icons for more information.

Change display options below

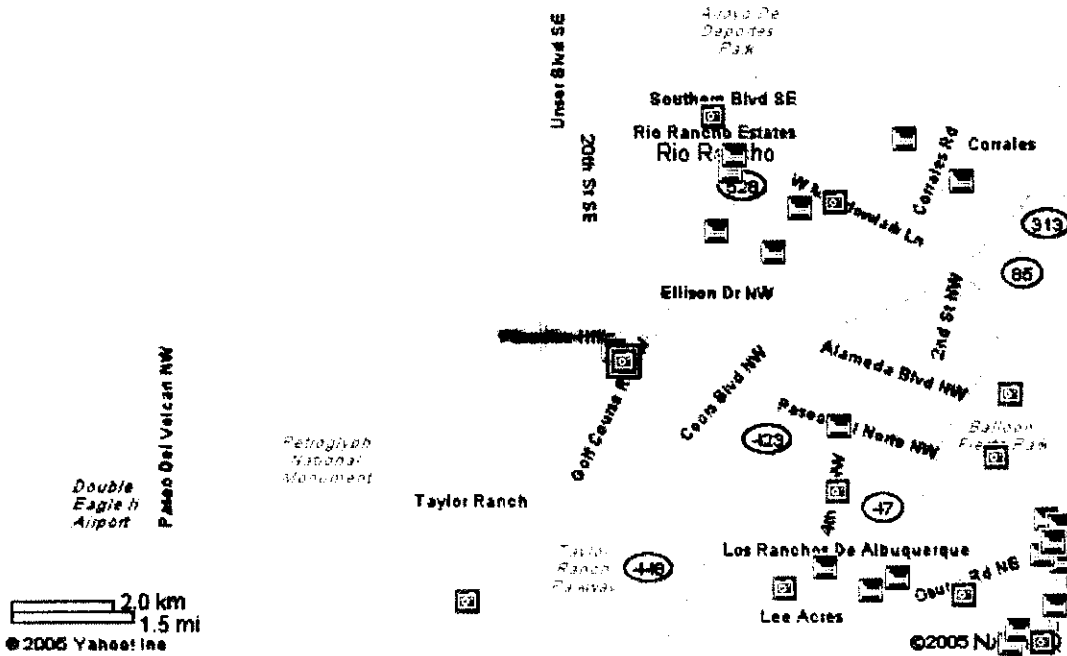
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- 4
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History

Rio Rancho, one of the fastest growing communities in the nation, has the "quality of life" features to entice both industry and individuals looking to re-locate. The magnificent view of the Sandia Mountains, the warm summer days and cool evenings, and the mild winter temperatures are just a few of the enticements. Add low land costs, affordable housing, quality education, and a community with positive attitudes and you will understand why Rio Rancho is continuing to boom well into the future.

In the early 1960s, the AMREP Corporation purchased 55,000 acres of land on the outskirts of Albuquerque, originally called Rio Rancho Estates. This was the beginning of Rio Rancho. AMREP marketed the area to residents in the Midwest and eastern states. When home building began in 1962, many of the first residents were middle-income retirees. In 1966, the 100th family moved to Rio Rancho and by 1977 the population had grown to 5,000. In 1971, AMREP purchased and platted an additional 35,000 acres. Rio Rancho Estates was now 92,000 acres and larger, geographically, than the city of Albuquerque. By the early 80's, Rio Rancho was incorporated and its population had reached 10,000. A new financing program, offering low interest home loans, changed Rio Rancho from a retirement community to a community attracting young families. Today, Rio Rancho offers a cultural diversity within its population of 62,000.

Government

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City of Rio Rancho

Administrative Office - 891-5002

3900 Southern Blvd / PO Box 15550

Rio Rancho, NM 87174-5550

Rio Rancho has a Mayor/Council form of government with six elected councilors. There are 12 city departments under the supervision of the City Administrator.

Climate

[Back to Top](#)

Average Temp	High	Low
Winter	49	23
Spring	70	40
Summer	91.	62
Fall	71	42

3/21/06
WFR: Submitted in protest
at 3/21/06 hearing. RP.

Elevation: 5,679 feet
 Average Annual Precipitation: 8.5 inches

There are four distinct seasons, all characterized by sunny days an average of 360 days a year and low relative humidity. It snows several times every winter, but usually melts quickly (often the same day).

Population

[Back to Top](#)

Year	2004	2002	1995	1993	1984	1980	1970
Pop	62,000	53,000	48,000	38,505	20,000	10,000	1,000

Median age 34

Taxes

[Back to Top](#)

Neighborhood Details > page 1 > [page 2](#)**Albuquerque, NM - 87114 neighborhood details**

Demographics	zip 87114	County	National
<u>Neighborhood type</u>	Suburban		
<u>Population</u>	38,300	616,289	281,522,000
<u>Pop. density</u>	1,773.2	2,037.1	79.6
<u>Percent male</u>	48.5%	49.9%	49.1%
<u>Percent female</u>	51.5%	50.1%	50.9%
<u>Median age</u>	33.8	33.8	37.6
<u>People per household</u>	2.6	2.6	2.6
<u>Percent married</u>	58.3%	52.9%	58.3%
<u>Percent single</u>	41.7%	47.1%	41.6%
<u>Median household income</u>	\$51,321	\$38,546	\$41,994
<u>Avg. income per capita</u>	\$24,213	\$18,886	\$21,587
Crime	zip 87114	County	National
<u>Violent crime risk index</u>	4.0	5.5	3.0
<u>Property crime risk index</u>	4.0	5.1	3.2
Housing	zip 87114	County	National
<u>Median home value</u>	\$173,500	\$142,700	\$185,400
<u>Median age of homes</u>	7.0	21.9	27.8
<u>Home appreciation</u>	-0.2%	7.8%	12.3%
<u>Percent owning home</u>	65.2%	55.3%	63.4%
<u>Percent renting home</u>	27.9%	37.5%	21.7%
<u>Percent homes vacant</u>	6.9%	7.2%	14.8%
<u>Percent commuting by bus</u>	0.3%	1.4%	2.0%
<u>Percent commuting by carpool</u>	11.7%	13.3%	14.6%
<u>Percent commuting by auto</u>	83.1%	75.1%	71.6%
<u>Percent working at home</u>	3.2%	3.3%	5.6%

» [Continue to page 2](#)

PARADISE HILLS APARTMENT COMPLEXES

	# of units
Arroyo Villas 4701 Irving, Alb NM 87114	200
The Aspens 9677 Eagle Ranch Rd NW, Alb NM 87114	388
Camino Real Apartments 3305 Calle Cuervo St NW, Alb NM 87114	248
City View Apartments 5350 Justin Dr NW, Alb NM 87114	66
Cottonwood Ranch Apartments 10001 Coors Bypass NW, Alb NM 87114	472
Eagle Ranch Apartments 9250-70 Eagle Ranch Rd NW, Alb NM 87114	432
Larkspur Development (Kitts Enterprises) 5101 McMahon Rd NW, Alb NM 87114	124
Paradise Plaza Apartments 5300-5324 Justin Dr NW, Alb NM 87114	19
Paseo del Sol Apartments 291 El Pueblo NW, Alb NM 87114	124
Puerta del Sol Apartments 4816 McMahon NW, Alb NM 87114	136
River Walk-La Paz Apartments 3405 Calle Cuervo St NW, Alb NM 87114	500
Ventana Canyon Apartments 10300 Golf Course Rd NW, Alb NM 87114	264
Ventana Ranch Apartments 10400 Universe Blvd NW, Alb NM 87114	300

Vistas @ Seven Bar Apartments
10600 Cibola Loop NW, Alb NM 87114

572

West Park Apartments
9251 Eagle Ranch Rd NW, Alb NM 87114

216

4,061

RIO RANCHO APARTMENT COMPLEXES

	# of units
Arrowhead Ridge (LOW INCOME) 4515 Arrowhead Ridge Dr SE, Rio Rancho, NM 87124	180
Enchanted Vista 4501 Sprint Blvd, Rio Rancho, NM 87144	174
Entrada Pointe 900 Country Club, Rio Rancho, NM 87124	209
Larkspur Development (Kitts Enterprises) 1101-1127 Meadowlark Ct, Rio Rancho, NM 87124	44
Larkspur Development (Kitts Enterprises) Sabana Grande, Rio Rancho, NM 87124	84
Larkspur Development (Kitts Enterprises) Behind Target, Rio Rancho, NM 87124	32
Meadowlark Apartments 4201 Meadowlark Ln, Rio Rancho, NM 87124	72
Pinnacle @ High Resort High Resort, Rio Rancho, NM 87124	300
	<hr/>
	1,095

NMPRC Corporation Information Inquiry

Public Regulation Commission

1/23/2006

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KITTS DEVELOPMENT LLC

SCC Number: 2434363
Tax & Revenue Number:
Organization Date: MARCH 09, 2004, in NEW MEXICO
Organization Type: IS A DOMESTIC LIMITED LIABILITY
Organization Status: IS EXEMPT
Good Standing:
Purpose: N/R

ORGANIZATION DATES

Taxable Year End Date:
Filing Date:
Expiration Date: 03/09/2034

SUPPLEMENTAL POST MARK DATES

Supplemental:
Name Change:
Purpose Change:
Agent Resigned:

MAILING ADDRESS

1380 RIO RANCHO BLVD. #282 RIO RANCHO, NEW MEXICO 87124

PRINCIPAL ADDRESS

1380 RIO RANCHO BLVD. #282 RIO RANCHO NEW MEXICO 87124

PRINCIPAL ADDRESS (Outside New Mexico)

REGISTERED AGENT

THOMAS G. JOSEPH

1380 RIO RANCHO BLVD. #282 RIO RANCHO NEW MEXICO 87124

Agent Designated:

COOP LICENSE INFORMATION

Number:

Type:

Expiration Year:

ORGANIZERS

JOSEPH, THOMAS G.

DIRECTORS

Date Election of Directors:

NMPRC Corporation Information Inquiry

Public Regulation Commission

1/23/2006

- [Follow this link to start a new search.](#)

LARKSPUR, L.L.C.

SCC Number: 2263861
Tax & Revenue Number:
Organization Date: JULY 09, 2002, in NEW MEXICO
Organization Type: IS A DOMESTIC LIMITED LIABILITY
Organization Status: IS EXEMPT
Good Standing:
Purpose: NOT REQUIRED

ORGANIZATION DATES

Taxable Year End Date:
Filing Date:
Expiration Date: 07/09/2032

SUPPLEMENTAL POST MARK DATES

Supplemental:
Name Change:
Purpose Change:
Agent Resigned:

MAILING ADDRESS

1380 RIO RANCHO BLDG, BOX 282 RIO RANCHO, NEW MEXICO 87124

PRINCIPAL ADDRESS

3109 15TH AVE. RIO RANCHO NEW MEXICO 87124

PRINCIPAL ADDRESS (Outside New Mexico)

REGISTERED AGENT

THOMAS G. JOSEPH

1380 RIO RANCHO BLDG, BOX 282 RIO RANCHO NEW MEXICO 87124

Agent Designated:

COOP LICENSE INFORMATION

Number:

Type:

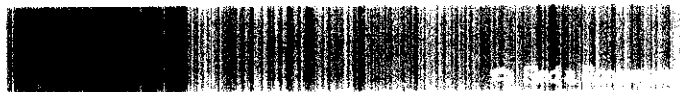
Expiration Year:

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JOSEPH, THOMAS G.

DIRECTORS

Date Election of Directors:



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10300 Golf Course Road, NW, Albuquerque, NM 87114

1-877-335-9139

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Description

Move beyond your highest expectations. Move to Evergreen at Ventana Canyon! This stunning community combines unmatched luxury amenities and an extraordinary location together with superior Alliance Residential management services. Services rivaled by only the finest resorts. Visit Evergreen at Ventana Canyon today and see for yourself. It's the lifestyle you deserve.

Custom Features

- Full-size washers and dryers in each apartment
- Oversized closets
- Oversized hot water heaters
- Gas fireplaces*
- Glass block accent windows
- Heated pool and spa
- 24-hour fitness center
- Resident business center and lending library
- Covered parking
- Pets welcome
- Free video rentals
- Frost-free refrigerators with ice makers
- Built-in microwaves
- *In select apartments

General Info

- **Number of Units:** 264
- **Lease Terms:** Variable 6-Month
- **Managed by:** Bernard/Allison Management Services, Inc.
- **Fax:** 505-898-7477

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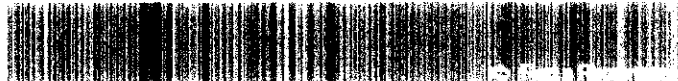


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WFR: Submitted to protest at the hearing on 3/21/06. RR



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10300 Golf Course Road, NW, Albuquerque, NM 87114

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Pricing

Style	Beds	Ba	1/2 Ba	SqFt	Price	Term	Deposit
Apartment	1	1	0	0	From \$649	Per Month	\$150
Apartment	2	2	0	0	From \$775	Per Month	\$200
Apartment	3	2	0	0	From \$929	Per Month	\$300



Prices and availability subject to change without notice. For more information, contact property

Apartment Features

- ✓ Disability Access
- ✓ Air Conditioning
- ✓ Balcony
- ✓ Cable Ready
- ✓ Ceiling Fan(s)
- ✓ Dishwasher
- ✓ Microwave
- ✓ Oversized Closets
- ✓ Washer & Dryer In Unit

Community Features

- ✓ Furnished Available
- ✓ Pets Allowed
- ✓ Clubhouse
- ✓ Emergency Maintenance
- ✓ Fitness Center
- ✓ Garage and/or Covered Parking
- ✓ High Speed Internet Access
- ✓ Laundry Facility
- ✓ Public Transportation
- ✓ Swimming Pool
- ✓ Whirlpool/Spa

Pet Policy: Weight Restriction.

Office Hours

Mon-Fri 9:00 to 6:00
 Saturday 10:00 to 6:00
 Sunday 12:00 to 5:00

Directions

From I-25 take Paseo del Norte west to Coors. Turn north on Coors to Irving. Turn left at Irving to Golf Course Road, turn right on Golf Course and we are the brand new community on your right.

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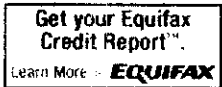
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The Aspens Resort Community

The Aspens Resort Community

9677 Eagle Ranch Road, NW, Albuquerque, NM 87114

1-888-689-4565

Overview Details Floorplans Photos Maps Management



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Description

Wouldn't you like to live today in a place that felt so much like your own that you never worried again about moving? Sound impossible? Well it's not. Enjoy homes nestled in a lush alpine setting with membership to the westside's most dynamic health club, on-site day spa and Internet cafe. Your new home at The Aspens is only minutes from Cottonwood Mall, Intel and fine dining.

Custom Features

- On-site day spa
- Hair salon
- Sports court
- Granite-style countertops
- Upgraded black appliances
- Brushed-chrome hardware
- 9-20' ceilings
- Luxurious Berber carpeting
- Free washer/dryer
- Beach volleyball court
- High-speed internet access
- Award-winnig school district
- Enchanting resort-style pools
- Internet cafe in the lodge
- Free membership to on-site health club w/ trainer
- Panoramic city and mountain views
- Huge kiddie playland

General Info

- **Number of Units:**
388
- **Lease Terms:**
Variable
Monthly
9-Month
6-Month
12-Month
- **Managed by:**
American Realcorp Management Services

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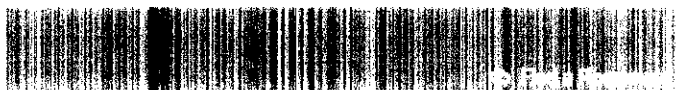


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The Aspens Resort Community

9677 Eagle Ranch Road, NW Albuquerque, NM 87114

1-888-689-4565

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Pricing

Style	Beds	Ba	1/2 Ba	SqFt	Price	Term	Deposit
Flat	1	1	0	0	From \$699	Per Month	\$200
Loft	1	1	0	0	From \$699	Per Month	\$200
Flat	2	2	0	0	From \$799	Per Month	\$300
Flat	3	2	0	0	From \$999	Per Month	\$400



Prices and availability subject to change without notice. For more information, contact property

Apartment Features

- ✓ Disability Access
- ✓ Air Conditioning
- ✓ Alarm
- ✓ Balcony
- ✓ Cable Ready
- ✓ Dishwasher
- ✓ Fireplace
- ✓ Microwave
- ✓ View
- ✓ Oversized Closets
- ✓ Washer & Dryer in Unit

Community Features

- ✓ Furnished Available
- ✓ Pets Allowed
- ✓ Short Term Available
- ✓ Clubhouse
- ✓ Emergency Maintenance
- ✓ Extra Storage
- ✓ Fitness Center
- ✓ Garage and/or Covered Parking
- ✓ High Speed Internet Access
- ✓ Laundry Facility
- ✓ Playground
- ✓ Swimming Pool
- ✓ Whirlpool/Spa

Pet Policy: Call for Policy.

Office Hours

Mon-Fri 9:00 to 6:00
Saturday 10:00 to 5:00
Sunday 1:00 to 5:00

Directions

From I-25, take Paseo Del Norte west to Coors Blvd. Go north on Coors to Coors Bypass. Follow Coors Bypass to Eagle Ranch Road and turn left. The Aspens will be ahead on your right.

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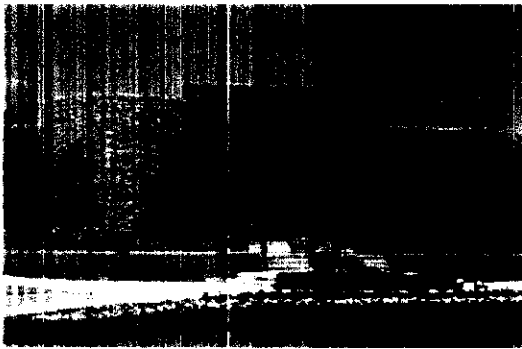


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Floor Plan	Bed	Bath	Sq. Ft.	Deposit	Availability	From
The Birch A must see!	Studio	1.0	593	\$150	Call	\$549/mo
The Maple	1	1.0	769	\$200	Call	\$599/mo
The Aspen	2	2.0	1100	\$300	Call	\$749/mo
The Cypress Perfect home setting	2	2.0	1100	\$300	Call	\$749/mo
The Cottonwood Plenty of room for living.	3	2.0	1423	\$400	Call	\$899/mo

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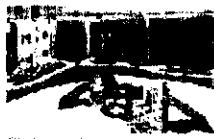


Apartment Features

- Refrigerator w/ice maker
- High Speed Internet Available
- Furnished Avail
- Patio/Balcony/Deck/Porch
- Storage
- High Ceilings
- View
- Separate Dining Room
- Ceiling Fan
- Fireplace
- Disposal
- Intrusion Alarm
- Disability Access

Community Amenities

- Basketball Court
- Tennis Court
- Movie Theatre
- Small Dogs Allowed
- Cats Allowed
- Pet Friendly**
- BBQ/Picnic Area
- Business Center
- Playground
- Spa/Hot Tub/Sauna
- Pool
- Fitness Center
- Satellite TV Available



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- Microwave
- Dishwasher
- Air Conditioning
- W/D in Apartment

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- Cable TV Available
- Bus/Public Trans
- Garages
- Covered Parking
- ** Pet Policy - Up to 30 lbs. must be 1 yr. in age

Office Hours: Mon-Fri: 8:30AM-5:30PM Sat: 10:00AM-5:00PM Sun: 1:00PM-5:00PM

Lease Options: 9-14 month leases

Type of Housing: Apt Furnished, Apt Unfurnished

Payment Accepted: Personal Check, Money Order

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Floor Plan	Bed	Bath	Sq. Ft.	Deposit	Availability	From
Studio, 1.0 Bath	Studio	1.0	443	Call	Call	\$500/mo
1 Bed, 1.0 Bath	1	1.0	576	Call	Call	\$535/mo
1 Bed, 1.0 Bath	1	1.0	656	Call	Call	\$600/mo
Loft	1	1.0	755	Call	Call	\$600/mo
2 Bed, 1.0 Bath	2	1.0	822	Call	Call	\$690/mo
2 Bed, 2.0 Bath	2	2.0	848	Call	Call	\$640/mo
2 Bed, 2.0 Bath	2	2.0	911	Call	Call	\$750/mo
3 Bed, 2.0 Bath	3	2.0	1194	Call	Call	\$825/mo

Apartment Features

- Garages/Carports Storage Avail
- Pre-Wired For Alarms
- Frost-Free Refrigerators
- Walk-In/ Linen Closets
- Private Patios Or Balconies
- High Speed Internet Available
- Short Term Avail
- Patio/Balcony/Deck/Porch
- Full Kitchen
- Storage
- Separate Dining Room
- Ceiling Fan
- Disposal
- Disability Access
- Dishwasher
- Air Conditioning

Community Amenities

- 24-Hour Emergency Maintenance
- Theater Featuring Big Screen A
- Why Wait To Get Approved?
- Basketball & Sand Volleyball
- Community Resource Center
- 3 Sparkling Pools
- Other Pets Allowed
- Small Dogs Allowed
- Cats Allowed
- Pet Friendly**
- BBQ/Picnic Area
- Playground
- Pool
- Fitness Center
- Cable TV Available
- Laundry Facility

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- Covered Parking
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Lease Options: 2-12 month leases!

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Utilities Included: Trash

Payment Accepted: Personal Check, Company Check, Traveler's Check, Money Order

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Floor Plan	Bed	Bath	Sq. Ft.	Deposit	Availability	From
<u>Greenway</u> Spacious Bedroom	1	1.0	550	\$150	Call	\$509/mo
<u>Tanglewood</u> Large Living/Dining Area	1	1.0	650	\$150	Call	\$549/mo
<u>Memorial</u> Pass Through Kitchen	1	1.0	750	\$150	Call	\$594/mo
<u>Briargrove</u> With Den	2	1.0	800	\$175	Call	\$649/mo
<u>Edgewood</u> Patio With Storage	2	1.0	910	\$175	Call	\$679/mo
<u>Laurelwood</u> 2 Spacious Bedrooms	2	2.0	980	\$175	Call	\$694/mo
<u>Crescent</u> Split Floor Plan	2	2.0	995	\$175	Call	\$719/mo
<u>Sweetwater</u> Split Floor Plan	2	2.0	1070	\$175	Call	\$749/mo

Apartment Features

- Frost-Free Refrigerators
- Gas Heat
- Spacious Closets
- Two Tone Paint
- Vaulted Ceilings
- Vertical And Mini-Blinds
- W/D Hookup
- Separate Dining Room
- Patio/Balcony/Deck/Porch
- View
- Ceiling Fan

Community Amenities

- 24-Hour Maintenance Guarantee
- Home Theatre
- Sand Volleyball
- Two Pools And Two Spas
- Pet Friendly**
- Covered Parking
- Bus/Public Trans
- Fitness Center
- Pool
- Cable TV Available
- Laundry Facility

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- Air Conditioning
- FirePlace
- Disposal
- Dishwasher
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- Cats Allowed
- Small Dogs Allowed
- BBQ/Picnic Area
- Spa/Hot Tub/Sauna
- ** Pet Policy - Pet Deposit, Rent & Fee, Up to 20lbs

Office Hours: Mon-Fri: 10:00AM-6:00PM Sat: 10:00AM-5:00PM Sun: 12:00PM-5:00PM

Lease Options: CALL FOR AVAILABILITY

Type of Housing: Apt Unfurnished

Utilities Included: Trash

Payment Accepted: Visa, Mastercard, American Express, Personal Check, Money Order

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Bedrooms	Bathrooms	Rent Range	Square Footage	Check Availability
1 Bedroom	1	\$649	796	
2 Bedroom	2	\$775 - \$785	1096 - 1116	
3 Bedroom	2	\$915	1196	

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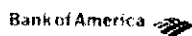
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Pet Policy:

- Cats and dogs accepted.

Apartment Features:

- Fireplace
- Ceiling Fan
- Dishwasher
- Cable Ready
- Air Conditioning
- Walk-in closets
- Microwave
- Garbage Disposal
- Balcony, Deck, Patio
- Washer and Dryer in Unit
- Refrigerator
- Carpeting
- High Speed Internet Available

Community Features:

- Pool
- Business Center
- Spa/Hot Tub
- Club House
- Fitness Center
- Covered Parking

Property Description:

Move beyond your highest expectations. This stunning community combines unmatched amenities with an extraordinary location. Offering quality, convenience and unsurpassed service. Call our friendly staff to set up your personal tour.

Lease Terms:

Lease Terms: 3, 6, 9, and 12 months. Security Deposit: \$150.00 one bdrm. \$200 on two bdrms and \$300 on a three bdrms. Pet Policy: 25 pound weight limit, 2 pets maximum, \$25/month pet rent, \$300 pet deposit.

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Bedrooms	Bathrooms	Rent Range	Square Footage	Check Availability
1 Bedroom	1	\$509 - \$634	550 - 750	
2 Bedroom	1 - 2	\$649 - \$789	800 - 1070	

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Pet Policy:

- Cats and dogs accepted.

Apartment Features:

- Fireplace
- Ceiling Fan
- Garbage Disposal
- Balcony, Deck, Patio
- Washer and Dryer Hookups in Unit
- Walk-in closets
- Refrigerator
- Carpeting
- High Speed Internet Available
- Vaulted Ceiling
- Dishwasher
- Cable Ready
- Air Conditioning

Community Features:

- Pool
- Club House
- Handicap Access
- Spa/Hot Tub
- Covered Parking
- Fitness Center
- Laundry Room

Property Description:

Welcome to River Walk at Puerta De Corrales where a quiet country lifestyle and city conveniences come together to provide you with an exclusive combination. You'll be able to walk to the bosque, jog through Corrales, bicycle down country roads or picnic on 23 acres. Conveniently located only minutes from Paseo del Norte, Cottonwood Mall, and entertainment, River Walk is where you will enjoy the lifestyle of a lifetime.

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Bedrooms	Bathrooms	Rent Range	Square Footage	Check Availability
1 Bedroom	1	\$640 - \$710	740	
2 Bedroom	2	\$755 - \$915	960 - 1121	
3 Bedroom	2	\$965 - \$1005	1320	

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Pet Policy:

- Cats and dogs accepted.

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- [Health Insurance](#)
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Apartment Features:

- Fireplace
- Vaulted Ceiling
- Microwave
- Garbage Disposal
- Furnished Units Available
- Air Conditioning
- Walk-in closets
- Intrusion Alarm Available
- Refrigerator
- Carpeting
- Balcony, Deck, Patio
- Washer and Dryer in Unit
- Ceiling Fan
- Dishwasher
- Cable Ready
- High Speed Internet Available

Community Features:

- Detached Garage
- Fitness Center
- Playground
- Handicap Access
- Pool
- Business Center
- Extra Storage Units
- Spa/Hot Tub
- Club House
- Covered Parking

Property Description:

For the finest in luxury apartment living, there's no better location than the prestigious Eagle Ranch area with its great views of the city and the Sandia Mountains. You're close to a wide selection of great restaurants, major employers, shopping and movies at the Cottonwood Mall. Convenient freeway access puts all the pleasures of the city only minutes away from Eagle Ranch. For your convenience, our

My name is Kenneth Hall of 4416 Serenata PL NW, 87114. I am here to speak in opposition to 01864 a special exception to Section 14, Request for A Conditional Use Permit to allow for dwellings on all of a portion of Lot(s) A, Block(s) 12, Clayton Heights Addition zoned C-2 at 10850 Golf Course Road NW.

The request for a Conditional Use burdens the applicant to present evidence to the Zoning Hearing Examiner that the USE will not be injurious to the adjacent property, the neighborhood or the community. The following will address each item presented by DAC ENTERPRISE on behalf of KITTS DEVELOPMENT LLC (APPLICANT) in the application for Conditional Use to demonstrate that each item in the application does not meet this burden of proof. Therefore, the proposed development does in fact present conditions injurious to the adjacent property, neighborhood and community by not meeting this burden of proof.

Injurious to the Adjacent Property

Numerous comments can be made about design, parking, traffic, adequate tenant common use areas, trash and crime. Most of these comments have been already addressed by neighbors present or can be addressed at a later date during the Planning Approval Process, if this application is approved.

The applicant makes issue that a Commercial Use would be more injurious. The WESTSIDE STRATEGIC PLAN 2002 discuss in depth the Proposed Seven Bar Regional Center centered around the Cottonwood Mall and Cottonwood Corners Commercial Area (Exhibit F attached, pg 32, map WSP). The basis of the Plan is to encourage commercial uses and increase employment in this area. While the text encourages high-density residential uses, the current number of apartment complexes in the vicinity is reducing the land available to commercial development. Thus, a reduction in available jobs to the community and an increase in traffic flow to the East Side for employment opportunities. The applicants proposed development is NOT in this area but references this area in his application as a supporting item to development approval.

An additional Map in the West Side Strategic Plan labeled GOLF COURSE/COUNTY LINE NEIGHBOR CENTER does contain the proposed development. There was no specific text in the West Side Strategic Plan about this area. It appears this area is included as part of the ELLISON/GOLF COURSE NEIGHBORHOOD CENTER. The listed Acceptable Uses for the ELLISON/GOLF COURSE NEIGHBORHOOD CENTER does again mention higher density housing but states the primary uses SHOULD be office, medical and related services (Exhibit E). There are already 2 apartment communities in this Center with a third under construction just West on McMahan, just out of the boundaries.

Not Maintaining Commercial Zoning for Use as Commercial/Employment development as stated in the WESTSIDE STRATEGIC PLAN can be, in itself, injurious to the adjacent neighbors (Exhibit I).

The APPLICANT states that the proposed development is "an upscale multi-family dwelling units that will rent for up to \$1100 a month".

The following is an excerpt from the Albuquerque/Bernilillo Comprehensive Plan 2002 pg I-71(Exhibit C):

"Slightly over one-half of the renter households in Albuquerque have incomes at or below the level generally required to afford an efficiency apartment and 70 percent have incomes at or below the level needed to afford a two-bedroom dwelling. These figures suggest Albuquerque has a growing affordable housing problem."

The Comprehensive Plan actually recommends "AFFORDABLE multi-family housing" is needed in Albuquerque. The applicant is providing two and three bedroom units at a high rent.

Additionally, Agent for the Applicant, DAC ENTERPRISES, stated several times in his presentation before the ZHE on 26 JAN that the proposed project is for 252 APARTMENTS in 63 units. While the Application for Conditional Use actually states DWELLING UNITS.

The applicant states in 01863 for Conditional Use (basically the same application), uses the term APARTMENTS and in 01864 the term DWELLING UNITS. This leads to the assumption the Applicant intends to CONDO off the 63 units for investment purposes. Traditionally, in Albuquerque, this leads to remote landlords that are not ONSITE. The downside to this is the landlords compete between themselves for renters. Leading to low rent properties and higher crime rates. The Albuquerque Police Department has set up a special task force called "The Multi-Family Crime Task Force" specifically to deal with the crime issues around this type of development. This scenario would be VARY injurious to the adjacent properties.

Injurious to the Neighborhood

The application references that Policy 5 h of the Albuquerque/Bernalillo Comprehensive Plan (2002?), stating "*The Comprehensive Plan STRONGLY encourages high density multi-family development at this location*". This reference was hard to find as the reference is incomplete.

The proper reference is ALBUQUERQUE/BERNILLLO COMPREHENSIVE PLAN 2002 Part II Section B Part 5 Policy(h):

Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

*The following address's this portion of the COMPREHENSIVE PLAN, in the first situation:
In Response:*

In designated Activity Centers.

The proposed development on Golf Course is not in a designated Activity Center per the West Side Development Plan 2002 for the Cottonwood Mall area but is in the GOLF COURSE/ ELLISON ACTIVITY CENTER. The typical uses do not "strongly" encourage high density housing but does suggest primary uses of medical and office. Currently, these areas are becoming overbalanced to High Density Housing departing from the Goals of the Comprehensive plan.

In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.

Adequate infrastructure includes utilities, roads and SCHOOLS. The current mixed density pattern is already unbalanced by the existing Apartment Communities in the area.

The applicant states that the schools in the immediate area are SEVEN BAR ES, JAMES MONROE MS and CIBOLA HS. Seven Bar ES has 861 students enrolled with a determined capacity of 860, so the school is currently 1 student overcrowded. The applicant failed to note that Seven Bar started the school year with 50 students over projections. During the first 75 days of school most classes exceeded 30 students while APS moved in additional portables and hired additional staff to ease the overcrowding, as was the case with many West Side Schools. Regrettably, the Applicant is correct that as of January 2006 that currently Seven Bar is not "overcrowded", until, at least, the start of the next school year.

The following chart indicates enrollment at Seven Bar ES since 2001-2002 school year.

School Year	Projected APS Enrollment	Actual Enrollment
2001-2002	624 (k-5)	688 (no 5 th grade)
2002-2003	900-950 (?)	1020
2003-2004	809	1022 (125 bussed to Corrales ES)
2004-2005	536	812
2005-2006	812	861

Capacity, as determined by APS, is the total number of students a school can handle in classrooms plus the additional capacity with all available space utilized by portables. This does not account for a playground area for the students. Currently, as the applicant stated, Seven Bar is not experiencing overcrowding. Yet, overcrowding has always been an issue at Seven Bar.

The applicant states that James Monroe should be relieved this year by a proposed boundary change that sends 400 students to Taft or Taylor. This proposal has been suspended based on a public outcry. The applicant further states that the second phase of James Monroe should begin in February INCREASING the capacity of James Monroe to 1200 students. During the Applicants presentation Mr. Albertorio asked "INCREASING?" the Applicant stated "Yes, Increasing". According to APS Demographer Betty King states the second phase of construction will REPLACE some of the existing portables. There is not an INCREASE in total capacity. The current enrollment is 1394, almost 200 students over projections. With the continued residential construction in Ventana Ranch, surrounding communities and the proposed Multi Family growth the number of students will only increase.

The applicant states he has a proven track record of working with local schools to provide facilities, computers, playground equipment, or other needs. Nancy Lacher, Principal at Seven Bar Elementary, has never heard of KITTTS DEVELOPMENT LLC. Nancy Romero, Principal at Taylor Middle School, has never heard of KITTTS DEVELOPMENT LLC. Patty Salaz, Secretary for Mr. Martinez at Monroe Middle School has never heard of KITTTS DEVELOPMENT LLC. Chuck Atwood in the Real Estate Department of APS has never heard of KITTTS DEVELOPMENT LLC.

The applicant attached a chart to demonstrate the number of school age children residing in multi-family housing based on the National Average. One question, how is this standard documented?

The chart in Exhibit A shows the local apartment complexes, address, number of units, rent, etc. The number of APS students, for each apartment community, was provided by Betty King with the APS Demographics. The National Standard for School Age Students was obtained from The National Multi Family Housing website. There is a national average of 31 students per 100 units. That standard is modified based on the Average Median Income (AMI) as shown as a range in the chart. The higher the family income over the AMI the fewer school aged children. The lower the income the more students.

The APPLICANTS Complexes are highlighted in Yellow. Two very important issues are evident. The first is that 3 of the complexes listed by the are not even in the same Zip Code and have no bearing on the impact to the community by the proposed project. The second is that for the shown complexes the reported school aged children is incorrect. This chart demonstrates the lack of effort or concern by the APPLICANT to really understand how the proposed complex will impact the overcrowding of the school system. Additionally, these charts are only a snap shot in time. Historical data will show the trends of growth of APS school age children in local apartment communities.

PLEASE NOTE THAT THE NUMBER OF APS STUDENTS ONLY REFERS TO APS STUDENTS AND DOES NOT INCLUDE POTENTIAL STUDENTS (PRE K) OR STUDENTS IN OTHER SITUATIONS.

Injurious to the Community

There is no new information presented here. Is it not the burden of the Applicant to demonstrate impact on the Community. The impact of an additional 522 cars on Seven Bar ES and Cibola HS school zones has an impact at 7:30 in the morning. Not to mention the traffic loads on Ellison, Coors, Paseo Del Norte, and Alameda as the tenants will need to travel to the Eastside for employment. Exhibit I, (page I 47 from the WESTSIDE STRATEGIC PLAN) states that the City Council is concerned about the importance of achieving Westside job creation and the need for additional policy. That policy might be the need to maintain the Commercial Zones for Commercial Use to achieve the objectives of the WESTSIDE STRATEGIC PLAN. The applicant does not address this impact on the community.

Conclusion

Being that each point of the Application has been disputed and documented. That the information provided by the applicant is unsubstantiated and/or erroneous. The Zoning Hearing Examiner, Mr. Albertorio, should have no reason to approve KITT'S DEVELOPMENT LLC application for Conditional Use as the Applicant has not meet his burden of proof.

Thank you for your time.

EXHIBIT 'A'

Map Location	Zip Code	Rent	# of Units	Applicant Proposed Students	National Average 0.31	Avg. based on Income .13 /unit (170% AMI)	.37 /unit (<50% AMI)	# APS Students*	Actual % APS Students
A Cottonwood Ranch 10001 Coors Bypass NW	87114	\$ 610.00 \$ 1,101.00	472	49	146	61.36	174.64	73	0.15
B Arroyo Villas 4701 Irving Blvd NW	87114	\$ 535.00 \$ 695.00	200		62	26	74	109	0.55
C The Aspens 9677 Eagle Ranch Road	87114	\$ 649.00 \$ 1,090.00	388	58	120	50.44	143.56	72	0.19
D Ventana Ranch (240 Dev) 10400 Universe NW	87114	\$ 468.00 \$ 645.00	288	14	89.3	37.44	106.56	52	0.18
E** Eagle Ranch Lux Apart Hms 9270 Eagle Ranch Rd NW	87114	\$ 640.00 \$ 1,005.00	432		134	56.16	159.84	54	0.13
F City View Twnhouse Apt 5350 Justin Dr NW	87114	\$ 535.00 \$ 795.00	66		20.5	8.58	24.42	14	0.21
G El Paseo Adult 55+ 301 El Pueblo NW	87114	\$ 539.00 \$ 650.00	166					X	0.00
H Camino Real 3305 Calle Cuervo NW	87114	\$ 650.00 \$ 1,010.00	248		76.9	32.24	91.76	11	0.04
I Paseo Del Sol Apts 291 El Pueblo Road NW	87114	\$ 540.00 \$ 805.00	120		37.2	15.6	44.4	19	0.16
J West Park Apartments 9251 Eagle Ranch Rd NW	87114	\$ 535.00 \$ 715.00	217		67.3	28.21	80.29	112	0.52
K EvergreenVentana Canyon 10300 Golf Course Rd NW	87114	\$ 649.00 \$ 929.00	264		81.8	34.32	97.68	36	0.14
L New Units McMahon	87114		0		0	0	0		0.00
M*** Riverwalk Puerta De Corrales 3405 Calle Cuervo	87114	\$ 509.00 \$ 789.00	500		155	65	185	32	0.06
N Puerta Del Sol 4816 McMahon NW	87114	\$ 439.00 \$ 589.00	136		42.2	17.68	50.32	10	0.07
Manzano Ridge 701 Stephen Moody SE	87123	\$ 562.00 \$ 775.00	280	10	86.8	36.4	103.6	10	0.04
Valencia Court 200 Valencia Dr SE	87108		188	22	58.3	24.44	69.56	26	0.14
Villa De San Felipe 701 Coal Av SE	87102	\$ 360.00 \$ 750.00	161	9	49.9	20.93	59.57	2	0.01
O**** Vistas at Seven Bar Ranch 10600 Cibola Loop NW	87114	\$ 460.00 \$ 795.00	572		177	74.36	211.64	131	0.23
P Taylor Ranch 5601 Taylor Ranch	87120	\$ 419.00 \$ 519.00	200		62	26	74	43	0.22
Q Arroyo Del Sol 4801 Irving Blvd	87114				0	0	0	25	#DIV/0!

*Based on students on the 40th day of 2005/06

**Number of students who live at 9270 Eagle Ranch Rd and 9250 Eagle Ranch Rd

***Number of students who live at 3505 Calle Cuervo and 3405 Calle Cuervo

****Number of students who live at 10600 Cibola Lp and 10500 Cibola Lp

Apartment referenced by Kitts Dev

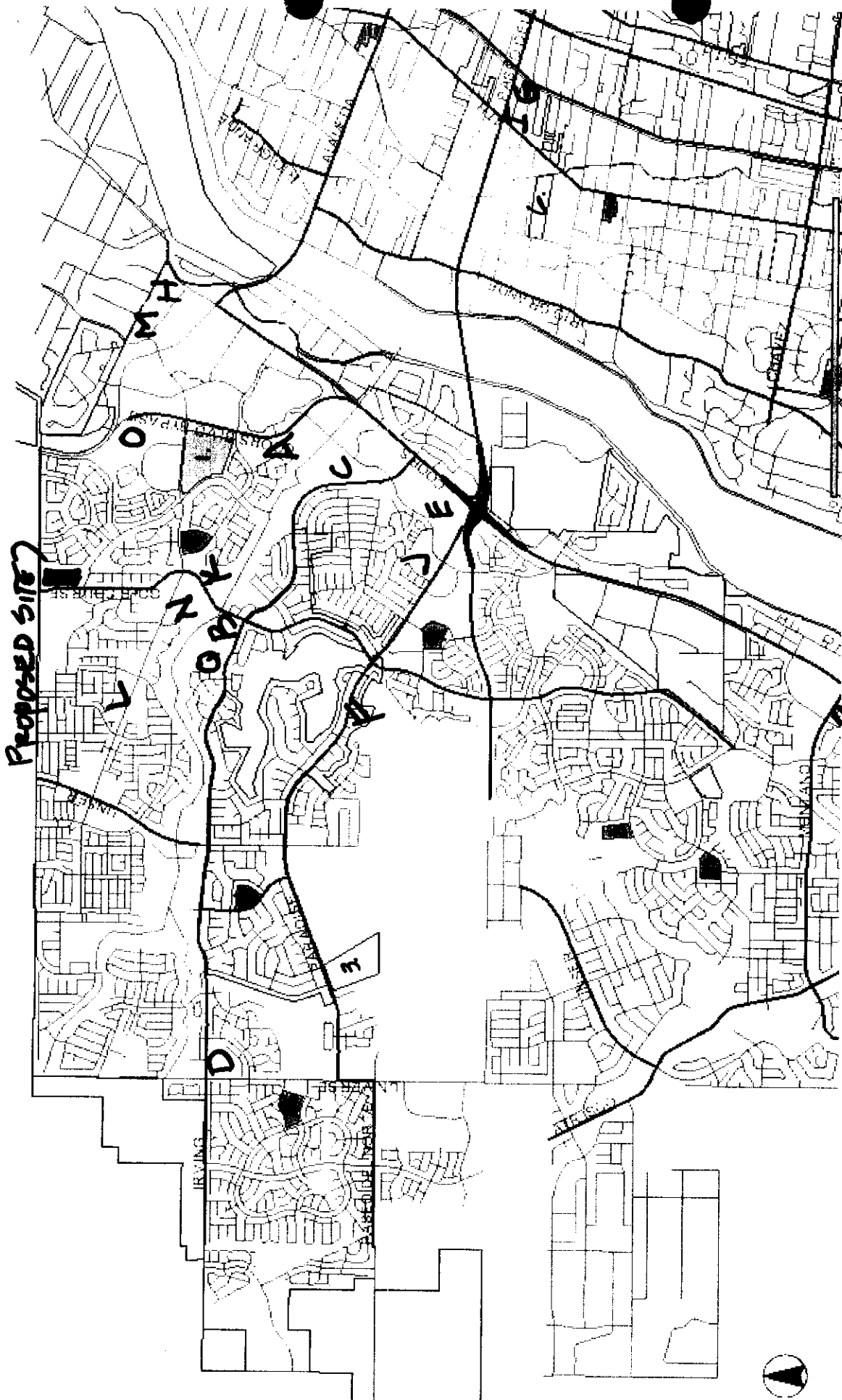
OF Office *

* When listing Office or MISC, be Specific

MISC Other *

0

EXHIBIT 'B'



- 1. CIBOLA H.S.
- 2. SEVEN BAR ES.
- 3. JAMES MONROE
- 4. SIERRA VISTA ES
- 5. VENTANA RANCH ES.
- 6. TAYLOR MS.
- 7. PETROGLYPH ES



?

5. HOUSING

Inventory

Between 1970 and 1980 Albuquerque's housing inventory grew from 78,825 dwelling units to 132,788 dwelling units, a 69 percent increase. The area's relatively new housing stock exceeded population growth by 4 percent. The 1980 Census indicated 41 percent of the City's housing structures had been built in the previous ten years. The housing inventory continued to increase between 1980 and 1985, with a 15 percent increase in the number of dwelling units, representing an average annual growth rate of 3.1 percent.

The demand for housing has been greater than population growth. The housing unit increase between 1970 and 1980 was almost double the City and County population growth. Smaller household size accounted for most change, declining from 3.17 persons per household in 1970 to 2.65 persons per household in 1980.

Market

Albuquerque has a growing but segmented housing market. Low interest rates, moderate inflation, and an increase in general consumer wealth created in a market which homes are more affordable now (1988) than in 1980. The average selling price of a single family house in 1986 was \$91,200. Townhomes and condominiums lower selling prices that averaged \$83,050. Although below the national average, the average selling price of homes in Albuquerque offers an interesting insight into the local market. Over 80 percent of the homes sold for less than \$100,000, but the mean price was higher as a consequence of the upper income housing demand which increased the overall average selling price for area homes.

Housing demand primarily reflects the strength of the low cost and the high cost single family dwellings market segments. Demand to purchase moderately priced units is shrinking.

The market dichotomy is evident in the rental market as well. The proportion of renter households in the County which spend at least a quarter of their gross monthly income on rent has grown from 30 to 53 percent between 1970 and 1980. **Slightly over one-half of the renter households in Albuquerque have incomes at or below the level generally required to afford an efficiency apartment and 70 percent have incomes at or below the level needed to afford a two-bedroom dwelling.** These figures suggest **Albuquerque has a growing affordable housing problem.**

The City coordinates Federal assistance for housing: rehabilitation, public housing, and rent subsidies. The City also owns and manages over 1,000 public housing units and it supports another 2,000 units through the Federal rent subsidy program. The number of families eligible for rental assistance far exceeds current resources. Regardless of demand, Federal housing assistance continues to decline, challenging local government to devise innovative solutions. Rental or sale incentives to developers willing to provide low cost housing is an example of a potential solution to the affordable housing question. Adequate housing for the entire population is an outcome of maintaining a balanced housing market to accommodate the population's varied wants and needs.

Policy h

Higher density housing is most appropriate in the following situations:

- **In designated Activity Centers.**
- **In areas with excellent access to the major street network.**
- **In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.**
- **In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.**
- **In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.**

(See also Policy 7.b relative to Activity page 39.)

Possible Techniques

- 2) Guide through sector plans.
- 1) Control through the Zoning and Subdivision Ordinances.
- 3) Explore direct (e.g. public investment) and indirect (e.g. zoning regulations) approaches to promoting higher density development in appropriate areas.

Policy i

Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Possible Techniques

- 1) Achieve by area and sector development plans, Zoning and Subdivision Ordinances.
- 2) Consider use of performance zoning.
- 3) Prepare Activity Center Implementation Plan.
- 4) Include industrial site location as a component of Comprehensive Plan economic development strategy.
- 5) Provide opportunity for neighborhood review and comment on site plans by notifying recognized neighborhood associations of site plan proposals in accordance with the City Neighborhood Recognition Ordinance 92.

WEST SIDE STRATEGIC PLAN

Employment is projected to increase from 3,085 to 15,250 from 1995 to 2020, with retail and service businesses being dominant.

Regional/Community Center

The regional scale commercial developments surrounding and including Cottonwood Mall comprise a regional retail center. Community scale retail, professional offices, Cibola High School and multifamily housing surround the regional retail center, with community scale commercial uses extending south of the Calabacillas Arroyo along Coors Boulevard through the Paradise Community to Paseo del Norte.

Community area: NA

2020 population served: NA

2020 employment: 12,869

Potential uses: Regional retail, services, higher density housing, public/institutional (Cibola High School, public uses to be located in the Seven Bar town center)

1. The goal of the West Side Strategic Plan is to create an intense mixed-use center, similar in scale to the Uptown Area. Public policy regarding this center is to encourage growth in service employment in mid-rise office parks in the area bounded by Coors Boulevard, the Coors By-Pass and NM 528. Because of the existing dominance of retail uses and planning retail growth, office development will be mixed in with retail buildings rather than concentrated in an office park setting.

Community Centers

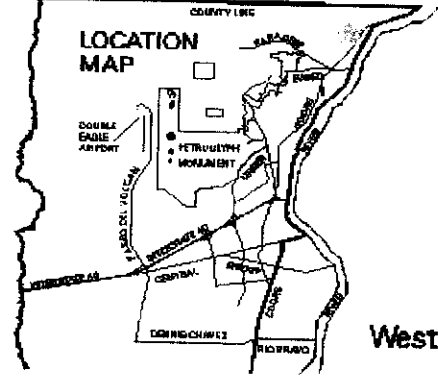
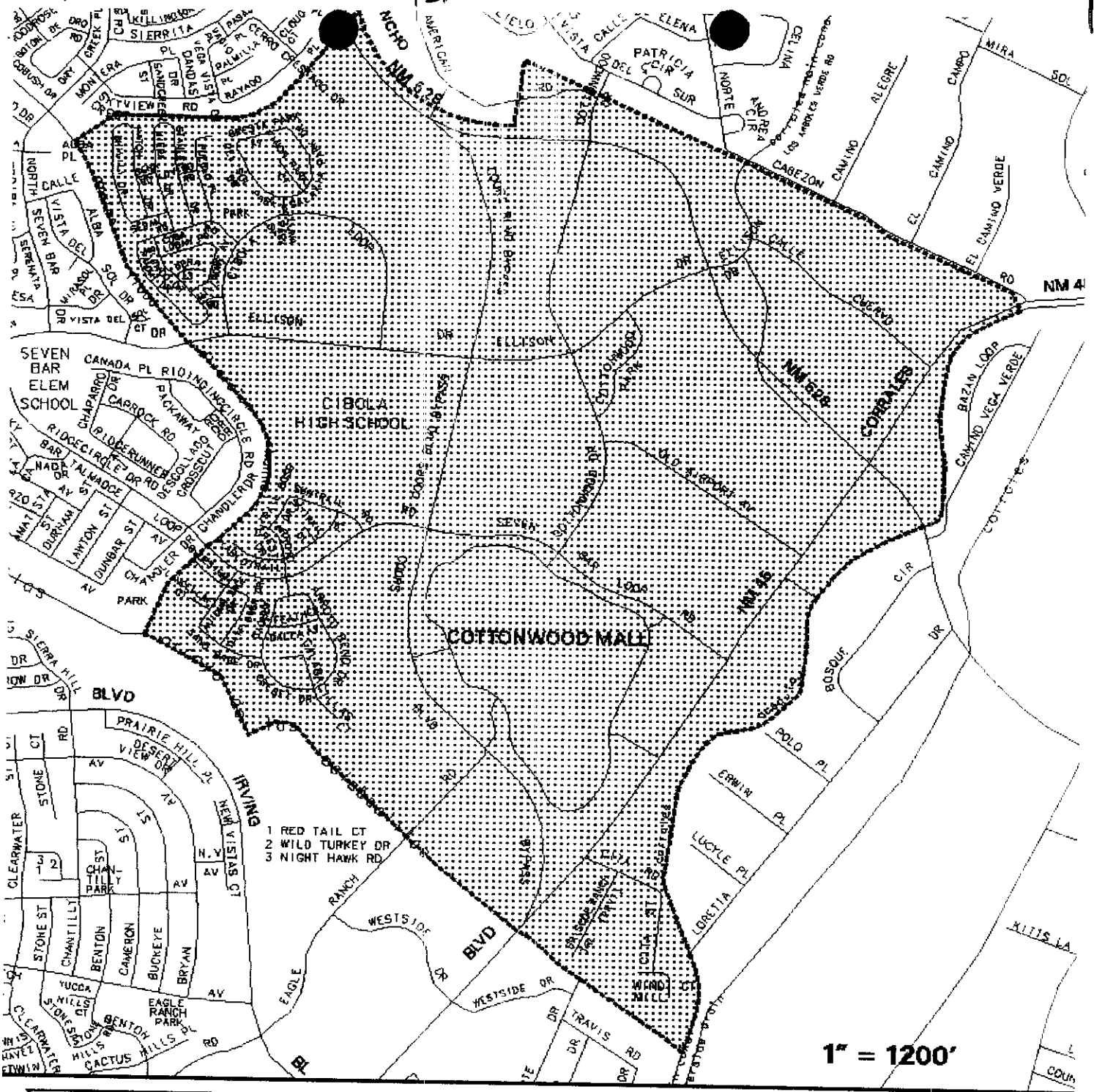
Some community-scale retail development at Paseo del Norte and Golf Course Road will serve residents of the western part of the Seven Bar community. The characteristics of this area were listed in the descriptions of the Taylor Ranch and Paradise communities. The development is most appropriate as a neighborhood center. Community scale service needs should be met by the Paseo del Norte/Coors community cluster and the regional center around Cottonwood Mall.

Neighborhood Centers

Ellison/Golf Course

The area along Golf Course Road from Ellison to Irving contains a mix of institutional uses, medical offices, higher density housing and a limited amount of retail use, primarily restaurants. This area will continue to develop as a center, although primary uses will be office, medical and related services.

EXHIBIT T



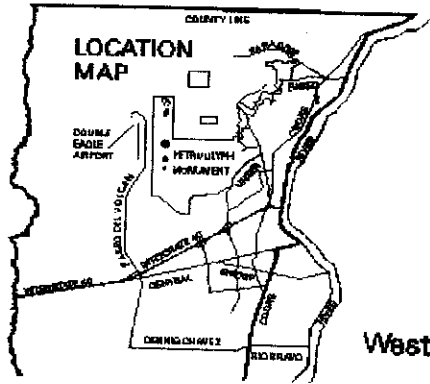
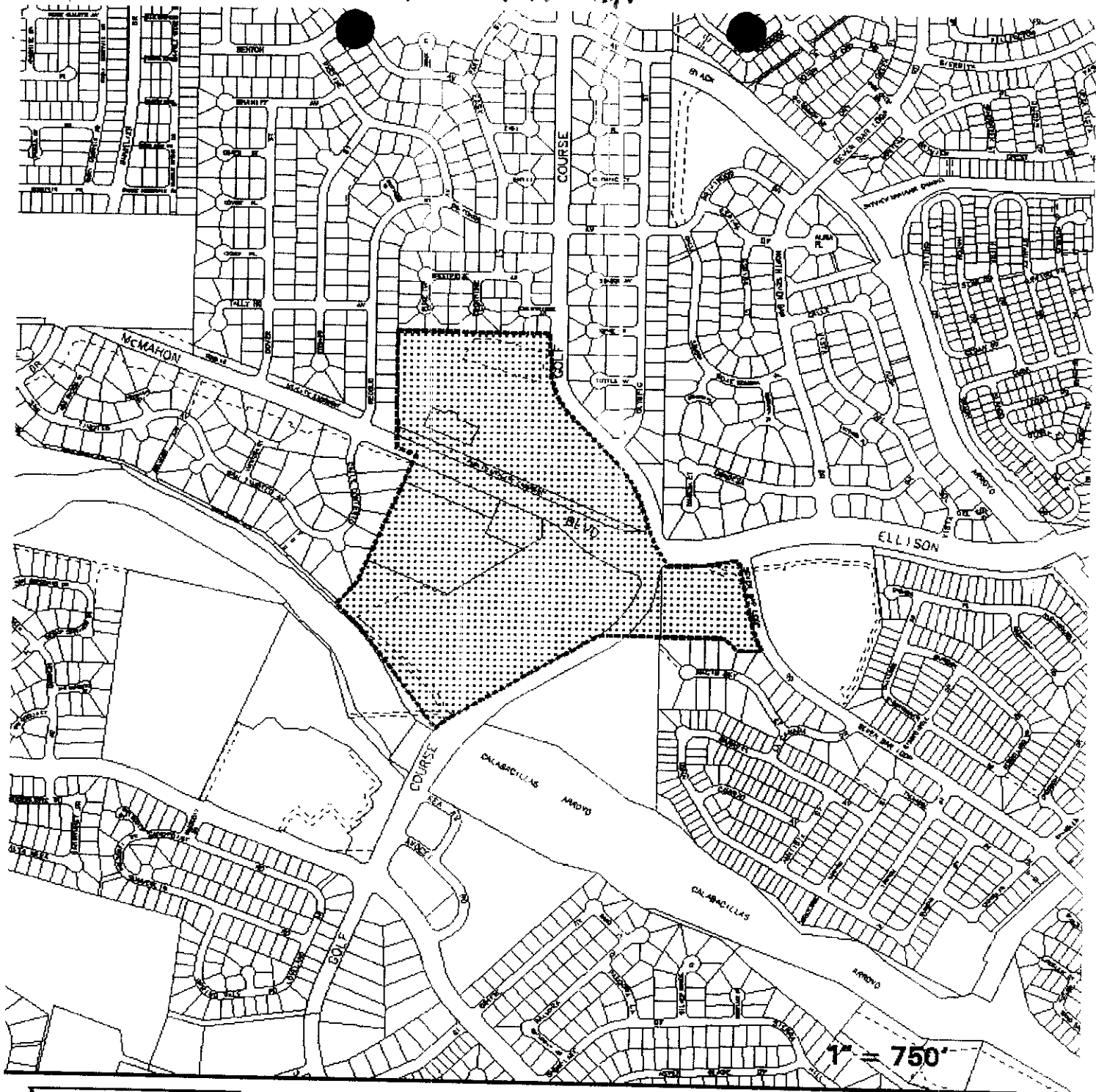
SEVEN BAR REGIONAL CENTER

West Side Strategic Plan

Map printed January 27, 2003



EXHIBIT 'G'



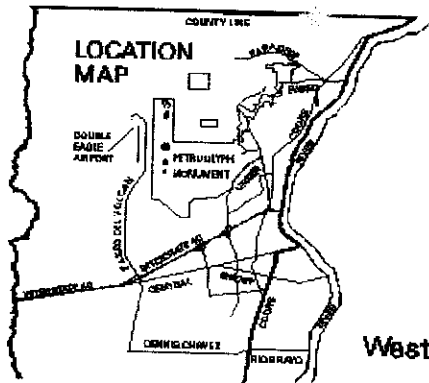
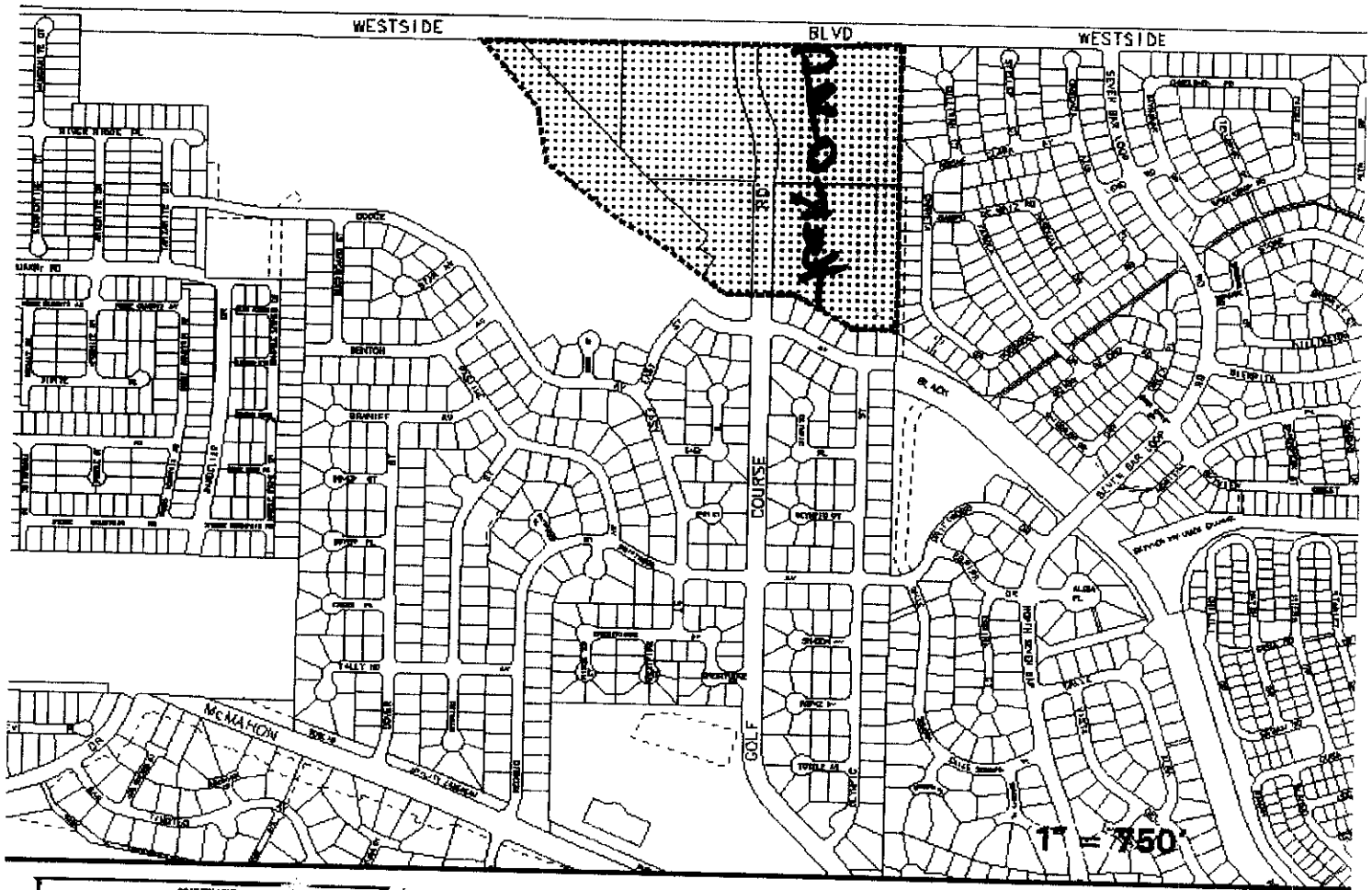
ELLISON / GOLF COURSE NEIGHBORHOOD CENTER

West Side Strategic Plan

Map printed January 28, 2003



EXHIBIT 'H'



GOLF COURSE / COUNTY LINE NEIGHBORHOOD CENTER

West Side Strategic Plan

Map printed January 28, 2003



WEST SIDE STRATEGIC PLAN

The strategies of the Community Plan/Urban Form section of the Plan shall be implemented through systematic follow-through on all policies requiring further action, and by enforcement of all policies stating intent. Uniform enforcement and consistency with stated intent is required in order to achieve the urban form envisioned herein and endorsed by the public.

Implementation

City of Albuquerque staff and Bernalillo County staff shall be the lead entities for implementation, with participation and support from MRGCOG, NPS, AMAFCA, NMSHTD, City of Rio Rancho, neighborhood associations, affected landowners, and the public.

*Lead Entity/
Support Entities*

The City of Albuquerque and Bernalillo County shall each designate a minimum of one staff person whose job is to coordinate the follow-through of all implementation strategies of the West Side Plan. These staff persons will work together to set up the necessary task forces, communication methods, research methodologies, and strategies to complete the tasks outlined herein.

*Functional
Requirements*

Elected officials will be reminded of key implementation enforcement needs by the designated City and County staff persons so that continuity of enforcement will extend beyond the terms of office for key officials.

- Support for staff positions necessary by City and County
- Public funding for needed public improvements identified, allocated in a timely fashion
- Private development sources
- Joint funding whenever possible in multi-jurisdictional areas
- Immediate, begin 1996

Funding

Timing

Encouraging Employment Growth on the West Side

During the course of reviews of West Side Strategic Plan drafts, the City Council Department became concerned about both the importance of achieving the West Side Job creation objectives and the need for additional policy direction with regard to achieving these objectives. The Strategic Plan called for a significant increase West Side jobs: 36,250 new jobs between 1995 and 2020. Perhaps more importantly, it called for the ratio of population to jobs to decrease from the current figure of 4.5 (people) to 1 (job) to 2 to 1 over this period. Recent data indicate that while job growth on the West Side had increased during the last five years, the ratio of population to jobs only changed from 5 to 1, to 4.5 to 1. In addition, the West side was not very successful in attracting "base or export jobs" which are necessary to achieve this population to jobs ratio.

EXHIBIT 'J.'

Cluster	School Type	Location #	School Name	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
Cibola	ES	351	Corrales	626	616	585	561	527	523	643	566	547
Cibola	ES	265	Seven Bar					688	1,020	1,022	812	861
Cibola	ES	356	Sierra Vista	665	726	841	975	736	777	909	758	787
Cibola	ES	264	Ventana Ranch								763	1,004
Cibola	ES	317	Petroglyph	791	781	866	879	709	618	694	764	794
Cibola	ES	295	Chamiza	701	828	812	764	747	759	732	729	744
Cibola	ES	365	Marie Hughes	794	789	772	750	726	738	747	746	719
Cibola	MS	490	James Monroe					799	969	1,115	1,247	1,394
Cibola	MS	485	LBJ	1,096	1,192	1,193	1,196	1,169	1,061	1,077	1,034	1,124
Cibola	HS	580	Cibola	1,835	1,863	2,153	2,413	2,478	2,658	2,872	2,878	2,977
West Mesa	ES	234	Chaparral	996	835	857	848	821	862	779	738	731
West Mesa	ES	280	S.R. Marmon	996	814	827	807	824	850	861	809	814
West Mesa	ES	275	Painted Sky		700	735	862	1,010	1,090	1,254	821	942
West Mesa	ES	288	Lavaland	661	638	624	698	658	697	649	721	706
West Mesa	ES	210	Alamosa	520	523	569	580	610	569	610	575	601
West Mesa	ES	262	Edward Gonzales								1,075	1,132
West Mesa	ES	339	Carlos Rey	736	623	663	737	766	805	796	798	901
West Mesa	ES	250	Mary Ann Binford	723	592	632	740	843	957	966	805	847
West Mesa	MS	405	John Adams	1,045	1,022	1,048	752	748	807	872	895	945
West Mesa	MS	445	Carter				748	930	978	973	1,076	1,132
West Mesa	MS	475	Truman	1,007	999	1,018	808	885	909	906	935	1,068
West Mesa	HS	570	West Mesa	2,411	2,347	2,349	2,302	2,381	2,426	2,587	2,600	2,652
Rio Grande	ES	370	Valle Vista	579	529	479	433	486	476	529	471	491
Rio Grande	ES	216	Atrisco	466	451	451	415	416	433	385	376	400
Rio Grande	ES	215	Armijo	589	592	565	543	519	470	452	451	422
Rio Grande	ES	231	Kit Carson	543	589	561	574	592	625	613	620	690
Rio Grande	ES	327	Navajo	509	473	505	495	525	512	551	528	512
Rio Grande	ES	225	Barcelona	603	661	636	633	629	659	554	550	585
Rio Grande	ES	206	Adobe Acres	510	537	533	486	520	522	622	665	766
Rio Grande	ES	333	Pajarito	540	545	531	536	560	577	549	550	559
Rio Grande	ES	324	Mountain View	413	423	419	405	418	364	374	401	375
Rio Grande	ES	297	Los Padillas	441	442	399	369	355	331	301	288	287
Rio Grande	MS	450	Ernie Pyie	909	950	952	950	860	756	680	694	676
Rio Grande	MS	415	Harrison	662	694	671	672	628	613	589	645	700
Rio Grande	MS	448	Polk	671	708	696	577	501	446	417	390	430
Rio Grande	HS	540	Rio Grande	2,250	2,177	2,167	2,004	1,875	1,704		1,798	1,862

Cibola Cluster	6,508	6,795	7,222	7,538	8,579	9,123	9,811	10,297	10,951
Change		287	427	316	1,041	544	688	486	654
% Change		4.4%	6.3%	4.4%	13.8%	6.3%	7.5%	5.0%	6.4%

West Side Total	25,288	25,659	26,109	26,512	27,939	28,561	29,623	30,572	32,177
Change		371	450	403	1,427	622	1,062	949	1,605
% Change		1.5%	1.8%	1.5%	5.4%	2.2%	3.7%	3.2%	5.2%

APS District	87,033	85,847	85,261	84,986	85,655	85,213	86,557	87,993	89,469
Change		-1,186	-586	-275	669	-442	1,344	1,436	1,476
% Change		-1.4%	-0.7%	-0.3%	0.8%	-0.5%	1.6%	1.7%	1.7%

ES	13,402	13,707	13,862	14,090	14,685	15,234	15,592	16,380	17,217
MS	5,390	5,565	5,578	5,703	6,520	6,539	6,629	6,916	7,469
HS	6,496	6,387	6,669	6,719	6,734	6,788	7,402	7,276	7,491

All school west of the Rio Grande.
 Based on 40th day enrollment figures.
 Does not include alternative programs or charter schools.

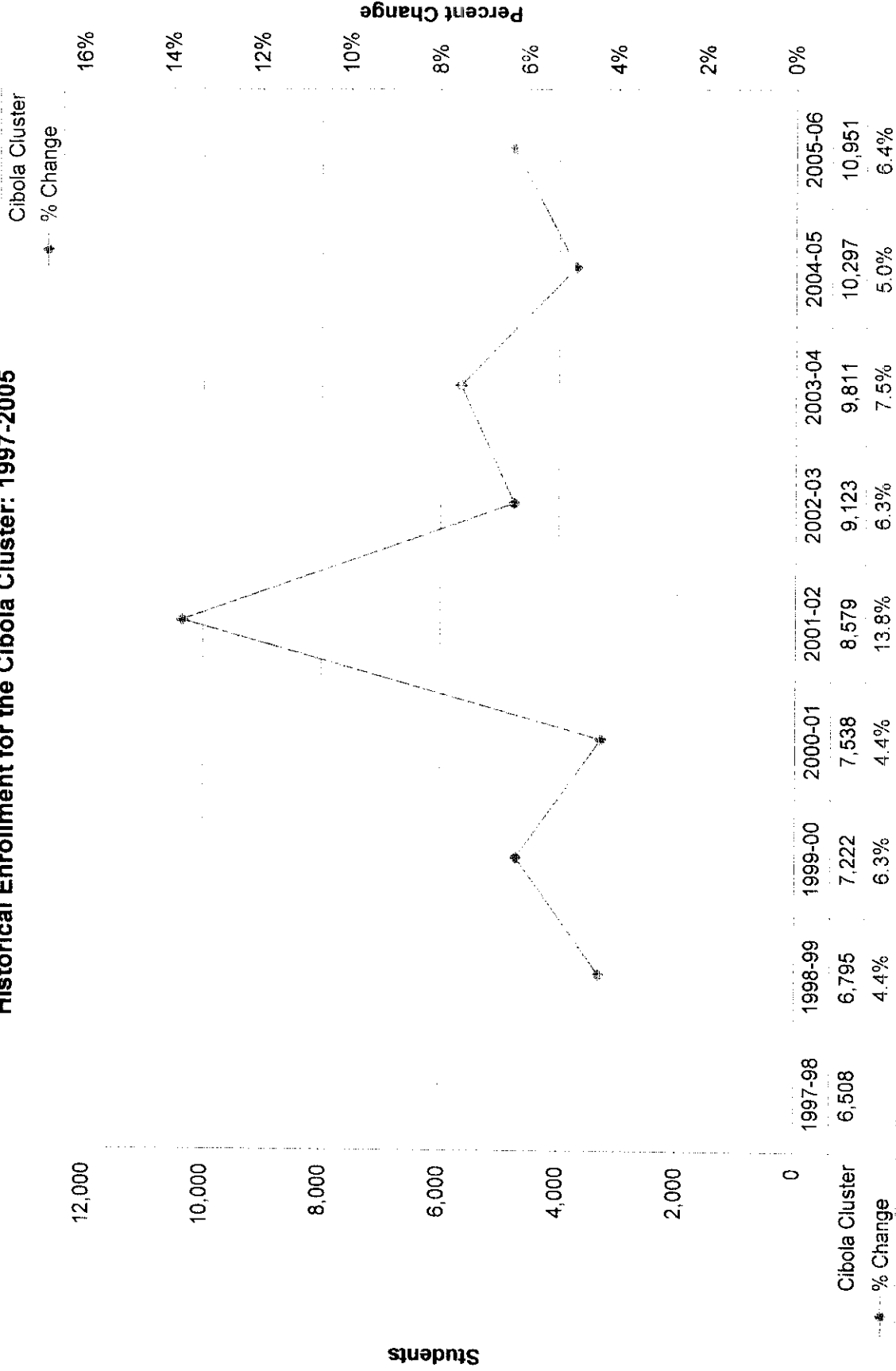
EXHIBIT J.

	1997-98	2005-06	Change	Percent Change	Average Annual Growth
Cibola Cluster	6,508	10,951	4,443	68.3%	6.7%
Westside ¹	25,288	32,177	6,889	27.2%	3.1%
APS District	87,033	89,469	2,436	2.8%	0.3%

¹Westside includes all elementary, middle, and high schools located west of the Based on 40th day enrollment figures.

Chart

Historical Enrollment for the Cibola Cluster: 1997-2005



Based on 40th day count for each school year.

Enrollment Trends

Middle School Enrollment Trends: 1997-2005

Loc	School	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06*	Capacity	Space Available
457	Taylor	1096	1139	1115	1146	593	628	608	628	595	790	195
485	LB Johnson	1096	1192	1193	1198	1169	1061	1077	1034	1132	1175	43
490	Monroe					799	989	1115	1247	1408	780	-626
455	Taft	648	660	670	628	592	633	685	653	621	730	109
Total		2,840	2,991	2,978	2,970	3,153	3,291	3,485	3,562	3,754	3,475	-388
Population Change			5%	0%	0%	6%	4%	6%	2%	5%		

Preliminary Middle School Enrollment Projections: 2006-2009

Loc	School	2006-07	2007-08	2008-09	2009-10	Capacity	Projected Space Available
457	Taylor	595	528	538	549	790	241
485	LB Johnson	1132	1124	1141	1138	1175	37
490	Monroe	1406	1730	1781	1841	780	-1061
455	Taft	621	645	645	634	730	96
Total		3,133	3,983	3,460	3,528	2,745	-783
% Population Change		4.8%	3.1%	2.3%	2.0%		

Student counts are based on 40th day enrollment.

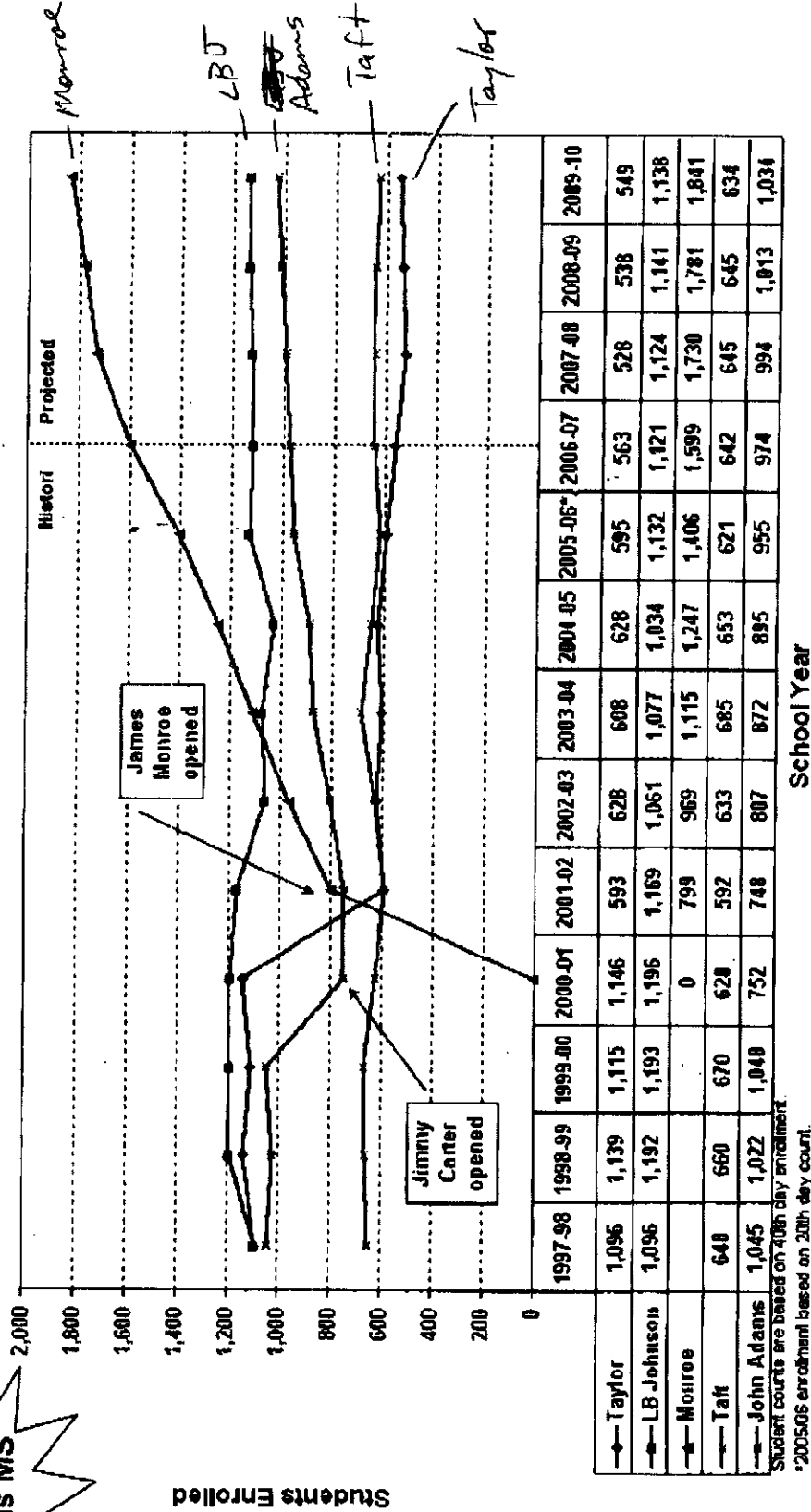
*2005/06 enrollment based on 20th day count.



Enrollment Trends

Historical and Projected Student Enrollment Trends for Taylor, L.B. Johnson, Monroe, Taft and John Adams: 1997 - 2009

Added Adams MS



*2005-06 enrollment based on 40th day enrollment
 *2005-06 enrollment based on 20th day count.



Parents Slam Proposed APS Boundary Changes



Some 23 buses wait to take James Monroe Middle School students home after school on Tuesday. The school district is attempting to adjust attendance boundaries to ease overcrowding at the school. MARLA BROSE/JOURNAL

West Siders Oppose Busing to North Valley

BY ANDREA SCHOELLKOPF
Journal Staff Writer

West Side parents said Tuesday they would rather have their children stay in overcrowded middle schools next year than have them bused to North Valley schools.

Some threatened other alternatives under a redistricting proposal being considered by Albuquerque Public Schools. A few residents even tried to revive talk of a West Side school district.

"If this plan goes through, we will home school, family school, charter school," local television personality and West Side resident Steve Stucker said during a public forum on the proposed

changes. "We will not send our children across the river to Albuquerque Public Schools."

The forum — the first of two on new West Side middle school boundaries — drew an estimated 550 people to the James Monroe Middle School gymnasium Tuesday night.

The school board is scheduled to vote on the boundaries Dec. 7.

A second forum is scheduled for 7 p.m. Monday at Lyndon B. Johnson Middle School's cafeteria.

Monroe, which has 36 portable classrooms, is built for 1,100 students and is 300 students over its capacity. APS officials have said the school expects to have 1,800



Misty Ashcraft, a Petroglyph Elementary School parent, listens during a meeting Tuesday night at James Monroe Middle School. The meeting was held to discuss a plan to relieve overcrowding at the middle school.

Parents Air Boundary Concerns

from PAGE A1

to 1,900 students by 2009 and it does not have much more room to accommodate portables or students.

The proposed changes would send students living in the Petroglyph Elementary neighborhoods — which encompass the eastern end of Paradise Hills as well as the homes between Coors and the Rio Grande south of Paseo del Norte — more than six miles away to Taft Middle School near Fourth and Osuna in Los Ranchos.

Students in the Seven Bar Elementary neighborhoods would be sent to Taylor Middle School, which is near Los Ranchitos and Guadalupe.

Taylor currently serves West Side students living north of the Calabacillas Arroyo west to Golf Course.

The proposed changes would decrease Monroe's enrollment to 913 next year. Taylor, now at 595, would increase to 810. And Taft would increase to 819.

APS officials — who did not respond to comments — had earlier told parents the plans could change based on input they receive.

"We are trying to do the best that we can with a situation we did not create," said Nelinda Venegas, APS assistant superintendent. "The public schools did not create the growth, but we have to make sure that we accommodate for students."

APS officials seemed to realize the problem early on in the forum when APS Facilities Master Plan Director Kizito Wijenje — with a straight face — said the bus ride to the North Valley schools would average six or seven minutes longer. The claim received a prompt round of laughter from those familiar with the city's bridge system and its congestion at rush hour.

James Monroe Middle School is 2.56 miles away



MARLA BROSE/JOURNAL

James Monroe Middle School students Mary Harner, right, and Alanna Jorrigan, left, talk to concerned parents and community members during a meeting Tuesday night.

from Petroglyph Elementary. In comparison, Taft is 6.2 miles from Petroglyph.

Seven Bar Elementary is about equal distance, 4.2 miles, from James Monroe and Taft middle school.

Parents cited concerns over the rush-hour traffic commute keeping children on the bus, breaking up communities and decreasing property values and lower socioeconomic factors in North Valley schools.

Some proposed solutions were keeping sixth graders at the elementary schools — many of which are also at or above capacity — or adjusting the Lyndon B. Johnson Middle School boundaries to keep West Side students at West Side schools.

"I put my children into this (West Side) district, so they could have the best education they could possibly get," said Seven Bar resident and teacher Andrea Lucero. "It all has to do with socioeconomic ... I want my kids to be safe

here."

Parents recalled their children being bused to Taylor before Monroe opened, and said it took 45 minutes roundtrip. They said the trip to Taft would be longer.

"I feel that the people moving here are pushing us out of our school," Kim Rarrick said. "... APS keeps asking us to support their bond issues and we do. And yet, we're going to be sent to a lesser-quality school."

Monroe eighth grader Merry Hanson said students have started a petition to limit the boundary change to students living east of Coors.

"No one from Monroe wants to leave here," she said. "We all have our friends here."

Parents compared costs of private school tuition and talked about school choice options as they waited for the meeting to start.

Former school board write-in candidate Eric Johnson, who had opposed an APS split during his election campaign,

was outside James Monroe Tuesday night crusading for a new West Side district.

"We can build a West Side district sooner than they can build a new middle school," said Johnson.

Rep. Thomas Anderson, R-Albuquerque, who was part of a 2004 legislative movement for the West Side to secede said area lawmakers are still considering breaking off from the district.

"Do we want to do it?" he said. "No, it's too much work. But we need to do something."

On Monday, City Councilor Michael Cadigan — whose children attend Petroglyph — sponsored a memorial calling on APS to find alternatives to busing children from the West Side across the Rio Grande.

"My frustration is their first reaction (to overcrowding) is to redistrict," Cadigan said earlier Tuesday.

administrative staffers.
"There was a little rancor

board's three-member Selection Committee, comprised of

Socorro and Sandoval counties and the district at large.

Building Plan Questioned

from PAGE 1

gated complex with 66 apartment buildings, a swimming pool, a recreation center and small parks on the property just north of the Black Arroyo. The apartment buildings would vary in size from as few as two units and as many as four. Rent will run about \$1,000 a month for a three-bedroom apartment, the developers say.

The 20-acre tract is zoned for high-density commercial and the developers would have to get a conditional-use permit from the city to go forward with the project.

The developers have not submitted an application to the city, but representatives said that would happen within the next month.

Kitts Development would build the complex and sell its buildings individually, said Thomas Joseph, president of Kitts. He added that although the buildings could be owned by several different owners, they would have to agree to a consolidated management of the complex.

Wednesday's meeting was the third with neighbors in the area. Joseph said he wants to work with neighbors to build a

nice apartment complex.

"When we're done, we want these to be the best apartments on the West Side," Joseph said.

But neighbors have concerns about the complex, mostly about the impact its residents will have on schools. Some at the meeting were concerned about traffic, crime and whether the owners will maintain their buildings.

Cathy Mirabal, whose house would border the apartment complex property, said she didn't understand how the developers could even consider an apartment complex when West Side schools already are bursting at the seams.

"Our biggest concern is the schools," Mirabal said. "I'm tired of seeing children without classrooms and you are doing nothing to help the problem."

The city's Environmental Planning Commission has denied some development requests in recent months because of school crowding. The Golf Course apartments, however, would only need a conditional-use permit approved by the city zoning hearing examiner to move forward, the developers said.

Another neighbor who didn't want to be named called the apartments irresponsible and

questioned the wisdom of having different owners of the buildings within the complex. His concern was different owners might have different standards, and some owners might not keep their property maintained and might charge lower rent rates.

Joseph said it doesn't make sense for a building owner not to maintain a property.

"This is a large investment, and any owner will want to get the most out of the property," Joseph said. "Why would anyone let a large investment fall into disrepair?"

Doug Crandall from DAC Enterprises, which is helping Kitts on the project, said if the apartments aren't built, the property would be open to commercial development that the neighbors may find less attractive, such as a large shopping center.

"If these apartments don't get approved, it's going to be a high-density commercial development," Crandall said.

The neighbors, however, chastised Crandall for trying to scare them into accepting the apartments.

"We'll take our chance with the commercial," said Tony Westfall, who lives near the proposed development.

Apartment Plan

Draws Questions

Developer Meets With Neighbors

By RORY MCCANNANAHAN

Journal Staff Writer

The developers of a proposed 256-unit apartment complex off Golf Course south of the Bernadillo-Sandoval county line say if they don't build, the property could be the site of a "high-density commercial development."

The neighbors aren't buying it.

Representatives with Kitts Development, which is proposing the apartment complex, met with neighbors Wednesday night at Cibola High School to show the latest plans for the complex. It would feature a

See BUILDING on PAGE 2



NEWS FROM THE WEST

Rio Rancho Finds Official Locally

and the reaches are no longer a problem, Vigil-Lowder said.

Rio Rancho's national search

director, Vornholt was the division manager for parks and facilities within the Cultural Enrichment Department.

Thomas Seeking A Second Term



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NMHC 03-17

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FROM NIMBY TO GOOD NEIGHBORS: RECENT STUDIES REINFORCE THAT APARTMENTS ARE GOOD FOR A COMMUNITY

- Community leaders and public planning officials agree that the key to growing smarter is to develop more higher density housing, such as apartments. Developers eager to meet these housing needs are often thwarted, however, by misguided local not-in-my-backyard (NIMBY) activists.
- One of the most persistent claims is that new apartments will reduce nearby property values. Fortunately, there is an increasing body of research that indicates that apartments (even affordable apartments) are not a threat to local property values. In fact, new research shows that apartments can be a net plus to communities and can actually help raise nearby property values in certain neighborhoods.
- This NMHC/NAA White Paper summarizes those reports and offers links to the original research. It also identifies other literature and resources that community leaders and housing providers can use to overcome NIMBY opposition.
- Suggested distribution includes:
 - General Counsels
 - Directors of Development
 - Research Directors

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Please understand that the information discussed in this guidance is general in nature and is not intended to be legal advice. It is intended to assist owners and managers in understanding this issue area, but it may not apply to the specific fact circumstances or business situations of all owners and managers. For specific legal advice, consult your attorney.

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INTRODUCTION

Last year in Cuyahoga Falls, Ohio, the city refused to issue a building permit for an affordable housing apartment community even though the plan was consistent with all of the city's zoning regulations. After searching its existing zoning regulations in vain for any reason to deny the developer a permit, the city actually changed the rules in the middle of the game by launching a referendum on the proposal. By appealing to people's irrational "not in my backyard" (NIMBY) fears about affordable housing, the referendum denied the developer the right to build the apartments.

Despite our nation's pressing need for greater housing density and more apartment homes, those seeking to build apartments still encounter NIMBY behavior too often. When a project is proposed, misguided local activists respond with NIMBY complaints so frequently that some have suggested a better acronym would be BANANA (Build Absolutely Nothing Anywhere Near Anyone).

The National Multi Housing Council/National Apartment Association (NMHC/NAA) Joint Legislative Program watches these NIMBY debates closely, sometimes filing legal briefs on behalf of members who have run up against NIMBYism. But since it is best to avoid the costly and slow legal system if possible, disarming potential opposition and winning local stakeholders over early is a good idea.

There is an ever-increasing body of research that indicates that apartments (even affordable apartments) are not a threat to local property values and can be a net plus to communities. This paper summarizes those recent reports and identifies other literature and presentations that NMHC/NAA members can use to overcome NIMBY opposition.

IMPACT OF APARTMENTS ON PROPERTY VALUES

The Vitality of America's Working Communities (2003)

By Alexander von Hoffman, Eric Belsky, James DeNormandie, and Rachel Bratt

According to this new research by Harvard's Joint Center for Housing Studies (JCHS), apartments pose no threat to the value of single-family houses nearby. Using U.S. Census data from 1970 through 2000, the researchers found that—contrary to the perception that apartments lower property values—the average value of owner-occupied houses was highest in working communities (defined as neighborhoods in which residents earn between 60 percent and 100 percent of area-wide median income) that have the *most* apartments.

The study found that working communities with apartments comprising more than 30 percent of their housing units have sustained a 30-year increase in home values in each of the largest 42 metropolitan areas. There is a more detailed report of the same name forthcoming from the same authors.

A summary of this study is available at: www.nw.org/network/newsRoom/pressReleases/pdf/executiveSummary.pdf.

A Review of Existing Research on the Effects of Federally Assisted Housing Programs on Neighboring Residential Property Values (2002)

George Galster, Wayne State (MI) University

This report from a Wayne State University professor finds that federally assisted housing has an insignificant—or even a positive—effect on property values. Professor Galster finds that prior studies have over-estimated the negative impact subsidized housing has on property values, and uses a new methodology that measures property values both before *and* after affordable housing is constructed (not just after construction, like most studies) to determine whether such housing affected property values, or whether property values in the neighborhood may have been already declining before the housing was built. Galster finds that assisted housing had insignificant or positive effects on property values in higher-value, less vulnerable neighborhoods. It was more likely to improve property values in lower-value, more vulnerable neighborhoods. Any negative impacts were directly related to the size and scale of the subsidized housing.

A Review of Existing Research on the Effects of Federally Assisted Housing Programs on Neighboring Residential Property Values is available at:

[www.realtor.org/Research.nsf/files/galsterreport.pdf/\\$FILE/galsterreport.pdf](http://www.realtor.org/Research.nsf/files/galsterreport.pdf/$FILE/galsterreport.pdf).

Low-Income Housing Tax Credit Housing Developments and Property Values (2002)

The University of Wisconsin Center for Urban Land Economics Research

This study, which reviewed eight prior studies on Low-Income Housing Tax Credit (LIHTC) properties and property values, found no evidence that LIHTC properties cause property values to deteriorate. Instead, contrary to conventional wisdom, this study's authors discovered that Low-Income Housing Tax Credit developments often cause surrounding property values to increase. They note with interest that past research has generally found that such developments have a more positive impact in higher income areas.

The researchers then tested those conclusions by measuring the appreciation rates of houses in one Wisconsin city and two counties near LIHTC properties between 1991-2000. Their analysis also found no evidence that LIHTC properties caused property values to depreciate, and they found evidence that in Madison, Wisconsin, properties near LIHTC developments actually appreciated more rapidly.

Low-Income Housing Tax Credit Housing Developments and Property Values is available at: www.wheda.com/cat_tca/uw_study.pdf.

A Study of the Relationship Between Affordable Family Rental Housing and Home Values in the Twin Cities (2000)

Family Housing Fund and Maxfield Research, Inc.

Minnesota's Family Housing Fund, a non-profit agency that supports affordable housing throughout Minneapolis and its twin city of St. Paul, commissioned this survey of 12 Twin City neighborhoods in which a tax-credit rental housing development was located within an area of owner-occupied homes. Looking at three standards of single-family house performance—sales price per square foot, percentage of sales price to asking price and time on the market—the study found nearly no negative impacts, and many positives to integrating tax credit rental housing into these neighborhoods.

For example, the single-family homes around the tax credit property displayed similar or stronger market performance after the rental properties were built, and similar or stronger market performance than houses not located near a tax credit property.

Though this study is nearly three years old, tax-credit property developers especially should still be aware of it. *A Study of the Relationship between Affordable Family Rental Housing and Home Values in the Twin Cities* is available at www.fhfund.org/Research/Maxfield-Exec%20Summary.pdf.

On Common Ground: Apartments and Detached Home Values (2003)

Arthur C. Nelson and Mitch Moody

This upcoming study looks to Gwinnett County, Georgia in suburban Atlanta for a case study of the relationship between apartments and house values nearby. Prepared with support from NMHC and the National Association of Realtors, *On Common Ground* concludes that in the area they studied, apartments did affect nearby property values, sometimes adversely but sometimes adding value.

Examining all homes sold in the county in the 1990s as well as 158 apartment complexes, the authors find that Gwinnett house prices per square foot were lower within one-quarter mile of an apartment complex, but that those *farther* than one-half mile away sell for less than those that are one-quarter mile away from an apartment building. They theorize that this means that apartments generally create value in an area, suggesting that apartments may provide the critical mass needed to support the local shopping and services that nearby homeowners value. They also believe that most apartment residents are in a transitional period; they may be new to the area and want to learn about the area before purchasing, or may be waiting until they have sufficient income to buy. Finally, the authors theorize that apartments may lead demand rather than follow it. That is, they say, the presence of apartments may signal more demand for residential development in the area.

This study concludes with several observations, including that locating apartment buildings near major transportation access points minimizes traffic congestion, which is a favorite NIMBY rallying cry. Positioning an apartment building as a visual or noise buffer to separate retail or commercial sites from a residential neighborhood also minimizes the effect apartments have on neighboring detached houses. The authors conclude that over the long run, a well-located apartment building with attractive landscaping and entranceways probably raises the overall value of detached homes compared to having no apartment buildings.

On Common Ground will be released shortly. Copies will be available from NMHC's LaToya Scott at 202/974-2349 or via e-mail at lscott@nmhc.org.

PUBLIC PERCEPTIONS OF AFFORDABLE HOUSING

The worsening affordable housing shortage has created a new awareness among many city officials about the importance of building more rental housing. But when it comes time to approve proposed projects, many are afraid to support them because they fear they will lose the support of their local citizens. But a public opinion survey conducted in 2003 should give public officials the confidence to publicly support more affordable housing in their communities.

Public Perceptions of Affordable Housing in the Chicago Region found surprising public support for affordable housing in Chicago. In a "YIMBY" twist, a poll of 1,000 residents in a six-county area found that two-thirds would support more low- and moderate-income housing in the neighborhoods *where they live*. Only 17 percent would strongly oppose it. The poll was sponsored by Housing Illinois, a coalition of business, civic and religious groups formed to raise public awareness about the affordable housing shortage. Housing Illinois was pleasantly surprised by the results, and says that there is a "silent majority" of support for high quality projects.

That said, the report also pointed to significant challenges that must be overcome before we can start planning NIMBY's funeral. Two-thirds of the residents worry that low- and moderate-income housing is poorly maintained, and half believe crime usually accompanies it or that property values will fall in areas with such housing. Nearly half also said that the design of housing for low-income people is usually unattractive. Advocates say these are the key concerns they must address to make the silent majority for affordable housing proposals more vocal than the NIMBYs.

Public Perceptions of Affordable Housing in the Chicago Region is available at: www.chicagorehab.org/pubs/pdfs/housingilreport.pdf.

The Campaign for Affordable Housing

In an effort to swing all-important public opinion in favor of affordable housing (particularly high-density rental housing), the new non-profit organization The Coalition for Affordable Housing (TCAH) positions itself as "a partnership for public education," and seeks to dispel the myths about and publicize the benefits of affordable housing. The Campaign also conducts research on affordable housing's impact and provides materials and advice for housing organizations and those seeking affordable project approvals. TCAH is financially supported by NMHC/NAA, Freddie Mac, Apartment Finance Magazine and many others in the housing industry.

More information on *The Campaign for Affordable Housing* is available at: www.TCAH.org.

THE IMPORTANCE OF GOOD DESIGN

Joint Forum on Housing Density (2002)

NMHC, American Institute of Architects, and the Urban Land Institute

NMHC, AIA and ULI convened a Housing Density Forum in February 2002 in Washington, DC. The event brought together more than 40 diverse stakeholders to move the discussion about housing density forward. Participants included architects, apartment developers, urban planners, elected officials and environmentalists. One conclusion reached is that good design is one of the most effective ways to overcome community opposition to apartment properties. Another is that a simple change in terminology from the word 'density' to the phrase 'compact development' or 'efficient, walkable community' may help to allay neighbors' NIMBY concerns. Finally, it was agreed that visual aids are much more effective than just written descriptions when persuading citizens that apartment communities can be a well-designed benefit to their community. A White Paper detailing the proceedings is available at: www.nmhc.org/Content/ServeContent.cfm?ContentItemID=2555.

Prometheus Prize

Housing Trust of Santa Clara County

Though developers sometimes resist design improvements to affordable housing in an effort to keep costs down, housing advocates agree that good design is essential to winning over NIMBY opposition to new apartments. To show developers that better design can actually reduce costs and speed up the approval process, the Housing Trust of Santa Clara County has created the Prometheus Prize. Using a grant from a nonprofit charitable foundation established by the principals of the Prometheus Real Estate Group, the prize is awarded based on three criteria: timelessness of design, quality of design and surrounding neighborhood/community impact. The award is the idea of a San Francisco developer who, after objections from local officials to a proposed property, discovered that some impromptu changes made the "bland" property more attractive and actually reduced costs. The prize is presented to the architect, developer, builder, landscape architect and local government, and \$10,000 cash is awarded to directly benefit the winning project's residents.

More information about the Prometheus prize is available at:
www.housingtrustscc.org/prometheuszprize/overview.html.

Good Design Can Make Apartment Living More than a Low-Rent Alternative to a House, Roger K. Lewis, Washington Post (July 13, 2002)

Echoing the consensus of the Housing Density Forum attendees mentioned above, an article in the *Washington Post* stressed the importance of good design "if Americans are to be convinced that apartment living is a desirable—not merely acceptable—dwelling choice." ("Good Design Can Make Apartment Living More Than a Low-Rent Alternative to a House," July 13, 2002.) The author, architecture professor Roger K. Lewis, notes that as we strive to grow smarter, "like it or not, more and more Americans will be living in apartments in the decades ahead" and that good design is the best way to make "high-density livable and likable." The *Washington Post* article is available at: www.nmhc.org/Content/ServeContent.cfm?ContentItemID=2564.

ADDITIONAL RESOURCES

There are several publications available to help you illustrate your point to your local decision makers.

Creating Successful Communities: A New Housing Paradigm

NMHC/NAA offer a 16-page color booklet titled *Creating Successful Communities: A New Housing Paradigm*. This resource can help overcome local NIMBY opposition by explaining how higher density housing is needed to solve many of our most pressing problems, including the affordable housing shortage, suburban sprawl and urban decay. *Creating Successful Communities* also debunks the most common apartment myths, including the idea that apartments overly burden local schools or that they cause property values to fall and crime rates to rise.

The Case for Multifamily Housing

This 20-page booklet was published by the non-partisan Urban Land Institute (ULI) in cooperation with NMHC and NAA. *The Case for Multifamily Housing* documents the need for multifamily housing, and it refutes some of the most common NIMBY objections that are raised about apartments. Separate sections discuss such issues as the growing popularity of multifamily housing, how multifamily housing can help reduce traffic, why apartments are important to a

region's overall economic development, how multifamily development is more environmentally friendly than sprawling, low-density development and the fact that well-designed multifamily housing can be an attractive addition to communities. Copies of *The Case for Multifamily Housing* can be purchased from ULI by calling 800/321-5011 and asking for document number C64 or by visiting www.bookstore.uli.org.

NMHC/NAA use both of these brochures as tools in our ongoing "balanced housing policy" initiative. We have shared them with more than 15,000 mayors city managers and local planning officials as well as leading community development and smart growth stakeholders. The response to both has been overwhelmingly favorable. *Creating Successful Communities* is available at www.nmhc.org/Content/BrowseContent.cfm?IssueID=215.

Presentation: What Neighbors Want: Cost Effective Strategies for Dealing With NIMBYism, Debra Stein and John Millham (2003)

Triumphing over NIMBYism was discussed at NMHC's Annual Meeting in January 2003. Debra Stein from the consulting firm GCA Strategies explained the five elements critical to overcoming NIMBY opposition. They include:

- Engaging in two outreach campaigns; one for opponents and one for supporters;
- Using the right message for the right constituency;
- Focusing your public information campaign on the relevant misperceptions;
- Providing the right amount of information; and
- Avoiding unnecessary concessions.

John Millham from Prometheus Real Estate Group offered a case study of how Prometheus overcame NIMBYism to construct its 218-unit Metropolitan Apartment Community in San Mateo, California. His presentation identifies the influential neighborhood groups and discusses the five steps Prometheus took to obtain entitlements despite NIMBY opposition. These steps include:

- Meet early and often with as many of the NIMBYs as possible;
- Attempt to educate/change perceptions about apartments and the development under discussion;
- Make no concessions before you absolutely have to;
- Constantly gauge political leverage and the environment; and
- Manufacture support.

Both of these presentations can be found at:

www.nmhc.org/Content/ServeContent.cfm?ContentItemID=2786.

Presentation: Apartments – The New American Dream? Kim Duty (2001, updated in 2003)

This presentation, originally prepared for the National Association of Real Estate Editors' Annual Meeting, explains why apartment living is becoming more popular among households who can afford to buy and provides statistical evidence and reasons why the trend is likely to continue in the future. It explores the demographic changes, lifestyle changes and public policy influences driving the emergence of discretionary renters. It is available at:

www.nmhc.org/Content/ServeContent.cfm?IssueID=215&ContentItemID=1828.

NMHC Apartment Myths Web Site

NMHC's web site includes a special section with additional documents that refute the myths about apartments and the people who live in them. You can find it at:

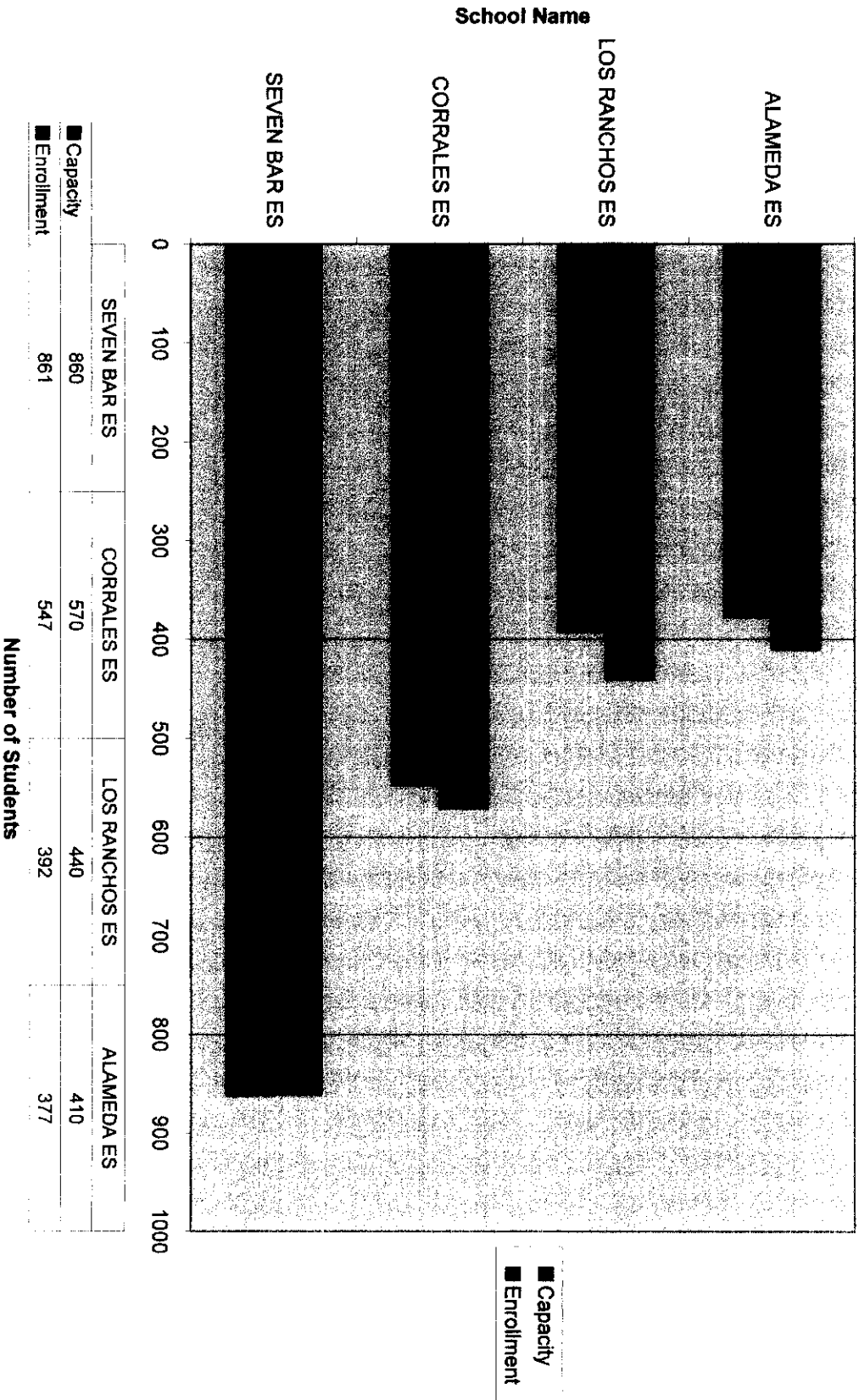
www.nmhc.org/Content/BrowseContent.cfm?IssueID=215.

CONCLUSION: YOU ARE NOT ALONE

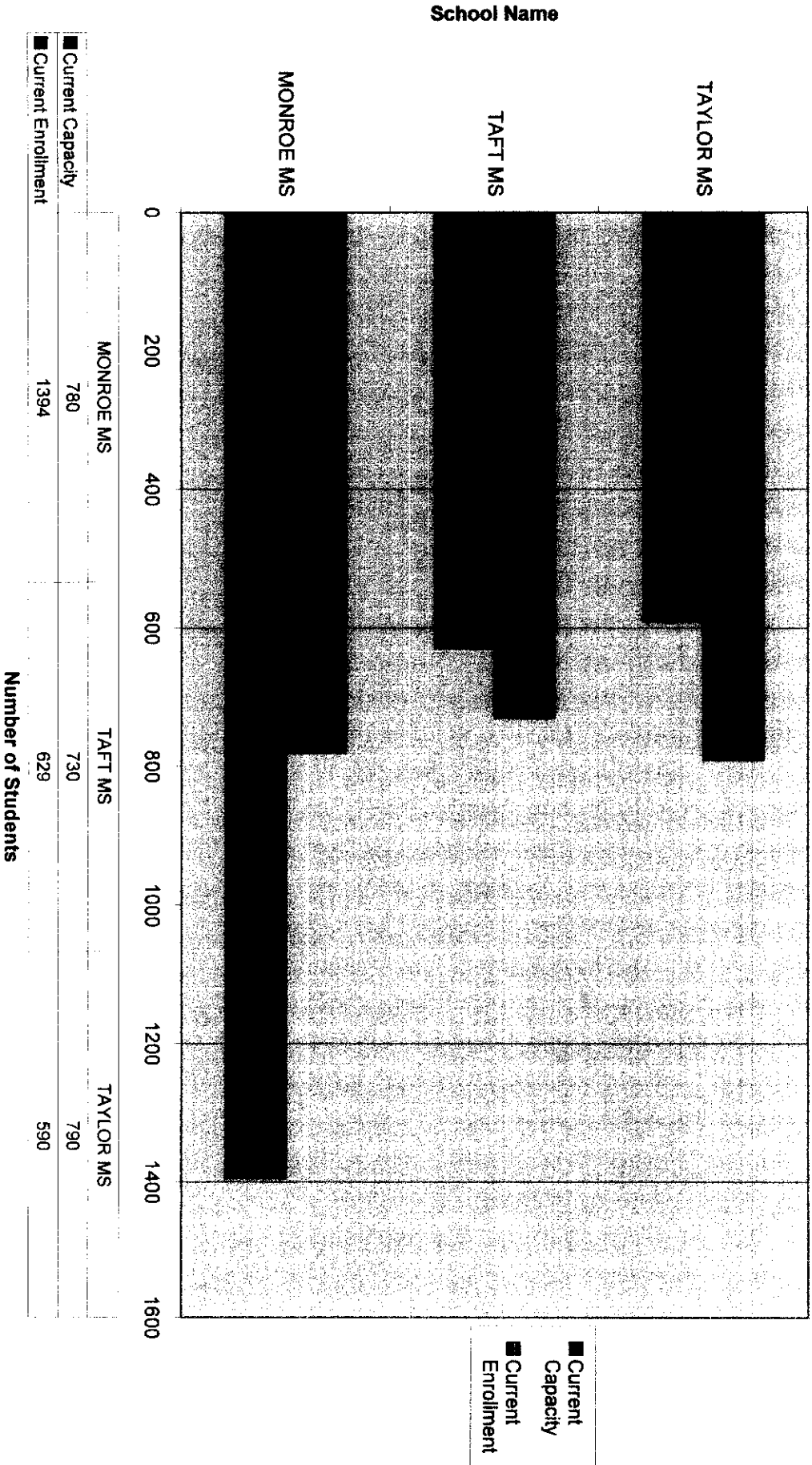
Our country's population continues to swell. Immigrants arrive daily and seek apartments, and a wave of Echo Boomers is approaching their prime renting years. Clearly, the need for quality housing for all Americans is becoming critical. Vital workers in our communities are being pushed farther and farther from the cities where they work by NIMBY opposition, resulting in greater sprawl, worse traffic congestion, and horrendous commutes in cities across the country.

Though apartments are necessary to fill this need, the smallest, most vocal minority of local activists too often can keep a proposed project from ever reaching fruition. The good news is this: you are not alone in your frustration with the NIMBY phenomenon. In fact, speaking to the U.S. Conference of Mayors in May, Housing and Urban Development Secretary Mel Martinez said, "Whether by intent—through the so-called NIMBY syndrome of exclusionary zoning, expensive building fees, and burdensome regulatory barriers—or unintentionally, local governments are driving up housing costs and driving out affordable housing." Let us hope that the recent research collected here and the acknowledgement from the highest levels of government that the "not in my backyard" phenomenon presents a problem are big steps toward victory over NIMBYism in America.

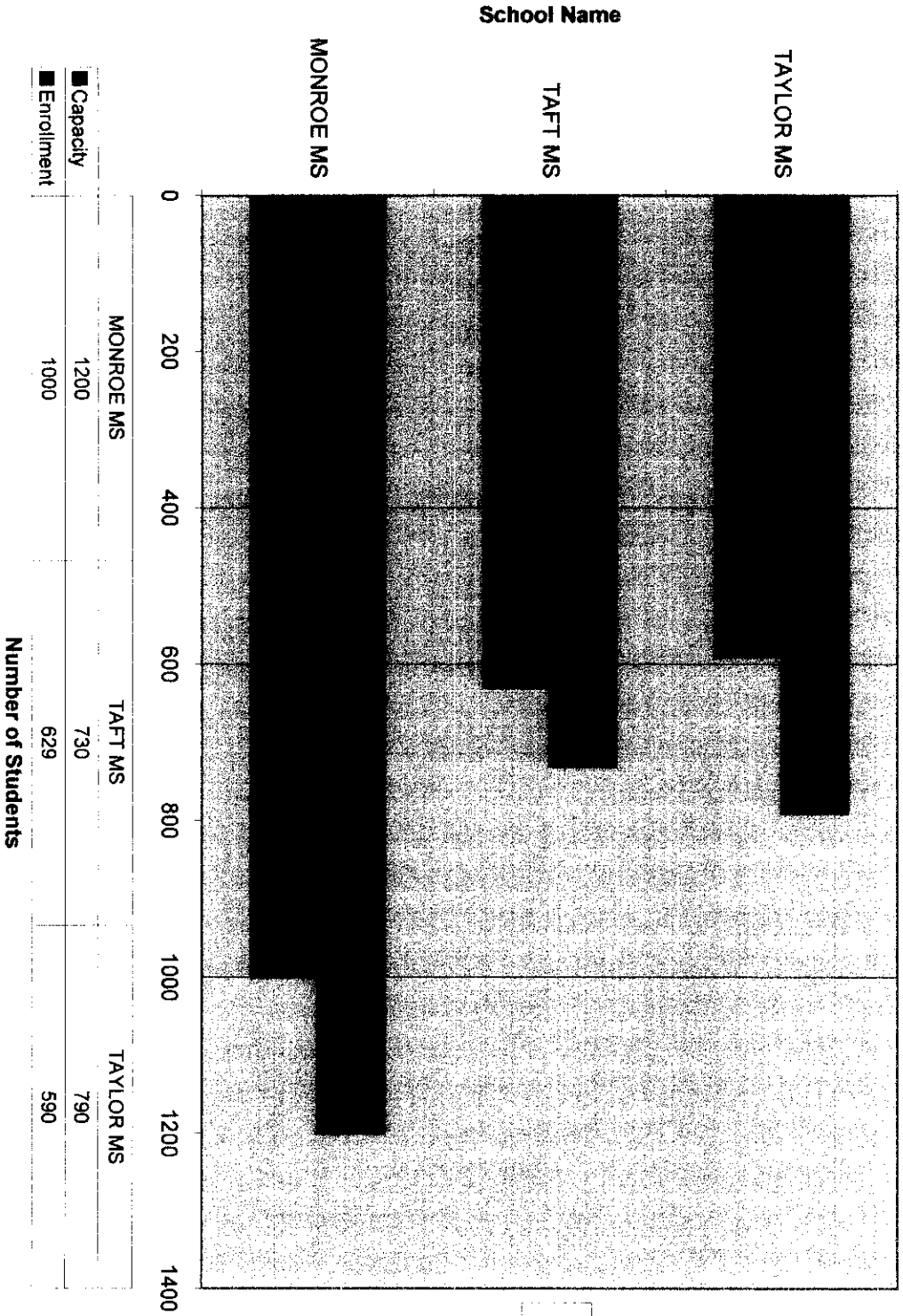
Westside Elementary Schools



Westside Middle Schools Before Proposed Changes

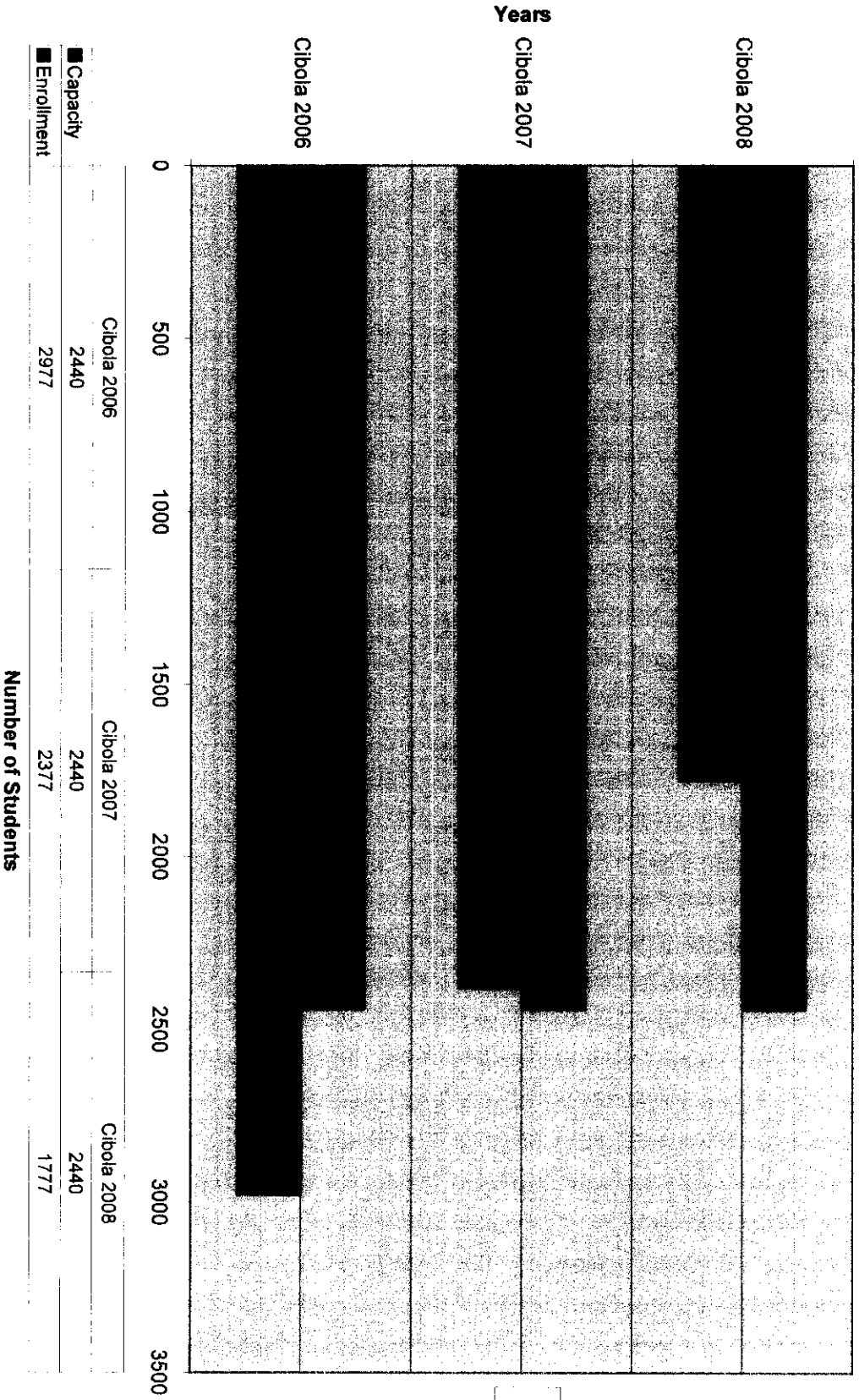


Westside Middle Schools After Proposed Changes



■ Capacity
■ Enrollment

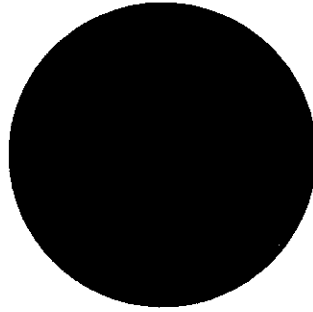
Cibola High School



■ Capacity
 ■ Enrollment

Golf Course Students Impact on Cibola HS

0.07%

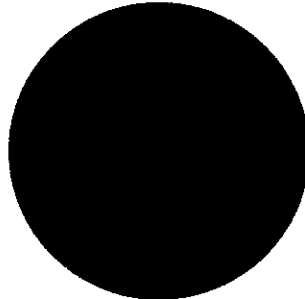


■ Current Enrollment
■ Golf Course Students

99.93%

Golf Course Students Impact on Monroe MS

0.2%

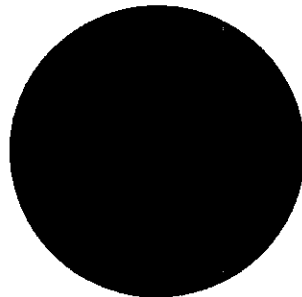


■ Current Enrollment
■ Golf Course Students

99.8%

Golf Course Students Impact on Seven Bar ES

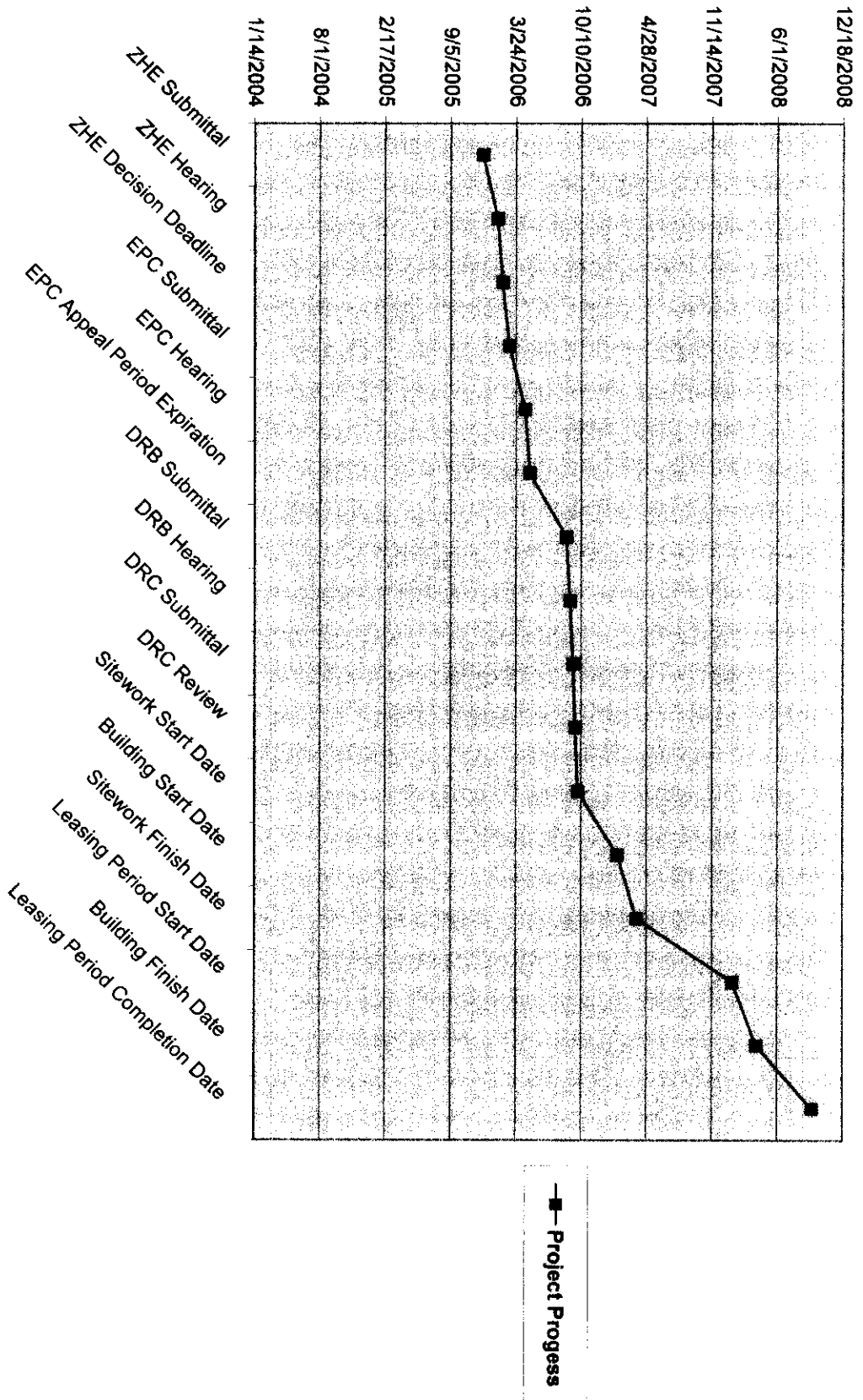
1.0%



■ Current Enrollment
■ Golf Course Students

99.0%

Golf Course Apartment's Schedule of Completion & Occupation



We the undersigned, are opposed to the building of multi-family dwellings on the plot directly ^{west} north of the Estrella Del North Subdivision,

NAME

ADDRESS

SIGNATURE

<u>Joni Morris-Kuykendall</u>	<u>4409 Baton De Oro</u>	<u>Joni Morris-Kuykendall</u>
<u>Jennifer Snyder</u>	<u>4415 Baton de Oro</u>	<u>Jennifer Snyder</u>
<u>Kame Kaneshiro</u>	<u>10825 Chicebush Dr NW</u>	<u>Heide Kaneshiro</u>
<u>Andy + Kiyonne Dilts</u>	<u>4408 Dry Creek Pl. NW</u>	<u>Kiyonne Dilts</u>
<u>Len + Helen DiAsio</u>	<u>4404 Dry NW</u>	<u>Leonard DiAsio</u>
<u>Carl + Betty Gottlieb</u>	<u>4400 dery NW</u>	<u>Betty Gottlieb</u>
<u>Scott Templeton</u>	<u>4332 Dry Creek Pl NW</u>	<u>Scott</u>
<u>Harline Elwood</u>	<u>4324 Dry Creek Pl</u>	<u>Harline Elwood</u>
<u>David Warden</u>	<u>4316 Dry Creek Pl.</u>	<u>David Warden</u>
<u>Christine Dietz</u>	<u>4312 Dry Creek Pl NW</u>	<u>Christine Dietz</u>
<u>Scott Kay</u>	<u>4303 Baton De Oro</u>	<u>Scott Kay</u>
<u>LORI Bohm</u>	<u>4309 Botonde Oro</u>	<u>Lori L Bohm</u>
<u>ALAN J. GALEY</u>	<u>4316 WOODROSE NW</u>	<u>Alan J Galey</u>

We the undersigned, are opposed to the building of multi-family dwellings on the plot directly ~~south~~^{west} of the Estrella Del North Subdivision,

NAME

ADDRESS

SIGNATURE

<u>Hilda Lehman</u>	<u>10927 FAROLA Dr. NW</u>	<u>Hilda Lehman</u>
<u>Amber Bennett</u>	<u>10923 Farola Dr. NW</u>	<u>Amber Bennett</u>
<u>Mark Pike</u>	<u>10919 Farola Dr NW</u>	<u>Mark Pike</u>
<u>Felix Madrid</u>	<u>10905 Farola Dr NW</u>	<u>Felix Madrid</u>
<u>Richard G. Lepley Sr.</u>	<u>4405 Campo de Matiz NW</u>	<u>Richard G. Lepley Sr.</u>
<u>Michael Eisenbec</u>	<u>4415 CAMPO DE MATIZ NW</u>	<u>Michael Eisenbec</u>
<u>Lena Spruill</u>	<u>10923 Pasquale NW</u>	<u>Lena Spruill</u>
<u>Jack Jigal</u>	<u>10919 Pasquale NW</u>	<u>Jack Jigal</u>
<u>RALPH BUCHNER</u>	<u>10905 PASQUALE NW</u>	<u>Ralph Buchner</u>
<u>Helen Cox</u>	<u>10932 Favola</u>	<u>Helen Cox</u>
<u>S+Welch</u>	<u>10900 Pagosa</u>	<u>Shirley Welch</u>
<u>Lora Hanson</u>	<u>10923 Carreta NW</u>	<u>Lora Hanson</u>
<u>Margie Barnett</u>	<u>4011 Arapahoe Ave. NW</u>	<u>Margie Barnett</u>

We the undersigned, are opposed to the building of multi-family dwellings on the plot directly ~~north~~^{west} of the Estrella Del North Subdivision,

NAME

ADDRESS

SIGNATURE

<u>Steve Wheatstine</u>	<u>4324 Botan De Oro</u>	<u>[Signature]</u>
<u>Kristan Montano-Auger</u>	<u>4400 Botan de Oro Rd</u>	<u>Kristan Montano-Auger</u>
<u>RICHARD HAWKINS</u>	<u>4408 BOTAN DE ORO RD</u>	<u>[Signature]</u>
<u>Lori Page</u>	<u>4409 Dry Creek Pl</u>	<u>Lori Page</u>
<u>Ramon Rojas</u>	<u>4401 DRY CREEK PL</u>	<u>[Signature]</u>
<u>JOANN JASTRZEMSKI</u>	<u>4331 DRY CREEK P</u>	<u>[Signature]</u>
<u>Patricia Keefner</u>	<u>4327 Dry Creek Pl</u>	<u>P. Keefner</u>
<u>Tam Meyer</u>	<u>4301 Dry Creek Pl</u>	<u>T. Meyer</u>
<u>Christine Valdez</u>	<u>4300 Dry Creek Pl.</u>	<u>Valdez</u>
<u>Jessica Davis</u>	<u>4304 Dry Creek Pl</u>	<u>[Signature]</u>
<u>Molly Zadra</u>	<u>4305 Botan De Oro</u>	<u>Molly K. zadra</u>
<u>PAT GATNOY</u>	<u>4316 Botan de Oro</u>	<u>[Signature]</u>
<u>BILL BERRY</u>	<u>4324 WOODBOSE</u>	<u>[Signature]</u>

We the undersigned, are opposed to the building of multi-family dwellings on the plot directly ~~north~~ ^{west} of the Estrella Del North Subdivision,

NAME

ADDRESS

SIGNATURE




<u>Tommy Hood</u>	<u>11009 Carreta</u>	<u>Tommy Hood</u>
<u>TINA RAINWATER</u>	<u>4509 NOCHE CLARA NW</u>	<u>Tina Rainwater</u>
<u>BRENDAN ADAMS</u>	<u>4505 Noche Clara</u>	<u>Brendan Adams</u>
<u>_____</u>	<u>4501 Noche Clara</u>	<u>_____</u>
<u>David M. Lopez</u>	<u>11008 Carreta Dr.</u>	<u>David M. Lopez</u>
<u>KAREN VIOLA</u>	<u>11001 CARRETA</u>	<u>Karen Viola</u>
<u>JOHN FIFE</u>	<u>10943 CARRETA DR NW</u>	<u>John Fife</u>
<u>SYRA MURRIETA</u>	<u>10940 Carreta Dr NW</u>	<u>Syra Murrieta</u>
<u>J. Larry M Garcia</u>	<u>10936 Carreta Dr Alb. NM</u>	<u>J. Larry M Garcia</u>
<u>George +</u>	<u>10928</u>	<u>George +</u>
<u>Teresa Griego</u>	<u>Carreta nee</u>	<u>Teresa Griego</u>
<u>Betsy DeKneft</u>	<u>87114</u> <u>10920 Carreta Dr NW</u>	<u>Betsy DeKneft</u>
<u>Joseph L. Monasterio</u>	<u>10916 Carreta Dr. NW</u>	<u>Joseph L. Monasterio</u>
<u>_____</u>	<u>10908 Carreta</u>	<u>_____</u>

We the undersigned, are opposed to the building of multi-family dwellings on the plot directly ~~north~~^{west} of the Estrella Del North Subdivision,

NAME

ADDRESS

SIGNATURE

Nancy Brunswick	11005 Casada Azul	
	11001 " "	
	10923 " "	
SUE SANDERS	10919 CASCAIDA AZUL NW	Sue Sanders
Margaret Adams	10915 Cascada Azul NW	Margaret Adams
Dore Durbach	10909 CASCAIDA AZUL	Dore Durbach
Chris Roberts	10905 Cascada Azul	
	10901 " "	
	4304	
Dinah Sandusky	10900 Cascada Azul	Dinandusky
Carol Fink	10908 Cascada Azul	Carol W. Fink
Deloris Barta	10904	Deloris Barta
Brian March	10912 Cascada Azul P1 NW	

We the undersigned, are opposed to the building of multi-family dwellings on the plot directly ~~south~~ ^{WEST} of the Estrella Del North Subdivision,

NAME

ADDRESS

SIGNATURE

<u>RON MASI</u>	<u>10928 FAROLA DR NW</u>	<u>[Signature]</u>
<u>Irene Johnson</u>	<u>10920 FAROLA DR NW</u>	<u>Irene Johnson</u>
<u>Emma Istibi</u>	<u>10916 FAROLA DR NW</u>	<u>Emma Istibi</u>
<u>AMIT PAE</u>	<u>10908 FAROLA DR NW</u>	<u>[Signature]</u>
<u>CONRAD DOUGLAS</u>	<u>10904 FAROLA DR NW</u>	<u>Conrad Douglas</u>
<u>Kim Freehoff</u>	<u>10900 Farola Dr NW</u>	<u>Kimberly Freehoff</u>
<u>Robert K Etzcom</u>	<u>10904 Pasquale Dr NW</u>	<u>Robert Etzcom</u>
<u>Gary Land</u>	<u>10908 Pasquale Dr NW</u>	<u>Gary Land</u>
<u>Lindy Daniel</u>	<u>10928 Pasquale Dr NW</u>	<u>Lindy Daniel</u>
	<u>10924 PASQUALE</u>	
	<u>4401 CAMPO DE MAIZ</u>	
<u>Terry Beggs</u>	<u>10920 Pasquale Dr NW</u>	<u>Terry Beggs</u>
<u>Carla Gurupe</u>	<u>10924 Farola Dr NW</u>	<u>[Signature]</u>

We the undersigned, are opposed to the building of multi-family dwellings on the plot directly north of the Estrella Del North Subdivision,
West

NAME

ADDRESS

SIGNATURE

12000 Steller Ct NW

12001 Steller Ct NW

~~12004 Steller~~

Jack Hertz

12005 Steller Ct NW

Jack Hertz

Joyce Harris

12004 Steller Ct NW

Joyce Harris

Jody S. Wright

12008 STELLER Ct NW

Jody S. Wright

A. Robert Radlauer

12009 Steller Ct NW

A. Robert Radlauer

Tobias E Valder

12014 Steller

Tobias E Valder

Alyssa Dietrich

12015 STELLER CTNW

Alyssa Dietrich

J. Richard Garman

12018 Steller Ct NW

J. Richard Garman

12019 Steller Ct NW

12022 Steller Ct NW

M/M Fred Quintana

12023 Steller Ct NW

Fred Quintana

We the undersigned, are opposed to the building of multi-family dwellings on the plot directly north of the Estrella Del North Subdivision,

West

NAME

ADDRESS

SIGNATURE

MARY ANN SALAZAR

11012 Cascada Azul

Mary Ann Salazar

RYAN SIERRA

12000 Cascada Azul

Ryan Sierra

Judy Montoya

12001 Cascada Azul

Judy Montoya

12004 Cascada Azul

X

12005 Cascada Azul

mike Uher

12008 Cascada Azul

mike Uher

Ampa Brum

12009 Cascada Azul

Ampa Brum

ERIC JACKSON

12014 Cascada Azul

Eric Jackson

Sandra Stanovcak

12015 Cascada Azul

Sandra Stanovcak

KEN RAZZANE

12018 Cascada Azul

Ken Razzane

Julie COSTALES

12019 Cascada Azul PIMA

Julie Costales

We the undersigned, are opposed to the building of multi-family dwellings on the plot directly north of the Estrella Del North Subdivision,
Nest

NAME

ADDRESS

SIGNATURE

Karla Lovato-Garcia 10900 Carreta Dr. NW ⁸⁷⁷¹¹⁴ Karla Lovato-Garcia

MAYRA BRYANT 10905 CARRETA DR Maya E. Bryant

Gayle Gansfuss 10901 Carreta Dr Gayle Gansfuss

10903 Carreta

MAYNARD STRACK ¹³⁶¹¹¹ 10927 Carreta

10931 Carreta

Signed 10935 Carreta

Megan England 10947 Carreta Megan England

Mike D. Mirabal 10951 Carreta Mike D. Mirabal

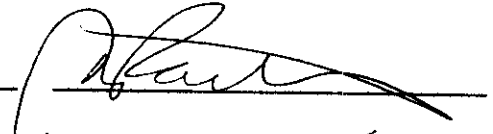
We the undersigned, are opposed to the building of multi-family dwellings on the plot directly ~~north~~^{west} of the Estrella Del North Subdivision,

NAME

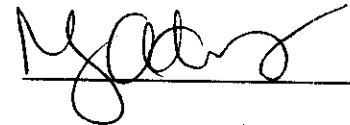
ADDRESS

SIGNATURE

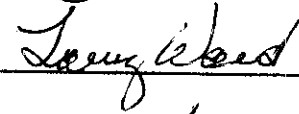
Michele Rainwater 4509 Noche Clara



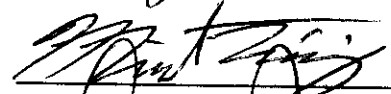
Megan Adams 4505 Noche Clara



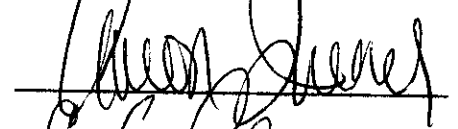
Larry Ward 4501 Noche Clara



Michael Tippins 4408^N Noche Clara



Aaron Juener 4408 Noche Clara



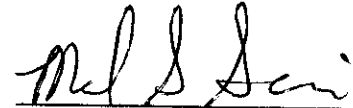
Curtis C. Cavanaugh 4400 Noche Clara



C Paul Frank 4312 Noche Clara



Mark Garcia 4308 Noche Clara



We the undersigned, are opposed to the building of multi-family dwellings on the plot directly ^{west} north of the Estrella Del North Subdivision,

NAME ADDRESS SIGNATURE

10916

General H Gordon

11000

General H Gordon

Amy Lohmann

11004 Cascade Azul

Amy Lohmann

Lisa Stewart

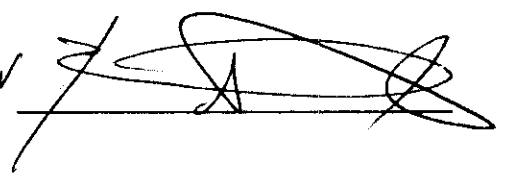
11008 Cascade Azul

Lisa Stewart

11009 Cascade Azul

Bryan Sparlock

10923 Pasquale Dr NW



We the undersigned, are opposed to the building of multi-family dwellings on the plot directly west of the Estrella Del North Subdivision,

NAME

ADDRESS

SIGNATURE

<u>Terrance McCabe</u>	<u>10536 Calle Sombra NW</u>	<u>Terrance McCabe</u>
<u>Cheryl McCabe</u>	<u>10536 Calle Sombra NW</u>	<u>Cheryl McCabe</u>
<u>Lynda Michalk</u>	<u>10532 Calle Sombra NW</u>	<u>Lynda Michalk</u>
<u>David Michalk</u>	<u>10532 Calle Sombra NW</u>	<u>David Michalk</u>
<u>Sandra Garcia</u>	<u>10540 Calle Sombra NW</u>	<u>Sandra Garcia</u>
<u>ED GLASS</u>	<u>10544 Calle Sombra NW</u>	<u>Ed Glass</u>
<u>INTHIRA HEENAN</u>	<u>10548 CALLE SOMBRA NW</u>	<u>Intihira Heenan</u>
<u>Jimmie Nguyen</u>	<u>4416 Driftwood Dr NW</u>	<u>Jimmie Nguyen</u>
<u>DAVID BALTZ</u>	<u>4409 Espira Dr NW</u>	<u>David Baltz</u>
<u>Roxanne Baltz</u>	<u>4409 Espira Dr NW</u>	<u>Roxanne Baltz</u>
<u>LEONARDO STAFF</u>	<u>10524 ESPIRA CT NW</u>	<u>Leonardo Staff</u>
<u>BETH MURPHY</u>	<u>10517 ESPIRA CT NW</u>	<u>Beth Murphy</u>
<u>MICHAEL COLEMAN</u>	<u>10509 ESPIRA CT NW</u>	<u>Michael Coleman</u>

We the undersigned, are opposed to the building of multi-family dwellings on the plot directly north of the Estrella Del North Subdivision,

NAME

ADDRESS

SIGNATURE

Sandra Poirier 12000 Sullivan Ct NW Sandra Poirier

Elmer Medina 12004 Sullivan Ct NW [Signature]

Beverly Westfall
Beverly Westfall 12005 Sullivan Ct NW Beverly Westfall

Maria T. Gonzalez 12008 Sullivan Ct NW Maria T. Gonzalez

Nick A. SANDOVAL 12009 Sullivan Ct NW Nick A. Sandoval

Christina Vasquez 12014 Sullivan Ct NW [Signature]

Richard White 12015 Sullivan Ct NW [Signature]

Troy Landavazo 12018 Sullivan Ct NW [Signature]

12019 Sullivan Ct NW

Patric Garcia 12022 Sullivan Ct NW [Signature]

Dai phan 12025 Sullivan Ct NW [Signature]

Anthony Viel 12026 Sullivan Ct NW [Signature]

[Signature]

January 17, 2006

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

Re: 05ZHE 1863/05ZHE1864

Dear Mr. Albertorio:

DAC Enterprises, Inc. has been retained to represent Kitts Development, LLC regarding the conditional use applications referenced above. Both of these cases involve a request for a conditional use approval to allow dwellings in the C-2 zone. You have deferred these cases, and several similar requests pending a proposed text amendment to the Zoning Code that may eliminate dwellings as a conditional use in the C-1 and C-2 zones. We are on record as opposing a 60-day deferral for our case. At least one other applicant, Tramway Associates, Inc. is similarly on record as opposing the deferral. In the hearing, you stated that you would review your deferral decision and affirm or amend your determination this afternoon.

We are hopeful that your decision will be to proceed with the conditional use hearing for Kitts Development, LLC; Tramway Associates, Inc. and all of the similarly deferred applicants. However, several representatives of those in support, or opposition to these requests have already been notified of the deferral and will not be attending today's meeting. It is likely that, at least in some cases, the issue of due notice will result in an appeal of your decision, regardless of an approval or denial.

We therefore respectfully request that a special meeting, with adequate legal notice, be convened as soon as possible to hear our conditional use requests, as well as each of the other similar requests deferred, rather than attempt to hear the cases today.

Thank you for your consideration of this request.

Sincerely,



Doug Crandall
Agent for Kitts Development, LLC.

RE: 05ZHE_01864 1004503
Kitts Development LLC
10850 Golf Course Rd. N.W. (A-12)

With regard to the above mentioned request:

We the undersigned oppose a permit for the proposed project. We live in the Estrella Del Norte Neighborhood due east of this proposed development, and some signatures are from families on the south side of the proposed development

There are several reasons for our concerns. Per the guidelines of the conditional use ordinance 14.16.4.2.

(c).(1). it is incumbent on the developer to show that the project will not be injurious to the adjacent property, the neighborhood or the community. We were promised by the developer that if our neighborhood was opposed to the development, they would not proceed.

We feel under current circumstance this project would be injurious to all of the above. Some examples of why we feel this way.

1. Schools
2. Crime
3. Traffic congestion
4. Noise
5. Quality of life
6. Notification
7. Environmental impacts
8. Privacy
9. Ownership and Management
10. City Council zoning ordinance change for C-2 Zones
11. Property Values

1. Schools

We understand that the city does not have control of school capital projects, but we feel the city needs to take them into consideration when approving permits for multi family developments in over crowded school clusters. Currently the Cibola Cluster is the most overcrowded high school cluster in the city of Albuquerque. We as parents are being faced with the possibility of busing our kids across the river due to the fact there are not enough schools to accommodate the growth in this neighborhood and the surrounding community. For the last 15 years the Westside schools have faced overcrowded schools. There are efforts now to help alleviate the problems, but they won't help if the city continues to allow multifamily developments to propagate across the west side unchecked. We have been waiting for a new high school on the Westside for at least 15 years or more. It will be 2010 before we are expected to have another high school completed. In addition to the need for a high school there are needs for Middle schools and Elementary schools. All schools in this cluster are overcrowded and can not accommodate even one more student without negative impacts. We would prefer that this property be used for commercial uses, such as offices or small businesses that are accepted under the C-2 guidelines. These types of businesses would help the community by providing local jobs, and limit the impact of more students, which can not be said for more apartments.

2. Crime

Our Neighborhood is a very quiet and secluded neighborhood. We have been fortunate enough to not have too many issues related to major crime. We recently had a presentation made by an APD Multi Family Crime Taskforce representative with respect to our concerns about this complex. He described to us that although they are making efforts to minimize the crime associated with Multi family projects such as these, we

would have to accept the fact that crime in these types of developments and surrounding areas would increase from what we currently are accustomed. This would constitute a negative impact to our community.

3. Traffic Congestion

We recently had a bond issue rejected by the city taxpayers who would have helped complete and improve the roads and surrounding infrastructure. Because of the delays in road construction the roads in this community will be negatively impacted by an additional 256 multifamily unit. Our neighborhood and the surrounding neighborhood to the south have concerns about traffic cutting through the neighborhoods to get around the constant backups at Golfcourse and Ellison/McMahon intersection. The most adjacent street would be Westside road which is currently closed. If this street were to be opened, it would cause additional congestion at north Sevenbar and Westside. There currently is no stoplight at the intersection of Golfcourse and Westside, which would cause more backups and congestion due to the increased traffic. With this Complex and the other complexes currently in the planning and building stages we will negatively be impacted due to the increased traffic. Access to and exits from this complex would have to be limited to Golfcourse.

4. Noise

As previously stated we live in one of the few remaining quiet neighborhoods in the city. The building of an apartment complex of this size and nature will negatively impact our community with by the potential 24 hour noise that is produced from a complex such as this. Having apartments essentially in our back yards would cause numerous noise problems for our neighborhoods. We would not be able to restrict the inherent nature of noise problems associated with apartment living.

5. Quality of Life

The quality of life in our neighborhood, as it currently exists is what makes this neighborhood one of the best neighborhoods in the city. The Neighborhood is quiet, secluded in a semi enclosed development, only two entrances into or out of, relatively free from outside disturbance and crime. The neighborhood can be described in three words as peaceful, friendly and neighborly. Every one tends to know their neighbor. The views of the Sandia Mountains and the sunsets to the west are exceptional. Noise is kept to a minimum. The majority of families are mature responsible families, some with small kids, but most with either older or already adult children. The impacts of an apartment complex of this nature would be a considerable negative impact to the Quality of life that we bought into when we purchased our homes.

6. Notification

As a homeowner with property adjacent to the proposed development, I would have expected to have been notified by either the developer or the city as to the hearing before the Zoning Hearing Examiner. I have checked with my neighbors and they also have not been notified. I had understood that signs were supposed to be posted on the property prior to the request with an established deadline. To my knowledge none of these requirements have been met. We are not incorporated as a city recognized neighborhood association, but we do belong to membership in a homeowners association. Since the HOA was unable to raise a quorum at the annual meeting they have decided not to take an official stand either for or against this proposal. Therefore we as homeowners in the immediate and surrounding vicinity are asking for your consideration of our request per our petition.

7. Environmental Impacts

There are numerous varieties of wildlife that reside in the field that is proposed for development. These varieties include California quail, coyotes, roadrunners, blue tailed lizards, hawks, squirrels, bats, snakes, mice and various other bird species. There is a mixture of native plants which populate the field and supply habitat for all of the wildlife. The added traffic and resulting pollutants will have a negative impact on the surrounding environment. The possibility of an environmental impact study should be considered prior to approval of a project of this nature.

8. Privacy

Due to the narrow depth of the property, and the fact the proposed apartments are two story apartments, the privacy of the adjacent single family homeowners will be negatively impacted. The back yards that face towards the complex will not be afforded a single shred of privacy. There will constantly be people looking into your back yard. Any activities that are currently enjoyed by single family homeowners in the privacy of their back yards will constantly be observed by the residence in the apartment complex.

9. Ownership and Management

As described to the neighborhood, it is our understanding that each 4 plex can be independently owned by separate investors. While that in and of itself may not pose a problem, it raises several questions as to whether the property is pseudo sub divided property. We also understand that it can also pose problems with enforcement of evictions and property management when the ownership of each independent 4 plex may reside in another state or locale. If it is necessary to contact an individual owner to resolve issues relevant to this complex, it may prove very difficult if not impossible to locate the owners of each independent unit.

10. City Council Planning Committee

The City Council currently has amendment to the C-1, C-2, Zoning requirements. Our understanding is that the planning committee is currently studying the feasibility of removing apartments from this zoning class in an effort to use this class of zoning for its intended purpose of utilizing these properties for commercial business properties. We would like to have any consideration of this proposal delayed at least until this change can be reviewed by planning. We understand that this zoning changed is scheduled to be reviewed on January the 19th, 2006.

11. Property Values

In discussions with local realtors, the belief is that as a result of these apartments we will see an approximate loss of value of anywhere from 5% to 7%. The city has seen property values appreciate in recent years, to where the average price of a home in our neighborhood is approximately \$300,000. At that estimate an average homeowner in this neighborhood would lose about \$15,000 to \$21,000, all for the benefit of having an apartment complex in their back yards. The developer will be the beneficiary of profits, but we have nothing to gain, but property value loss. This again is a negative impact (injury) to our community and neighborhood. Some homes in the neighborhood are valued even higher, with more to lose.

12. Summary

In summary, we ask that you disallow a permit for this project for the reasons stated. We feel while efforts are being made to accommodate the growth, we are considerably behind on infrastructure to allow for any additional multifamily units in this sector. The city needs to look at the drastic effects that will occur with if growth is allocated, without the required needs of the community in place prior to the growth. We on the Westside have been promised schools and jobs for years and have had nothing done to alleviate the rapid growth. For at least 15 years the schools on the Westside have suffered under overcrowded conditions that have affected the quality of education for the last generation of kids, and now we are looking at impacting the next generation of kids on the Westside. The city needs to work closely with the other governing bodies to plan the infrastructure first, prior to allowing these communities to be deprived of necessary schools businesses, roads, parks, etc. etc. We ask as a community that you consider our request. We have attached some supporting documents to support our reasoning, and also have attached a petition with other neighbors that are opposed to this development. We would also ask that this property be used for the purpose that we believe C1 and C-2 Zoning was intended for, which was small commercial business, that would not promote overcrowding in our schools.

If this permit is allowed we have a few requests for modifications that can be made to the property that would help to blunt the impacts to our homes in the immediate vicinity.

1. Lower the overall elevation, to limit the effects of the 26 feet tall apartments.
2. Require that the apartments can be no closer than 50 feet from our property lines.
3. Require that no apartments be built with balconies facing into our back yards.
4. Require the developer to have the complex totally enclosed by block fencing, to limit access to our neighborhoods. (On all sides)
5. Require the developer to raise our walls to whatever maximum height the zoning code allows, if the homeowner requests them to be raised.
6. Require that the development be lined along our property lines with mature evergreen trees, non leaf bearing, that would obstruct views into our property.
7. Require that all entry and exits out of the development be made onto Golf Course road.
8. Restrict the apartments to adult only living, no children to impact schools.
9. Require that the development be properly landscaped with the most landscaping allowed under city ordinances. Previous developments by this developer have been poorly landscaped and even when new look somewhat desolate.
10. Require that the developer, in conjunction with the city, complete Westside road, with improvements made to the intersection of Westside and Golfcourse. Have a Stoplight installed for traffic control.
11. Require that no parking be allowed adjacent to the property lines of the surrounding neighborhoods.
12. Require that the developer only can build during the hours of 8:00 am to 5:00 pm.
13. Require the developer, while in the process of construction to keep soil erosion to a minimum by requiring the soil be kept watered down 24 hours a day to limit dust and contamination of our existing landscapes.
14. Require the developer during construction to provide 24 hour response to respond to neighborhood issues that result from construction.
15. Require the developer to maintain a fund to cover any claims by the homeowners and property owners. It should not be incumbent upon the homeowners to fight the battle to have repairs made. It should be the responsibility of the developer to make accommodations for damage to the satisfaction of the current homeowners.
16. Require a traffic study, to identify the problems that this development will induce.
17. Require an environmental impact study to determine the detrimental effects of a project of this size.
18. Require that management of this complex be located on site with 24 hour access.
19. Require that Management provide a security guard to patrol the property at all times.
20. Require that lighting be positioned to minimize the impacts to adjacent property owners.
21. Require the property to be a gated community with gates being consistently monitored with financial penalties to be assessed for non conformance.
22. Require the developer to be personally accountable for promises made to the community, as opposed to the development company.
23. Require that all design and structures in addition to paint be compatible with the surrounding neighborhoods.
24. Meet regularly with the neighborhood to mediate issues that result from construction. Twice a month. Preferably.
25. Require that any requirements made on the developer, be incumbent on any future owners to be enforced.
26. Require that all trash bins be designed to be stored away from any adjacent properties. Only on Golf course side of complex.
27. Require that no storage be allowed in areas adjacent to existing developments. Only allowed on Golf course side of complex.

Thank You,
Mike D. Mirabal
505-898-8612
10951 Carreta N.W.
Albq. N.M.

TIMOTHY V. FLYNN-O'BRIEN

Attorney at Law
817 Gold Avenue SW
Albuquerque, N.M. 87102-3014
Phone: 505-242-4088 / Fax: 505-884-4143

January 16, 2006

Roberto Alberterio, Esq.
Zoning Hearing Officer
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

RE: 05ZHE-01863; 05ZHE-01864

Dear Mr. Alberterio:

I have been retained by Kitts Development LLC concerning the applications Nos. 05ZHE-01863 and 05ZHE-01864 which are set for hearing on January 17, 2006 as Nos. 52 and 53. It has come to my attention that a similar application originally set in November was deferred to January. We understand the purported reason for the deferral in November was the anticipation that legislation to amend the zoning code might be introduced. We further understand that a proposed ordinance has been introduced and that all conditional use applications for residential uses may again be deferred.

The City Council has not passed a moratorium on conditional use applications for residential uses. Since there is no moratorium, Kitts Development has a protected property right and is entitled to a hearing on its conditional use application. A property right or constitutionally protected interest exists when there are substantive limitations on official discretion. Olim v. Wakinetona, 461 U.S. 238, 249 (1983) (when particularized standard or criteria guide official discretion a protected interest is created).

Delay or deferral because of speculation that the City Council might possibly pass amendments in the future is wholly inappropriate. Delay in hearing a case can be a denial of due process. Certainly a governing body can enact a moratorium after notice with certain limitations. However, a moratorium must be enacted by the governing body. It is inappropriate for a hearing officer or EPC to impose a de facto moratorium by deferral. The sole entity with the legislative authority to enact a moratorium is the governing body, or City Council. Subordinate bodies and officers are not empowered to enact or impose de facto moratoria. The Zoning Code does not give authority to the ZHE to impose a moratorium. See, for example, EPC minutes January 17, 1995 when the EPC considered deferral of a case because of a memorial passed by the Council and the City Attorney advised the EPC that a memorial was an insufficient basis for deferral. Mr. White stated: "the Brazos case and other cases similar to that have said that, really, a moratorium is an exercise of the police power and an exercise of the legislative authority of a municipality.

CASE # 5242-01864
SUBMITTED BY _____
DATE 1/17/06
EXHIBIT _____ PAGE _____ OF _____

Roberto Alberterio, Esq.
January 16, 2006
Page Two

The zoning statutes create what is called the Zoning Authority and they designate the governing body of a municipality or a county as the zoning authority; in this case, it's the City Council. They have the authority to impose a moratorium ... " Mr. White continued to define moratorium as a legislative act and said that that power has not been delegated.

I acknowledge that some parties may wish to defer their cases until there is a final outcome of pending legislation. They may wish to avoid the time and expense of a hearing given the possibility that legislation may affect their project. Others, like my clients, will chose to proceed as is their right. I respectfully request, therefore, that Kitts Development be allowed to proceed to hearing without regard to any pending legislation.

Very truly yours,

Timothy V. Flynn-O'Brien

TVFOB/mlg

EDITORIALS

Schools Behind Growth Curve

With a little help from the city's Environmental Planning Commission, fewer annexations, zone changes and major housing subdivisions are going to be part of the West Side's growth plan, at least for a while.

The EPC has been looking at the West Side Strategic Plan a little closer. Commissioners have used a policy within the plan to justify their decision to deny zone, annexation and subdivision requests. The policy states that school crowding can be used in considering those types of requests.

Finally, an acknowledgement that schools are directly, adversely impacted by growth. If schools are overcrowded, the delivery of education suffers and, eventually, communities suffer.

The commission should continue to stand by the strategic plan and restrict zone changes and booming housing developments until schools can catch up to the growth.

West Siders might not notice a slowdown in building, however. Some housing subdivisions were given the nod to build by the EPC years ago, some as long as 30 years ago.

But a slowdown is necessary, and not just for schools. Roads, parks and police and fire capabilities also need to meet the needs of a growing population. As everyone who lives on the West Side understands, roads leading to the East Side are incapable of providing for the heavy traffic. Adding more homes with more families can only make matters worse.

West Side City Councilor Michael Cadigan has a proposal before the council amending the West Side Strategic Plan so zone changes from commercial to residential would not be allowed. The EPC voted against the proposal, but it will be considered by the council in October.

Maybe the commission should take a closer look at the plan and how it can be improved to meet the needs of West Siders. It might not require denying all zone changes from commercial to residential — some land on the West Side is not suitable for commercial development. However, having a handle on new development certainly is a place to start in containing West Side growth.

Schools Grow At Fringes

Figures Show City's Middle Losing Kids

BY ANDREA SCHOELLKOPF
Journal Staff Writer

Two months into the school year, enrollment figures show what district officials predicted:

Schools on the fringes of the city are exploding and schools in older neighborhoods are shrinking.

Overall, the district grew by less than 2 percent.

"The older parts of the city are losing all the kids," said APS demographer Betty King. "The edges of the city are sucking kids out of the middle part of the city."

Case in point: James Monroe Middle School. The 4-year-old Paradise Hills campus may not have been the fastest-growing school this year, but principal Vernon Martinez said he can't take any more students.

"It's crowded," said Martinez, whose school in Paradise Hills has been the state's largest middle school for the last two years. This year, it has more than 1,300 students.

The school doesn't have room for any more portable classrooms, he said, with 36 portable buildings. Left untouched, the school could grow to 1,900 students by 2009.

"I don't think anybody could've anticipated the growth in the Ventana Ranch area," he said.

The problem is most apparent at lunchtime, during passing periods, and when parents and buses are picking up and dropping off students.

The school grew by 146 students over last year and is now in line to get its boundaries redrawn next year, possibly sending some 400 to 500 West Siders to North Valley schools.

And nearby Ventana Ranch Elementary, which feeds into Monroe, added another 240 students this year, roughly equivalent to the city's smallest school, MacArthur Elementary, in the North Valley.

Overall, APS had 88,920 students enrolled on the 40th day of school, and another 5,761 students in charter schools, which APS had to count for the first time this year.

The enrollment on the 40th day of classes dictates the oper-

Panel Denying Housing Requests

Preapproved Homes Still Being Built

RORY MCCLANNAHAN
Journal Staff Writer

Don't count on the city's Environmental Planning Commission approving any annexations, zone changes or major subdivisions for housing development on the West Side for a while. The commission has been turning down those requests for the past year or so, using Policy 2.5 of the West Side Strategic Plan as justification. That

policy states that school crowding can be used in consideration of these types of requests.

So why are homes still being built? The short answer — those areas under construction already have the approval to build, made sometimes three decades ago. Over the past year, the Environmental Planning Commission



CADIGAN: APS can't keep up with residential construction

has denied at least a half-dozen requests for zone changes, site development plans and annexation requests using Policy 2.5 as the reason.

For example, in the past six months:

- A proposed 20-unit apartment complex near Cottonwood Mall was only approved by the EPC if the developers promised to dedicate a portion of the complex to senior housing.
- A zoning change request from commercial to residential on a tract off Lyon and Parliase was denied, but a site development plan on the property that asked for the tract to be used for professional offices was approved.

It's almost to the point where developers won't even bring such proposals to the commission, city Planning Director Richard Dineen said.

"There are a lot of factors that go into a decision whether to develop residential lots," Dineen said, "but I think developers know they will have a hard time getting these types of requests past the commission."

A few brave souls still take their requests to the commission, however. A group called Annexationated Partners asked the EPC at its Sept. 15 meeting to annex 12 acres off Irving between Ventana Ridge Road and

Rainbow and change the tract's zoning to residential from agricultural. City planners acknowledged that the annexation and zoning fit most of the city policies, except that residential development would have an adverse effect on schools. The EPC sent the annexation and zone change request to the City Council with the recommendation to deny it. The council could consider the proposal at its next meeting. But Councilor Michael Cadigan said it is unlikely he would support it.

See HOUSING on PAGE 2

Housing Requests Denied

from PAGE 1

annexation or zone change request that will add more homes to the West Side.

Cadigan has proposed amending the West Side Strategic Plan so zone changes from commercial to residential would not be allowed. The EPC voted against the proposal but it will be considered by the council in October.

Cadigan says that although the schools can't keep up with residential construction, a residential zone is not the answer to two problems — it takes away potential job centers and increases the number of students in schools, he said. He says that in the past few years, the EPC has been busy about not approving requests for changes to existing community zoning on the West Side.

subdivisions have been in place for years," Dineen said. "We can't stop construction."

Subdivisions that are zoned and platted in Albuquerque City Council weak signed against a six-month moratorium on issuing any residential building permits on the West Side. The council did approve the problems with zoning in West Side said.

Schools and what policies could be implemented to address the problem. Dineen said the EPC and city council are both aware of the problems with residential growth and are working together to slow construction. "Several council members are concerned about (school crowding), and the commission is reacting to that," Dineen

put the change to his strategy.
plan would credit that
Taking a stronger stand
residential development
ever, hasn't stopped con-
struction on the
Dineen explained his
a building moratorium, there is
no way to stop construction in
subdivisions that already have
been approved and have the
proper zoning.
"Some of the plans for these

December 10, 2005

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

Dear Mr. Albertorio:

DAC Enterprises, Inc. has been retained to represent Kitts Development, LLC to request a conditional use to allow the construction of 252 dwelling units in the C-2 zone on Golf Course Road and Westside Boulevard NW.

Section 14-16-2-17(B) 7 of the *Zoning Code* allows for dwelling units in the C-2 zone "provided usable open space is provided on-site in an amount no less than specified in the R-3 zone." This request complies with the open space requirement.

Applicant proposes an upscale development of 252 dwelling units in 63 buildings. The dwelling units will range from 800 square feet for a two bedroom unit to 1100 square feet for a three bedroom unit. There will be an approximately equal number of two bedroom and three bedroom units on the property.

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

The use will not be injurious to the adjacent property.

This is a large tract of land on the northern edge of the Albuquerque city limits. North of Westside Boulevard is the city of Rio Rancho. The properties to the east and south of this proposed development are zoned R-2. Across Golf Course Road to the west, the property is zoned C-2.

Applicant has met several times with representatives of the neighborhood and the adjacent neighbors to the east. As this property is zoned C-2, any commercial development would require no more than a 15' rear yard setback.

Adjacent neighbors have expressed concerns about any use being that close to their property, as well as the possibility of multi-story development that could negatively impact their privacy.

In order to accommodate these adjacent neighbors, applicant has provided a 58' rear yard setback and landscape buffer, and has designed the buildings so that second story balconies will face the front of the units to the west. The 58' setback, when combined with the rear yard setbacks of the existing homes means that no existing home will be closer than 78' to the proposed dwelling units. The entire 58' will be densely landscaped with trees and tall shrubs, and will also be fenced. There will be no parking within the setback.

Properties to the south are buffered by both the landscaping of this development as well as by an arroyo and walking trail. The distance between this development and the existing single family homes will be well over one hundred feet.

As this property is zoned C-2, there are many commercial uses which could be accommodated permissively, that would be more injurious to the adjacent properties. Applicant has made every effort to provide an attractive sight, noise, lighting and privacy buffer for those properties.

Further, as they are upscale multi-family dwelling units that will rent for up to \$1100 a month and will be maintained through perpetual covenants, there is no evidence that residential property values will be negatively affected.

The use will not be injurious to the neighborhood.

The design of the buildings will be modern brick and stucco, painted in southwestern colors that will vary from building to building. This development will harmonize with the residential character of the neighborhood. There will be 522 on site parking spaces provided, with all access from Golf Course Road, thus ensuring that there will be no problem with cars parking in the existing single family residential areas. The development will likely be gated.

This development will be heavily landscaped and surrounded by an appropriate wall or fence. It will provide a highly attractive first impression into Albuquerque from Rio Rancho to the north.

A large playground for families with young children will be provided on site, as will a half-court basketball facility and a barbecue area open to all residents. There will also be a pool. An on-site office will maintain both the integrity of the physical property as well as to ensure that the residents are respectful of the community.

Policy 5 h of the *Albuquerque/Bernalillo County Comprehensive Plan* strongly encourages high density multi-family development at this location. Nonetheless, there is a real concern regarding the overcrowding of schools on the west side. Attached is a chart showing the minimal impact this development will have on the schools in the area.

In order to get more information regarding this issue, the applicant contacted officials from APS in order to determine the impact of the proposed development on the school system.

The three schools in the immediate vicinity are Seven Bar Elementary, James Monroe Middle School and Cibola High School. According to APS demographer Betty King, Seven Bar Elementary School is not experiencing overcrowding. Furthermore, APS facilities master plan director Kizito Wijenje stated that James Monroe Middle school should be relieved this year by a proposed boundary change sending 400 students to the Taft and Taylor middle schools, both under capacity. Likewise, the second phase of the James Monroe middle school should begin construction in February and finish within 9 to 12 months, increasing the capacity of James Monroe middle school to 1200 students.

Additionally, Governor Bill Richardson recently announced that he will ask the State Legislature to appropriate enough money to build the proposed northwest high school on schedule so that they will open no later than 2007. This will relieve Cibola High School of 500-600 students in 2007 and be fully operational by 2009. This proposed development will not be completed until 2008, well after these relief efforts are implemented.

Also, the applicant will contribute more than 1.4 million dollars in impact fees, which will be used for parks, roads, schools and other public projects in the neighborhoods.

The applicant has a proven track record of working with the local schools to help provide facilities, computers, playground equipment or any other immediate needs that will enhance those schools.

The use will not be injurious to the community

Dwelling units are common in commercial zones. There is still shortage of upscale and affordable housing stock in this area of the west side. Additionally, as stated earlier, the *Comprehensive Plan* encourages this type of development.

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

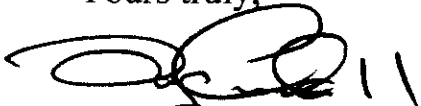
This development will be a fenced and gated community. It will be buffered from traffic along both Golf Course Road and Westside Boulevard. The C-2 property across the street to the west will have no significant impact on the use.

Conclusion

In conclusion, applicant believes that all relevant criteria for approval of a conditional use have been addressed and met. This development will enhance the area and provide an attractive gateway to Albuquerque, while providing much needed housing in the area.

Your consideration of this request is sincerely appreciated.

Yours truly,



Doug Randall, Principal
DAC Enterprises, Inc.
Agent for Kitts Development, LLC

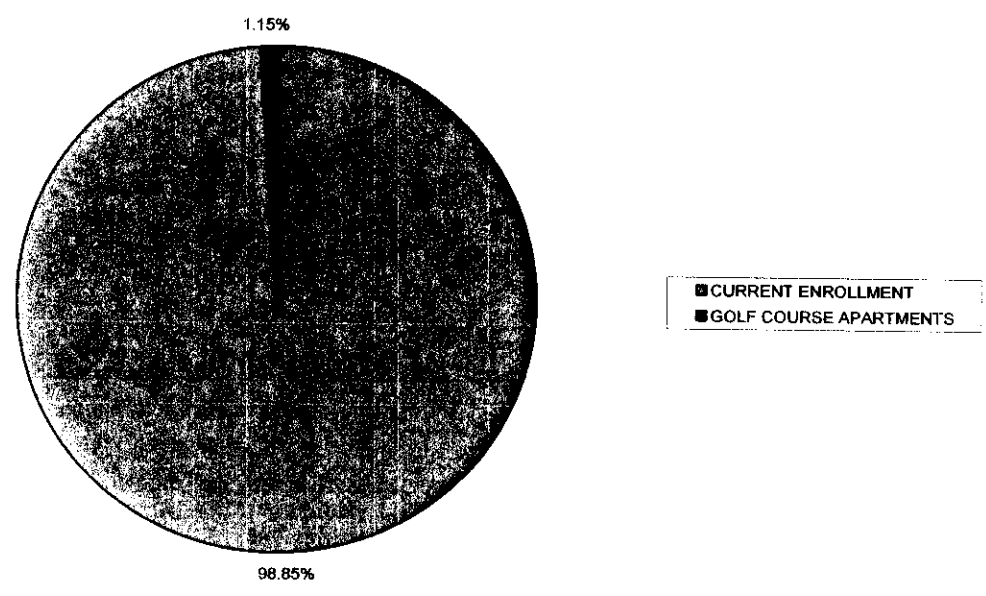
<u>Apartment Complex</u>	<u>Total Number of Units</u>	<u>Number of School Age Children</u>	<u>Percent School Age Children</u>
Manzano Ridge	280	10	4%
Valencia Court	188	22	12%
The Aspens	388	58	15%
Villa de San Felipe	161	9	6%
Cottonwood Ranch	472	49	10%
Ventana Ranch	240	14	6%
Totals		1729	162

Percent of Students per Grade Level

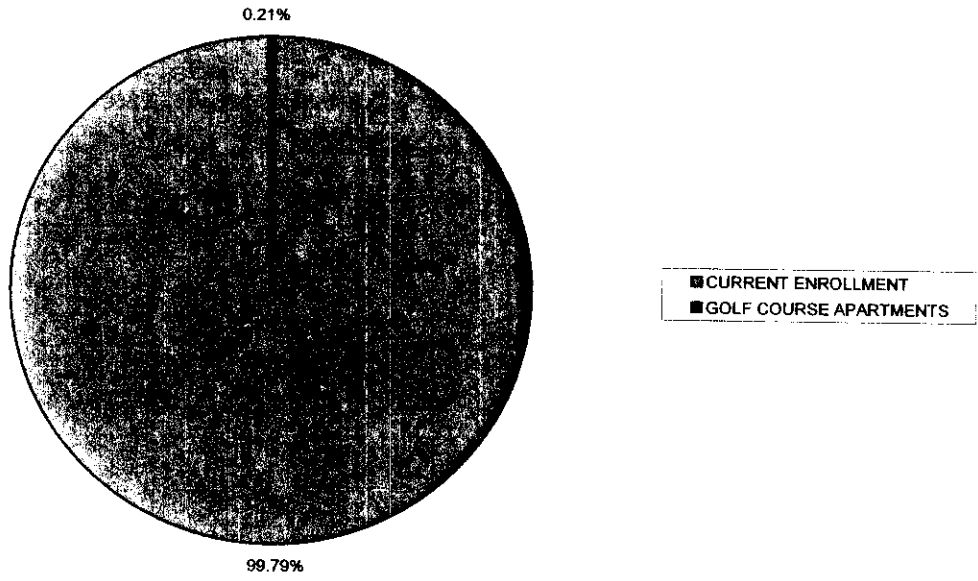
Westside Apartments 264 15

School	Current Enrolement	Students Added By West Side Apartments
SEVEN BAR	861	10
MONROE MS	1394	3
CIBOLA	2977	2

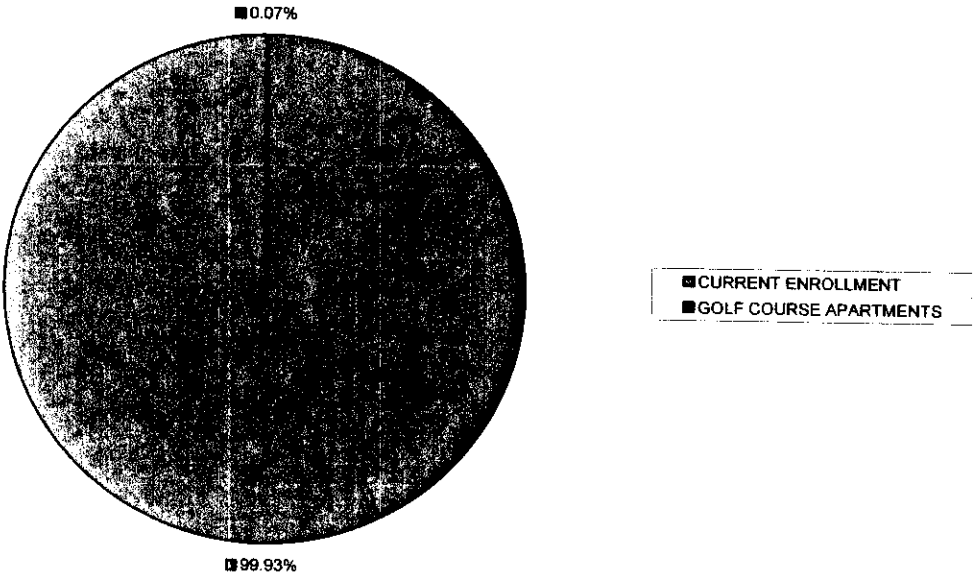
SEVEN BAR ELEMENTARY SCHOOL



JAMES MONROE MIDDLE SCHOOL



CIBOLA HIGH SCHOOL



- (16) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:
- (a) A free-standing wireless telecommunications facility, up to 65 feet in height.
 - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
 - (c) A face-mounted wireless telecommunications facility.
 - (d) A roof-mounted wireless telecommunications facility, up to 6 feet above the parapet of the building on which it is placed.
 - (e) A concealed wireless telecommunications facility.
 - (f) A Community Identity Feature if it is approved by the Planning Commission pursuant to § 14-16-3-17 of this Zoning Code.
 - (g) A wireless telecommunications facility, the antennas of which all are mounted on an existing vertical structure.

(B) Conditional Uses.

- (1) Antenna, over 65 feet in height.
- (2) Cold storage plant.
- (3) Church or other place of worship, including incidental recreational and educational facilities. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church's principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code.
- (4) Community residential program, provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (5) Drive-in theater.
- (6) Dwelling unit (house, townhouse, or apartment), provided usable open space is provided on-site in an amount no less than specified in the R-3 zone; no more shall be required than specified in the R-2 zone except if located in an area designated by the master plan as "Developing" or "Semi-Urban," the total open space requirements of the R-D or RA-1 zone, respectively, shall be met.
- (7) Emergency shelter, provided the standards of § 14-16-3-13 of this Zoning Code are met.
- (8) Fire wood sales and related storage, provided the wood is not visible from land not zoned C-2, C-3, M-1, or M-2.
- (9) Kennel.
- (10) Mobile home development, provided the development contains at least three acres. Approval of a site development plan and landscaping plan is required prior to development.

more than one animal is permitted in the run at any one time.

- (l) One mobile home for a watchman or caretaker on the same lot with commercial uses, permissive or conditional in this zone, which do not have or normally require a permanent structure, including but not limited to used car sales lot; mobile home or recreational vehicles sales or rental lot; and circus, carnival, or similar enterprise. However, the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
 - (m) Parking lot, as regulated in the O-1 zone.
 - (n) Pets, as regulated in the C-1 zone.
 - (o) Restaurant with outdoor seating.
 - (p) Sample dwelling unit used to sell such units, including incidental sales office activity.
 - (q) Secondhand store, including outside storage in the side or rear yard and if enclosed by a solid wall or fence at least six feet high.
 - (r) Stand or vehicle selling fruit, vegetables, or nursery stock, provided it is limited to a period of 90 days in any calendar year. However, one renewal for an additional 90 days may be permitted by the Planning Director.
 - (s) Not permissive as retailing or services are uses listed as conditional in this section and uses that are in substantial part industrial or manufacturing activities, e.g., automobile dismantling, sheet metal working, or tire recapping and retreading.
- (13) Storage structure or yard for equipment, material or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months, and further provided that it is limited to a period of one year unless the time is extended by the Planning Director.
- (14) Wholesaling of jewelry.
- (15) Uses or activities in a tent, if the uses or activities are listed elsewhere in this subsection, provided:
- (a) The tent may not be erected for more than seven days at a time and may not be erected more than two times a year on a given premises;
 - (b) There is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent. The Zoning Enforcement Officer shall approve the site plan for the tent, which shall demonstrate adequate parking and vehicle circulation, prior to erection of the tent; and
 - (c) There are toilet facilities on the premises available to the users of the tent; and
 - (d) The City Fire Marshall or his authorized representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.

ALAMEDA
LADERA
LOS RANCHOS
NORTH VALLEY
PARADISE HILLS
SOUTH VALLEY
TAYLOR RANCH
WESTGATE
WEST MESA

January 19, 2006

Thursday

WEST SIDE JOURNAL

TRAFFIC WATCH

Paradise between Lyon and La Paz NW: Eastbound and westbound shoulder work through Feb. 11.

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BUSINESS

St. James Tearoom
sells tea — as well as
a lifestyle

PAGE 3



High 56
Low 29
Spot showers

WEATHER
FORECAST
821-1111

Plan Ships 300 Monroe Kids Elsewhere

1,400 Enrolled

At Middle School

By ANDREA SCHOEHLKOPF
Journal Staff Writer

A new proposal to relieve Monroe Middle School would send roughly 300 students elsewhere next year, but draw on another West Side school for

some of the burden.

The proposal, one of three made by Albuquerque Public Schools officials at the request of a West Side redistricting options task force, would send about 200 students living in the Seven Bar Elementary neighborhood to Taylor Middle School next year and another 100 students in the Petroglyph Elementary neighborhood to Lyndon B. Johnson.

It would provide support for Monroe by bringing in another cafeteria or extra bathrooms, if needed.

"We are avoiding busing a lot of kids," said Monroe parent and task force member Andrea White. "We are still going to have to bus a few."

The proposals were presented to parents attending a task force meeting at Petroglyph Elementary on Tuesday night.

The task force had been charged by the APS superintendent to find a solution to overcrowding at James Monroe, a Paradise Hills Middle School with a capacity for 780 students, but with an enrollment of 1,400 this year.

A controversial redistricting proposal introduced last fall would have taken about 500 students out of Monroe. Students from Petroglyph neighbor-

hoods would go to Taft Middle School in the North Valley, with Seven Bar students going to Taylor. Taylor, which is also in the North Valley but is considered part of the Cibola cluster, already serves the majority of Seven Bar graduates, in addition to those from Corrales.

Parents on the task force asked the APS employees to come up with other alternatives that were financially

viable and could last for three years, or until another middle school is built.

Two other options that APS presented Tuesday night, but were dismissed by the task force, called for split-day and year-round scheduling.

Parents appeared to think the option to shift students to Johnson and Taylor would be the most workable. That plan

See PLAN on PAGE 2

West Side



Police See

Fewer Calls

**Area Commander
Achieves 2005 Goal**

By CAROLYN CARLSON
Journal Staff Writer

Albuquerque police stationed at the Westside Area Command answered just over 94,000 calls for service last year, down 4,000 calls from 2004 according to Capt. Conrad Candalaria.

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