

DRB Minutes, Agenda Items 6 & 7
August 11, 2021

CITY OF ALBUQUERQUE

DESIGN REVIEW BOARD

M I N U T E S

August 11, 2021

Agenda Item 6
Project Number PR-2020-004595
Applications:
SD-2021-00111 - Preliminary Plat
VA-2021-00216- Sidewalk Waiver

Agenda Item 7
Project Number PR-2020-004595
Applications:
SD-2021-00122 - Vacation of Public Easement (7')
SD-2021-00123 - Vacation of Private Easement (15')
SD-2021-00124 - Vacation of Private Easement (20')

BOARD MEMBERS:

Jolene Wolfley, Chair
Jeanne Wolfenbarger, Transportation
Blaine Carter, Water Authority
Ernest Armijo, Hydrology
Vincent Montano, Code Enforcement
Cheryl Somerfeldt, Parks and Rec

STAFF:

Maggie Gould, Planning Manager
Jay Rodenbeck, Senior Planner
Shahab Biazar, City Engineer
Nicole Sanchez, DRB Attorney
Angela Gomez, Hearing Monitor

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CHAIR WOLFLEY: So next up are Item 6, which is a major case, and 7, which is a minor case for this same parcel of land. And that's PR-2020-4595. 6 has applications SD-2021-111, preliminary plat; and VA-2021-216, sidewalk waiver. Item 7 has, has -- is a minor case. It has the vacation applications. 2021-122 is vacation of a public easement, 7-foot. 2021-123 is vacation of a public easement, 15-foot. 2021-124 is vacation of a private easement, 20-foot waterline. This is all for 505 Solutions, LLC, at Walkerway Street, Northeast, between Spain and Academy. And the agent for these applications is JAG Planning & Zoning.

Good morning, Ms. Garcia.

MS. GARCIA: Good morning.

CHAIR WOLFLEY: Okay. Go ahead and state your name, company and address for the record.

MS. GARCIA: Yes. My name is Juanita Garcia, with JAG Planning & Zoning. And my address is P.O. Box 7857, Albuquerque, New Mexico, 87194.

CHAIR WOLFLEY: Do you swear or affirm to tell the truth?

MS. GARCIA: I do.

CHAIR WOLFLEY: Okay. Thank you. Is there anyone else I should be bringing in at this point?

MS. GARCIA: Yes. Robert Fierro.

CHAIR WOLFLEY: Okay. Good morning, Mr. Fierro. Can you give us your name, company and address.

MR. FIERRO: Robert Fierro, Fierro and company, 6300 Montano Road, Northwest.

CHAIR WOLFLEY: Do you swear or affirm to tell the truth?

MR. FIERRO: I do.

CHAIR WOLFLEY: Thank you. And both of these cases were deferred. If you want to go ahead and give us an update.

MS. GARCIA: Sorry, Madam Chair. Can you also -- I want to also possibly pull in Rachel Bevan. She's the -- one of the applicants.

CHAIR WOLFLEY: Okay.

Ms. Bevan, do you want to give us your name and address.

MS. BEVAN: Yes. Rachel Bevan, 5719 Lost Dutchman Street, Albuquerque, New Mexico.

CHAIR WOLFLEY: Do you swear or affirm to tell the truth?

MS. BEVAN: Yes, ma'am.

CHAIR WOLFLEY: Okay. And you're one of the owners?

MS. BEVAN: Correct.

CHAIR WOLFLEY: Thank you.

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All right. Go ahead, Ms. Garcia.

MS. GARCIA: Okay. Thank you, Madam Chair, Members of the Board. So yes, we were deferred from the couple of weeks ago. There were a couple of issues or items that we needed to address. One of them was in regard to the land -- large stand of trees we thought that we had or we believe we have on the particular site.

So the ordinance indicates that if there's a collection of five or more trees that are of a particular diameter, then that would meet the -- the definition.

However, when we went out initially, we identified probably 13 trees that we thought met that definition. But after further reading, it was actually -- it actually came down to five trees that meet that definition.

And so we did have a representative from the parks department go out to the site to take a look at the -- the trees. And they did speak with Rachel Bevan in regard to the trees. And so we can reserve that portion until the parks discussion. But we don't believe that we meet this criteria anymore and should not be subject to the regulations of the IDO.

The other issue was in regard to the gate. So we were able to find, since our last hearing, the as-builts drawings that were approved by the DRC back in the '80s and the '90s, which identified the area or identified the gated -- the gate at the entry of -- of our subdivision. So we believe that we've satisfied those two major components, or major matters. And so we are -- I believe we have still some minor issues that we need to deal with on the infrastructure list and the right-of-way that Mr. Fierro can address during transportation discussion.

CHAIR WOLFLEY: Okay. Good work. Is there anyone else on the agent team that wants to make preliminary comments?

MR. FIERRO: Not at this time.

CHAIR WOLFLEY: Okay. Thank you.

Let's go now to the public that could be here to speak. Is there anyone from the public that wishes to speak on Item 6 and 7 on Walkerway Street, Northeast. If you will raise your hand in Zoom or just go ahead and speak up, or raise your hand in your video.

Okay. I'm not seeing anyone. If I overlook you for some reason, don't hesitate to still raise your hand or speak up and we can accommodate you as we go along.

Let's go to water authority for comments.

MR. CARTER: Thank you, Madam Chair. This is Blaine Carter for the water authority. Our previous comments have been resolved. There's one I'd just like to confirm. We -- I (inaudible) in terms of the latest drawing. There's a note, and I believe it's on the right side of Jay's screen there, under new easements. We just need to confirm that the HOA and road tract does include a public water and public sewer easement in one of those notes. And if that's the case, I think we're good to go (inaudible) there.

And so that's our last comment, and I think we're good to go. Thank you.

CHAIR WOLFLEY: Thank you. And I could hear you really well,

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Mr. Carter. Bravo.

Parks and recreation. I'm sorry, code enforcement.

MR. MONTANO: Good morning. Vince Montano, code enforcement. Code enforcement has no comments or objections to either project.

CHAIR WOLFLEY: Parks and recreation.

MS. SOMERFELDT: This is Cheryl Somerfeldt with parks and recreation department. So we did visit the site, the forestry supervisor visited. He is a certified arborist. We don't currently have a city forester, per se, as required in the IDO. But this person acted as a surrogate and analyzed the trees.

And there -- so originally, the applicant showed 13 trees on the tree survey, and that would then trigger the IDO requirement. The -- unfortunately, the IDO isn't very clear about then if after the trees are analyzed and you become then less than five, which is the IDO requirement, if that then, you know, still requires those trees to be retained, if it's then less than five, which is then less than the large stand of existing trees -- because it could be interpreted that, you know, the large -- more than five trees triggers the city forester visit, and then the city forester makes a report. And then after that -- or determination or evaluation, and then after that, it's not exactly clear what -- what would happen.

So I -- I'm looking at these historic photos and it does appear that those trees at the entrance, which were still in decent condition and originally planted with the original residents, are old enough. And whether or not they meet the 16-inch at breast height, the -- definitely that first one does. That's kind of also difficult -- you know, it's not an exact science of exactly how to measure, because there's many branches, you know. So we're kind of just giving a -- an estimate.

So our feeling is that those three trees could be saved, but obviously the first one is in the best condition. So because there's still not complete clarity on how to go forward, my question is, do you think that that first tree would be able to be saved with this project?

CHAIR WOLFLEY: This is Chair Wolfley. I just want to cut in here for a moment. I was just referring to the 2019 IDO, which is the applicable IDO for this application, and it mentions the sensitive lands, and it says "Large stands of mature trees."

So I think if parks and rec is identifying that there are large stands of mature trees that are -- and then trying to further define which of those are healthy, then I think that's all very relevant about discussion about avoiding those trees in the development and construction.

Ms. Garcia.

MS. GARCIA: Okay. Thank you. Madam Chair, you know -- but after further review of the -- of the trees and measuring the diameter of the trees, based on the 2019, those three trees that are near the entry, only two of those trees met that standard, not all three.

And so the first tree, which is what was mentioned by Ms. Somerfeldt, does -- was one of those trees. However, that area is expected to -- to be graded, because there is -- there is quite a bit of a -- of a drop there. And so to -- to make that

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grade level, you know, it would require -- it would require some grading work in that area. And I'm not sure if Mr. Fierro can add to that.

But the owner did indicate that she would be willing to try to preserve that one tree, if possible but could not guarantee it, depending on the grading of the site. And we've already been approved. Our grading and drainage plan has already been approved.

CHAIR WOLFLEY: It's kind of an iterative thing. And I was just double-checking. You're right in the definitions in the 2019 IDO that talk about the 5 and the caliber and all that, so...

So I -- let's see. Oh, good, Jay's brought up the air photo. Can you tell me, like, which trees of the three healthy ones, which trees you can save and which tree you were just mentioning is a problem for your grading?

MS. GARCIA: So I'm not sure if Mr. Rodenbeck can zoom in a little bit more. Maybe start from the northern part of the site. So you'll see there are tons of trees in that little area there. And so it was determined, and Ms. Somerfeldt can confirm, that all of those trees there were not recommended to remain.

CHAIR WOLFLEY: Okay.

MS. GARCIA: There are cottonwood trees there that were not planted there, and they could be detrimental to the. The surrounding structures if they remain. And then one of the trees there, the one to the east by the vehicles there, my understanding is that's an elm tree that is not allowed in the City of Albuquerque.

So moving further south -- so all those trees -- there were three trees identified in that area that met that criteria. And then so moving further south, near the entrance to our subdivision, you'll see there's -- there's three trees on the western edge of that site there, and they're apricot trees.

And so the first two from the south were identified to have met that definition. The diameter was more than 16 inches. However, the -- it's also our understanding that the -- the representative from parks did not -- did not mention that those trees should remain.

But the applicant -- or the comments that have come in indicated that all three of them should -- should remain, even though the one furthest north did not meet that criteria, all three of them should remain. But that is the area that is -- could be problematic to maintain, because there is going to be some grading work done in that area that could affect the trees. You know, there is quite a bit of a slope there, and if we have to build up that -- that grade, it could really bury that -- bury that tree.

So -- and as I mentioned, that's -- the grading and drainage plan has been approved to reflect all the grading work that's going to occur in that area.

CHAIR WOLFLEY: This is Chair Wolfley again, so are you --

MS. BEVAN: (Inaudible). I just wanted to say that I think that the interpretation of whether those three trees were to remain is -- is not exactly clear by -- from the property owner's standpoint. Because I think that the city -- the forester was

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saying that there -- that those last two are not as healthy as the first one. But he didn't say that they couldn't be saved. He was saying that those three are the best ones out of the complex.

CHAIR WOLFLEY: Okay.

So, Ms. Somerfeldt, can you summarize for those three trees what is your recommendation?

MS. SOMERFELDT: This is Cheryl Somerfeldt with parks and rec. My recommendation is that the first one is the best one. And if, you know, this is -- this is to apply, that we would, you know, recommend keeping those. But I -- I also think that, you know, there's, I guess, a lot of consideration. And perhaps maybe the ZEO would need to interpret, you know, how to go forward. But I -- I'm just not sure.

But if -- you know, if they go forward with the existing grading and drainage plan, can any of those be saved, or -- because I -- I understand what you're saying, is that the first one would not be able to be saved. So are you just saying all three of them would not be able to be saved?

MS. GARCIA: So, Madam Chair, I can say that only two of the three meet the criteria.

CHAIR WOLFLEY: Okay. The -- the criteria is the average caliber. So let's talk about the grading and drainage and these three trees and are -- can you save any of these trees.

MS. GARCIA: So my under- --

MR. FIERRO: This is Rob- -- I'm sorry.

MS. GARCIA: My understanding --

MR. FIERRO: My understanding --

MS. GARCIA: Sorry.

MR. FIERRO: (Inaudible) --

MS. GARCIA: My understanding is that the definition of the large standing trees is not the average caliber but the diameter.

CHAIR WOLFLEY: The definition says: Or having trunk diameters averaging at least 16 inches in diameter, as determined by the city forester.

MS. GARCIA: Right. And that -- the tree --

CHAIR WOLFLEY: So my question --

MS. GARCIA: -- to the north does not meet that.

CHAIR WOLFLEY: Okay. Can we talk about the trees, the three trees on the screen that are just east of Royal Oak Street, the label Royal Oak Street? I think those are the three we're talking about, correct?

MS. GARCIA: Well, in -- in mind, we're only talking about two of the trees, two of the three.

CHAIR WOLFLEY: Okay. Of those trees that I see on the screen, can you save any of those with your grading plan?

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MS. GARCIA: Mr. Fierro.

MR. FIERRO: Okay. So I walked the site, and based on the elevations of the finished pads, and where the trees are located currently, they're kind of, like, in a low area. And so when I was doing the grading plan, I want to keep the pad above the road, at least at top of curb. So that will require some filling where those trees are currently.

Also, the road's going to be built up maybe -- or the house pad's going to be about two feet or three feet higher, and there's going to be some grading in that work, where -- oh, I think it would pressure on the trees, just from the fill of the pad and the lot.

And that would also create like a detention (inaudible) pond that we don't currently have there.

Another thing to consider is the PUE easement. So where those trees currently are, we're proposing a 10-foot PUE. And that would get in the way of those -- the easement. So we would have to relocate those -- the PUE easements would take away from the lot.

CHAIR WOLFLEY: Okay. And, Mr. Fierro, is the fill the same for all of those trees, or does it taper off?

MR. FIERRO: So the fill is going to be the greatest on the north end, and then it'll taper off towards the south, where that one tree is along the intersection of McKay and Royal Oak.

CHAIR WOLFLEY: Okay. So on the tree that's furthest south, is that one you feel that the grading plan can accommodate, or not?

MR. FIERRO: The grading plan, I -- I do not think so. Because my grading plan was kind of putting some fill there, and going from the back of curb up to -- up to the house pads. And I -- I don't think -- if we do fill it, I don't think there's a good chance of that tree surviving, even if it stays.

CHAIR WOLFLEY: Okay. Let me go back to Mr. Carter. He had a further comment on this. And I don't know if it affects the PUE.

So go ahead, Mr. Carter.

MR. CARTER: Thank you, Madam Chair. This is Blaine Carter with the water authority.

I think it doesn't affect the trees (inaudible) PUE. It's just that note I misread. It actually -- there's other language that needs to be added to that note. I want to make sure we have that in the plat that's going out for signature.

So it's not related to this current discussion, but related to our prior comment. We need that resolved prior to our signature. It needs to include a public water and public sewer easement on that Note 1 for a document that was sent to resolve the comment. So it's easement Number 1 on that Sheet 3 before we sign.

So that -- that was the comment I had. Thank you.

MR. FIERRO: The easement I'm referring to -- thank you, Blaine.

The easement I'm referring to is for, like, your gas, electrical, your other public services. So we have a 10-foot there

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designated for utilities outside of the water authority's.

CHAIR WOLFLEY: Okay. And that was Mr. Fierro speaking, correct?

MR. FIERRO: Yes.

CHAIR WOLFLEY: Okay.

Ms. Gould, do you have any comments on this?

MS. GOULD: This is Maggie Gould. So Madam Chair, I think -- I feel like everybody has kind of already laid out these arguments, which is that the definition of mature tree is -- is not quite met. However, the intent of that mature tree language is -- is to get -- is to keep our -- you know, our full growth, mature trees on-site. And it sounds like --

CHAIR WOLFLEY: Would it -- the tree be allowed -- would that tree be allowed to be retained with that PUE?

MS. GOULD: I think the issue with that PUE would be that if -- if there was maintenance needed in that PUE, the tree could be trimmed to remove, and I think -- I mean, if it were a new planting, we would not let them put it in the PUE.

CHAIR WOLFLEY: Okay. Okay. I'm going to stop for just a second. I've seen a very patient Leslie Colbert with her hand up.

Ms. Colbert, can you unmute?

MS. COLBERT: Hello. Yes.

CHAIR WOLFLEY: Are you here to speak on this case from the public?

MS. COLBERT: I am from the public, and I'm fine waiting. I was -- I just raised my hand at the very beginning when you asked for comments. But I kind of missed that window because I wasn't near my phone. But I just wanted to say that I --

CHAIR WOLFLEY: Okay. I can't have you speak without --

MS. COLBERT: Oh, right.

CHAIR WOLFLEY: -- kind of entering you --

MS. COLBERT: I'm sorry. I'm --

CHAIR WOLFLEY: -- into the record. So your name, address and I'll swear you in.

MS. COLBERT: My apologies. Yes, ma'am.

Leslie Colbert, 12415 Walkerway Street, Northeast, Albuquerque.

CHAIR WOLFLEY: Okay. Do you swear or affirm to tell the truth?

MS. COLBERT: Yes, I do.

CHAIR WOLFLEY: Okay. Go ahead with your comments.

MS. COLBERT: My comment is just this, that I am in support of this development. That's -- I -- that's all I needed to say.

CHAIR WOLFLEY: Okay.

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MS. COLBERT: It wasn't pressing, really except that I'm in support of the developer. Thank you.

CHAIR WOLFLEY: Okay. Thank you, Ms. Colbert.

All right. I'm going to let this tree issue simmer a little bit, as we go to hydrology.

MR. ARMIJO: Ernest Armijo, hydrology. Hydrology has --

CHAIR WOLFLEY: You just cut out.

MR. ARMIJO: Oh, sorry. Can you hear me now?

CHAIR WOLFLEY: Yes.

MR. ARMIJO: Okay. Ernest Armijo, hydrology. Hydrology has an approved grading and drainage plan, with engineer stamp date of July 8, 2021. If -- if the issue with the tree and the PUE, if -- if it requires a change in the grading, then a new grading and drainage plan would be required to be submitted and approved. Otherwise, we have no objection to -- to any of the items on this.

MS. GARCIA: Thank you.

CHAIR WOLFLEY: Okay. Let's go to transportation.

MS. WOLFENBARGER: Good morning. This is Jeanne Wolfenbarger with transportation. I'm going to start off with some minor issues first, and then get to the major issue, which I'm sure will involve more discussion.

Transportation department previously approved a sidewalk waiver within the subdivision. On -- as far as the infrastructure list item, I just wanted some more clarification on that, just maybe some minor cleanup for the street lighting. You still have the -- I guess the stationing listed, and I just wanted to either -- you know, just clarify it on the infrastructure list either by referring to the street lighting exhibit or just mentioning it in terms of the intersection or the end of the road, rather than stationing, to tie it into the application a little more clearly. And that comment was made last time.

Also, as far as specifying the traffic signage on the plans, I just wanted to leave the language on -- you know, about poles and existing poles out. A lot of those minor design issues should be taken care of during the DRC process.

And just for better clarification on the "No Parking" signage, just clearly specify with the narrowed section of roadway less than 26 foot face-to-face. I think that would be a little bit more helpful. You could just put that in parentheses in the item description. Just to be more clear that we're specifying the no-parking signs in the narrowed section of roadway both north and south -- and immediately south of the gate, but no -- no further beyond that.

With the cross-sections that were turned in last time, I noted that the cross-sectional width of the -- the overall cross-sectional width of the right-of-way with the roadways doesn't match, which is shown on the plat. On Royal Oak, there's a discrepancy of 33 versus 45 feet. And on the McKay, there's a discrepancy of 32 versus 38 feet. So I did want the cross-sections to go ahead and match what's shown on the plat

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more clearly. Otherwise, I would start to question why -- why aren't we widening Royal Oak, for instance, since it is a 24-foot-wide road.

And then the last issue, which I know is the major issue, and has been with the neighbors, is the issue of the gate south of the subdivision. And there's been some discussion, some e-mail discussion back and forth between your attorney and Shahab Biazar. I think Shahab is here.

The last thing that we discussed was he had asked for the gate to be left open during daytime hours between 6:00 a.m. and 7:00 p.m. In looking at this, we could widen the gate, but that only solves the minor issue of allowing vehicles to go through a little bit more easily. It doesn't really solve the issue of there not being a turnaround in front of the gate. However, if the gate was left open during daytime hours, when the vast majority of traffic was going through here, the turnaround issue would be very much minimized.

MS. GARCIA: Madam Chair, Ms. Wolfenbarger, so we -- I know that the applicant has indicated from the beginning that -- that their -- you know, with the construction, with the development of the site, there -- there would be vehicles, larger vehicles, going through the area into the subdivision. And the applicant has -- and the subdi- -- the homeowners association has agreed to allow for the gate to remain open to allow for the construction vehicles to come in and out. And this would be during the construction phase of the development of the -- of the subdivision.

But beyond that, you know, to leave it open on a regular basis, the applicant and the homeowners association are -- are not in favor of that. It's a private area, it's a private subdivision. And based on the as-built drawings that were submitted, we were -- we were approved for that gate.

The applicant did make -- did consider all of those requests, and at this point, we cannot -- we cannot have the gates permanently opened during the daytime. And unfortunately, the widening of the gate does not really resolve -- does not resolve the concern that -- that you and the public have in regard to the turn around at the entrance of the gate.

We believe that the gate entry is not conforming, it's grandfathered in and should be allowed to remain. But in regard to keeping the gate open, we -- the applicant would be willing to do that during the construction phase of the development.

MS. WOLFENBARGER: This is Jeanne with transportation. Yeah, the opening of the gate during daytime hours was the last thing that was decided with the city engineer. I -- I guess we realized there may have been some DRC as-builts in the past, how far, it doesn't really address current conditions, especially when you're -- when you consider you're adding just a little bit more traffic to this area. Also, it's typical that a separate permit would be obtained for the gate.

Furthermore, I'm not sure that it was ever specified originally through the professional process what times the gate would be open or closed. It was my understanding from the neighbors that it used to be kept open during daytime hours, and it was just more recent that it was closed all the time.

MS. GARCIA: Madam Chair, Ms. Wolfenbarger, I'm -- I'm not familiar with that. I don't know the history of the gate

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opening, closing. I'm sure Ms. Bevan could -- can answer that and any of the other property owners who are here today, property owners within the subdivision, who can answer those sort of questions.

MS. WOLFENBARGER: This is Jeanne with transportation. It sounds like we have some hands raised, so perhaps they can speak.

CHAIR WOLFLEY: Okay. Ms. Wolfenbarger --

MS. KATTENHORN: Hello, my name is --

CHAIR WOLFLEY: Excuse me. Please don't speak unless I call on you.

I have a question for Ms. Wolfenbarger.

Would an answer to that question really resolve the key need here?

MS. WOLFENBARGER: This is Jeanne with transportation. I mean, I think it would -- it might help answer the applicant's questions, but I think our stance is still the same. I don't know if the city engineer would like to add anything.

CHAIR WOLFLEY: Okay. Mr. Biazar.

MR. BIAZAR: Madam Chair, this is Shahab Biazar. So I was looking at the DRC plan that was provided. So on this one, typically, DRC doesn't approve gates. I mean, there's a pretty tiny note that says "Electric Gate Box." There's a lot of notes on this plan. There's like well houses, you know, a lot of things that is on this plan. And DRC never approves gates. Gate permits are separate. I mean, it was just a note on the plan that shows, you know -- it basically shows up as a gate box. But gates are typically permitted separately through building permits.

And -- and the criteria, you know, we're changing the site conditions. I mean, yeah, the gate currently is there. It's -- it was -- well, let's say it was approved back then with this subdivision. We are making changes. The current conditions -- I mean, the current standards have to be met with the -- with the changes that you are making. If you want to leave the site as it is, yeah, the gate probably stays and we'll say it's grandfathered in. But with the changes that you're making, then changes will have to be made.

CHAIR WOLFLEY: Okay. Thank you, Mr. Biazar. That's clear.

I see some hands raised, and what I just want to point out is generally public comment, you need to enter the record at the time I call for it, which is after the initial public statement. But sometimes with Zoom, it's a little hard for you to register in. So I'm going to have anyone that has raised their hand from the public that wants to speak to do so. But I'm going to have to get your name, address, and then if you can make your comments brief and pertinent to the application.

So let me start with Joan Kattenhorn.

MS. KATTENHORN: Hi. My name is Joan Kattenhorn and I live at 12414 Walkerway Street, Northeast. I do not want the gate open (inaudible) --

CHAIR WOLFLEY: Do you swear --

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MS. KATTENHORN: -- (inaudible) --

CHAIR WOLFLEY: Ms. Kattenhorn, do swear or affirm to tell the truth?

MS. KATTENHORN: Yes.

CHAIR WOLFLEY: And then go ahead and repeat your comments, ma'am.

MS. KATTENHORN: I do not want the gate open during the day. I'm very opposed to it. The reason I purchased this house in this neighborhood is because it is gated and that is really important to me and to my safety, and that's my comment.

CHAIR WOLFLEY: Thank you, Ms. Kattenhorn.

Mr. Jim Oschwald. Please introduce yourself with your address.

MR. OSCHWALD: My name is Jim Oschwald. And my address the 12500 McKay Way.

CHAIR WOLFLEY: Do you swear or affirm to tell the truth?

MR. OSCHWALD: I do, so help me God.

CHAIR WOLFLEY: Thank you, sir. And please go ahead with your comments.

MR. OSCHWALD: Yeah. I'd like to understand what jurisdiction the city has on private property to change an existing condition where an HOA is currently established but there is a piece of parcel of property which is not associated with the HOA and has been purchased by the separate entity and is not part of the HOA and is now asking to develop that parcel of land, and now you're asking the HOA that is not part of that development group to do something different than has been done over the years.

MR. BIAZAR: Madam Chair, if I may answer that. This is Shahab Biazar.

We're not asking the HOA to do anything. I mean, this is the applicant that needs to ask the HOA for that to happen. If the HOA doesn't agree, then -- then they're -- you know, it's up to the applicant how they address that. So I just wanted to make that clear.

MR. OSCHWALD: Okay. Another question, if I could.

Would the -- would the city then take responsibility for the roads and for the light associated with the private roads if they require the -- the gate to be left open?

MR. BIAZAR: No, city will not take liability for that.

MR. OSCHWALD: Well, they'll need to. Because they're asking -- they're asking to provide public access to private roads for which we pay insurance for and our homes are -- our homes values are based on. So the city is changing -- effectively changing that by requiring the gate to be left open.

MR. BIAZAR: This is Shahab Biazar again. So there are changes being made to the site, so the conditions are changed. Right now, we could leave the gate as it is and there's nothing that city or anything that needs to happen. So, I mean -- I mean, the

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gate could stay, the road could stay the way, it is. I mean, it's pretty straightforward, as far as city is concerned.

CHAIR WOLFLEY: Mr. Biazar, there are private roads existing in the city that are not gated and public can drive on them, correct?

MR. BIAZAR: That is correct.

CHAIR WOLFLEY: Okay. So I think this --

MR. BIAZAR: This is Shahab Biazar. That is correct, Madam Chair.

CHAIR WOLFLEY: So during those times that they maybe would be considered more that way. I'm -- I'm not sure the private street changes -- changes everything that much. There are a lot of private streets in the city that are not gated.

Mr. Oschwald, do you have any other questions?

MR. OSCHWALD: Yeah. I would like to understand, is the city going to take responsibility for paving the streets within the subdivision now, which has been previously our responsibility?

CHAIR WOLFLEY: Mr. Biazar.

MR. BIAZAR: This is Shahab Biazar. City -- City of Albuquerque does bit maintain private streets, if they're private.

MR. OSCHWALD: They are.

MR. BIAZAR: Thank you.

CHAIR WOLFLEY: Okay. Let's go to Sue and Mike. Please unmute. And whoever is speaking, give me your name, address.

MR. CONNOR: Yes. This is Mike Connor at 12512 McKay Way, Northeast.

CHAIR WOLFLEY: Do you swear or affirm to tell the truth?

MR. CONNOR: I do.

CHAIR WOLFLEY: Thank you.

MR. CONNOR: My only statement is, I understand -- I concur with Mr. Oschwald and the questions he had. I don't quite understand that. But I just wanted to add that the gate did remain open for a while during the day when there was a business out here run by Mr. McKay. And we were broken into in 2011, as well as some other residents here, and we started closing the gate again to prevent casual traffic driving around by our homes and breaking in.

So I strongly support the gate being closed and maintain the gate (inaudible) into a secure community. But I would -- I lost my train of thought there. I'm sorry. But it's -- it's -- like I just support the gate remaining closed.

I do concur with that when construction is going on that the gate be opened during the time that construction vehicles are coming in and out so they're not delayed. But when there's no construction, I would like for it to go back to its normal operation, closed all the time. Thank you.

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CHAIR WOLFLEY: Okay. Thank you.

And this is Chair Wolfley, and I just want to clarify one thing, is that there's an existing plat in this area. And that -- the rights to that plat can remain. And what's being asked here is for a change of the plat. And in changing the plat, it triggers the reviews that we're going through right now. And in this case, it is triggering the owner of the area being platted newly, change in plat for that area, them having to work with the rest of you that also have land that you own behind that gate. And so that's where the cooperation between this request for replat and you all is coming into play that Mr. Biazar is mentioning.

Okay. Ms. Bevan, did you have something you wanted to say at this point? And you're the owner, one of the owners.

MS. BEVAN: Yeah. So Rachel Bevan. I am one of the owners, and we have done everything that we can to try to work with the situation, and it's -- I just want to express our frustration. We -- talking with the current homeowners inside of this property have built a nice relationship with them and have worked with them to make sure everything will go smoothly with this project.

And I don't know if it's the two homeowners that are outside of the gate that has triggered this. But to my knowledge, there are no -- there has been no issues with the gate. And so my frustration comes from that point exactly, is that up until -- this gate has been in place from the '60s until now, and now all of a sudden there's there huge issue with this gate, which we -- we -- I personally -- we don't feel is an issue.

We're trying to work with the city, but we cannot develop this area and leave that gate open and then subject all 12 of those homes in there to decreased value of their houses, to possible break-ins. So is the gate going to break this whole project? I mean, I -- I don't know what else -- I don't know what else to do?

CHAIR WOLFLEY: Ms. Bevan, were you in the previous meeting on June 30th?

MS. BEVAN: Yes, ma'am.

CHAIR WOLFLEY: Okay. And so there was quite a bit of dialogue in that meeting from the people who live outside the gate and are affected by the lack of a turnaround. And so in our normal course of business here at DRB and there is a gate like this, there is the requirement that there be a turnaround, because people who approach a gate maybe think they can get through and then they're unable to get through. So how do they manipulate easily to turn around. And there was also problems of people needing to turn around when there was also cars parked along the street. And there was a lot of dialogue about that affecting those that are south of the gate. And so that's how all of this discussion has been at play.

And it's -- and you are now proposing to add many more lots -- not many more, but some new lots in this area that will put even more activity at that gate. And so that's why we're discussing it.

MS. BEVAN: Right. And I --

CHAIR WOLFLEY: I'm not sure how it will -- I'm not sure how it will result, but these are the kinds of discussions that we need to have.

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MS. BEVAN: Right. And I understand that. But my -- my frustration comes from those are two residents that are outside the gate. And some of the information they gave was false. And it was -- I mean, they submitted pictures of cars that were marked in front of their house, complaining that it was people parked to get inside the gate when it was their gardener. And they admitted to it.

So there's -- I -- I understand that they're voicing their concerns. We gave data on -- we've tried to prove that what they're trying to say isn't maybe as powerful as I understand that the DRB is taking it to be. That street, you can turn around in. Any big vehicles that are stuck there, they go through the gate anyways and use it as a turnaround. So they're -- it's not like they're blocking that area.

And I -- if it was a safety concern, I -- I'm all about safety. I'm a nurse. I wouldn't -- I'm not going to put people in danger. But I just -- I cannot see the logistics of why a gate that has currently been there for so long that we haven't had -- I mean, there's no police reports that have been filed on this. There's no other reports. It's to my --

CHAIR WOLFLEY: Okay. Ms. Bevan --

MS. BEVAN: -- (inaudible) --

CHAIR WOLFLEY: -- I need you to kind of wrap -- wrap up. Okay.

Okay. So what you -- what I -- what I don't think you're hearing is that there is a turnaround required when there is a gate. That's part of engineering practice. And the engineers are aware of the width of the road and all the information and they're making their assessments alongside any other evidence that's being presented.

Okay. We're going to move on here. And we're not going to be able to allow people to just keep signing up to speak this late in the game. But I'm going to allow the last two people, Thomas Colbert and Mark Kniskern to speak. And then, like I said, the time to sign up to speak is when I call for that, after the opening by the application team. So this can't just be a long discussion with people just jumping in. Because we're really in DRB comments at this point. But go ahead.

Thomas Colbert.

MR. COLBERT: Yes, thank you. Yes, thank you. This is --

CHAIR WOLFLEY: Give me your name, address.

MR. COLBERT: Yes. This is Thomas Colbert, 12415 Walkerway Street, Northeast.

CHAIR WOLFLEY: Do you swear or affirm to tell the truth?

MR. COLBERT: I do. I do. Thank you.

CHAIR WOLFLEY: Okay.

MR. COLBERT: I guess my only question is, is the city considering that this is a dead-end road and there's a "Dead End" sign on it? So having said that, why is it that -- that people come up a dead-end road expecting to get through? Because there is a "Dead End Road" sign several, several houses down, you know,

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a block or two down from the gate. So people are fully aware it's a dead-end road. So if they're expecting it not to be a dead-end road, I don't even understand that. So -- so what is the fact that it's a dead-end road due to the fact that neither -- I mean, do dead-end roads have to have turnarounds since they have "Dead End" signs?

CHAIR WOLFLEY: Ms. Wolfenbarger.

MS. WOLFENBARGER: This is Jeanne with transportation. Any kind of dead-end road that's more than 150-foot length, per the development process manual requirements, does require a turnaround, whether it be in the form of a cul-de-sac, with a larger diameter, or a hammerhead.

CHAIR WOLFLEY: Okay. Any other comments or question, Mr. Colbert?

MR. COLBERT: No. That's it. Thank you.

CHAIR WOLFLEY: Thank you.

Mark Kniskern.

MR. KNISKERN: Yes, ma'am. Mark Kniskern, 12400 Walkerway Street.

CHAIR WOLFLEY: Do you swear or affirm to tell the truth?

MR. KNISKERN: Yes, ma'am, I do.

CHAIR WOLFLEY: Go ahead with your comment.

MR. KNISKERN: So I have one question -- yeah, one quick question and one comment.

I would like to understand why, when the Peppertree-Royal Oak development was developed, why the city did not require a cul-de-sac and a turnaround at our private entrance to our private neighborhood. Seems like a mistake was made when that development was developed and that the city made the mistake. So can somebody please answer that question?

CHAIR WOLFLEY: Let's see if Mr. Wolfenbarger [sic] or Ms. -- Mr. Biazar want to answer that.

MS. WOLFENBARGER: This is Jeanne with transportation. I think this was built a long time ago. I couldn't answer as to why or why not it was designed or approved at the time. I think the gate issue is separate. Mr. Biazar had mentioned that the gate is handled through a separate permitting process. Standards do change over time, as well. So that -- that's all I can say at this point, unless Mr. Biazar would like to add anything else.

MR. BIAZAR: Madam Chair, no, I don't. I already explained.

CHAIR WOLFLEY: And -- and -- this is Chair Wolfley. Normally, the turnaround is on the property of the -- of the people with the gate, correct, Ms. Wolfenbarger?

MS. WOLFENBARGER: Yes, that's correct.

CHAIR WOLFLEY: Okay.

MR. KNISKERN: Now, I think -- I think there's some confusion here. When you look at this development, this was once a single

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private property.

CHAIR WOLFLEY: Excuse me, sir --

MR. KNISKERN: A single private property --

CHAIR WOLFLEY: Excuse me, sir. Okay. Please identify who you are

MR. KNISKERN: Mark Kniskern. 12400 Walkerway Street.

CHAIR WOLFLEY: Okay. I don't need your address again. It's just we have to keep an audio record, so I've been asking people to identify themselves when they speak.

Okay. If you can make your last comment, please sir.

MR. KNISKERN: Yes. Then the last comment is, you know, now that we have these private streets, for which we own all the way to the middle of the street, I have to carry an insurance policy to insure me against the liability of public traffic driving on my private street. And any type of accident or issue that happens on our common areas or our private streets, I have to insure myself to do that because I'm allowing public access. I don't feel that's fair of the city to ask us to do that.

CHAIR WOLFLEY: Okay. Thank you for your comments.

We were in the middle of actually our DRB comments, and Ms. Wolfenbarger, are you finished?

MS. WOLFENBARGER: I'm finished with my comments, correct.

CHAIR WOLFLEY: Okay. Let's go to planning.

MR. FIERRO: Excuse me, Madam Chair. This is Robert Fierro, and I just want to opportunity to respond to her comments.

CHAIR WOLFLEY: Go ahead, Mr. Fierro.

MR. FIERRO: Okay. Thank you, Madam Chair.

So since this is a subject we were just talking about, the gate, so I want to start there, the standards do change over time, but it was a standard -- the same standard -- or there's always been a turnaround standard, so that standard hasn't changed. So when the development to the south was developed, that should have fell on that development to turn -- to make a turnaround, because they didn't have access to the private property.

So for some reason, the city waived that standard at that time. So it's -- standards have changed, but this is one standard that wouldn't have changed. A turnaround would have been necessary for that development to occur, and at that time, it did not. And for whatever reason, the city waived it then. So I just wanted to --

CHAIR WOLFLEY: Do you have evidence, Mr. Fierro, of what you're saying, that the one subdivision was built ahead of the other one, or that there was a waiver noted in the record?

MR. FIERRO: Well, I don't have any evidence, but just given the approval of it, that the city must have either not followed the current standards at that time, or there must have been some kind of waiver that was granted for not allowing a turnaround on that development.

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So really, this turnaround should have been -- it should have fell on the developer to that development south of the gate because they do not own the private property and would have had to purchase some of the area for that private property to build that turnaround.

CHAIR WOLFLEY: Okay. So that's your speculation?

MR. FIERRO: It's not speculation. It's not a speculation. It is what it is. It's the city's fault for not allowing -- every other -- every other road in this subdivision has a turnaround except this one, in that development. And that development should have gave a turnaround on their property since they're the one that's were developing it.

CHAIR WOLFLEY: Okay. Thank you for your comment, Mr. Fierro. We're going to move to planning comments.

MR. FIERRO: That's just one of the comments on -- on Jeanne's --

CHAIR WOLFLEY: Okay. I'm sorry. You're not finished?

MR. FIERRO: No.

CHAIR WOLFLEY: I apologize. Go ahead.

MR. FIERRO: Okay. So I want to go to the infrastructure list, because we need to -- we need to go ahead and bury this infrastructure list. There's been too many revisions going on here. And you did state on one of them that it was -- it was a comment on the prior one. So I just want to start off on the infrastructure list on the lighting pole street lights. That's on, I believe, the second page.

MS. WOLFENBARGER: The --

MR. FIERRO: Okay. So I did give stations, but I also gave a right. So these street pole street lights, they are not falling at intersections, so it just -- it simply states "RT" for right. So we are giving you the right of centerline. So that's where that's going to fall, somewhere on Melloy Way, that's vague, and it's going to be on the right, which is also vague.

So we -- so we're giving you what you want. The last one didn't have a right or a left, it just has a station, but now we're giving you a right. So that shouldn't be a comment.

Going on -- what was her other comment on the infrastructure list? Oh, the signage. So my understanding is DRB, we give you guys what you want in DRC. So we're -- we're saying we do want signs? Okay. We're going to put a sign on the infrastructure list. Okay. You want a street light? We're going to give you a street light on the infrastructure list.

And right now, I feel like you're giving a review on behalf of DRC, when this should be pretty vague, like you said. And we're saying, okay, what are we -- what are we going to give you here? A sign. So we're giving you a sign. And I have approximate addresses. So -- so we are giving it vague by saying approximate.

Both sides of the road, that's vague. South side of the road. I also read -- I also keep up with other DRCs, and they are pretty vague, but I've never seen one where an exhibit was attached. I'm not saying that there aren't any.

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But this infrastructure list, going back and forth, if you -- if you being -- if you're wanting it a specific way, please tell me the language, exactly the verbiage, and I will put it exactly how you want it. This infrastructure list shouldn't be revised three or four times on the same -- on the same infrastructure.

Okay. So I think that -- those were the two things on the infrastructure list that were a comment.

Regarding the rights-of-way and not matching the cross-sections, I could make that -- I could clarify that a little bit more. But the thing to really consider is what this subdivision owns. This subdivision owns from the center of the road and not the other side of the centerline. So what we're giving you here is on these cross-sections, you should be focused on -- from property to what we're --

CHAIR WOLFLEY: Mr. Fierro.

MR. FIERRO: -- (inaudible) --

CHAIR WOLFLEY: I'm going to ask you to think about how you're commenting. And you're welcome to say whatever you want.

MR. FIERRO: Okay. All right. Well, (inaudible) --

CHAIR WOLFLEY: But it -- it's -- I would just sort of ask you to consider giving your comments without telling our staff how they should be doing their work.

MR. FIERRO: Okay.

CHAIR WOLFLEY: I think we would get farther if you could refrain from doing that. Thank you.

MR. FIERRO: Okay. Thank you, Madam Chair.

It's a little frustrating just because we've gone three or four different revisions. And it just feels like we could do this all day long, we could do this all yearlong. So just please give me the verbiage of the infrastructure list. And we could work outside. And just clarify any questions you have on the right-of-way (inaudible).

CHAIR WOLFLEY: Okay. Ms. Wolfenbarger.

MS. WOLFENBARGER: This is Jeanne with transportation. Some of the comments I have given regarding the cross-sections and the signage had been given -- or the street lights specifically, those had been given before. Those weren't the first time I had given to them. But I'm happy to work with the applicant outside the meeting to help clarify the infrastructure list. Thank you.

CHAIR WOLFLEY: Thank you, Ms. Wolfenbarger.

Mr. Fierro, are you --

MR. FIERRO: (Inaudible) --

CHAIR WOLFLEY: -- done with your comments --

MR. FIERRO: -- offline --

CHAIR WOLFLEY: -- and questions?

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MR. FIERRO: I'm sorry, Madam Chair.

We have been working offline and I've been sending her the infrastructure list, and she's been going back and forth and she's been making recommendations. But I think this making recommendations isn't good enough. She needs to tell us exactly what she wants on there, that way I could put it exactly.

CHAIR WOLFLEY: Okay.

MR. FIERRO: That way we won't have to --

CHAIR WOLFLEY: Mr. Fierro.

MR. FIERRO: I'm sorry?

CHAIR WOLFLEY: I just want to warn you again that your language is fairly disrespectful. Ms. Wolfenbarger is an excellent traffic engineer, she works with --

MR. FIERRO: I agree.

CHAIR WOLFLEY: -- hundreds of projects and she provides very clear comments.

MR. FIERRO: No disrespect.

CHAIR WOLFLEY: And so --

MR. FIERRO: No disrespect. And I apologize how it's coming across. But we really shouldn't have these many comments. I'm sorry.

CHAIR WOLFLEY: Okay. Let's go ahead and move on to planning comments.

MS. GOULD: So this is Maggie Gould. So really most of what planning had has been discussed. We had a note about the mature stands of trees, and then making sure that the plat has all required signatures. Also the plat does not have the project number and the application numbers. Those need to be on there. And then we agree that the vacations have been justified.

CHAIR WOLFLEY: Okay. Thank you.

Ms. Garcia, there are still issues that need to be worked out with regard to the gate and the turnaround and all of that. And I had hoped we were farther along with that, but we're not. And I think a very side sub issue is the -- the tree. But I think there's some time to work on this, if you're willing to keep working on this.

I think what you've heard from the engineers right now, the city engineer and the traffic engineer, is the way this is presented right now is not acceptable. And so we need to try to keep looking at a solution. But what are your thoughts, Ms. Garcia?

MS. GARCIA: So, Madam Chair, I think the -- the issue in regard to the tree, I'm not sure who we could go to to determine whether or not --

CHAIR WOLFLEY: Let's not worry about the tree right now, because I think there are bigger -- bigger things to solve.

MS. GARCIA: Well, I --

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CHAIR WOLFLEY: I'm sure we can solve the tree. I'm more concerned that we solve these access issues.

MS. GARCIA: Well, Madam Chair, I know I -- I sent a list of questions to Ms. Wolfenbarger about what is the process for placing a gate at -- at one of these areas, and whether or not the building permit -- or what is the permitting process for that so -- so we could look at the records to see what was issued. But we never did get a response in regard to that.

So we can take some time to look for a building permit ourselves, however, we believe that the as-built drawings was sufficient to demonstrate that the turnaround, as it exists, was approved by the city, is nonconforming, and -- and is outside -- outside of our particular plat.

And unfortunately, we're in a position where the property owners, the applicant, is not -- cannot allow the gate to remain open at all times. So we may just need a final determination on that if we've done all the research we can, we could do. And if we've talked about it amongst ourselves as much as we can, we just need to, at some point, have a determination be made in regard to that.

CHAIR WOLFLEY: Okay.

MS. GARCIA: But we -- we are trying to find records that help further demonstrate that the subdivision and the development of the subdivision that is really outside of our subdivision, it's adjacent to our site, it's not part of our boundary, was done in accordance with the city's rules at the time that it was done. And so -- so we'll -- we'll continue to work on that.

And so I believe that we'd like to try to get to a -- a decision as quickly as possible. I want to say a week, just like all the agents want to say a week, but I -- I think I would want to defer to Mr. Fierro and Ms. Bevan to see if they -- if they think that two weeks would be sufficient.

MR. FIERRO: This is Robert Fierro. I say a week. The gate issue is not going to get resolved in this planning board, Shahab has made up his mind. So it's just -- we're going to just have to -- I'm thinking we're just going to have to do it in a week. I could fix this infrastructure list, and that's all, really, that's outstanding. The cross-sections, that's an easy change. The adding a note to the plat, that's an easy change. So I say let's just do it next week. And the gate we could just continue talking about that, but that could go on for months. So it's better just to do it sooner rather than later.

MS. GARCIA: So Madam Chair, we'll just -- Ms. Bevan, sorry.

MS. BEVAN: So I would request just to do it in a week, again, as well. I'm in agreement with Robert. But I believe that transportation has their minds set up that this gate will stay open. So I feel that whether we need to take this to city council and discuss it there, or take it further, I don't know the next steps after this. But I would like to just get the -- I don't know if you guys can -- if you want to say, sure, we can move on, if -- I don't know if we can submit the infrastructure list, the updated version and then move on from there. So I don't know if we should finalize the tree issues now.

But there's no -- there's no more debate of the gate. I can -- I see that clear within this committee. So I don't know what the next steps are. And, Madam Chair, maybe you can answer that for

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me.

CHAIR WOLFLEY: Okay. Thank you, Ms. Bevan. So what I would recommend is that we try to take some more time, whatever time period -- I'll go with what you choose. But just to sort of see where we can go on these outstanding items. And then, the DRB will be with you again and review the case and then we'll make a decision. And then once the DRB makes a decision, if you get an approval, then you can continue on, as long as no one appeals that approval.

If you were to get a denial of your request for a preliminary plat, then you are in a position where you can appeal that. And if you appeal, then that goes through our land use hearing officer. And then he makes a recommendation that goes to the city council. And that's a whole 'nother hearing process to discuss. Not so much the merits of the case, but did the DRB procedurally act appropriately in the review of your case and follow the rules and regulations pertaining to your application.

Does that help?

MS. BEVAN: It does. And I would -- I would suggest that we just do it then for next week.

CHAIR WOLFLEY: Okay. Before we make an action, the public does have a right to ask questions. And Mr. Colbert still has his hand up.

Mr. Colbert, did you have a question or is your hand just up from previously?

MR. COLBERT: Yeah, I forgot to take it down. Thank you.

CHAIR WOLFLEY: Okay. Thank you, Mr. Colbert.

All right. Ms. Wolfenbarger, how do you feel about a week deferral.

MS. WOLFENBARGER: This is Jeanne with transportation. I mean, most of the comments are relatively minor. It's just mostly the gate issue. I'm not sure if it will be resolved within a week, but I'm -- it's -- it's possible.

CHAIR WOLFLEY: Okay. Thank you.

And I'm going to ask if there's a motion to defer Items 6 and 7 to August -- I forgot what -- August 18th? It seems like a week has passed. All right. August 18th.

MR. CARTER: This is Blaine Carter of the water authority. So moved.

MS. SOMERFELDT: This is Cheryl Somerfeldt with parks and rec. I wanted to ask a question before we defer.

So would it be possible to get a ZEO determination on whether or not they are -- we need to look at that area with the trees. I feel like we would need the ZEO to decide whether that's necessary, and then they would have to look at the grading and see. Or maybe the other way around, look at the grading and see if they could save the tree, maybe push the grading.

Are they saying that it's not possible to change the grading? And so that's -- you know, is that a determining factor on whether or not this can be approved next week?

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CHAIR WOLFLEY: Okay. Ms. Somerfeldt, I think that what you raise are all paths of discussion with regard to the mature trees on this site. And I'm not sure if that will all be resolved by next week. It probably is one -- it's one of the outstanding parts of this, and then the gate is the other outstanding part of this, and some of the infrastructure list items that are outstanding.

So it -- I -- it's -- would be very hard to have all of that resolved within a week. I would probably recommend we defer at least two weeks. But if the applicant, based on what they're saying, if they really want to defer for one week, you know, I think I'm going to accommodate them, however they want to do this.

MS. GARCIA: Madam Chair, I guess this question is more for Mr. Montano and whether or not this is something that Mr. Montano can take to the ZEO, or is that -- would that be appropriate, or do we need to do that?

MR. MONTANO: Vince Montano, code enforcement. Excuse me. I can take the question to the ZEO. I don't have an issue with that.

MS. GARCIA: Okay. And is it something that you think that could be done within a week or so? I mean, if -- it it's determined that the tree would need to remain and that we need to keep -- which means that we would need to then modify the grading and drainage plan, then I guess we'd hope to have that information as quickly as possible. I'm not sure what you think the time line might be for that.

MR. MONTANO: This is Vince Montano, code enforcement. I would assume a week would be sufficient to get an answer from the ZEO. I just don't know what his schedule looks like to try to get that answer from him.

MS. GARCIA: Okay.

Madam Chair, I think we'd like to try to stick with the one week, and then, if we come back next week, if it's determined that we need more time, then we'll -- we'll work that way.

CHAIR WOLFLEY: Okay. We can do that.

MS. GARCIA: Okay. Thank you.

CHAIR WOLFLEY: So I think we have started out with a motion to defer for one week. Mr. Carter moved that, and then Ms. Somerfeldt asked a question. So is there a second to the motion to defer Items 6 and 7 for one week.

MS. SOMERFELDT: Cheryl Somerfeldt with parks and rec. I second.

CHAIR WOLFLEY: Please vote.

MR. CARTER: Blaine Carter, water authority. I approve.

MR. MONTANO: Vincent Montano, code enforcement. I approve.

MS. SOMERFELDT: Cheryl Somerfeldt, parks and rec. I approve.

MR. ARMIJO: Ernest Armijo, hydrology. I approve.

MS. WOLFENBARGER: Wolfenbarger with transportation. I approve.

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CHAIR GOULD: And Jolene Wolfley, DRB chair, approves.

There's a consensus vote of the DRB to defer Items 6 and 7, which are PR-2020-4595; and applications SD-2021-111, preliminary plat; 2021-2016, sidewalk waiver; 2021-122 vacation of public easement, 7-foot; 2021-123, vacation of private easement, 15-foot; and 2021-124, vacation of private easement, 20-foot waterline to the August 18th meeting of the DRB.

Okay. And thank you to everyone. I think everyone's working hard on, you know, a matter that has just some tentacles that are needing to be resolved in a way that will work well for the future. But thank you, everyone. I know you're working hard and I know there are frustrations. But we'll continue to work with you. Okay?

MS. GARCIA: Thank you.

MR. FIERRO: Thank you.

CHAIR WOLFLEY: Thank you.

(Conclusion of partial transcript
of proceedings.)

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RE: CITY OF ALBUQUERQUE DRB MEETING MINUTES OF
AUGUST 11, 2021, AGENDA ITEMS 6 & 7

TRANSCRIPTIONIST'S AFFIRMATION

I HEREBY STATE AND AFFIRM that the foregoing is a correct transcript of an audio recording provided to me and that the transcription contains only the material audible to me from the recording was transcribed by me to the best of my ability.

IT IS ALSO STATED AND AFFIRMED that I am neither employed by nor related to any of the parties involved in this matter other than being compensated to transcribe said recording and that I have no personal interest in the final disposition of this matter.

IT IS ALSO STATED AND AFFIRMED that my electronic signature hereto does not constitute a certification of this transcript but simply an acknowledgement that I am the person who transcribed said recording.

DATED this 21st day of September 2021.

/S/

Kelli A. Gallegos