



Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

SUBDIVISIONS	<input type="checkbox"/> Final Sign off of EPC Site Plan(s) (Form P2A)	<input type="checkbox"/> Extension of IIA: Temp. Def. of S/W (Form V2)
<input type="checkbox"/> Major – Preliminary Plat (Form S1)	<input type="checkbox"/> Amendment to Site Plan (Form P2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Major – Bulk Land Plat (Form S1)	MISCELLANEOUS APPLICATIONS	<input type="checkbox"/> Vacation of Public Easement(s) DRB (Form V)
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S1)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
<input type="checkbox"/> Minor Amendment - Preliminary Plat (Form S2)	<input type="checkbox"/> Minor Amendment to Infrastructure List (Form S2)	PRE-APPLICATIONS
<input type="checkbox"/> Minor - Final Plat (Form S2)	<input type="checkbox"/> Temporary Deferral of S/W (Form V2)	<input type="checkbox"/> Sketch Plat Review and Comment (Form S2)
<input type="checkbox"/> Minor – Preliminary/Final Plat (Form S2)	<input type="checkbox"/> Sidewalk Waiver (Form V2)	
SITE PLANS	<input type="checkbox"/> Waiver to IDO (Form V2)	APPEAL
<input type="checkbox"/> DRB Site Plan (Form P2)	<input type="checkbox"/> Waiver to DPM (Form V2)	<input checked="" type="checkbox"/> Decision of DRB (Form A)

BRIEF DESCRIPTION OF REQUEST

This is an appeal of the Development Review Board decision regarding Project Number PR-2021-00544, Application number SI-2021-01714.

APPLICATION INFORMATION

Applicant: Columbus Pacific Properties, Ltd.		Phone: 310-508-7888
Address: 23632 Calabasas Road Suite 107		Email: rick@ columbuspacific.com
City: Calabasas	State: CA	Zip: 91302
Professional/Agent (if any): Modrall Sperling and/or Rodey Law Firm		Phone: 505-848-1864
Address: 500 4th Street NW Suite 1000		Email: rej@modrall.com
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site: Adjacent property owner	List <u>all</u> owners: Sedona West	

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: Lot A-2-A-A	Block:	Unit:
Subdivision/Addition: The Plaza at Paseo Del Norte	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning: MX-M	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (Acres): 7.12

LOCATION OF PROPERTY BY STREETS

Site Address/Street:	Between:	and:
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

See above.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Signature: <i>Robin E. James</i>	Date: 12/2/2021
Printed Name: Robin James	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting Date:				Fee Total:	
Staff Signature:	Date:			Project #	

FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)**
- APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)**
- APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)**

Interpreter Needed for Hearing? No if yes, indicate language: _____

A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF *shall be organized* with the Development Review Application and this Form A at the front followed by the remaining documents *in the order provided on this form*.

Project number of the case being appealed, if applicable: PR-2021-005442

Application number of the case being appealed, if applicable: SI-2021-01714

Type of decision being appealed: DRB's EPC Site Plan Final Sign-Off

Letter of authorization from the appellant if appeal is submitted by an agent

Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)

Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)

Copy of the Official Notice of Decision regarding the matter being appealed

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: Robin E. James **Date:** 12/2/2021

Printed Name: Robin James Applicant or Agent

FOR OFFICIAL USE ONLY

Case Numbers: _____ Project Number: _____

Staff Signature: _____

Date: _____

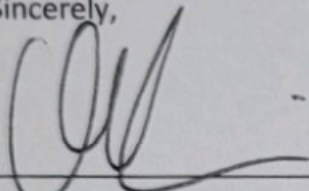


December 2, 2021

To Whom It May Concern,

I, Rick Margolis, Principal of Columbus Pacific Properties Ltd., hereby authorize Modrall Sperling Law Firm and/or Rodey Law Firm to submit an appeal regarding Project Number PR-2021-005442, Application number SI-2021-01714 on my behalf and to act as my agent in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'RM', written over a horizontal line.

Rick Margolis, Principal of Columbus Pacific

Basis for Standing

Columbus has standing based on Section 14-16-6-4(V)(2)(4) of the IDO as Columbus's property rights along with its legal right to due process have been specially and adversely affected by the DRB's decision. Specifically, Columbus was a party to the original site plan and relied on this site plan as drafted in pursuing its development. Additionally, Columbus is a neighboring property owner and was entitled notice of the EPC hearing in this matter and therefore has standing for this appeal. Columbus also has standing based on Section 14-16-6-4(V)(2)(5) of the IDO based on the proximity of Columbus's parcel to the subject property. Additionally, Columbus, through its agent Modrall Sperling, submitted written comments with all required information before the EPC hearing in this matter and appeared at such hearing and made verbal comments at the hearing. Columbus also, through its agent Modrall Sperling, made verbal comments at the DRB meeting in this matter although notice of this meeting was not received by Columbus.



MODRALL SPERLING
LAWYERS

December 2, 2021

Robin E. James
Tel: 505.848.1864
Cell: 505.280.1405
Robin.James@modrall.com

Via Electronic Mail

City of Albuquerque
Planning Department
Development Services Division
Attn: Planning Director
600 2nd Street NW, Ground Floor
Albuquerque, NM 87102
Email: plndrs@cabq.gov

Re: Appeal of Development Review Board (“DRB”) decision regarding
Project Number PR-2021-005442, Application number SI-2021-01714,
EPC Site Plan Final Sign-Off

To Whom It May Concern:

This letter provides Columbus Pacific Properties’ (“Columbus”) reasons and grounds for appeal of the above referenced decision (including all criteria addressed in the City of Albuquerque’s Integrated Development Ordinance (“IDO”), Section 14-16-6-4(V)(4)). This matter was heard at a public meeting before the DRB on November 17, 2021. Columbus’s specific grounds and reasons for appeal, along with some background on this matter are provided in detail below.

I. Background

Columbus is the owner of the parcel adjacent to the original applicant’s parcel and is a party to the original site plan for which amendment was sought. This matter was heard before the Environmental Planning Commission (“EPC”) on August 19, 2021 at which time the EPC approved the site plan and delegated final sign off authority to the DRB. Columbus appeared at this public hearing and objected to any changes to the two-way access road running from Eagle Ranch Road to its adjacent shopping center off of Coors Boulevard as shown on the original site plan (the “Access Road”) that would in any way affect or change the two-way vehicular access to its parcel (See Exhibit A). The EPC approved the site plan with the Access Road left open. The applicant had originally proposed closing the Access Road

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and this change was made by the applicant in order to receive EPC approval. The EPC heard several comments regarding the Access Road at the hearing.

The DRB then held a public meeting on this matter, without public notice, and ultimately signed off on the final site plan; however, in doing so, the DRB created and/or permitted additional restrictions to be made to the Access Road which were not addressed by the EPC and authorized the recording of a cross access easement (the “Easement”) memorializing these changes.¹ A copy of the Easement as presented at the DRB public meeting is attached hereto as Exhibit B.²

II. Reasons and Grounds for Appeal

1. The DRB acted arbitrarily and capriciously in allowing for and/or requiring the Easement to be recorded with language that modifies the Access Road without following the procedures required to modify the Access Road pursuant to the IDO.
2. The DRB erred in applying the requirements of the IDO and the EPC’s decision in allowing for and/or requiring the Easement to be recorded with language that modifies the Access Road without following the procedures required to modify the Access Road pursuant to the IDO.
 - a. The access road cannot be modified without going before the EPC again with proper notice.

Although the DRB stated that public notice was not required for the public meeting in this matter, public notice is required for a major amendment to a site plan and this must be done before the EPC in this case. *See* 14-16-6-4(Z)(1)(b) and table 6-1-1; *see also* EPC decision dated August 19, 2021, Project Number 2021-005442, SI-2021-00569, also attached as Exhibit C (stating that the amendment at issue “exceeds the threshold found in IDO table 6-4-4 . . . [and] therefore is classified as a Major Amendment pursuant to IDO section 14-

¹ The Easement includes many changes to the Access Road, including but not limited to the right for the applicant to post signs indicating that cut-through traffic is not permitted; the right to post hours of use for the Access Road, which may be limited to normal business hours; the right to impose additional limitations for the safety and/or security of residents and occupants of the applicant’s project; and the right to terminate the Easement (which is contrary to the IDO requirements in and of itself).

² Final sign-off of the Easement language was delegated to Planning and to Columbus’s knowledge has not been received to date.

16-6-4(Z)(1)(b)”). This process was originally followed and the EPC approved the site plan with the Access Road left open after hearing public comments on the matter; however, the DRB decision has the effect of further modifying the site plan by making changes to the Access Road without public notice which is not allowed under the IDO.

- b. The DRB exceeded its authority in allowing for and/or requiring the Easement to be entered.

The DRB exceeded the authority delegated to it by the EPC. The EPC’s decision specially stated the following:

“The request meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6-6(J)(3) as follows:

- 14-16-6-6(J)(3)(d) The request will be reviewed by the Development Review Board (DRB), which is charged with addressing infrastructure and ensuring that infrastructure such as streets, trails, sidewalks, and drainage systems has sufficient capacity to serve a proposed development.
- 14-16-6-6(J)(3)(e) The future, proposed development will be required to comply with the decisions made by two bodies- the EPC and the DRB. The EPCs’ conditions of approval will improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas. The DRB’s conditions will ensure infrastructure is adequately addressed so that a proposed development will not burden the surrounding area.”

The DRB was not authorized to make changes to the Access Road that would further restrict the road and in doing so exceeded its authority. Had the EPC delegated this authority, Columbus would have appealed the EPC decision previously.

- c. Proper notice was not given.

As referenced above, notice for the DRB public meeting was not given. While the DRB stated that notice was not required for this matter, because major changes to the site plan

were made and the Access Road was modified, notice was in fact required pursuant to table 6-1-1 of the IDO.

III. Additional Issues

In addition and notwithstanding the foregoing, it is Columbus's position that the recording of the Easement cannot change the site plan approved by the EPC and that such Easement is unenforceable. As stated above, in order to amend the Access Road (and in doing so, amend the site plan), EPC approval is required. The applicant's agent agreed to this point at the public meeting.

IV. Conclusion

The DRB acted arbitrarily and capriciously and erred in applying the requirements of the IDO and the EPC's decision and therefore the decision to enter and record the Easement should be reversed. No changes that would further restrict the Access Road as approved by the EPC should be permitted without going before the EPC again, as required by the IDO.

Please feel free to contact me if you have any questions or if there is any additional information that I can provide.

Sincerely,

A handwritten signature in blue ink that reads "Robin E. James". The signature is written in a cursive style with a large, looping "J" at the end.

Robin E. James

cc: Anthony Santi, Dekker/Perich/Sabatini; Rick Davis, Sedona West LLC

Exhibit A

Robin E. James

From: Robin E. James
Sent: Monday, August 16, 2021 4:34 PM
To: 'Bolivar, Silvia A.'
Cc: 'CLehner@cabq.gov'; Meg L. Meister
Subject: Objections to Project #PR-2021-005442 (Sedona West Apartments), Proposed Major Amendment to Site Plan

Silvia,

Below are written objections with regard to the above referenced matter. Please confirm receipt of this email at your earliest convenience. Thank you.

We are submitting the following objections on behalf of Columbus Pacific ("Columbus"), owner of the parcel adjacent to the subject parcel located at Eagle Ranch Road NW, between Paradise Boulevard NW and Irving Boulevard NW (the "Subject Parcel"), and party to the original site plan to which amendment is being sought. Columbus's objections are as follows:

1. **Notice.** Columbus did not receive proper notice of the initial hearing (or current hearing) on this matter as required by the Integrated Development Ordinance (IDO). Columbus also did not receive notice of the facilitated meetings or pre-neighborhood meetings on this matter. *Columbus objects to any changes made prior to receiving proper notice as required under the IDO and is hereby reserving the right to make such claim, despite the fact that Columbus is submitting additional objections at this time.*
2. **Site Plan.** Columbus is a party to the original site plan sought to be amended. Although Columbus's specific tract is not being changed by this proposed amendment, the access road that runs through the site is being altered. Columbus relied on the original site plan as drafted in pursuing its development. Specifically, Columbus relied on the two-way access road running from Eagle Ranch Road to its parcel as shown on the current site plan (the "Access Road") and has vested rights in this plan. Columbus also relied on the grading and drainage plan for the entire site plan area, along with the sewage and fire safety plans in place. Columbus has vested rights in all such prior approvals and agreements for the entire site plan area. *Columbus has not given consent to change the site plan and hereby objects to any changes without its prior consent.*
3. **Vehicular Access.** As stated in the Supplemental Staff Report on this matter, the original proposed new site plan for the Subject Parcel showed that the Access Road was to be closed. The report notes that the proposed site plan has been amended to leave the Access Road open, but notes that parking provided along the western boundary could still conflict with access. While the report references the western boundary of the Subject Parcel, Columbus is concerned with the parking now shown along the Access Road on the southern portion of the Subject Parcel. Columbus believes that this could affect access to its property. *Columbus objects to the amended site plan as currently drafted with parking along the Access Road and to any changes to the Access Road that would in any way affect or change the two-way vehicular access to its shopping center.*
4. **Technical Objections (Infrastructure).** *Columbus objects to any technical findings or recommendations by the EPC that would have any effect on Columbus's parcel or change Columbus's parcel in any way and further requests specific conditions to approval stating that that no changes to or approvals for the Subject Parcel are to affect or change Columbus's parcel in any way.* Columbus also makes the following specific technical objections and requests for conditions to approval:
 - a. **Drainage.** As noted in the Supplemental Staff Report, the new project on the Subject Parcel will result in an increase in developed storm water runoff generated due to the new impervious areas. The Supplemental Staff Report goes on to state the following: "Due to the general slope of the site from west to east, and coordination compromises to the site development with the neighboring

property owners, the site as fully developed will not be able to include ponding improvements necessary to comply with the City of Albuquerque DPM and Current Stormwater Quality Ordinance Requirements to capture and treat the 0.42 inch storm event generated by the site. Calculations included in the Conceptual Grading Plan (CG-101) demonstrate that the required stormwater quality volume generated by the developed site to be 8,510 CF, as such, a Variance is requested for the developer to utilize the alternative 'payment-in-lieu' option noted in the City of Albuquerque DPM Section 6-12(C)(1), to be coordinated with the City Hydrology Engineer. The findings for the Grading and Drainage Plan [will] be discussed at DRB." *Columbus objects to the amendment to the site plan to the extent that the drainage from the Subject Parcel will affect or change its parcel in any way. Columbus also objects to any variance granted for the Subject Parcel, any arrangement for the payment-in-lieu option noted above, and any other changes to or approvals for the Subject Parcel that would in any way affect or change Columbus's parcel in any way. Columbus specifically requests that the EPC require as a condition to the DRB approval that any drainage, including any granted variance or other plan, not affect or change Columbus's parcel in any way.*

- b. Transportation. The Supplemental Staff Report states the following: "the DRB shall fully consider the transportation issues in the vicinity of the subject site including, but not limited to, traffic generated by the proposed development, pedestrian safety, vehicular circulation, and access, and that mitigation measures to improve safety and walkability be implemented in coordination with the City Engineer." *Columbus objects to the amendment to the site plan to the extent that access to its parcel will be affected or changed in any way and requests that the EPC require as a condition to the DRB approval that Columbus's access not be affected or changed.*
- c. Paved Trail. As noted in the Supplemental Staff Report, there is a proposed paved trail that would border the Subject Parcel. This also borders Columbus's property. The staff report states that "an improved asphalt multi-purpose trail with an access easement for City maintenance should be provided. Infrastructure requirements can be finalized by the DRB." *Columbus supports this condition to approval and objects to any change that would eliminate this requirement.*
- d. Fire Plan. The original Staff Report states that no information has been shown with regard to a fire plan. The amended site plan originally submitted in this matter cut off access to the fire hydrant located on the Access Road. *Columbus objects to the amendment to the site plan to the extent that fire access and safety for its parcel will be affected or changed in any way and requests that the EPC require as a condition to the DRB approval that fire access and safety for Columbus's parcel not be affected or changed.*
- e. Sewer System and Other Utilities. The current site plan did not contemplate a residential apartment complex. *Columbus objects to the amendment to the site plan to the extent that the current sewer system or other utilities will be affected or changed in any way and requests that the EPC require as a condition to the DRB approval that any changes cannot affect or change Columbus's parcel in any way.*

Columbus also objects to the EPC approving the amendment to the site plan without any of the above requested conditions included.

- 5. **Findings.** At this time, Columbus's understanding is that the Access Road is going to remain open to two-way traffic. This is integral to the entire development and original goals of the larger development that makes up the current site plan to which amendment is being sought. Because the original amended site plan submitted for the Subject Parcel showed that the Access Road was to be closed, many of the findings in the original Staff Report conflict with the overall goals and policies stated therein. *Columbus hereby objects to the portions of the Supplemental Staff Report that indicate that certain goals and policies with regard to interconnectivity, access, and walkability will be met, unless it is made clear that the reason these goal and policies are being met is due to the Access Road being left open to two-way traffic.* These goals and policies include, but are not limited to the following:
 - a. Subpolicy 5.1.1(a): create walkable places that provide opportunities to live, work, learn, shop and play.

- b. Subpolicy 5.1.1(h): encourage all new development, especially in designated Centers and Corridors, to address transit connections, linkages, and opportunities within the proposed development.
- c. Policy 5.1.6 – Activity Centers: foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.
- d. Subpolicy 5.1.6(a): incorporate a compatible mix of commercial and residential uses with a range of higher-density housing types.
- e. Goal 5.2 – Complete Communities: foster communities where residents can live, work, learn, shop and play together.
- f. Goal 5.2.1 – Land Uses: create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
- g. Goal 5.3 – Efficient Development Patterns: promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Columbus also requests that as a condition to EPC approval, a specific finding be entered that the Access Road is an integral part of the Subject Parcel and surrounding areas, including the entire area that is subject to the original site plan, and that the Access Road must be left open. Columbus objects to the EPC approving the amendment to the site plan without this finding.



Robin James

Associate Attorney | Modrall Spierling | www.modrall.com

P.O. Box 2168 | Albuquerque, NM 87103-2168

500 4th St. NW, Ste. 1000 | Albuquerque, NM 87102

D: 505.848.1864 | O: 505.848.1800 | C: 505.280.1405

Exhibit B

RECORDING REQUESTED BY
AND AFTER RECORDING RETURN TO:

Stoel Rives LLP
600 University St. Ste. 3600
Seattle, WA 98101
Attn: Sallie Lin

DECLARATION OF ACCESS EASEMENT

THIS DECLARATION OF ACCESS EASEMENT ("**Declaration**") is made as of _____, 2021 (the "**Effective Date**"), by Sedona West, LLC, a New Mexico limited liability company ("**Declarant**").

RECITALS

- A. Declarant is the owner of a parcel of real property in Bernalillo County, New Mexico, which real property is legally described on the attached Exhibit A (the "**Property**").
- B. Declarant intends to construct a multi-family residential project (the "**Project**") on the Property. For the purposes of this Declaration, the Project includes any revisions or modifications to the Project.
- C. Declarant intends to declare a vehicular access easement over and across a portion of the Property (the "**Access Drive**"), as more particularly described herein. After completion of construction of the Access Drive and the Project, the general public and emergency vehicles shall be permitted to use the Access Drive for the limited purposes described herein, subject to the terms and conditions herein.

DECLARATION

NOW, THEREFORE, Declarant covenants and agrees, on behalf of itself and its heirs, successors, and assigns, as follows:

1. Grant of Easement. Declarant hereby declares a non-exclusive ingress and egress access easement (the "**Easement**") over, upon, and across the Access Drive, as legally described in the attached as Exhibit B ("**Easement Area**"), subject to the terms, conditions, and limitations contained herein. The Easement may only be used by (a) emergency vehicles, (b) vehicles of the general public that are accessing the shopping center located on Coors Boulevard (the "**Easement Users**"). Pedestrians are not permitted to use the Access Drive. Use of the Easement is subject to the rights of any other users and permittees of the Easement Area, including but not limited to the residents and occupants of the Project.

- 1 -

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2. Limitations on Use of the Easement Area. The Easement is limited as follows:

- (a) The speed limit for all vehicles is 15 miles per hour. Declarant may post signs indicating the speed limit.
- (b) In order to discourage non-permitted cut-through traffic, Declarant may post signs indicating that cut-through traffic is not permitted.
- (c) Traffic calming measures, including but not limited to speed humps, speed table, and textured paving, may be installed by Declarant at any time.
- (d) Commercial trucks are prohibited. Declarant may post signs indicating no commercial vehicles are permitted.
- (e) Hours of use of the Easement Area may be limited to normal business hours only. Declarant may post signs indicating permitted hours of use (e.g. 7 AM to 10 PM).
- (f) No vehicular parking is permitted.

Declarant reserves the right to impose additional limitations on the use of the Easement Area, as may be needed to avoid adverse impacts to the condition of the Access Drive or the safety and/or security of residents and occupants of the Project.

3. Covenants Running with Land. The Easement and the restrictions hereby imposed shall be deemed easements, restrictions and covenants running with the land and shall inure to the benefit of and be binding upon, Declarant and its successors and assigns; provided, however, and notwithstanding the foregoing, the Easement and rights granted hereunder may be terminated by Declarant and its successors and assigns, pursuant to any misuse, expansion of use, adverse use, or overburdening of, the Easement Area, as determined in the sole discretion of Declarant, and its successors and assigns, including, without limitation, pursuant to limitations of the Easement described in Section 2 above.

4. Assumption of Risk; No Warranty. Declarant is providing the Easement Area AS-IS, WHERE-IS and WITHOUT WARRANTY. The use of the Easement shall be limited to the uses set forth in this Declaration, and the Easement User's rights under this Declaration shall not be exercised in any manner which (exigent circumstances, to the extent necessary, excepted), unreasonably interferes with (i) any other purposes for which the Property is being, or will be, used, or (ii) with any and all existing rights and easements relating to Declarant or the Property or any part thereof. Any use of the Easement Area is at the Easement Users sole risk.

5. Term. This Declaration shall commence on the date of its recording.

6. Access During Construction. The Project and the Access Drive have not yet been constructed on the Property. During construction of the Project and the Access Drive, any rights to use the Easement Area shall be subject to the requirements of the construction of the Project and the Access Drive. After the completion of the construction of the Project and the Access Drive, Declarant may record an update to this Declaration to provide the as-built location of the Access Drive to the extent reconstructed or modified in the Easement Area.

7. Governing Law. This Declaration shall be governed by and construed in accordance with the internal laws of the State of New Mexico.

8. Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Property, the Easement Area, or the Access Drive to the general public or for any public purposes whatsoever, it being the intention of the Declarant that this Declaration shall be strictly limited to and for the purposes herein expressed. The right of the public or any person to make any use whatsoever of the Easements, or any portion thereof (other than any use expressly allowed by a written or recorded map, agreement, deed or dedication) is by permission, and subject to the control of the owner of the affected Property in accordance in this Declaration. This Declaration does not create any rights in any third party.

[No further text.]

DRAFT

IN WITNESS WHEREOF, this Declaration is executed on the day and year first above written.

DECLARANT:

Sedona West, LLC,
a New Mexico limited liability company

By: _____
Name: _____
Title: _____

STATE OF NEW MEXICO
COUNTY OF BERNILILLO

This record was acknowledged before me on _____, 2021, by _____, as _____ of Sedona West, LLC, a New Mexico limited liability company.

Notary Public for the State of New Mexico
My commission expires: _____

EXHIBIT A

Legal Description of the Property

The land referred to herein below is situated in the County of Bernalillo, State of NM, and is described as follows:

Tract A-2-A-A, of The Plaza at Paseo Del Norte, City of Albuquerque, Town of Alameda Grant, Bernalillo County, New Mexico, as shown on the Plat of Tracts A-2-A-A & B-1-A The Plaza at Paseo Del Norte, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on December 18, 2007, in Plat Book 2007C, Page 347, as Document No. 2007169358.

DRAFT

112990907.40071393.00011

EXHIBIT B

Legal Description of Easement Area

[to be attached]

DRAFT

112990907.4 0071393-00011

Exhibit C

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

August 19, 2021

Robert Gibson
Sedona West LLC
8220 Louisiana Blvd. NE
Suite B
Albuquerque NM, 87113

Project #2021-005442
SI-2021-00569 - Site Improvement
Major Amendment to Site Plan

LEGAL DESCRIPTION:

Dekker/Perich/Sabatini (DPS), agent for Robert Gibson, Sedona West LLC, requests the above action for an approximately 7.2 acre portion of the following: Tracts A3A & A4A and Tracts D & E; Tract A-2-A-A and Tract B-1-A Plat of Tracts A-2-A-A & B-1-A; Tracts C-1-A and C-1-B Plat of Tracts C-1-A & C-1-B; and Tract A-1-A-1 Plat of Tract A-1-A-1 The Plaza at Paseo del Norte, zoned MX-M, located on Eagle Ranch Rd. NW, between Paradise Blvd. NW and Irving Blvd. NW, approximately 74.8 acres (C-13-Z)

Staff Planner: Silvia Bolivar

On August 19, 2021, the Environmental Planning Commission (EPC) voted to APPROVE Project #2021-005442, SI-2021-00569, a Major Amendment to a Site Plan-EPC, based on the following Findings:

1. The request is for a Major Amendment of a Prior Approved Site Development Plan for a property legally described as described as Tracts A3A & A4A and Tracts D & E; Tract A-2-A-A and Tract B-1-A Plat of Tracts A-2-A-A & B-1-A; Tracts C-1-A & C-1-B Plat of Tracts C-1-A & C-1-B; and Tract A-1-A-1 Plat of Tract A-1-A-1, located on Eagle Ranch Road NW between Paradise Boulevard NW and Irving Boulevard NW, approximately 74.8-acres.
2. The applicant proposes to amend the prior approved site development plan in the following manner:

Develop a portion of the subject site (approx. 7.2-acres) with a multi-family use (218 dwelling units) on Eagle Ranch Road instead of the 71,800 square feet of office space that had been approved. The request was reviewed using a new site plan (submitted on August 9, 2021), which will also go through the Development Review Board (DRB) process.
3. The subject site is zoned MX-M (Mixed Use – Medium Intensity). The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors. Allowable uses are shown in IDO Table 4-2-1.

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4. The EPC is hearing this case pursuant to IDO section 14-16-6-4(Z) Amendments of Pre-IDO Approvals. Major amendments shall be reviewed by the decision-making body that issued the permit or approval being amended, following the procedures for the most closely equivalent decision in Part 14-16-6 (Administration and Enforcement). The amendment exceeds the thresholds found in IDO table 6-4-4: Allowable Minor Amendments, therefore it is classified as a Major Amendment pursuant to IDO section 14-16-6-4(Z)(1)(b).
5. The subject site is located in an Area of Change as designated by the Comprehensive Plan and is within the boundaries of the Coors/Paseo del Norte Activity Center.
6. The subject site is part of the Northwest Mesa Community Planning Area (CPA).
7. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
8. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 4: Community Identity.
 - A. Policy 4.2.2 Community Engagement – Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

The request furthers this policy as the applicant and agent met with neighborhood associations through facilitated meetings to address their concerns over the site plan major amendment. Community engagement is crucial in the process of a Site Plan EPC-Major Amendment, and the applicant has participated in informational meetings with stakeholders who will ultimately support or oppose the request.
9. The request is generally consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use that pertain to Centers and Corridors.
 - A. Goal 5.1: Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request would contribute to grow as a community of strong Centers connected by a multi-modal network of Corridors as the subject site lies within the Coors/Paseo del Norte Activity Center and is within walking distance Coors Boulevard, an urban principal arterial.
 - B. Subpolicy 5.1.1(a): Create walkable places that provide opportunities to live, work, learn, shop and play.

The request would further this subpolicy by creating walkable places that provide opportunities to live, work, learn, shop, and play as the subject site is located in the Coors/Paseo del Norte Activity Center and is within the Coors Boulevard CPO-2. There are employment areas nearby along with development along Coors Boulevard that provide areas to shop and play. The site development plan shows that a walkable, pedestrian-friendly environment has been created that ties with the surrounding existing development along Eagle Ranch Road NW, Paradise Blvd. NW, and Irving Blvd. NW.

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- C. Subpolicy 5.1.1(c): Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The request partially fulfills this subpolicy as compact development, redevelopment and infill of the subject site will be created in a Center and Corridor in order to accommodate growth over time and discourage the need for development at the urban edge. However, employment density is not being created by amending the existing site plan to allow a multi-family apartment community.

- D. Subpolicy 5.1.1(f): Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.

The requested site plan amendment would discourage development of single-family housing as an inappropriate use in Centers and Corridors as the subject site is located in the Coors/Paseo del Norte Activity Center. The premise of Activity Centers is to provide convenient, day-to-day services at a neighborhood scale to serve the surrounding area within a 20-minute walk or short bike ride. Activity Centers are intended to provide a mix of neighborhood commercial and residential uses at a slightly higher density than the surrounding single-family homes that are located across from Agate Hills Road NW.

- E. Subpolicy 5.1.1(h): Encourage all new development, especially in designated Centers and Corridors, to address transit connections, linkages, and opportunities within the proposed development.

The request furthers this subpolicy to encourage all new development in a designated Center to address transit connections, linkages, and opportunities within the proposed development. The subject site lies within the Coors/Paseo del Norte Activity Center and the area is serviced by Commuter Route 94 that runs north-south on Eagle Ranch Road NW, with stop-pairs immediately adjacent to the site. Fixed Routes 96 and 155, run north-south on Coors Boulevard and are easily accessible from the site.

- F. Policy 5.1.2 – Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The subject site is near Coors Boulevard and within the Coors/Paseo del Norte Activity Center that are intended to receive more intense growth as designated by the Comprehensive Plan. The request would facilitate development of the subject site with a multi-family use that would be located in an Area of Change and would support and encourage transit usage while maintaining appropriate densities and scale of development. The request would also reinforce the intensity and character of the surrounding areas.

- G. Policy 5.1.6- Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

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The subject site is located in the Coors/Paseo del Norte Activity Center, and the requested site plan amendment to allow a multi-family use will permit for a range of amenities on the subject site that will support healthy lifestyles of the residents of the subject site. However, the needs of nearby residents will not be met because the request will not provide services.

- H. Subpolicy 5.1.6(a): Incorporate a compatible mix of commercial and residential uses with a range of higher-density housing types.

The request furthers subpolicy 5.1.6(a) as the requested site plan amendment will incorporate a compatible mix of residential uses with a range of higher-density housing types in the Coors/Paseo del Norte Activity Center.

10. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use that pertain to communities.

- A. Goal 5.2 – Complete Communities: Foster communities where residents can live, work, learn, shop and play together.

The request would facilitate development of the subject site with a multi-family use and would provide additional opportunities for residents to live, work, and shop in the area. The request would foster complete communities where residents can live and work together because the proposed development would be within walking distance of surrounding commercial development, in an Activity Center, and with access to ABQ Ride Routes 94, 95 and 15.

- B. Goal 5.2.1 – Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request would contribute to creating a healthy, sustainable and distinct community with a mix of uses because it would reinforce a similar type of housing found southwest of the subject site (Eagle Ranch Apartments). There are a mix of uses conveniently accessible on Irving Blvd. NW and Coors Boulevard.

- C. Subpolicy 5.2.1(d): Encourage development that broadens housing options to meet a range of incomes and lifestyles.

The request would further this subpolicy by allowing for a range of apartment sizes that would include 1-3 bedrooms at a range of prices.

- D. Subpolicy 5.2.1(f): Encourage higher density housing as an appropriate use in the following situations:

- i. Within designated Centers and Corridors;
- ii. In areas with good street connectivity and convenient access to transit;
- iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing land uses, and where adequate infrastructure is or will be available.

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The request would further this subpolicy because it would encourage higher density housing in the Coors/Paseo del Norte Activity Center, in an area with good street connectivity, and in an area with a mixed density pattern already established. The subject site has convenient access to transit (Ride Routes 94, 96, and 155) and has adequate infrastructure in place.

11. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use pertaining to efficient development patterns and infill development.

- A. Goal 5.3 – Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The subject site is already served by existing infrastructure and public facilities, so the development made possible by the request would generally promote efficient development patterns and use of land.

- B. Policy 5.3.1 – Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The request will facilitate development of the subject site and is considered infill development as it is surrounded by existing City infrastructure and various services. The proposed multi-family use would be infill development on a vacant site within an area of existing single-family residential subdivisions and mixed-use zones and would be consistent with the surrounding areas found southwest of the subject site.

- C. Goal 5.6- City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The request furthers this Goal because the subject site is in an Area of Change and the requested site plan amendment would allow for an efficient development process for the subject site, thereby directing growth where it is expected and desired as well as reinforcing the intensity of the area.

- D. Policy 5.6.2 – Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelop Areas where change is encouraged.

The request will facilitate additional housing at a variety of densities within an Area of Change. The proposed development includes dwelling units within a traditional multi-family building, as well as the addition of a clubhouse, fitness center and amenities. The higher density housing in this location will support the transit available (Routes 94, 96 and 155) while supporting the commercial and retail uses found near the subject site.

12. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 9: Housing.

- A. Goal 9.3 – Density: Support increased housing density in appropriate places with adequate services and amenities.

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The request would allow and support development of increased housing density in an area near Coors Boulevard and the Coors/Paseo del Norte Activity Center which are appropriate places for such development.

- B. Subpolicy 9.3.2(a): Encourage higher-density residential and mixed-use development as appropriate uses near existing public facilities, educational facilities, job centers, social services, and shopping districts.

The request will encourage higher density and mixed-use development near existing public facilities and shopping districts. However, Albuquerque Public Schools has noted that the proposed development will impact Petroglyph Elementary School, James Monroe Middle School, and Cibola High School. Petroglyph Elementary School is operating at enrollment above capacity and development will be a strain on this school. The request partially furthers sub policy 9.3.2(a) as the proposed site plan amendment.

13. The request meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6(J)(3) as follows:

- A. 14-16-6(J)(3)(a) As demonstrated by the policy analysis of the site plan, the request is consistent with applicable Comprehensive Goals and Policies.
- B. 14-16-6(J)(3)(b) The subject site is zoned MX-M; therefore, this criterion does not apply.
- C. 14-16-6(J)(3)(c) With the application of conditions of approval, the site plan will comply with all applicable provisions of the IDO. The request will need to be reviewed by the Development Review Board (DRB) to ensure compliance with applicable provisions of the Development Process Manual (DPM). As per the IDO, the EPC will determine whether any deviations from typical Mixed-Use development are acceptable in this proposed major amendment.
- D. 14-16-6(J)(3)(d) The request will be reviewed by the Development Review Board (DRB), which is charged with addressing infrastructure and ensuring that infrastructure such as streets, trails, sidewalks, and drainage systems has sufficient capacity to serve a proposed development.
- E. 14-16-6(J)(3)(e) The future, proposed development will be required to comply with the decisions made by two bodies- the EPC and the DRB. The EPCs' conditions of approval will improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas. The DRB's conditions will ensure infrastructure is adequately addressed so that a proposed development will not burden the surrounding area.
- F. 14-16-6(J)(3)(f) The subject property is not within an approved Master Development Plan; therefore, this criterion does not apply.
- G. 14-16-6(J)(3)(g) The subject property is not within the Railroad and Spur Area and no cumulative impact analysis is required, therefore this criterion does not apply.

14. At the public hearing, several nearby residents expressed concern about the impacts of additional traffic on an area they believe is already congested, and has problems with traffic circulation and pedestrian circulation. Safety and walkability are major concerns. Pursuant to 14-16-6(J)(3)(c), the Site Plan-EPC can be approved if it mitigates significant, adverse impacts on the project site and the surrounding area. The EPC discussed the importance of addressing transportation issues and mitigating any future impacts to the maximum extent practicable.

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15. The affected, registered neighborhood organizations are the Westside Coalition of Neighborhood Associations, Paradise Hills Civic Association, Vista Montecito HOA Inc. Property owners within 100 feet were also notified as required.
16. A pre-application meeting was held online with members of the Vista Montecito HOA on April 21, 2021. The purpose of the meeting was to provide information on the proposed project and several items were discussed including concern about increased traffic, visibility issues related to traffic, the architectural style of the development and security issues. The general consensus was the new development would be an improvement.
17. A post-submittal facilitated meeting was held on June 4, 2021 with members of the community who had expressed concern regarding the proposed amendment. Concern centered on entryways off of Eagle Ranch Road, the increase in traffic by the future, proposed 218 units, and if a traffic study had been performed. Other issues were related to traffic, stop signs, bus stops, apartment height, orientation, unit access, and appearance.
18. Two more facilitated meetings were held with members of the community who expressed concern regarding the proposed amendment. The two meetings were held on July 8, 2021 and July 19, 2021 (see attachments). Concern continued to be centered on entryways off of Eagle Ranch Road, increased traffic and increased density with loss of property values due to the proposed development, along with loss of views.
19. During the continuance period, Staff received additional comments from concerned neighbors. A couple of neighbors continue to oppose the request despite the developer agreeing to reduce the building height along Eagle Ranch Road. The applicant revised the site plan to address many of the concerns.
20. The application of Conditions of Approval to provide clarification, ensure compliance, and address mitigation of adverse impacts would also improve the extent to which the request is consistent with applicable Comprehensive Plan Goals and policies.
21. The EPC acknowledges the enormous amount of public comments and major community concerns regarding traffic on Eagle Ranch Road and the surrounding area, and therefore supports Condition #7. The public is also concerned about parking in the area and potential parking spill-over into the neighborhood.

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CONDITIONS OF APPROVAL – SI-2021-00569

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB) to ensure all technical issues are resolved. The DRB is responsible for ensuring that technical EPC Conditions have been satisfied and that other applicable City requirements have been met.
2. The applicant shall meet with the Staff planner prior to applying to the DRB to ensure that all conditions of approval are addressed and met. Upon receiving sign-off from the DRB, the applicant shall submit a finalized version of the site plan for filing at the Planning Department.
3. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
4. Walls & Security
 - A. A detail for the proposed retaining wall shall be provided.
 - B. Wall shall comply with IDO Section 14-6-5-7(E) Walls and Fences – Materials and Design.
5. Outdoor Gathering Areas
 - A. Indicate where the proposed amenities will be located throughout the development.
 - B. If shade structures and gazebos are to be included, provide details for these structures.
6. Signage
 - A. The location of the proposed monument if proposed shall be indicated.
 - B. The monument sign detail shall be dimensioned and shall specify colors and materials.
7. At the time of Development Review Board (DRB) submittal, the DRB shall fully consider the transportation issues in the vicinity of the subject site including, but not limited to, traffic generated by the proposed development, pedestrian safety, vehicular circulation, and access, and that mitigation measures to improve safety and walkability be implemented in coordination with the City Engineer.
8. Conditions from the Parks and Recreation Department shall be addressed: The MRMPO Long Range Bikeway System Map shows a Proposed Paved Trail in this location on the southeastern property line of the subject site, and an improved asphalt multi-purpose trail with an access easement for City maintenance should be provided. Infrastructure requirements can be finalized by the DRB.

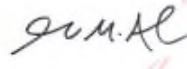
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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **September 3, 2021**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the IDO, Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,



Digitally signed by James M. Aranda
DN: cn=James M. Aranda, o=City of
Albuquerque, ou=Planning
Department,
email=jmearanda@cabq.gov, c=US
Date: 2021.08.23 10:14:19 -0600

for Alan M. Varela,
Planning Director

AV/SB

cc:

Robert Gibson c/o Sedona West LLC, rgibson@pacificap.com
Dekker/Perich/Sabatini, anthony@dpdesign.org
Vista Montecito HOA, Carol Nelson, 7654@gmail.com
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Paradise Hills Civic Association, Tom Anderson, taa@msn.com
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EPC file

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
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OFFICIAL NOTIFICATION OF DECISION

Robert Gibson, Sedona West LLC
8220 Louisiana Blvd. NE Suite B
Albuquerque, NM 87113

Project# PR-2021-005442
Application#
SI-2021-01714 EPC SITE PLAN FINAL SIGN-OFF

LEGAL DESCRIPTION:

All or a portion of **LOT A-2-A-A, THE PLAZA AT PASEO DEL NORTE** zoned MX-M, located on **EAGLE RANCH RD between PARADISE BLVD AND IRVING BLVD NW** containing approximately 7.12 acre(s). (C-13)

On November 17, 2021, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request, with delegation to ABCWUA and Planning for the EPC Site Plan Final Sign-off, based on the following Findings:

1. The EPC approved this project on August 19, 2021 per SI-2021-00569.
2. The Site Plan meets the EPC conditions. DRB staff coordinated with EPC staff on the request. EPC staff provided a memo stating the conditions were addressed.
3. The request proposal includes the construction of 218 multi-family residential dwellings on the site.
4. The proper notice was given as required by the IDO in Table 6-1-1.
5. Pursuant to 6-6(H)(3) Review and Decision Criteria An application for a Site Plan – EPC shall be approved if it meets all of the following criteria:

- a. 6-6(H)(3)(a) *The Site Plan is consistent with the ABC Comp Plan as amended.*

The Site Plan is consistent with the ABC Comp Plan as amended.

- b. 6-6(H)(3)(b) *The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.*

The site is zoned MX-M, future development must be consistent with the underlying zoning.

- c. 6-6(H)(3)(c) *The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.*

The features and improvements depicted on the Site Plan must meet the 2019 IDO requirements.

- d. 6-6(H)(3)(d) *The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.*

The site has access to a full range of urban services including utilities, roads and emergency services. A Traffic Impact Study was required and submitted, and the recommended mitigation measures were added to the Infrastructure List and approved with the Site Plan. The site has an approved Grading and Drainage Plan.

- e. 6-6(H)(3)(e) *The application mitigates any significant adverse impacts on the surrounding area to the maximum extent possible.*

The Landscape Plan complies with 5-6(D)(1)(c) of the IDO regarding street trees, and provides landscaping that complies with 5-6(D) of the IDO regarding street frontage landscaping.

6. An Infrastructure List was approved with the Site Plan. A Financial Guaranty/Infrastructure Improvements Agreement (IIA) must be approved and recorded.

Conditions:

1. Final sign-off is delegated to ABCWUA for changes and revisions to the Utility Plan as cited in the ABCWUA comments and discussed in the November 17, 2021 hearing regarding encroachments and updates to the Utility Plan.
2. Final sign-off is delegated to Planning for cross access easement language modifications that meet both applicant and City needs as discussed at the November 17, 2021 hearing; for traffic calming measures within the new easement; clarification of dimensioning of the site; the establishment of separate bike rack locations; for additional curb ramp call-outs; and for the recorded IIA.
3. The applicant will obtain final sign off from ABCWUA and Planning by February 16, 2021 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **DECEMBER 2, 2021**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to PLNDRS@cabq.gov and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



Jolene Wolfley
DRB Chair