

FORM S3: ADMINISTRATIVE APPLICATIONS – Development Facilitation Team (DFT) as of 12/25/2022**_ AMENDMENT TO INFRASTRUCTURE LIST**

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 to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- ___ 1) DFT Application form completed, signed, and dated
- ___ 2) Form S3 with all the submittal items checked/marked
- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ___ 4) Letter of authorization from the property owner if application is submitted by an agent
- ___ 5) Proposed Amended Infrastructure List
- ___ 6) Original Infrastructure List

_ TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

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- ___ 4) Letter of authorization from the property owner if application is submitted by an agent
- ___ 5) A scale drawing showing the location of the deferred sidewalk with appropriate dimensions

_ EXTENSION OF THE IIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

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- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled

- ___ 4) Letter of authorization from the property owner if application is submitted by an agent
- ___ 5) Letter describing, explaining, and justifying the deferral or extension
- ___ 6) Drawing showing the sidewalks subject to the proposed deferral or extension

**_ INFRASTRUCTURE LIST EXTENSION OR AN INFRASTRUCTURE IMPROVEMENTS AGREEMENT (IIA)
EXTENSION**

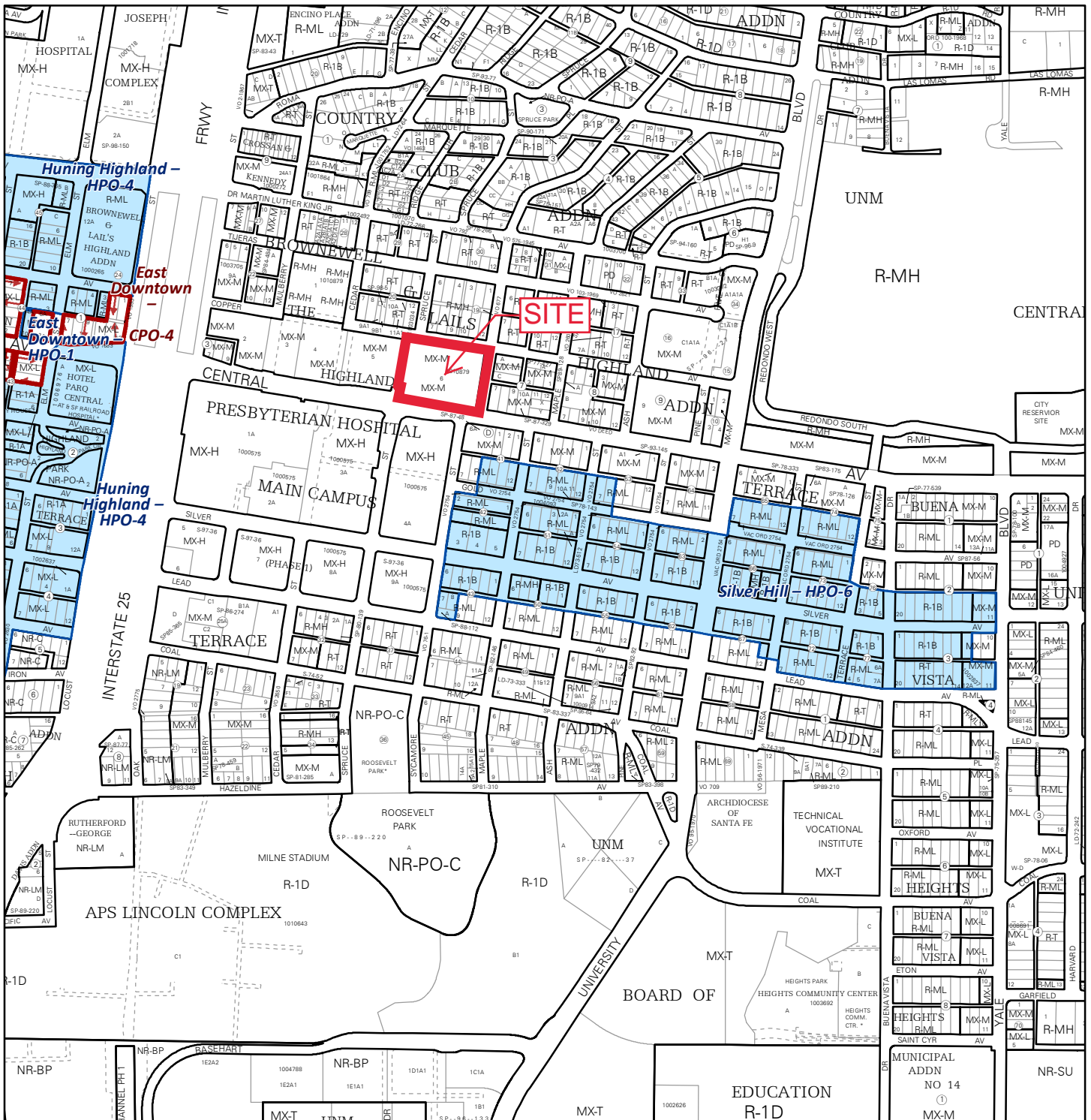
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- ___ 1) DFT Application form completed, signed, and dated
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- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ___ 4) Letter of authorization from the property owner if application is submitted by an agent
- ___ 5) Letter describing, explaining, and justifying the request per IDO Section 14-16-6-4(X)(4)
- ___ 6) Preliminary Plat or Site Plan
- ___ 7) Copy of DRB approved Infrastructure List
- ___ 8) Copy of recorded IIA

_ SKETCH PLAT OR SKETCH PLAN REVIEW AND COMMENT


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- ___ 1) DFT Application form completed, signed, and dated
- ___ 2) Form S3 with all the submittal items checked/marked
- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ___ 4) Letter describing, explaining, and justifying the request
- ___ 5) Scale drawing of the proposed subdivision plat or Site Plan
- ___ 6) Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way, and street improvements, if there is any existing land use











For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

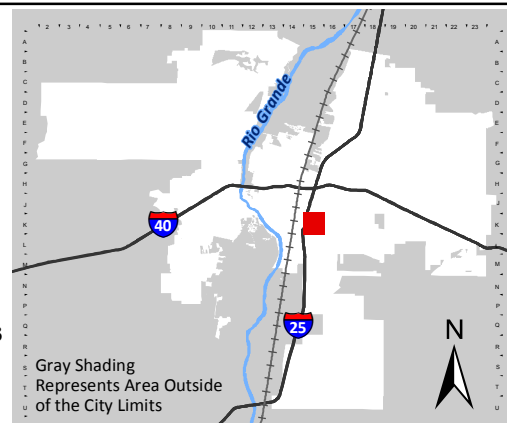
IDO Zone Atlas May 2018




IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).

Zone Atlas Page:
K-15-Z

-  Easement
-  Escarpment
-  Petroglyph National Monument
-  Areas Outside of City Limits
-  Airport Protection Overlay (APO) Zone
-  Character Protection Overlay (CPO) Zone
-  Historic Protection Overlay (HPO) Zone
-  View Protection Overlay (VPO) Zone



Gray Shading
Represents Area Outside
of the City Limits



0 250 500 1,000 Feet

February 1, 2022

Ms. Jolene Wolfley, DRB Chair
Albuquerque Planning Department
600 North 2nd Street NW
Albuquerque, NM 87102

Dear Ms. Wolfley,

The purpose of this letter is to authorize Consensus Planning, Inc. to act as agents for Cedar Investors/Titan Development for an extension of the infrastructure list and related actions necessary to finalized the Site Development Plan for the Highlands East project. The property is legally described as Tract 6, Plat of the Highlands, located at 1301 Central Avenue NE and containing approximately 2.85 acres.

Sincerely,



Kurt Browning
Cedar Investors, LLC
c/o Titan Development

c: Joshua Rogers, Titan Development



February 23, 2024

Jolene Wolfley, Chair
Development Facilitation Team
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

RE: Highlands East Infrastructure Improvement Agreement Extension

Landscape Architecture
Urban Design
Planning Services

Dear Chair,

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

The purpose of this letter is to request an extension of the Infrastructure Improvement Agreement (IIA) for Highlands East Site Development Plan on behalf of Ceder Investors, LLC. This project was approved in 2017 by the Environmental Planning Commission (EPC). The Development Review Board (DRB) subsequently signed off on the plan and approved the Infrastructure List in February 2018 based on the approved Infrastructure List, the developer prepared a Subdivision Improvement Agreement (SIA) now IIA which was recorded. An extension of the Infrastructure List and IIA was approved in 2022 by the DRB.

The property is legally described as Tract 6, Plat of the Highland and contains approximately 2.85 acres located at 1301 Central Avenue NE between Cedar Street and Sycamore Street.

The request meets the criteria relating to the Extension of Period Validity in the Integrated Development Ordinance (IDO) Section 14-16-6-4(X)(a)1 as follows:

- a. The applicant or property owner submits a written request for the time extension before the expiration of the original permit or approval with the Planning Director.**

The Site Development Plan, related Infrastructure List, and IIA were initially approved by the DRB on February 14th, 2018, and an extension was approved on February 16, 2022. As the equivalent Site Plan – EPC without all the Board members signatures as of the effective date of the IDO, the Site Plan is valid for 7 years from May 17, 2018, or until May 17, 2025, so the Applicant respectfully requests that the infrastructure list for the project be extended to finalize the still valid site plan it is associated with.

- b. The extension is considered, and a decision made by the same decision-making body as the initial approval, except that no public meeting or heading shall be required, if one would have been required under the IDO for the initial approval.**

PRINCIPALS

James K. Strozier, FAICP
Jacqueline Fishman, AICP

ASSOCIATES

Ken Romig, PLA, ASLA,
SITES AP

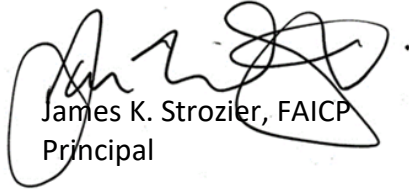


CONSENSUS

This extension request is being made by the DRB, which is the same decision-making body as the original infrastructure list approval, final sign-off the associated Site Development Plan, and previously approved extension.

Based on the information provided, we respectfully request approval of this extension.

Sincerely,



James K. Strozier, FAICP
Principal

DRB CASE ACTION LOG - BLUE SHEET

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

Site Plans: It is the responsibility of the applicant/agent/developer/owner to insert the DRB approved Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of building permit plan-sets. If the building permit plans have been submitted prior to the Site Plan for Subdivision and/or Site Plan for Building Permit being signed-off, then it is the responsibility of the applicant/agent/developer/owner to insert a copy of the signed-off Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of the building permit plan-sets.

Project# 1011115

18DRB-70006 - EPC APPROVED SITE PLAN
for BUILDING PERMIT
(16EPC-40083)

CONSENSUS PLANNING agent(s) for TITAN DEVELOPMENT/CEDAR INVESTORS LLC request(s) the above action(s) for all or a portion of Lot(s) A1, A2, 4-12, Block(s) 5 & 6, **BROWNEWELL AND LAIIS HIGHLAND ADDITION** zoned SU-2/SU-1 FOR MX, located on CENTRAL AVE NE between SPRUCE ST NE and SYCAMORE ST NE containing approx. 2.85 acre(s). (K-15)

2.14.2018

[Handwritten signature]

**Your request was approved on 2.14.2018 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed as follows:

Transportation:

ABCWUA:

City Engineer:

RECORDED SIA

Parks and Recreation:

Planning:

PLATS:

- Planning must record this plat. Please submit the following items:
 - a) Original plat and MYLAR copy for the County Clerk.
 - b) Tax certificate from County Treasurer.
 - c) Recording fee (checks payable to County Clerk). RECORDED DATE: _____
 - d) Tax printout from the County Assessor.
 - e) County Treasurer's signature must be obtained prior to recording of the plat with County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.
- PDF copy of the recorded plat (PLNDRS@cabq.gov).

SITE PLANS:

- 3 copies of the approved site plan. Include all pages.
- PDF copy of the approved plans (PLNDRS@cabq.gov)

Zipped files and files over 9 Megabytes will not get delivered via email.

LEGAL DESCRIPTION

A certain tract of land situated within the Town of Albuquerque Grant, in Projected Section 21, Township 10 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, being and comprising a portion of Lot 1 and Lot 12, Block 5, Spruce Street NE, and Block 6, as shown on the plats entitled BROWNEWELL & LAIL'S HIGHLAND ADDITION, filed in the office of the County Clerk of Bernalillo County, New Mexico on August 3, 1886; and plat entitled PLAT OF LOTS A-1 AND LOT A-2, BROWNEWELL & LAIL'S HIGHLAND ADDITION, filed in the office of the County Clerk of Bernalillo County, New Mexico on November 23, 1982, Book C20, Page 97, and being more particularly described as follows: BEGINNING at the northwesterly corner of the tract herein described, also being a point on the northerly right-of-way line of Copper Avenue NE, WHENCE a found City of Albuquerque Control Monument stamped, "4_K15", bears S81°50'30"W a distance of 1108.07 feet;

THENCE along the northerly boundary of the tract herein described, S80°52'45"E a distance of 422.35 feet to the northeasterly corner of the tract herein described, also being the northeasterly corner of said Block 6;

THENCE along the easterly boundary of the tract herein described, also being the westerly right-of-way line of Sycamore Street NE, S09°09'00"W a distance of 142.00 feet;

THENCE S09°28'34"W a distance of 16.00 feet;

THENCE S09°09'00"W a distance of 142.00 feet to the southeasterly corner of the tract herein described, also being the southeasterly corner of said Block 6;

THENCE along the southerly boundary of the tract herein described, also being the northerly right-of-way line of East Central Avenue SE, N80°52'45"W a distance of 149.96 feet;

THENCE leaving said East Central Avenue SE, N78°40'30"W a distance of 15.96 feet;

THENCE N80°50'46"W a distance of 39.37 feet;

THENCE N76°06'08"W a distance of 69.76 feet;

THENCE N80°50'46"W a distance of 41.18 feet;

THENCE N80°22'08"W a distance of 60.05 feet;

THENCE N80°50'46"W a distance of 10.02 feet;

THENCE N09°08'42"E a distance of 5.88 feet;

THENCE N80°51'18"W a distance of 5.87 feet;

THENCE N09°09'09"E a distance of 25.83 feet;

THENCE N80°50'51"W a distance of 0.50 feet;

THENCE N09°05'07"E a distance of 4.29 feet;

THENCE N80°52'45"W a distance of 29.85 feet to the southwesterly corner of the tract herein described;

THENCE N09°07'16"E a distance of 256.99 feet to the POINT OF BEGINNING.

This tract contains 2.8535 acres, more or less.

LEGEND

- DENOTES PROPERTY LINE
- 10/8 DENOTES NO. OF PARKING SPACES
NO. OF COMPACT PARKING SPACES
- ☐ DENOTES ACCESSIBLE PARKING AND ANSI TYPE 'A' DWELLING UNIT

DEVELOPMENT DATA

NET SITE AREA:
2.8549 ACRES (124,359 S.F.)

ZONING AND LAND USE:
CURRENT: SU-2 FOR CMU (C-2)
PROPOSED: SU-2/SU-1 FOR MIXED USE (MX) (FORM BASED CODE)

LAND USE:
MIXED USE DEVELOPMENT (RETAIL AND MULTI-FAMILY RESIDENTIAL)

BUILDING HEIGHT:
ALLOWED: 78 FEET (PER EPC APPROVAL OF MODIFICATION TO ALLOW HEIGHT PER 14-16-3-22(A)(6)(b)(1)(c))
PROPOSED: 78 FEET

DENSITY:
ALLOWED: NO LIMIT IN FORM BASED CODE 14-16-3-22(4)(b)(3)
PROPOSED: 228 DWELLING UNITS

SETBACKS PROVIDED:

BUILDINGS	SIDE (W)	REAR (N)	SIDE (E)	FRONT (S)
PARKING	6'3"-2"	7'-8"	8'	6'-4"
	11'-6"	NA	NA	6'3"-9"

FLOOR AREA RATIO:

BUILDING NET AREA 269,071 S.F.
F.A.R. PROVIDED 269,071 / 124,359 = 2.16

BUILDING AREAS:

LEVEL	GARAGE	R-2 RES.	A-3 REC FITNESS	ASSEMBLY TOTAL	B LEASING	M RETAIL	TOTAL
P1	71,610	-	4,000	3,714	7,714	1,334	84,888
P2	70,105	10,305	-	-	-	-	80,410
L1	-	61,192	920	-	920	-	62,112
L2	-	61,192	-	-	-	-	61,192
L3	-	61,192	-	-	-	-	61,192
L4	-	61,192	-	-	-	-	61,192
TOTAL	141,715	255,073	4,920	3,714	8,634	1,334	410,788

UNIT MIX:

LEVEL	STUDIO	1-BED	2-BED	3-BED	TOTAL
P2	1	7	1	-	6
L1	17	19	21	-	57
L2	17	19	21	-	57
L3	17	19	21	-	57
L4	3	19	22	4	48
TOTAL	55	83	86	4	228

MINIMUM USABLE OPEN SPACE REQUIRED AND PROVIDED

REQUIRED: 10% OF SITE AREA
124,359 X 10% = 12,436

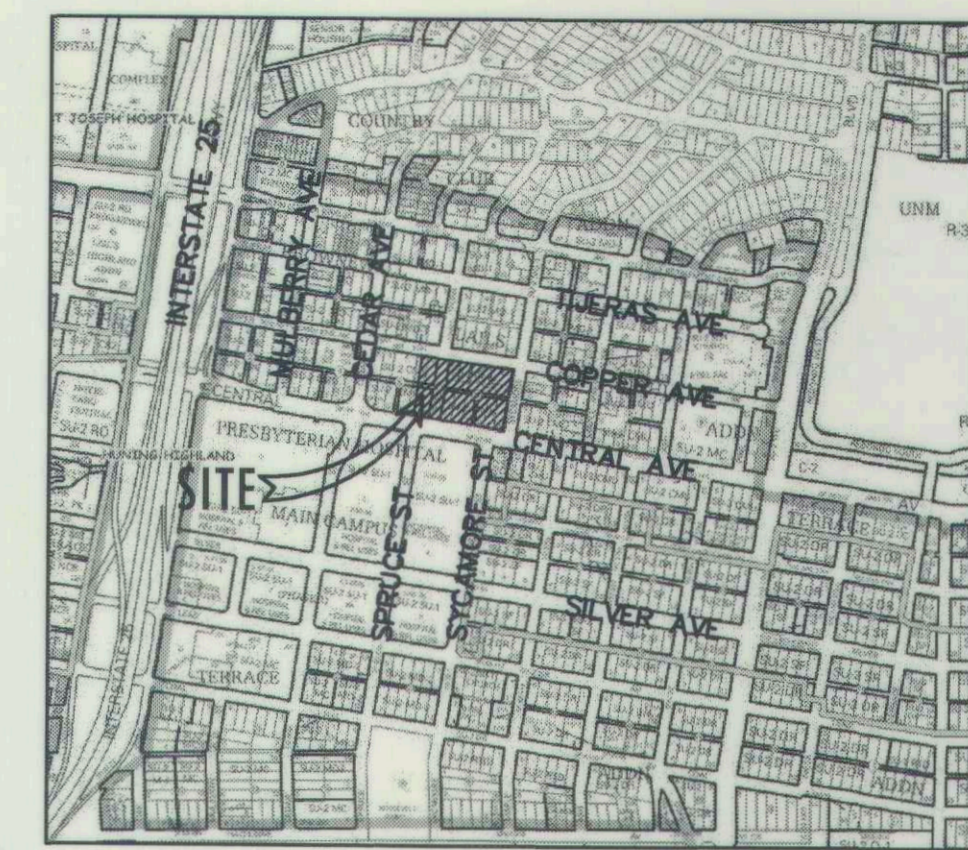
PROVIDED:
PRIVATE BALCONIES 16,135 SF
LEVEL L1 COURTYARDS 33,070 SF
TOTAL PROVIDED 49,205 SF

PARKING CALCULATIONS

PARKING TYPE REQUIRED	REQUIREMENT CALCULATIONS	TOTAL REQUIRED	PROVIDED
OFF-STREET	PER 14-16-3-22(3)(j), ALL FORM BASED MIX USES REQUIRE 1/1,000 NET SQUARE FEET RESIDENTIAL: 255,073 / 1,000 = 256 RETAIL: 4,030 / 1,000 = 5 TOTAL: 256 + 5 = 261 TRANSIT REDUCTION OF 15% 261 x 0.15 = 39 261 - 39 = 222	222	360
ACCESSIBLE	8 PER 101-300 OFF-STREET SPACES	8	8
BICYCLE	RESIDENTIAL USES REQUIRE 1 SPACE PER 2 DWELLING UNITS. 228 / 2 = 114 RETAIL USES REQUIRE 1 SPACE PER 20 PARKING SPACES. 5 / 20 = 1	115	116
MOTORCYCLE	1 PER 1-25 OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES.	1	2

TYPE OF BUILDING AND FRONTAGE:

BUILDING TYPE: FLEX BUILDING
FRONTAGE TYPE: CAFE AND STOREFRONT (SOUTH)
STOOPS (EAST AND NORTH)



VICINITY MAP

NOT TO SCALE

KEYNOTES

- 8'-6"x18" PARKING SPACE, TYPICAL, SEE DETAIL 01/A1.20
- 11"x18" ACCESSIBLE PARKING SPACE, SEE DETAIL 05/A1.20
- 8.5'x20' PARALLEL STREET PARKING.
- 9'x18" ANGLE STREET PARKING.
- ACCESSIBLE DRIVEWAY CROSSING MARKING TO COMPLY WITH REGULATIONS IN THE FORM BASED CODE.
- TRASH YARD ENCLOSURE WITH COMPACTOR SURROUNDED BY 8' CMU WALL PAINTED TO MATCH BUILDINGS, SEE DETAIL 14/A1.20. TRASH YARD TO BE SHARED WITH PROPERTY TO THE WEST AND EASEMENT WILL BE CREATED AS NEEDED.
- ELECTRONIC ENTRY GATE TO BE EQUIPPED FOR FIRE DEPARTMENT ACCESS, SEE DETAIL 28/A1.21.
- PEDESTRIAN ENTRY GATE, SEE DETAIL 23/A1.21.
- WROUGHT IRON FENCE, SEE DETAIL 19/A1.21.
- 6' SIDEWALK CONNECTING TO PUBLIC WAYS.
- 6' MINIMUM CLEAR WALKWAY AROUND SITE.
- BUILDING DIRECT ACCESS TO STREET.
- REVISED CURB RETURNS FROM HDR'S ART DESIGN TO ACCOMMODATE NEW SITE. FURTHER COORDINATION WITH THE CITY AND HDR WILL BE REQUIRED.
- 35'x35' VISIBILITY TRIANGLE AT STREET CORNER.
- 12' ABOVE WATER LINE EASEMENT.
- 20' ABOVE WATER LINE EASEMENT.
- 3' WATER METER EASEMENT.
- 5' GAS LINE EASEMENT.
- 17' x 21' PNM SWITCH GEAR EASEMENT.
- 3' x 10' COMCAST EASEMENT.
- 7' PUE EASEMENT.
- BICYCLE PARKING LOCATION.
- SITE DIRECTORY AND CALL BOX LOCATION, SEE DETAIL 17/A1.21.

PEDESTRIAN REALM

THE PROPOSED DEVELOPMENT WILL FEATURE AN APPROXIMATELY 25-FOOT-WIDE URBAN PEDESTRIAN REALM ALONG CENTRAL AVENUE THAT WILL INTERACT WITH THE BUILDING FRONTAGE AND ADJACENT RIGHT-OF-WAY. THE PEDESTRIAN REALM WILL BE AN INVITING AND PLEASANT ENVIRONMENT FOR WALKERS, SHOPPERS, AND RESIDENTS. THIS AREA WILL FEATURE STREET TREES, PLANTERS, SPECIALTY PAVING, GLAZING AND STOREFRONTS ALONG THE BUILDING, SITTING AREAS IN FRONT OF THE RETAIL SPACE, AND OTHER AMENITIES. THIS AREA IS CONSISTENT WITH THE FORM BASED CODE, WHICH SPECIFIES A 'USABLE PEDESTRIAN REALM' THAT ACCOMMODATES STREET DESIGN AND APPROPRIATE BUILDING PLACEMENT.

GENERAL NOTES

- ALL IMPROVEMENTS LOCATED IN THE RIGHT OF WAY MUST BE INCLUDED ON A WORK ORDER.
- LANDSCAPING, FENCING, AND SIGNING WILL NOT INTERFERE WITH CLEAR SIGHT REQUIREMENTS. THEREFORE, SIGNS, WALLS, TREES, AND SHRUBBERY BETWEEN 3 AND 8 FEET TALL (AS MEASURED FROM THE GUTTER PAN) WILL NOT BE ACCEPTABLE IN THE CLEAR SIGHT TRIANGLE.
- THE MATERIALS USED FOR CROSSWALKS WILL COMPLY WITH REGULATIONS IN THE FORM BASED CODE.
- SITE WILL COMPLY WITH THE LIGHTING STANDARDS IN THE FORM BASED CODE AND CITY'S ZONING CODE 14-16-3-22(C)(6).

PROJECT NUMBER:
Application Number:

This Plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated _____ and the Findings and Conditions in the Official Notification of Decision are satisfied.

Is an Infrastructure List required? () Yes () No If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL:

Ramon Mendez 2/14/18
Traffic Engineering, Transportation Division Date

Sam Entegrand 2/14/18
ABCWJA Date

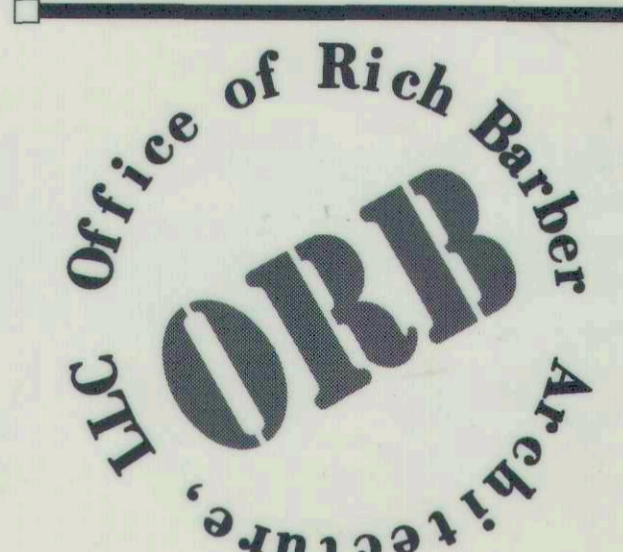
Bob Cill 2/14/18
Parks and Recreation Department Date

City Engineer Date

Solid Waste Management Date

DRB Chairperson, Planning Department Date

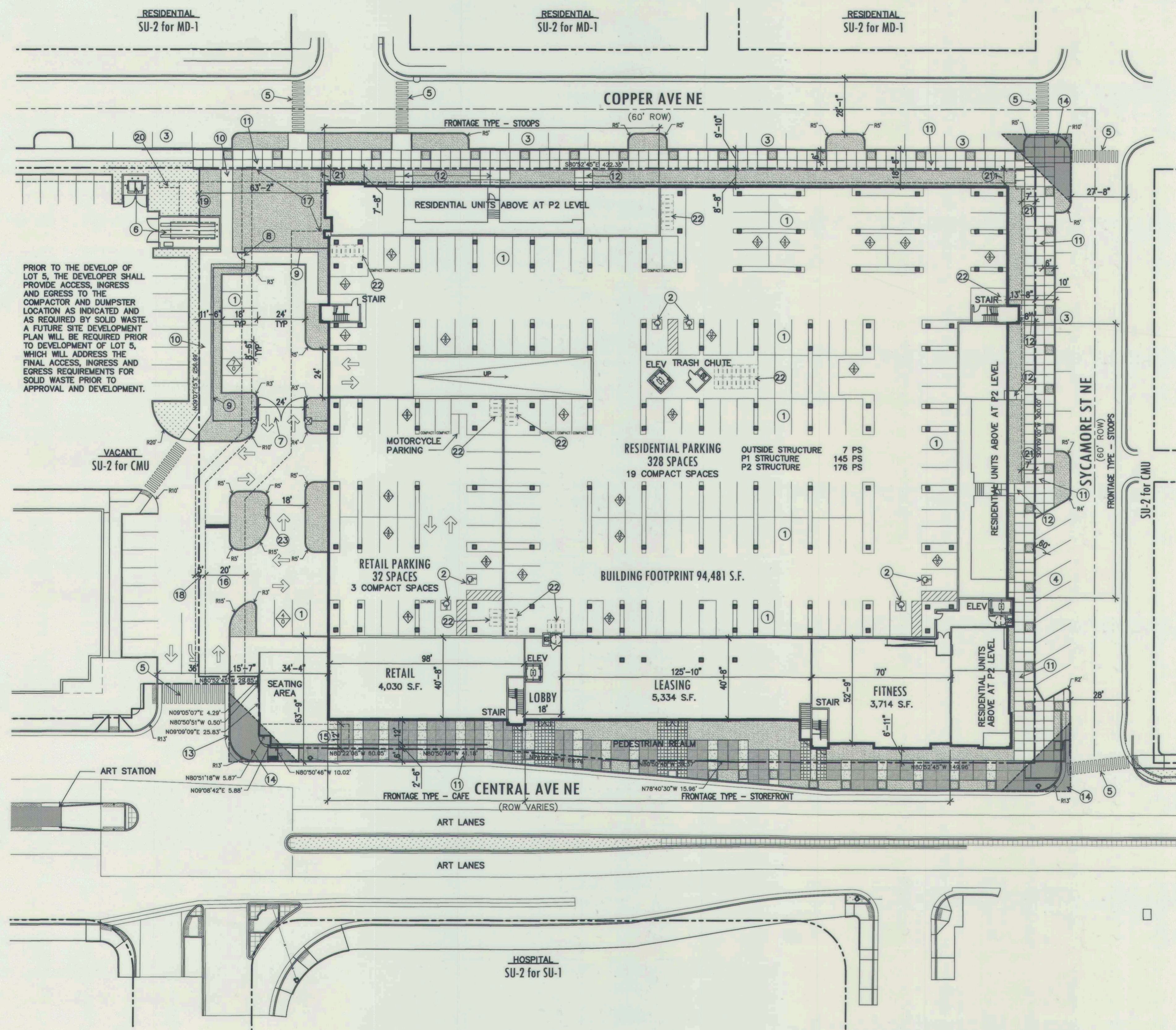
BROADSTONE EAST-BLOCK
NEC EAST CENTRAL AVE AND SPRUCE ST NE ALBUQUERQUE, NEW MEXICO



WorldHQ@ORBArch.com

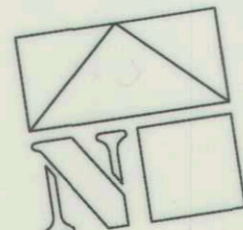


FILE: T:\Orb\ORB Job Files\Y6-213_Titan_Eastblock\CAD Files\Preliminary\6213 A110 Site Plan.dwg USER: jca DATE: Feb, 06 2018 TIME: 10:59 am



PRELIMINARY SITE PLAN

SCALE: 1" = 30'-0"



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THENCE along the northerly boundary of the tract herein described, S80°52'45"E a distance of 422.35 feet to the northeasterly corner of the tract herein described, also being the northeasterly corner of said Block 6;

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- ◇ NO. OF COMPACT PARKING SPACES
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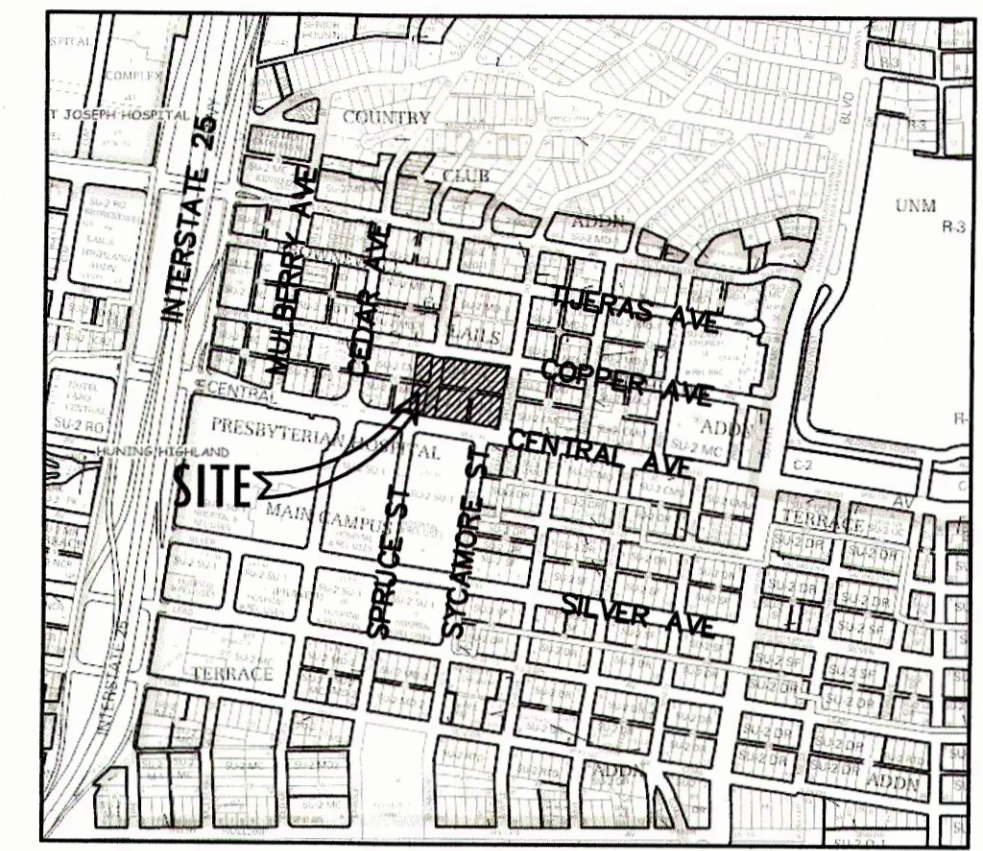
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LAND USE: MIXED USE DEVELOPMENT (RETAIL AND MULTI-FAMILY RESIDENTIAL)

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PROPOSED: 78 FEET

DENSITY:
ALLOWED: NO LIMIT IN FORM BASED CODE 14-16-3-22(4)(b)(3)
PROPOSED: 228 DWELLING UNITS



VICINITY MAP
NOT TO SCALE

KEYNOTES

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- 11'x18" ACCESSIBLE PARKING SPACE, SEE DETAIL 05/A1.20
- 8'x20' PARALLEL STREET PARKING.
- 9'x18" ANGLE STREET PARKING.
- ACCESSIBLE DRIVEWAY CROSSING MARKING TO COMPLY WITH REGULATIONS IN THE FORM BASED CODE.
- TRASH YARD ENCLOSURE WITH COMPACTOR SURROUNDED BY 8' CMU WALL PAINTED TO MATCH BUILDINGS, SEE DETAIL 14/A1.20. TRASH YARD TO BE SHARED WITH PROPERTY TO THE WEST AND EASEMENT WILL BE CREATED AS NEEDED.
- ELECTRONIC ENTRY GATE TO BE EQUIPPED FOR FIRE DEPARTMENT ACCESS, SEE DETAIL 23/A1.21.
- PEDESTRIAN ENTRY GATE, SEE DETAIL 19/A1.21.
- WROUGHT IRON FENCE, SEE DETAIL 19/A1.21.
- 6' SIDEWALK CONNECTING TO PUBLIC WAYS.
- 6' MINIMUM CLEAR WALKWAY AROUND SITE.
- BUILDING DIRECT ACCESS TO STREET.
- REVISED CURB RETURNS FROM HERZ'S ART DESIGN TO ACCOMMODATE NEW SITE. FURTHER COORDINATION WITH THE CITY AND HDR WILL BE REQUIRED.
- 35'x35' VISIBILITY TRIANGLE AT STREET CORNER.
- 12' ABCWUA WATER LINE EASEMENT.
- 20' ABCWUA WATER LINE EASEMENT.
- 3" WATER METER EASEMENT.
- 5' GAS LINE EASEMENT.
- 17' x 21' PNM SWITCH GEAR EASEMENT.
- 3' x 10' COMCAST EASEMENT.
- 7' PUE EASEMENT.
- BICYCLE PARKING LOCATION.
- SITE DIRECTORY AND CALL BOX LOCATION, SEE DETAIL 17/A1.21.

PEDESTRIAN REALM

THE PROPOSED DEVELOPMENT WILL FEATURE AN APPROXIMATELY 25-FOOT-WIDE URBAN PEDESTRIAN REALM ALONG CENTRAL AVENUE THAT WILL INTERACT WITH THE BUILDING FRONTAGE AND ADJACENT WITH THE PEDESTRIAN REALM. THE PEDESTRIAN REALM WILL BE AN INVITING AND PLEASANT ENVIRONMENT FOR WALKERS, SHOPPERS, AND RESIDENTS. THIS AREA WILL FEATURE STREET TREES, PLANTERS, SPECIALTY PAVING, GLAZING AND STOREFRONTS ALONG THE BUILDING, SITTING AREAS IN FRONT OF THE RETAIL SPACE AND OTHER AMENITIES. THIS AREA IS CONSISTENT WITH THE FORM BASED CODE, WHICH SPECIFIES A 'USABLE PEDESTRIAN REALM' THAT ACCOMMODATES STREET DESIGN AND APPROPRIATE BUILDING PLACEMENT.

GENERAL NOTES

- ALL IMPROVEMENTS LOCATED IN THE RIGHT OF WAY MUST BE INCLUDED ON A WORK ORDER.
- LANDSCAPING, FENCING, AND SIGNING WILL NOT INTERFERE WITH CLEAR SIGHT REQUIREMENTS. THEREFORE, SIGNS, WALLS, TREES, AND SHRUBBERY BETWEEN 3 AND 8 FEET TALL (AS MEASURED FROM THE GUTTER PAN) WILL NOT BE ACCEPTABLE IN THE CLEAR SIGHT TRIANGLE.
- PROPOSED ART STATION WILL BE LOCATED IMMEDIATELY WEST OF ENTRANCE TO PROPOSED DEVELOPMENT. 68 BUS LINE STATION IS PROPOSED TO RELOCATE TO THE WEST OF THE SUBJECT DEVELOPMENT ALONG CENTRAL AVENUE.
- THE MATERIALS USED FOR CROSSWALKS WILL COMPLY WITH REGULATIONS IN THE FORM BASED CODE.
- SITE WILL COMPLY WITH THE LIGHTING STANDARDS IN THE FORM BASED CODE AND CITY'S ZONING CODE. 14-16-3-22(C)(6).

PROJECT NUMBER:
Application Number:

This Plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated _____ and the Findings and Conditions in the Official Notification of Decision are satisfied.

Is an Infrastructure List required? () Yes () No If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL:

Traffic Engineering, Transportation Division	Date
ABCWUA	Date
Parks and Recreation Department	Date
City Engineer	Date
Solid Waste Management	Date
DRB Chairperson, Planning Department	Date

	SIDE (W)	REAR (N)	SIDE (E)	FRONT (S)
BUILDINGS	63'-2"	7'-8"	8'	6'-4"
PARKING	11'-6"	NA	NA	63'-9"

FLOOR AREA RATIO:

BUILDING NET AREA 269,071 S.F.
F.A.R. PROVIDED 269,071 / 124,359 = 2.16

BUILDING AREAS:

LEVEL	S-2 GARAGE	R-2 RES.	A-3 ASSEMBLY REC. FITNESS	B TOTAL LEASING	M RETAIL	TOTAL
P1	71,610	-	4,000	3,714	7,714	1,334
P2	70,105	10,305	-	-	-	4,030
L1	-	61,192	920	920	-	62,112
L2	-	61,192	-	-	-	61,192
L3	-	61,192	-	-	-	61,192
L4	-	61,192	-	-	-	61,192
TOTAL	141,715	255,073	4,920	3,714	8,634	1,334
					4,030	410,796

UNIT MIX:

LEVEL	STUDIO	1-BED	2-BED	3-BED	TOTAL
P2	1	7	1	-	6
L1	17	19	21	-	57
L2	17	19	21	-	57
L3	17	19	21	-	57
L4	3	19	22	4	48
TOTAL	55	83	86	4	228

MINIMUM USABLE OPEN SPACE REQUIRED AND PROVIDED

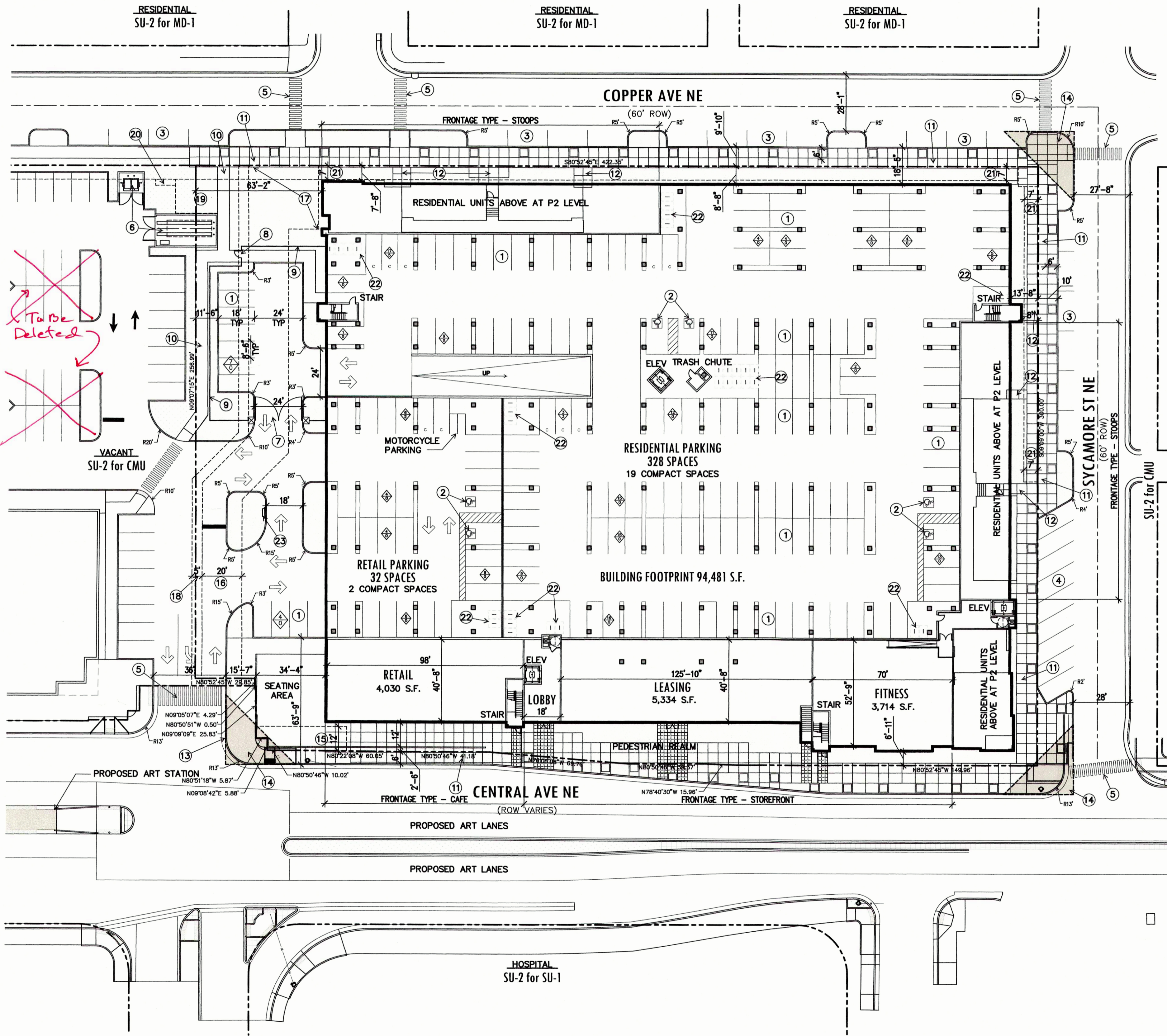
REQUIRED:	10% OF SITE AREA
124,359 X 10% = 12,436	
PROVIDED:	
PRIVATE BALCONIES	16,135 SF
LEVEL L1 COURTYARDS	33,070 SF
TOTAL PROVIDED	49,205 SF

PARKING CALCULATIONS

PARKING TYPE REQUIRED	REQUIREMENT CALCULATIONS	TOTAL REQUIRED	PROVIDED
OFF-STREET	PER 14-16-3-22(3)(D), ALL FORM BASED MIX USES REQUIRE 1/1,000 NET SQUARE FEET RESIDENTIAL: 255,073 / 1,000 = 256 RETAIL: 4,030 / 1,000 = 5 TOTAL: 256 + 5 = 261 TRANSIT REDUCTION OF 15% 261 x 0.15 = 39 261 - 39 = 222	222	360
ACCESSIBLE	8 PER 101-300 OFF-STREET SPACES	8	8
BICYCLE	RESIDENTIAL USES REQUIRE 1 SPACE PER 2 DWELLING UNITS. 228 / 2 = 114 RETAIL USES REQUIRE 1 SPACE PER 20 PARKING SPACES. 5 / 20 = 1	115	116
MOTORCYCLE	1 PER 1-25 OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES.	1	2

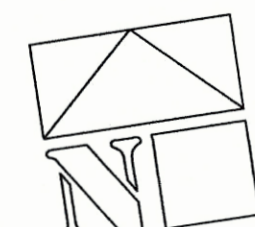
TYPE OF BUILDING AND FRONTAGE:

BUILDING TYPE: FLEX BUILDING
FRONTAGE TYPE: CAFE AND STOREFRONT (SOUTH)
STOOPS (EAST AND NORTH)



PRELIMINARY SITE PLAN

SCALE: 1" = 30'-0"



FILE: I:\06\ORB Job Files\16-213_Titan_Eastblock\CD0 Files\Preliminary\16213 A110 Site Plan.dwg USER: jco DATE: Nov, 15 2017 TIME: 11:39 am

BROADSTONE EAST-BLOCK
NEC EAST CENTRAL AVE AND SPRUCE ST NE
ALBUQUERQUE, NEW MEXICO

Office of Rich Barber
ORB
Architecture, LLC

WorldHQ@ORBArch.com

STATE OF NEW MEXICO
RICH BARBER
NO. 2295
REGISTERED ARCHITECT

PRELIMINARY NOT FOR CONSTRUCTION

TITAN DEVELOPMENT

ALLIANCE RESIDENTIAL COMPANY

DATE: NOVEMBER 15, 2017 ORB # 16-213

A1.10

SITE PLAN FOR BUILDING PERMIT

ORIGINAL

Figure 12
 REQUIRED INFRASTRUCTURE

EXHIBIT "A"
 TO SUBDIVISION IMPROVEMENTS AGREEMENT
 DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

DRB Project No. _____

101115
 1004623/18 DRB-70006

Site Plan for Building Permit
 EAST BLOCK - THE HIGHLANDS

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer	
PUBLIC ROADWAY IMPROVEMENTS										
			ONSTREET PARKING IMPROVEMENTS	PAVED ROADWAY, STRIPING, CURB AND GUTTER, SIDEWALK	SYCAMORE ST. NE	CENTRAL AVE.	COPPER AVE.			
			EASTERN CURB AND GUTTER ADJUSTMENT	NARROW ENTRANCE AT SPRUCE AND CENTRAL	SPRUCE ST. & CENTRAL AVE.	44' WIDE	36' WIDE			
			ONSTREET PARKING IMPROVEMENTS	PAVED ROADWAY, STRIPING, CURB AND GUTTER, SIDEWALK	COPPER AVE.	SPRUCE ST.	SYCAMORE AVE.			
PUBLIC WATERLINE IMPROVEMENTS										
		6" DIA WL	WATERLINE W/ NEC. VALVES, FH'S PER APPROVED FIRE ONE PLAN, MJS & RJS (APPROX 770 LF) REMOVAL AND ABANDONMENT OF EX. WATERLINE AND ADDITION OF LINE STOP MAY BE REQUIRED	COPPER AVE.	CEDAR ST.	SYCAMORE ST.				
		16" EXISTING WL	REMOVE EXISTING 16" WATER LINE AND INSTALL A LINE STOP	ALONG VACATED SPRUCE ROW.	CENTRAL AVE.	COPPER AVE.				
PUBLIC DRAINAGE IMPROVEMENTS										
		21" EX. SD	REMOVE EXISTING PUBLIC STORM DRAIN AND ASSOCIATED APPURTENCES WITHIN EXISTING EASEMENT.	COPPER AVE.	INTERSECTION OF SPRUCE ST. AND COPPER AVE.	CEDAR ST.				
		SINGLE TYPE 'A' INLET	REMOVE AND RELOCATE EXISTING PUBLIC STORM DRAIN INLET	SYCAMORE ST.	COPPER AVE.	CENTRAL AVE.				
		24" RCP STORM DRAIN	NEW STORM DRAIN TO ACCEPT DRAINAGE FROM EXISTING INLETS AT SPRUCE ST. AND COPPER AVE.	COPPER AVE. AND PUBLIC EASEMENT	SPRUCE ST.	CEDAR ST.				
		20' PUBLIC STORM DRAIN EASEMENT	PUBLIC STORM DRAIN EASEMENT GRANTED VIA PAPER DOCUMENT	TRACT 5	SPRUCE AND COPPER	CEDAR				
		NOTE:	CERTIFICATION OF THE GRADING AND DRAINAGE PLAN IS REQUIRED FOR RELEASE OF FINANCIAL GUARANTEES							
		NOTE:	STORM DRAIN INCLUDES ALL MANHOLES AND INLETS							

AGENT/OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

MICHAEL J. BALASKOVITS
PREPARED BY: PRINT NAME DATE

2/13/2018

[Signature]
DRB CHAIR DATE

2-14-18

[Signature]
PARKS & GENERAL SERVICES DATE

2/14/18

BOHANNAN HUSTON INC.
FIRM:

[Signature]
SIGNATURE

[Signature]
TRANSPORTATION DEVELOPMENT DATE

2/14/18

[Signature]
AMAFCA CITY ENGINEER DATE

2-14-2018

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION

[Signature]
UTILITY DEVELOPMENT DATE

2/14/18

DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

INFRASTRUCTURE IMPROVEMENTS AGREEMENT
(Procedure B)

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE INFRASTRUCTURE IMPROVEMENTS

Project Name: Highlands East Block
Project Number: CPN: 764784

THIS AGREEMENT is made upon the date of the latest signature below, by and between the City of Albuquerque, New Mexico ("City"), whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Urban Highlands East, LLC ("Developer"), a New Mexico limited liability company, [state the type of business entity e.g. "New Mexico corporation," "general partnership," "individual," etc.], whose email address is jrogers@titan-development.com, whose address is 6300 Riverside Plaza Lane #200 (City) Albuquerque, (State) NM (Zip Code) 87114 and whose telephone number is 505-998-0163, in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Developer is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] Tract 6 of The Highlands recorded on 6/13/2017, attached, pages 1 through 4, as Document No. 2017056634 in the records of the Bernalillo County Clerk, State of New Mexico (the "Developer's Property"). The Developer certifies that the Developer's Property is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title for the Developer's Property to the present owner:] Urban Highlands East LLC ("Owner").

The Developer has submitted and the City has approved a Preliminary Plat or Site Plan identified as Highlands East Block describing Developer's Property ("Developer's Property"). If this Agreement is for a "Phase" as identified on the Infrastructure List, then the Phase shall be added to the Preliminary Plat or Site Plan identified above.

As a result of the development of the Developer's Property, the Integrated Development Ordinance ("I.D.O.") requires the Developer, at no cost to the City, to install certain public and/or private improvements, which are reasonably related to the development of the Developer's Property, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the Final Plat, Building Permit or the Site Plan.

2. Improvements and Construction Deadline. The Developer agrees to install and complete the public and/or private improvements described in **Exhibit A**, the required Infrastructure List ("Improvements"), to the satisfaction of the City, on or before the Construction Completion Deadline as shown in paragraph 6, at no cost to the City. All of the improvements on Exhibit A are to be included in this Agreement, unless the Development



Review Board (DRB) has approved phasing of the improvements, or the DRB has approved them as “Deferred” and they are shown in greater detail on the Developer's proposed and approved plans, which have been filed with the City Engineer.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Developer meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See DPM, Chapter 5.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the City’s Development Review Board (“DRB”), unless the DRB grants an extension, not to exceed one additional year per extension, and the Developer processes an amendment to the Agreement. If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Developer may obtain an extension of the Construction Completion Deadline if the Developer shows adequate reason for the extension.

3. Albuquerque Bernalillo County Water Utility Authority (“ABCWUA”) and Albuquerque Metropolitan Arroyo Flood Control Authority (“AMAFCA”). Pursuant to the Memorandum of Understanding between the City of Albuquerque and ABCWUA dated March 21, 2007, and the Memorandum of Understanding with AMAFCA dated February 6, 2013, the City is authorized to act on behalf of the ABCWUA and AMAFCA with respect to improvements that involve water and sewer infrastructure.

4. Work Order Requirements. The City agrees to issue a Work Order after:

A. The Developer causes to be submitted all documents, and meets all requirements listed in Development Process Manual (“DPM”), Chapter 2, Work Order Process.

B. The Developer complies with all applicable laws, ordinances and regulations, including, but not limited to the City Excavation Ordinance and Sidewalk Ordinance, and pays the following required engineering, staking, testing fees, and other related City fees and County Clerk recording fees:

Type of Fee	Amount
Engineering Fee	3.6%
Street Excavation and Barricading Ordinance and street restoration fees	As required per City-approved estimate (Figure 4)

Note: The Developer must pay the City all City fees which have been incurred during construction before the City will accept the public Improvements.

C. The Developer must procure a New Mexico licensed Contractor to construct the

improvements per the specifications contained in the City-approved construction drawings. The Contractor shall provide proof of proper licensure to complete the improvements. If the Contractor that has been identified by the Developer does not possess all of the proper licenses for the improvements then proof of proper licensure of the subcontractors must be provided. The Developer's Contractor shall obtain a Performance & Warranty bond and a Labor & Materials bond utilizing the bond templates provided and approved by the City. The mandatory bonds obtained by the Contractor are independent of, and in addition to, the Financial Guaranty provided by the Developer. If the Developer or the City determines that the Contractor failed to faithfully construct or maintain the specified and warranted work, the Developer and the City shall each have standing to make claim on the applicable bonds.

5. Surveying, Inspection and Testing. The Improvements shall be inspected, surveyed and tested in accordance with all applicable laws, ordinances, and regulations, and according to the following terms:

A. Construction Surveying. Construction surveying for the construction of the public Improvements shall be performed by Cartesian Surveys Inc., and construction surveying of the private Improvements shall be performed by Cartesian Surveys Inc.. If the construction surveying is performed by an entity other than the City, the City may monitor the construction surveying and the Developer shall ensure that the construction surveying entity provides all construction surveying field notes, plats, reports and related data to the City which the City requires for review. Record drawings shall be provided by the entity performing the survey. The Developer shall pay the City a reasonable fee for any construction surveying performed by the City.

B. Construction Inspection Methods. Inspection of the construction of the public Improvements shall be performed by Bohannan Huston Inc. and inspection of the private Improvements shall be performed by Bohannan Huston Inc., both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Developer shall ensure that the inspecting entity provides all inspection results, reports and related data to the City which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City Engineer. The Developer shall pay the City a reasonable fee for the level of inspection performed by the City.

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Bohannan Huston Inc., and field testing of the private Improvements shall be performed by Bohannan Huston Inc. both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for Public Works Construction. If any field testing is performed by an entity other than the City, the City may monitor the field testing and the Developer shall ensure that the field testing entity provides

all field testing results, reports and related data to the City which the City requires for review. The Developer shall pay the City a reasonable fee for any field testing performed by the City.

D. Additional Testing. The City retains the right to perform all additional testing which the City Engineer deems is necessary or advisable, and the Developer shall pay the City a reasonable fee therefore.

6. Financial Guaranty. If final plat approval is not requested prior to construction of the Developer's Property, a financial guaranty is not required. If final plat approval is requested, the Developer must provide the City with a financial guaranty in an amount of not less than 125% of the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit, or loan reserve letter issued by a Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

To meet the City's I.D.O. requirements, the Developer has acquired, or is able to acquire, the following Financial Guaranty:

Type of Financial Guaranty: Letter of Credit #5121085472
Amount: \$ 534,569.67
Name of Financial Institution or Surety providing Guaranty:
New Mexico Bank & Trust
Date City first able to call Guaranty (Construction Completion Deadline):
March 21, 2024
If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call
Guaranty is: May 20, 2024
Additional information: _____

7. Notice of Start of Construction. Before construction begins, the Developer shall arrange for a preconstruction conference and all required inspections.

8. Completion, Acceptance and Termination. When the City receives Developer's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Chapter 2). If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the Public Improvements and a Certificate of Completion for the Private Improvements. Thereafter, the Developer's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guarantee which the Developer has provided to assure the materials and workmanship, as required by the I.D.O. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

9. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon, or in which, the public Improvements are constructed, the

Developer will convey to the City all real and personal property rights which the City deems reasonably necessary, and all public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the public Improvements. Conveyance may be made by appropriate dedication on the final plat.

10. Reduction of Financial Guaranty Upon Partial Completion. The Developer shall be entitled to a reduction of the Financial Guaranty as a result of completing construction of part of the Improvements if the following conditions are met:

A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Developer must follow the procedures and meet the requirements detailed in the DPM, Chapter 2.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guaranty other than a loan reserve letter has been provided, the completed Improvements must be free-standing, functionally independent of any Improvements which have not yet been completed, and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the Developer must submit the following documents to the City for review and approval:

(1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;

(2) A bond or other instrument acceptable to the City, which guarantees the completed Improvements against defective materials and workmanship for the period required by the I.D.O.

(3) Conveyance of real and personal property rights which meet the requirements of section 8 of this Agreement.

After the City receives and approves the required documents, the City shall issue a Partial Certificate of Completion and Acceptance for the completed public Improvements and a Certificate of Partial Completion for the completed private Improvements.

11. Indemnification. Until the Improvements are accepted by the City, the Developer shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Developer agrees to indemnify and hold harmless the City and its officials, agents and employees and, if the Improvements include water and wastewater infrastructure, the ABCWUA, its employees, officers and agents, from any claims, actions, suits or other proceedings arising from or out of the acts or omissions of the Developer, its agents, representatives, contractors or subcontractors or arising from the failure of the Developer, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Developer herein. The indemnification required hereunder shall not be limited as a result of the

specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

12. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Developer and the express written concurrence of any financial institution or surety which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

13. Release. If the Developer's Property or any part thereof is sold, conveyed or assigned, the City will not release the Developer from its obligations under this Agreement and will continue to hold the Developer responsible for all Improvements until a successor in interest to the Developer has entered into an Infrastructure Improvement Agreement with the City. Thereafter, if the Developer's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.

14. Payment for Incomplete Improvements. If the Developer fails to satisfactorily complete construction of the Improvements by the Construction Completion Deadline, the City may construct or cause the Improvements to be constructed as shown on the final plat and in the approved plans and specifications. The Developer shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to, engineering, legal, and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Developer's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the City's Claim of Lien or any Financial Guaranty, the Developer shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to any Financial Guaranty.

15. Binding on Developer's Property. The provisions of this Agreement constitute covenants running with Developer's Property for the benefit of the City and its successors and assigns until terminated, and are binding on the Developer and the Owner and their heirs, successors and assigns.

16. Notice. For purposes of giving formal written notice, including notice of change of address, the Developer's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) days after the notice is mailed if there is no actual evidence of receipt.

17. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

18. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.


19. Construction and Severability. If any part of this Agreement is held to be invalid or

unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

20. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

21. Form Not Changed. Developer agrees that changes to this form are not binding unless initialed by the Developer and signed by the City Legal Department on this form.

22. Authority to Execute. If the Developer signing below is not the Owner of the Developer's Property, the Owner must execute the Power of Attorney below.

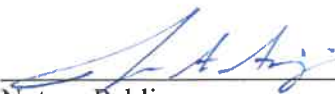
DEVELOPER: Urban Highlands East, LLC
By, Urban Partners, LLC, its Manager
By [Signature]: 
Name [Print]: Ben F. Spencer
Title: Manager
Dated: March 30, 2022

DEVELOPER'S NOTARY

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

This instrument was acknowledged before me on this 30 day of March, 2022, by
[name of person:] Ben F. Spencer, Manager of Urban Partners, LLC
["President" or "Owner":] as Manager of
[Developer:] Urban Highlands East, LLC, on behalf of the company.




Notary Public
My Commission Expires: 11/23/25



Post Office Box 1048
Albuquerque, New Mexico 87103-1048

New Mexico Bank & Trust
May 5, 2022

IRREVOCABLE LETTER OF CREDIT AND AGREEMENT NO. 5121085472
AMOUNT: \$534,569.67

Sanjay Bhakta
Chief Financial Officer
City of Albuquerque
P. O. Box 1293
Albuquerque, NM 87103

Re: Letter of Credit for (Guarantor for “Developer”): Cedar Investors, LLC
Developer: Urban Highlands East, LLC
City of Albuquerque Project No.: 764784
Project Name: Highlands East Block

Dear Mr. Bhakta:

This letter is to advise the City of Albuquerque (“City”) that, at the request of (Guarantor for Developer”): Cedar Investors, LLC, [Financial Institution] New Mexico Bank & Trust in [city] Albuquerque [state] New Mexico, has established an Irrevocable Letter of Credit in the sum of [written amount] Five Hundred Thirty Four Thousand, Five Hundred Sixty Nine Dollars and Sixty Seven Cents ([amount in figures] \$ 534,569.67) (“Letter of Credit”) for the exclusive purpose of providing the financial guarantee, which the City requires [Developer] Urban Highlands, LLC to provide for the installation of the improvements, which must be constructed at [Name of Subdivision] Highlands East Block, Project No. 764784 (“Project”). The amount of the Letter of Credit is 125% of the City's estimated cost of construction of improvements as required by the City’s Integrated Development Ordinance. The improvements are identified in the agreement between the City of Albuquerque and Developer in the records of the Clerk of Bernalillo County, New Mexico.

A draft or drafts for any amount up to, but not in excess of [written amount] Five Hundred Thirty Four Thousand, Five Hundred Sixty Nine Dollars and Sixty Seven Cents ([amount in figures] \$ 534,569.67.) is/are available certified mail at the option of the City of Albuquerque or at sight at [Financial Institution] New Mexico Bank & Trust [street address] 320 Gold Ave SW, Suite 100, [city] Albuquerque [state] New Mexico between [Construction Completion Deadline date established in Agreement] March 21, 2024 and [60 days thereafter] May 20, 2024.

When presented for negotiation, the draft(s) is/are to be accompanied by the City's notarized certification stating: "1) [Developer] Urban Highlands, LLC has failed to comply with the terms of the Agreement; 2) the undersigned is the Chief Financial Officer of the City of Albuquerque and is authorized to sign this certification; and 3) the amount of the draft does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreement."

We hereby agree with the drawer of draft(s) drawn under and in compliance with the terms of this credit that such draft(s) will be duly honored upon presentation to the drawee if negotiated between [Construction Completion Deadline date established in Agreement:] March 21, 2024 and [60 days thereafter] May 20, 2024.

The draft(s) drawn under this credit must contain the clause: "Drawn under Letter of Credit and Agreement No. 5121087472 of [Financial Institution] New Mexico Bank & Trust [city] Albuquerque, [state] New Mexico, dated March 21, 2022" and the original Letter of Credit must be endorsed on the reverse side with the amount of each draft. This Letter of Credit must accompany each draft and be attached to the draft which exhausts this credit.

This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable until:

1. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or
2. City notification of [Developer] Urban Highlands, LLC's failure to comply with the terms of the Agreement, and payment by Certified Check from [Financial Institution] New Mexico Bank & Trust to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or
3. Expiration of the date [60 days after the Construction Completion Deadline date] May 20, 2024; or
4. Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Administrative Officer.

This Letter of Credit will terminate at 4:00 o'clock p.m., New Mexico time, [date 60 days after Construction Completion Deadline] May 20, 2024.

This credit is subject to the Uniform Customs and Practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600.

Very truly yours,

New Mexico Bank & Trust

By: 

Print Name: Michael E Gaillour

Title: Senior Vice President

Date: May 5th, 2022

ACCEPTED:

CITY OF ALBUQUERQUE

By: _____

Sanjay Bhakta

Chief Financial Officer

Date: _____

Revised February 2022

Very truly yours,

New Mexico Bank & Trust

By: 

Print Name: Michael E Gaillour

Title: Senior Vice President

Date: May 5th, 2022

ACCEPTED:

CITY OF ALBUQUERQUE

DocuSigned by:
By: Sanjay M. Bhakta
Sanjay Bhakta
Chief Financial Officer

Date: 5/14/2022 | 9:35 AM PDT

Revised February 2022

CITY OF ALBUQUERQUE



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

OFFICIAL NOTIFICATION OF DECISION

February 10, 2017

Cedar Investors, LLC
c/o Titan Development
6300 Riverside Plaza Ln NW #200
ABQ, NM 87120

Project# 1011115
16EPC-40083 Site Development Plan for Building Permit
16EPC-40084 Sector Development Plan Map Amendment

LEGAL DESCRIPTION:

The above actions for all or a portion of Lots A-1, A-2, 4 through 12, Block 6, vacated portions of Spruce Street, alleyways within Blocks 5 and 6, and a portion of Lots 1 and 12, Block 5, Brownwell and Lails Highland Addition, zoned SU-2 for CMU to SU-2/SU-1 for MX, located on Central Ave. NE, between Spruce St. NE and Sycamore St. NE, containing approximately 2.85 acres. (K-15)

Staff Planner: Michael Vos

PO Box 1293

Albuquerque, NM 87103
On February 9, 2017 the Environmental Planning Commission (EPC) voted to **APPROVE** Project 1011115/16EPC-40083, a Site Development Plan for Building Permit and 16EPC-40084, Sector Development Plan Map Amendment, based on the following findings:

NM 87103

FINDINGS – 16EPC-40084 SECTOR DEVELOPMENT PLAN MAP AMENDMENT:

1. This is a request for a Sector Development Plan Map Amendment from SU-2 CMU (Central Mixed Use) to SU-2/SU-1 for MX (Mixed Use Form Based Zone) for Lots A-1, A-2, 4 through 12, Block 6, vacated portions of Spruce Street, alleyways within Blocks 5 and 6, and a portion of Lots 1 and 12, Block 5, Brownwell and Lails Highland Addition located on Sycamore Street NE between Central Avenue and Copper Avenue NE containing approximately 2.85 acres.
2. The Zoning Code requires that applicants requesting SU-1 Special Use zoning submit a site development plan. The applicant has submitted a Site Development Plan for Building Permit to fulfill this requirement and to be evaluated against the requirements of the Form Based Zones Section of the Zoning Code 14-16-3-22.
3. The subject site and other surrounding lots were zoned through the adoption of the University Neighborhoods Sector Development Plan in July 1986. As such, this action constitutes an amendment to that plan.
4. On June 20, 2016, City Council approved a vacation of public right-of-way for the alleys within the affected blocks, as well as a portion of Spruce Street NE that crosses the subject site (EC-16-126). This action will be finalized when the subject site is replatted.

www.cabq.gov

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5. The Albuquerque/Bernalillo County Comprehensive, City of Albuquerque Zoning Code, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is within the Central Urban Area of the Comprehensive Plan, which is a portion of the Established Urban Area. The request furthers the following applicable goals and policies of the Comprehensive Plan:

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request furthers Policy II.B.5.d because the uses proposed are similar to those allowed by the existing underlying and surrounding zoning and development. The proposed zone requires approval of a Site Development Plan for Building Permit, so the location, intensity, and design of the proposed new development must be evaluated. The proposed development is located in an infill location within the Central Urban Area and will improve a blighted site, utilize existing infrastructure, improve the pedestrian experience, and create a transition between Central Avenue and the hospital to the neighborhood to the north. As such, the request will respect existing neighborhood values, environmental conditions, and resources.

Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The request furthers Policy II.B.5.e because the subject site is currently vacant and is located within an area contiguous to existing and programmed urban facilities and services including Central Avenue, Albuquerque Rapid Transit and other public transportation options, various restaurants, and Presbyterian Hospital. The request ensures the integrity of the existing neighborhood through the requested form based zoning and design considerations including screening of parking, building access on all sides, and an improved pedestrian realm.

Policy II.B.5.h: Higher density housing is most appropriate in the following situations:

In designated Activity Centers.

In areas with excellent access to the major street network.

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

In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.

In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The request furthers Policy II.B.5.h because the subject site is located with excellent access to the major street network, specifically to Central Avenue and Interstate 25, as well as quality public transit options. The neighborhood already has a mixed density and mixed use pattern with both

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single-family and multi-family housing, as well as more commercial mixed use along Central Avenue including the existing zoning of the subject site.

Policy II.B.5.1: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

The request furthers Policy II.B.5.1 because the proposed project will utilize the form based zone from the Comprehensive Zoning Code that requires a higher degree of design controls and is implemented through a Site Development Plan. The requested mixed-use zone utilizes building articulations, balconies, and glazing to create more detailed, attractive façades. Improvements to the pedestrian realm along all street frontages including quality paving, patio seating areas, street trees, and multiple building entrances make the development more inviting to the pedestrian and appropriate for the subject site location.

Policy II.B.5.o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The request furthers Policy II.B.5.o because the proposed zoning and related redevelopment will create new housing and retail options on a site that is currently underutilized and was recognized by a Metropolitan Redevelopment Plan as blighted, thus strengthening the neighborhood as a whole.

Policy II.B.6.b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The request furthers Policy II.B.6.b because the proposed development, facilitated by the change in zoning, will redevelop a blighted property and improve the neighborhood with additional housing and retail, as well as provide an upgraded streetscape and pedestrian connections to transit that strengthens a link with the hospital and other facilities located along Central Avenue.

Developed Landscape: The Goal is to maintain and improve the natural and the developed landscapes' quality. Applicable policies cited by the applicant include:

Policy II.C.8.d: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The request furthers Policy II.C.8.d because the proposed zone change to the form based code requires the applicant to adhere to stringent design guidelines, including those with regard to landscaping. The proposed Site Development Plan shows substantial landscaping surrounding the development in and outside of the public rights-of-way that will improve the pedestrian realm and also function as a buffer to the existing developments to the north and east.

Transportation and Transit: The Goal is to develop corridors, both streets and adjacent land uses that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs. Applicable policies identified by the applicant include:

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Policy II.D.4.c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The request furthers Policy II.D.4.c because the proposed zoning has no density limits and the project will add 228 dwelling units immediately adjacent to a major transit corridor. The proposed form based zone and related design standards and Site Development Plan ensure that the development and number of dwelling units are appropriately sited so the adjacent neighborhoods are not destabilized by the additional dwellings.

Policy II.D.4.g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The request furthers Policy II.D.4.g because site improvements and associated design guidelines require the site to be developed for a better pedestrian experience along all street frontages. In addition, a public pedestrian connection across the site on the western edge of the building is included to provide access from the neighborhood to the north to the relocated, signalized intersection of Spruce Street and Central Avenue. These pedestrian improvements will connect to the proposed direct access units, entrances to commercial spaces, and public transit stops thus integrating the pedestrian experience into the development itself.

Housing: The goal is to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing. Applicable policies identified by the applicant include:

Policy II.D.5.b: Quality and innovation in new housing design and construction shall be promoted and quality of existing housing improved through concentrated renovation programs in deteriorating neighborhoods.

The request furthers Policy II.D.5.b because the proposed development will replace blighted property with new housing. The proposed housing will provide a variety of options for future residents in a building constructed of quality materials with proper relation to the street and pedestrian realm, and including amenities such as balconies, patios, a pool, and fitness center.

Economic Development: The goal is to achieve steady and diversified economic development with other important social, cultural, and environmental goals. Applicable policies identified by the applicant include:

Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The request furthers Policy II.D.6.a because the proposed mixed use zoning allows for a variety of residential and commercial options that will provide for a variety of jobs utilizing different skill and salary levels including leasing managers, maintenance workers, retail employees, and construction labor to start. These jobs will be located in a convenient area in proximity to various public transit options.

7. The request furthers the following applicable goals and policies of the University Neighborhoods Sector Development Plan:

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Goal 1: Improve the quality of life in the area.

Goal 2: Conserve and renew the unique qualities of this neighborhood.

Goal 3: Encourage infill residential construction in appropriate places.

Goal 4: Encourage pedestrian orientation.

Goal 5: Improve conditions in business areas.

Goal 6: Foster positive social and physical interrelations between businesses, institutions and residents.

The request furthers Goal 1 and Goal 2 because the subject site is currently underutilized and the request will redevelop the property with a mixed use development that is well designed and pedestrian oriented, as well as providing additional new retail options for the surrounding neighborhood.

The request furthers Goal 3 because the proposed project will provide infill residential construction in an appropriate location with access to the major street network and a variety of public transit and non-motorized transportation options.

The request furthers Goal 4 because the form based zone requires development to address the pedestrian realm with smaller building setbacks, patio seating spaces, street trees and other landscaping, and appropriately located building entrances that encourage pedestrian activity.

The request furthers Goal 5 by adding additional residents to the area who will patronize existing businesses. In addition, the proposed mixed use project includes a retail space that will add to the business mix of the area.

The request furthers Goal 6 because utilization of the form based zone means that the future development must appropriately address how the building relates to the street and pedestrian realm. The design standards and proposed Site Development Plan for Building Permit show improvements to the sidewalks and landscaping that make it more inviting to passersby and improve the physical relation between residents and customers entering and exiting the building. The improved pedestrian environment will also improve the relation between area residents, Presbyterian Hospital, and the adjacent public transit that connects to numerous other businesses and institutions.

8. The request furthers the following applicable goals and policies of the Sycamore Metropolitan Redevelopment Plan:

Objective 1: To improve the existing "mixed use" characteristics of the area by encouraging compatible relationships between related uses and buffering incompatible uses.

Objective 2: To improve pedestrian circulation, transit and bicycle circulation by providing better internal connections to nearby urban centers.

Objective 3: To prevent neighborhood decline by stimulating private reinvestment, while providing sufficient controls and guidance to ensure mutually beneficial relationships between existing and new development.

The request furthers Objective 1, Objective 2, and Objective 3 because the proposed project is a privately-funded redevelopment of an underutilized property. The requested form base zone

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provides sufficient controls and guidance for future development to ensure mutually beneficial relationships between the proposed development and the existing neighborhood. The proposed zone and project will be mixed use and appropriately buffered. Parking will be located within a screened structure and rooftop patio spaces with help reduce the mass of the upper portion of the building. Improved pedestrian realms and connections through the project site will improve circulation and access to transit and bicycle options.

Central Avenue Redevelopment Policy One: Redevelopment with Commercial/Mixed-Uses serving the neighborhood and employee population shall be encouraged along Central Avenue.

The request furthers Policy One because the proposed project will create a new mixed use development adjacent to Central Avenue that will serve the existing neighborhood, new residents, and the employee population including those at Presbyterian Hospital.

Central Avenue Redevelopment Policy Two: New Development shall serve to upgrade the neighborhood character and quality.

The request furthers Policy Two because the requested form based code requires a high degree of design consideration. A Site Development Plan for Building Permit that is being reviewed concurrently with the request for the change in zoning ensures that the proposed development is reviewed against the design standards and meets the intent of new development to upgrade the neighborhood character and quality.

Central Avenue Redevelopment Policy Three: Development along Central Avenue shall be oriented to a pedestrian scale at ground level.

The request furthers Policy Three because the form based code puts a focus on the pedestrian realm and how a building relates to it and associated pedestrian improvements. The Central Avenue street frontage will have multiple entrances, storefronts with glazing, and landscaping improvements to ensure pedestrian orientation.

Transition Areas Policy One: Transition areas should provide a buffer between the residential and non-residential areas and between low density residential and medium density residential.

The request furthers Policy One because the site is located partly within the transition area, and will use its building design to buffer certain uses from the existing neighborhood to the north. Parking will be screened within a structured garage and the commercial retail space is located at the farthest corner from existing residential homes. The building itself will act as a transition from the busy Central Avenue corridor and the height of Presbyterian Hospital back to the more moderate scale residential to the north.

9. The applicant has justified the zone change request pursuant to R-270-1980 as follows:
 - A. The cited policies in the applicant's justification letter and summarized in the staff report and Findings 6, 7 and 8 for this project support the statement that the request is consistent with the health, safety, morals, and general welfare of the city.
 - B. The request achieves land use stability because the requested zoning is focused more on design than use. The uses of the requested zone are largely the same as those allowed under the current zoning, but the form based zone allows greater flexibility for site design while also requiring more attention to the relationship between the proposed development, the pedestrian

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- realm, and the existing neighborhood surrounding the subject site. The proposed zone is appropriate for an infill site along a major transit corridor such as Central Avenue.
- C. The request is generally consistent with and furthers a preponderance of the applicable goals and policies of the Comprehensive Plan, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan as summarized in Findings 6 through 8.
 - D. The existing zoning is inappropriate because changed community conditions, including the development of the Albuquerque Rapid Transit project, justify a more pedestrian-oriented mixed-use development. The subject site is an infill location with good access to transit and non-motorized transportation options, so zoning that focus on the pedestrian realm is more advantageous to the community than the existing SU-2 CMU zone, by making the pedestrian experience a focus for new development. In addition, as stated in Findings 6, 7 and 8, the request furthers numerous goals and polices of the Comprehensive Plan, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan showing that the proposed zoning and related project is more advantageous to the community. Further, the form based zone provides for development that is more advantageous to the community as articulated by the policies of Centers and Corridors and the Planned Growth Strategy, by guiding a development pattern that creates the mix of uses that reduce vehicular miles traveled and vehicular emissions, reducing the city's carbon footprint as well as improving air quality while providing a range of lifestyle opportunities to the city's residents. As stated in Zoning Code §14-16-3-22(A)(3)(c)4, mixed use development makes for more efficient use of existing and new infrastructure while reducing overall growth at the fringes, thereby protecting the valued open space and working landscapes around Albuquerque along with the tourism, jobs, watershed protection and quality of life that these places provide.
 - E. The requested zoning allows for similar uses as what the existing zoning of the subject site allows with some additional uses allowed; however, the greater variety of uses and flexibility in design given by the form based code is offset by additional design standards and requirements that focus on the relation of the building to the pedestrian realm and adjacent development. With these additional standards and the design as proposed on the Site Development Plan for Building Permit, the request will not be harmful to adjacent property, the neighborhood, or the community.
 - F. The request will not require major or un-programmed capital expenditures by the city.
 - G. While economic considerations are always a factor with regard to development proposals, they are not the determining factor for the requested change of zone. The applicant has sufficiently demonstrated that the determining factors are changed community conditions necessitating a more urban development at the proposed infill location, as well as the request furthering a preponderance of Comprehensive Plan policies related to the subject site making it more advantageous to the community.
 - H. The proposed mixed uses are allowed under the existing zoning, and the request is being made to allow flexibility in design and to further multiple Comprehensive Plan policies; therefore, its location is not a justification for the request.
 - I. SU-1 zones create spot zones by definition as they are unique to the parcel that they are being applied to; however, the request is for a form based zone recognized by the Zoning Code for

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locations along major transit corridors. As stated in Zoning Code §14-16-3-22(A)(3)(c)5, the request creates a justifiable spot zone because the applicant has demonstrated that the proposed change to a form based zone will clearly facilitate realization of the Comprehensive Plan and provide a transition between Central Avenue and the moderate density residential to the north of the subject site.

- J. The requested zoning includes uses allowed on surrounding properties, and the request would not result in a strip of land along a street, so the request will not create strip zoning.
10. The Sycamore, Silver Hill, Spruce Park, University Heights, and Victory Hills Neighborhood Associations, as well as the District 6 Coalition were notified of this request. In addition, property owners within 100 feet were notified of the request. A facilitated meeting was held on January 24, 2017 to discuss this request and the request for a change and zoning and Site Development Plan for Building Permit approval for a hotel two blocks west of the subject site.
11. According to the facilitator's report, most concerns were addressed with one outstanding related to architecture, primarily with regard to the hotel project. No written comments have been submitted with regard to this application. No known opposition to the request exists.

CONDITION OF APPROVAL – 16EPC-40084 SECTOR DEVELOPMENT PLAN MAP AMENDMENT:

1. The sector development plan map amendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

FINDINGS – 16EPC-40083 SITE DEVELOPMENT PLAN FOR BUILDING PERMIT:

1. This is a request for a Site Development Plan for Building Permit for Lots A-1, A-2, 4 through 12, Block 6, vacated portions of Spruce Street, alleyways within Blocks 5 and 6, and a portion of Lots 1 and 12, Block 5, Brownwell and Lails Highland Addition located on Sycamore Street NE between Central Avenue and Copper Avenue NE containing approximately 2.85 acres.
2. The Zoning Code requires that applicants requesting SU-1 Special Use zoning submit a site development plan. The applicant has submitted this Site Development Plan for Building Permit to fulfill the requirement and be evaluated against the requirements of the Form Based Zones Section of the Zoning Code 14-16-3-22.
3. The subject site and other surrounding lots were zoned through the adoption of the University Neighborhoods Sector Development Plan in July 1986. As such, this action constitutes an amendment to that plan.
4. On June 20, 2016, City Council approved a vacation of public right-of-way for the alleys within the affected blocks, as well as a portion of Spruce Street NE that crosses the subject site (EC-16-126). This action will be finalized when the subject site is replatted.
5. The Albuquerque/Bernalillo County Comprehensive, City of Albuquerque Zoning Code, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan are incorporated herein by reference and made part of the record for all purposes.

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6. Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan.
7. The applicant is proposing to replat the existing lots along with vacated Spruce Street right-of-way and alleys into a single tract for the purpose of developing a mixed use development containing 228 dwelling units and approximately 4,000 square feet of retail.
8. Review of the Site Development Plan for Building Permit has shown there to be necessary minor corrections for typographical errors and to provide more specific information in notes.
9. There appear to be minor discrepancies between the site plan, landscape plan, and elevations with regard to the exact entrance locations of the direct access units along Sycamore Street and Copper Avenue that need clarification.
10. The applicant has requested modification to height and shading requirements of the Form Based Zones Section of the Zoning Code. EPC has discretion over approval of major modifications to the SU-1 Form Based Zones standards in accordance with Zoning Code Section 14-16-3-22(A)(6) Administration of form based zones.
11. The Sycamore, Silver Hill, Spruce Park, University Heights, and Victory Hills Neighborhood Associations, as well as the District 6 Coalition were notified of this request. In addition, property owners within 100 feet were notified of the request. A facilitated meeting was held on January 24, 2017 to discuss this request and the request for a change and zoning and Site Development Plan for Building Permit approval for a hotel two blocks west of the subject site.
12. According to the facilitator's report, most concerns were addressed with one outstanding related to architecture, primarily with regard to the hotel project. No written comments have been submitted with regard to this application. No known opposition to the request exists.

CONDITIONS OF APPROVAL – 16EPC-40083 SITE DEVELOPMENT PLAN FOR BUILDING PERMIT:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Minor errata shall be corrected or clarified:
 - a. In the site plan legend, the parking space descriptor "NO. OF RETAIL SPACES" shall be updated to reflect what the number is actually for rather than retail spaces.

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- b. Under Development Data, Building Height, the allowed height bonus descriptor shall be updated to reflect the bonus being given for location along a "major transit corridor."
 - c. Under Development Data, Density, the descriptor of "DUNITS" shall be changed to either "Dwelling Units" or "DUs."
 - d. The number of parking spaces shown on the plans and the number in the parking space requirements table do not appear to match exactly and shall be updated accordingly.
 - e. On the West Elevation, a keynote (#3) shall be added for the proposed sign location at the corner of the building.
 - f. On the Pedestrian Realm Exhibits, please update the wording of the L/S Area adjacent to the building to "Frontage Zone" and the L/S Area adjacent to the roadways as "L/S and Edge Zone."
4. General note #5 regarding lighting shall be updated to include specific references to the applicable code section 14-16-3-22(C)(6) where the requirements are found.
 5. A location for the site directory map shown on sheet A1.21 (3 of 13) shall be identified on the site plan.
 6. The site plan, building floor plans, and landscape plan shall be updated to ensure all direct access units and entryways along Copper Avenue and Sycamore Street have a paved pedestrian connection to the adjacent sidewalk. Specifically, one entry facing Sycamore Street appears to be blocked by landscaping, which should be corrected.
 7. The signage note on the building elevation sheets shall be updated to clarify the code sections of the applicable requirements 14-16-3-22(B)(3)(n) and 14-16-3-22(C)(7).
 8. The shading requirements note on the building elevations should be updated to include reference to the request for modification similar to what was noted on the site plan for the modification to building height.
 9. On the landscape plan notes, it should be noted that the plans must also comply with Zoning Code Section 14-16-3-22(C)(10) in addition to 14-16-3-10 because the Form Based Zones include specific exceptions to the basic landscaping regulations.
10. Transportation Development Conditions:
 - a. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
 - b. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
 - c. Developer shall obtain approval of Traffic Circulation Layout (TCL) for the parking areas prior to DRB.
11. Public Service Company of New Mexico Conditions of Approval:
 - a. An existing overhead electric distribution line bisects the subject property east-west along with other electric lines internal to the site. The developer has met with PNM to discuss

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relocation/reconfiguration of this line. The developer should continue to coordinate with PNM's New Service Delivery Department regarding electric service for this project. Contact:

Mike Moyer
PNM Service Center
4201 Edith Boulevard NE
Albuquerque, NM 87107
Phone: (505) 241-3697

- b. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.
12. The replat of the subject site shall comply with the purpose, intent, and regulations of the Subdivision Ordinance (14-14-1-3).
13. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **FEBRUARY 24, 2017**. 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 14-16-4-4 of the Zoning Code. 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).

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

OFFICIAL NOTICE OF DECISION

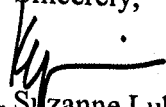
Project #1011115

February 9, 2017

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ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


Suzanne Lubar
Planning Director

SL/MV

cc: Cedar Investors, LLC, c/o Titan Development, 6300 Riverside Plaza Ln NW #200, ABQ, NM 87120
Consensus Planning, 302 8th St. NW, ABQ, NM 87102
Sycamore N.A. (SYM) "R", Peter Schillke, 1217 Coal Ave. SE, Albuquerque, New Mexico 87106
Sycamore N.A. (SYM) "R", Mardon Gardella, 411 Maple St. NE, Albuquerque, New Mexico 87106
Silver Hill N.A. (SHL) "R", James Montalbano, 1404 Silver Ave. SE, Albuquerque, New Mexico 87106
Silver Hill N.A. (SHL) "R", Elizabeth Doak, 1606 Silver SE, Albuquerque, New Mexico 87106
Spruce Park N.A. Inc. (SPK) "R", Peter Feibelman, 1401 Sigma Chi NE, Albuquerque, New Mexico 87106
Spruce Park N.A. Inc. (SPK) "R", Alan Paxton, 1603 Roma Ave. NE, Albuquerque, New Mexico 87106
University Heights N.A. (UHT) "R", Julie Kidder, 120 Vassar SE, Albuquerque, New Mexico 87106
University Heights N.A. (UHT) "R", Don Hancock, 105 Stanford SE, Albuquerque, New Mexico 87106
Victory Hills N.A. (VHL) "R", Erin Engelbrecht, P.O.Box 40298, Albuquerque, New Mexico 87196
Victory Hills N.A. (VHL) "R", Patricia Wilson, 505 Dartmouth SE, Albuquerque, New Mexico 87106
District 6 Coalition of N.A.'S, Nancy Bearce, 600 San Pablo St. NE, Albuquerque, New Mexico 87108
District 6 Coalition of N.A.'S, Gina Dennis, 1816 Buena Vista Dr. NE Apt. 2, ABQ, New Mexico 87106

**PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946**

OFFICIAL NOTIFICATION OF DECISION

Cedar Investors, LLC
6300 Riverside Plaza Lane #200
Albuquerque, NM 87120

Project# PR-2022-006579
Application#
SD-2022-00013– EXTENSION OF
INFRASTRUCTURE IMPROVEMENTS AGREEMENT

LEGAL DESCRIPTION:

For all or a portion of: **TRACT 6, PLAT OF THE HIGHLANDS** zoned **MX²M**, located at **1301 CENTRAL AVE NE between CEDAR ST NE and SYCAMORE ST NE** containing approximately **2.85 acre(s). (K-15)**

On February 16, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request based on the following Findings:

1. This is a request to extend the Infrastructure Improvements Agreement (IIA) and Infrastructure List.
2. This action will extend the approval of the Infrastructure List and IIA to March 3, 2024.
3. The proper notice was given as required by the IDO.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **MARCH 3, 2022**. 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.

Official Notice of Decision

Project # PR-2022-006579 Application# SD-2022-00013

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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,

A handwritten signature in black ink, appearing to read "J. Wolfley", written in a cursive style.

Jolene Wolfley
DRB Chair

JW/jr

Consensus Planning, Inc., 302 8th Street NW, Albuquerque, NM 87102