



DEVELOPMENT REVIEW BOARD  
SUPPLEMENTAL SUBMITTAL

(Deadline is Friday at noon unless noted on DRB calendar – late submittals will not be accepted unless approved by the DRB)

PROJECT NO. PR 2022-006708  
Application No. SD-2022-00117

TO:

- Planning Department/Chair
- Hydrology
- Transportation Development
- ABCWUA
- Code Enforcement
- Parks & Rec

\*(Please attach this sheet with each collated set for each board member)

NOTE: ELECTRONIC VERSION (ie disk, thumbdrive) is Required. Submittal will not be accepted without.

DRB SCHEDULED HEARING DATE: 09.14.2022 HEARING DATE OF DEFERRAL: \_\_\_\_\_

SUBMITTAL DESCRIPTION: Meeting Notes from Facilitated Meeting of Sept. 6, 2022 and photo of sign posting

CONTACT NAME: Juanita Garcia  
TELEPHONE: 505 362 8903 EMAIL: jag@jagpandz.com

**CITY OF ALBUQUERQUE**  
**LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT**  
**1200 Hideaway Lane SE – ROW DRB Application**

**Project:** DRB Application to Vacate ROW - CABQ Facilitated Meeting.

**Property Description/Address:** 1200 Hideaway Lane SE

**Date Submitted:** September 9, 2022

**Submitted By:** Jocelyn M. Torres

**Meeting Date/Time:** September 6, 2022 5:00 PM- 7:00 PM

**Meeting Location:** Via Zoom

**Facilitator:** Jocelyn M. Torres

**Applicant/Owner:** Naser Alikhani

**Agent:** Juanita Garcia, JAG Planning & Zoning, LLC

**Neighborhood Associations/Interested Parties:** East Gateway Coalition.

**Background Summary:**

Applicant submitted a Grading and Drainage Plan that was received by the City on September 21, 2021.<sup>1</sup> Prior to obtaining a Certificate of Occupancy, Applicant is required to vacate a portion of the right of way (vacation of ROW) on Hideaway Lane SE and have it replatted in order to create:

“... a private drainage easement from the existing storm inlet along the existing storm pipe that runs along the western side of the property. This drainage easement shall state that the property owner shall maintain the existing storm inlet and storm pipe.”<sup>2</sup>

On November 17, 2021, the building permit was issued for this address.<sup>3</sup> Construction began in January, 2022. The DRB heard the sketch plat application on March 16, 2022, wherein the City Engineer said he would speak with Applicant regarding the vacation of ROW application. In June, 2022, the applicant was directed to proceed with the vacation of ROW application. On August 19, 2022 the vacation of ROW application was filed with the DRB.

The Four Hills Village Association Board heard and took no position on Agent’s presentation. The East Gateway Coalition thereafter requested this facilitated meeting. The Agent has summarized the Integrated Development Ordinance (IDO) requirements, vacation of ROW process, property depiction and other pertinent details. Meeting participants provided questions and comments.

The DRB vacation of ROW hearing will take place on September 14, 2022.

**1. Discussion:**

- a. The Agent addressed:

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<sup>1</sup> Agent’s response to 1<sup>st</sup> Action Item. See attached CABQ Letter of October 12, 2021.

<sup>2</sup> See attached October 12, 2021 Letter.

<sup>3</sup> See Agent’s attached September 7, 2022 response to 2<sup>nd</sup> Action Item.

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- i. IDO vacation of ROW requirements;<sup>4</sup>
  - ii. Property depiction;
  - iii. Participant comments and questions; and
  - iv. Action Items.
- b. East Gateway Coalition's position:
- i. Concerned that Applicant's posted sign does not provide adequate notice of September 14, 2022 DRB hearing;
  - ii. Curious as to why Applicant is being required to vacate the City's ROW;
  - iii. Concerned about the City's requirement that Applicant provide and maintain the drainage easement; and
  - iv. Concerned about narrow roadway access abutting the proposed drainage easement.

**2. Conclusions.**

- a. Applicant/Agent will follow through with the vacation of ROW application and DRB hearing.
- b. East Gateway Coalition is concerned about the vacation of ROW requirement.
- c. East Gateway Coalition is concerned about the narrow access on the roadway abutting the proposed storm drain easement.

**Meeting Specifics** (*Italicized Q/C: designate question/comment, (A:) designates answer.*)

**1. Introduction.**

Facilitator: Facilitator Jocelyn M. Torres is a neutral contract facilitator for the City of Albuquerque.

Juanita Garcia is the Agent.

Members of the Eastside Coalition attended.

**2. Vacation of ROW Requirements.**

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<sup>4</sup> 14-16-6-6(M) (3) Review and Decision Criteria An application for a Vacation of Easement, Private Way, or Public Right-of-way shall be approved if it meets any of the following criteria. 14-16-6-6(M) (3) (a) The public welfare does not require that the easement, private way, or public right-of-way be retained. 14-16-6(M) (3) (b) There is a net benefit to the public welfare because the development made possible by the Vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the Vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

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- a. *Q: Why wasn't the October 12, 2021 letter made a part of the package received by the East Gateway Coalition?*

A: I will provide another copy of the DRB application to the Facilitator following this meeting. *See Action Item 1.*

- b. *C: I have viewed the property and the sign posted is not clearly visible from the roadway as required by the IDO. You can't see the sign because of the barricades. I'm concerned that proper notice has not been provided. The September 14 hearing should not take place and proper notice should be posted.*

A: The Applicant wanted to post the sign on the gate, which I didn't favor because the gate is open due to construction. I posted the sign on the fence and was not aware that it could not be read. The Applicant is following the City requirements in filing this application.

*Q: The City's October 12, 2021 letter requires that the Applicant obtain the vacation of ROW in order to receive a Certificate of Occupancy, right?*

A: Yes that's correct.

- c. *C: Although the owner has to provide for adequate drainage on his property, I find it unusual that the City is requiring him to vacate the ROW because the City does not want to maintain or repair the existing infrastructure within a road. This is unique.*

A: The Applicant is not in favor of this Application. He is following the City's requirements.

**3. Storm Drain Roadway Access.**

- a. *C/Q: The proposed storm drain easement access is very narrow. Are the adjacent properties landlocked?*

A: The Applicant owns those adjacent lots. The public road within the existing ROW will abut the proposed storm drain easement. Applicant's other lots have easement access through the back of the property.

- b. *C/Q: I am concerned about the narrow roadway leading to the proposed storm drain easement. There is not enough room to turn a firetruck or ambulance around. There is a steep hill and the actual cul-de-sac is very far from this ROW. So why is the City vacating the ROW?*

A: The ROW is not within a cul-de-sac. I can't explain that. It looks like it was platted like that many years ago.

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**4. Next Steps and Process.**

- a. A: Applicant will appear at the upcoming DRB hearing. He has done his part by filing the vacation of ROW application and following through with it. If that hearing is postponed because of notice or opposition, the Applicant is not at fault because he has done his part in complying with the City's requirements.
- b. A: This ROW measures 8,729 square feet. Because it is greater than 5,000 square feet, the DRB's decision must be reviewed by the City Council. If passed by the DRB, it may be placed on a "consent agenda". The Council may also want to hear additional evidence.

**Action Items.**

- 1. **Agent will provide the Facilitator another copy of the vacation of ROW Application Packet following the meeting.** (Done 9/6/22; October 12, 2021 letter is attached).
- 2. **Agent will provide the Facilitator a timeline of the construction process.** (Done 9/7/22; Agent's construction timeline is attached).

**Next Steps.**

DRB Hearing of September 14, 2022.

**Meeting Adjourned.**

**Participants and other interested parties.**

**Owner/Applicant**

Naser Alikhani

**Agent**

Juanita Garcia, JAG Planning & Zoning, LLC

**East Gateway Coalition**

Andrew Lipman, Vice President and Four Hills Village Association President  
Michael Brasher, President  
Julie Dreike, Secretary

**CABQ ADR**

Jocelyn M. Torres	Land Use Facilitator
Tyson R. Hummel	ADR Coordinator

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Interim Director



Mayor Timothy M. Keller

October 12, 2021

Jackie McDowell  
McDowell Engineering, Inc.  
7820 Beverly Hills Ave. NE  
Albuquerque, NM 87122

**RE: 2 Alikhani, Naser – Home  
1200 Hideaway Lane SE  
Grading and Drainage Plan  
Engineer's Stamp Date: 09/21/21  
Hydrology File: M23D017A**

Dear Ms. McDowell:

PO Box 1293

Based upon the information provided in your submittal received 09/21/2021, the Grading & Drainage Plan is approved for Building Permit and Grading Permit. Please attach a copy of this approved plan in the construction sets for Building Permit processing along with a copy of this letter.

Albuquerque

Prior to approval in support of Permanent Release of Occupancy by Hydrology, Engineer Certification per the DPM checklist will be required.

NM 87103

**PRIOR TO CERTIFICATE OF OCCUPANCY:**

www.cabq.gov

As per the phone conversation on 09/20/21 with the City Engineer, a portion of Hideaway Lane SE must be vacated and the property needs to be replatted showing this vacated area within the property. Also there needs to be a private drainage easement from the existing storm inlet along the existing storm pipe that runs along the western side of the property. This drainage easement shall state that the property owner shall maintain the existing storm inlet and storm pipe.

[rbrissette@cabq.gov](mailto:rbrissette@cabq.gov)

Sincerely,

Renée C. Brissette, P.E. CFM  
Senior Engineer, Hydrology  
Planning Department

### **Naser Alikhani Vacation of Right-of-Way timeline**

November 17, 2021 – Building Permit issued for Single-Family Dwelling Unit at 1200 Hideaway Lane SE.

January 2022 – Naser commenced construction of the Single-Family Dwelling Unit.

March 8, 2022 – Sketch Plat application was submitted to the Development Review Board (DRB).

March 16, 2022 – Sketch Plat application was heard by the DRB. City Engineer indicated that he would speak to staff regarding comments that were received and would follow up with the applicant regarding the vacation of right-of-way application.

June 2022 – The applicant was given direction by the City Engineer to continue to proceed with the vacation application, given DRB comments from March of 2022.

August 19, 2022 – Vacation of Right-of-Way application submitted to the DRB.



**REQUEST**  
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