

From: Rodenbeck, Jay B.
To: Edward Garcia
Cc: Carol Gladin; williegocheffs@yahoo.com; Les Romaine; warba.llp.jared@gmail.com; abduunn@ablairdunn-esq.com; jules1101@gmail.com; tcloak@unm.edu; francesandrea9@gmail.com; nori.brixenproperties@gmail.com; scott.brixen@gmail.com; turtletays@gmail.com; murphymjb@gmail.com; Pax Rasmussen; mckinstrysusan@gmail.com; lauren.clipp@gmail.com; myrandar102@gmail.com; vivalucia3@proton.me; vjliberatori@yahoo.com; Johnhenrysloan@icloud.com; info@tbirdinc.com; Aranda, James M.; Sanchez, Nicole A.; Armijo, Ernest M.; Webb, Robert L.; Elliott, Laurie; Roseman, Melissa; Perez, James; Martin Vigil; Ortiz, Annette; Zamora, Renee C.
Subject: RE: Building Permit/Site Plan Administrative Application Status Update at 1701 Central Ave. NW
Date: Tuesday, April 2, 2024 12:42:00 PM

Good afternoon Mr. Garcia,

Regarding your "FORMAL NOTICE OF APPEAL" in your message below, please note that an appeal to the Land Use Hearing Officer (LUHO) of the Site Plan Administrative application for the proposed mixed-use development at 1701 Central Avenue NW cannot and will not be accepted and processed until/unless the Building Permit is issued for BP-2024-10295, as per 6-4(V)(1)(c) of the IDO there can't be an appeal of a Site Plan Administrative application that hasn't been approved and/or decided yet (the Site Plan Administrative/Building Permit for BP-2024-10295 is still under review as of the time of this message). Additionally, I will note that there are application forms for an appeal which would need to be signed and completed, as well as documentation included with the appeal application forms. You can contact our Navigators (Annette Ortiz at annetteortiz@cabq.gov and Renee Zamora at rczamora@cabq.gov) in the Development Review Services Division to obtain the application forms for an appeal and receive guidance as to what will need to be included in the appeal application submittal should you decide to apply for an appeal of the Site Plan Administrative application at the time a Building Permit is issued for BP-2024-10295.

For more information on the Site Plan Administrative review process (6-5(G) of the IDO) as well as the appeals process (6-4(V) of the IDO), I have provided a link to the latest and active version of the IDO below:

https://documents.cabq.gov/planning/IDO/2022_IDO_AnnualUpdate/IDO-2022AnnualUpdate-EFFECTIVE-2023-07-27.pdf



Jay Rodenbeck

Planning Manager

Development Review Services

o (505) 924-3994

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e jrodenbeck@cabq.gov

cabq.gov/planning

From: Edward Garcia <emg.abq7@gmail.com>

Sent: Saturday, March 30, 2024 3:04 PM

To: Rodenbeck, Jay B. <jrodenbeck@cabq.gov>

Cc: Carol Gladin <cjgabq@gmail.com>; williegocheffs@yahoo.com; Les Romaine <les@arnmlawyers.com>; warba.llp.jared@gmail.com; abduunn@ablairdunn-esq.com; jules1101@gmail.com; tcloak@unm.edu; francesandrea9@gmail.com; nori.brixenproperties@gmail.com; scott.brixen@gmail.com; turtletays@gmail.com; murphymjb@gmail.com; Pax Rasmussen <paxrasmussen@gmail.com>; mckinstrysusan@gmail.com; lauren.clipp@gmail.com; myrandar102@gmail.com; vivalucia3@proton.me; vjliberatori@yahoo.com; johnhenrysloan@icloud.com; info@tbirdinc.com; Aranda, James M. <jmaranda@cabq.gov>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Armijo, Ernest M. <ermijo@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>; Elliott, Laurie <lelliott@cabq.gov>; Roseman, Melissa <melissaroseman@cabq.gov>; Perez, James <jamesaperez@cabq.gov>; Martin Vigil <vigilmartin@hotmail.com>

Subject: Re: Building Permit/Site Plan Administrative Application Status Update at 1701 Central Ave. NW

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Mr. Rodenbeck, Sir,

Rembe Urban Design and Development submitted a Building Permit BP-2024-10295 (In E-Review) to CABQ Planning Department on March 20th, 2024. It is for construction of a Commercial/Residential Apartment building located at 1701 Central Ave NW. It is described as a new 4 story, 48' high, 34 unit apartment building with a small commercial component on the first floor (26547 sq. ft.). It is also my understanding that, through review of this site plan, the developer is requesting a "0" ft. side set back at both sides of that property lot running south to north, front to back, from Central Ave to 16th St.

My single-family home and property is directly adjacent to 1701 Central Ave. NW (at 1617 Central Ave. NW) and is determined by my chain link fence residing on the property line running south to north, front to back, at approximately 290 ft. from Central Ave to 16th St.

With all due respect to CABQ, Planning Dept, staff, and all involved, rather to seek an alternative at this time, I am submitting this email, letter, correspondence, as a FORMAL NOTICE OF APPEAL on behalf of myself, and other affected participating private property residents to the site plan submitted by Rembe Urban Design and Development. I feel it is prudent to submit this appeal now in order to avoid conflict, or premature commencement of the actual building process by the developer. And given the fact, that to my knowledge, preparation for construction through turning dirt, digging, placement of material(s), worker(s), has begun at 1701 Central Ave NW.

Mr. Perez' admission to Mr. Vigil's correspondence on 3/29/24 concerning work already starting at 1701 Central Ave. NW prior to approval of the site plan, confirms that once the site plan is approved, prior to appeal, Rembe Urban Design and Development will immediately begin construction without restriction as is already being demonstrated. This places the private property owners, as well as myself, at a severe disadvantage. It makes no common sense that the project is actively beginning, while at exactly the same time the private property owners are filing appeals. This, in and of itself, weighs heavily in favor of the developer, and infringes on the rights of the private property owners to appeal this site plan, in a fair and equitable manner without exception. This also places CABQ, Planning Dept, and staff, in the position of compromising those rights, as well as those regulations pertaining to the IDO, concerning site plan BP-2024-10295, as has been described herein and have been signed into law. I believe this type of procedure would also violate the private property owners ability to affordable due process, without exception. The private property owners are a key component of the decision-making process for a site plan of this size affecting our entire surrounding neighborhood and Character Protection Overlay Zone (3). It is vital that the affected private residential property owners be provided the ability to take a timely and active participation at each step of this process without hindrance or exception.

In this way, the 16th St, Central Ave, and surrounding private property owners/residents affected by this new development have the ability, rights, opportunities, etc., to respond/appeal/mediate in an equitable, timely, correct and proper manner.

I am appealing for the following reasons:

I believe the new development building is too high and is outside the regulations with the IDO. The new building next to my residence/property would be overwhelming in height next to my home/property, as well as to the surrounding neighborhood and residents located within the CPO-3.

I believe the "0" ft. side setback requested in the site plan at both sides of the new development is outside the regulations with the IDO. And, one "0" side setback already exists at the west side lot property line adjacent to the next residence/property occupied by a separate owner(s) home/property at the property line.

The IDO regulations state that, and in accordance with:

www.cabq.gov/housing forward-abq/zoning changes 0-22-54,

voted and approved by the ABQ City Council on June 21,2023 as 0-22-54, which the Mayor signed into law on July 6,2023. The adopted went into effect on July 27th,2023.

Neighborhood Edge

"One existing rule that remains in place is the Neighborhood Edge which requires a transition between more higher-density and low-density development. ANY commercial or apartment building within 100 ft. of a single-family home can only be a maximum of 30 ft. tall. At more than 100 ft. away the building height maximum is determined by the zoning. Near the Centers and Corridors where development is most appropriate, Urban Centers (UC), Main Streets (MS), and Premium Transit (PT) areas, building heights are limited to 30 feet high only within 50 feet of a single-family home, townhouse, or two-family homes.

Side Setbacks

As per IDO regulation: Low Density Residential Development in Any Zone District (IDO pg.111)

Part 14-16-3

3-4(M)(3) Setback Standards

2. Side minimum

C. Between a single-family detached dwelling and any other dwelling: 10 feet

IDO Table 5-1-1

11. In the R-1A subzone, one internal side setback may be "0" feet if the opposite internal side setback is At Least "10" feet.

Character Protection Overlay Zones

The purpose of the (CPO) zone is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as (HPO) zones. These areas meet 1 or more of the following characteristics:

3-4(A)(1) Have recognized neighborhood identity and character.

3-4(A)(3) Have a relationship to HPO zones that make the area's conservation critical.

I (we) are requesting a public meeting and/or mediation conference, etc., inclusive of all affected private property owners/residents CABQ, Planning, Developer(s),etc., by formal notice, letter, email, prior to the approval of this site plan for Building Permit BP 12024-10295 (In E-Review).

This grants the affected private residential property owners the rights, privileges, and opportunities to discuss, mediate, and explore a potential path forward to the satisfaction of all parties involved with this new project. This will help to avoid conflict, misunderstandings, disagreements, or other applicable remedies, prior to, during, and/or after construction. Thank you for your attention to this vital matter regarding site plan for Building Permit BP-2024-10295 (In E-Review).

"

On Wed, Mar 27, 2024, 3:19 PM Martin Vigil <vigilmartin@hotmail.com> wrote:

3/27/24

Jay Rodenbeck,

Thank you for the update, it is much appreciated. Can you please send the site plan application submitted by Jay Rembe? I tried locating it by using the building permit search function yesterday but the system was down. In consideration that this is a time-sensitive matter, NextRequest is not an option.

My neighbors and I have a few questions:

1. Has the site plan application been approved by the Development Facilitation Team?
2. Is there an appeals process for the site plan itself, or just the building permit?

I requested the Traffic Circulation Layout application/comments from Ernest Armijo (CABQ Engineer) via email on 3/5/24. I still have not received a response. I also sent Ernest Armijo an email on 1/22/24 (again no response). While I understand Traffic and Engineering is not within Planning, any assistance to encourage communication and the sharing of information is beneficial to all parties.

After I speak with additional neighbors, I or one of my neighbors will respond to the email sent by James Aranda on 3/18/24.

Thanks,

Martin Vigil

From: Rodenbeck, Jay B. <jrodenbeck@cabq.gov>

Sent: Monday, March 25, 2024 4:07 PM

To:

Cc: Aranda, James M. <jmaranda@cabq.gov>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Armijo, Ernest M. <earmijo@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>; Elliott, Laurie <lelliott@cabq.gov>; Perez, James <jamesaperez@cabq.gov>; Rodenbeck, Jay B. <jrodenbeck@cabq.gov>

Subject: Building Permit/Site Plan Administrative Application Status Update at 1701 Central Ave. NW

Good afternoon,

I can confirm that the Building Safety Division of the City of Albuquerque Planning Department has received and processed a Building Permit/Site Plan Administrative application for a proposed 4-story, 34-unit multi-family residential/mixed-use development (with commercial development proposed on the 1st floor) at 1701 Central Ave. NW, and the application is currently in E-Review (the Building Permit number is BP-2024-10295).

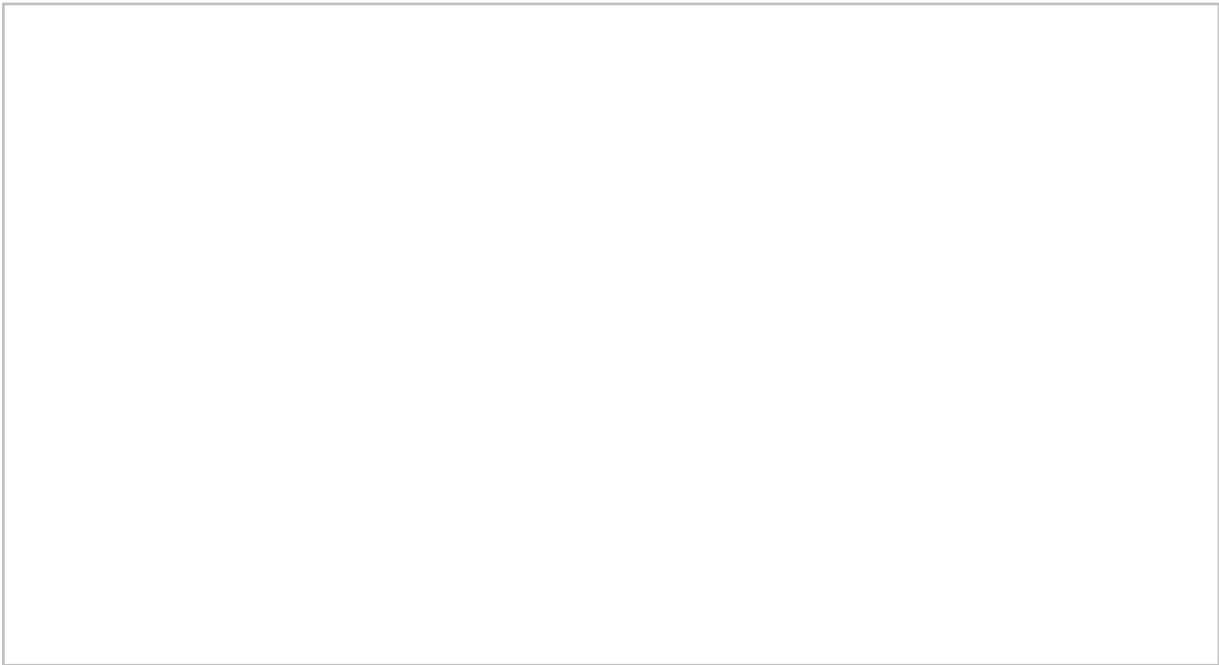
I will provide status updates on the Building Permit/Site Plan Administrative application to everyone copied in this message as I can and as I receive them from other staff.

To inquire about any status updates and/or information regarding the Building Permit/Site Plan Administrative application with the Building Safety Division directly, you can contact the Building Safety Division permit counter for status updates and/or information at (505) 924-3320 or inquire in-person at the Plaza del Sol Building at 600 2nd St. NW. You can also keep track of the status of the Building Permit by going to the LMS Online portal (you can search by the Building Permit number or address noted above) at: https://posse.cabq.gov/posse/pub/lms/Default.aspx?PosseMenuName=PC_Search.

For your information, I have also attached correspondence sent by the Deputy Director (of the Planning Department) James Aranda on March 18th, 2024 to many of you copied in this message, which provides information regarding the following:

1. Facilitated meeting process.
2. Appeal process.
3. Definition of residential vs. non-residential per the IDO.
4. Information on when a Traffic Impact Study can be required.
5. A response to a mediation request from Martin Vigil.

A screenshot of the noted Building Permit/Site Plan Administrative application as depicted in the LMS Online portal from today is featured below:



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