

# CITY OF ALBUQUERQUE



**Planning Department**  
**Brennon Williams, Planning Director**  
**Development Review Division**  
600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

## NOTICE OF APPEAL

February 14, 2020

### TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on February 13, 2020. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Alfredo Salas, Planning Administrative Assistant at (505) 924-3370.

***Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.***

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

**CITY COUNCIL APPEAL NUMBER: AC-20-3**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2019-002184, SI-2019-00379, SD-2020-00027, VA-2020-00057**

PO Box 1293

**APPLICANT: Alicia Qminones**  
**P.O.Box 21006**  
**Albuquerque NM 871111**

Albuquerque

NM 87103

cc: Crystal Ortega, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
DRB File  
Alicia Qminones, P.O.Box 21006, Albuquerque NM 871111  
Guardian Storage, 7501 Holly Ave. Albuquerque NM, 87113

www.cabq.gov



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

<b>SUBDIVISIONS</b>		<input type="checkbox"/> Final Sign off of EPC Site Plan(s) (Form P2)	
<input type="checkbox"/> Major - Preliminary Plat (Form P1)	<input type="checkbox"/> Amendment to Site Plan (Form P2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)	
<input type="checkbox"/> Minor - Preliminary/Final Plat (Form S2)	<b>MISCELLANEOUS APPLICATIONS</b>		<input type="checkbox"/> Vacation of Public Easement(s) DRB (Form V)
<input type="checkbox"/> Major - Final Plat (Form S1)	<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S1)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)	
<input type="checkbox"/> Amendment to Preliminary Plat (Form S2)	<input type="checkbox"/> Minor Amendment to Infrastructure List (Form S2)	<b>PRE-APPLICATIONS</b>	
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Temporary Deferral of SW (Form V2)	<input type="checkbox"/> Sketch Plat Review and Comment (Form S2)	
	<input type="checkbox"/> Sidewalk Waiver (Form V2)		
<b>SITE PLANS</b>		<input type="checkbox"/> Waiver to IDO (Form V2)	<b>APPEAL</b>
<input type="checkbox"/> DRB Site Plan (Form P2)	<input type="checkbox"/> Waiver to DPM (Form V2)	<input type="checkbox"/> Decision of DRB (Form A)	
<b>BRIEF DESCRIPTION OF REQUEST</b> REASON OF APPEAL - RE IDO 6-4 (4)(4)(C)			

<b>APPLICATION INFORMATION</b>			
Applicant: ALICIA QUINONES		Phone: 505 267 5455	
Address: PO BOX 21006		Email: info@osogrande.org	
City: ALBUQUERQUE 87111	State: NM	Zip:	
Professional/Agent (if any):		Phone:	
Address:		Email:	
City:	State:	Zip:	
Proprietary Interest in Site:		List all owners:	

<b>SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)</b>			
Lot or Tract No.: TR G-1 PART OF TRACTS F-1 & G-1		Block:	Unit:
Subdivision/Addition: ACADEMY PLACE		MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): <del>21</del> F-21	Existing Zoning: MX-L	Proposed Zoning:	
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (Acres): 2.3795	

<b>LOCATION OF PROPERTY BY STREETS</b>		
Site Address/Street: 4909 JUNO TABO	Between:	and:

<b>CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)</b>
PR-2019-002184

Signature: J. AFFAT FOR ALICIA QUINONES	Date: FEBRUARY 13, 2020
Printed Name: J. AFFAT	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

FOR OFFICIAL USE ONLY					
Case Numbers	Action	Fees	Case Numbers	Action	Fees
VA-2020-00057	Appeal	\$130.00			


Meeting Date: N/A	Fee Total: \$130.00
Staff Signature: [Signature]	Date: 2-13-2020 Project # PR-2019-002184

**FORM A: Appeals**

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

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

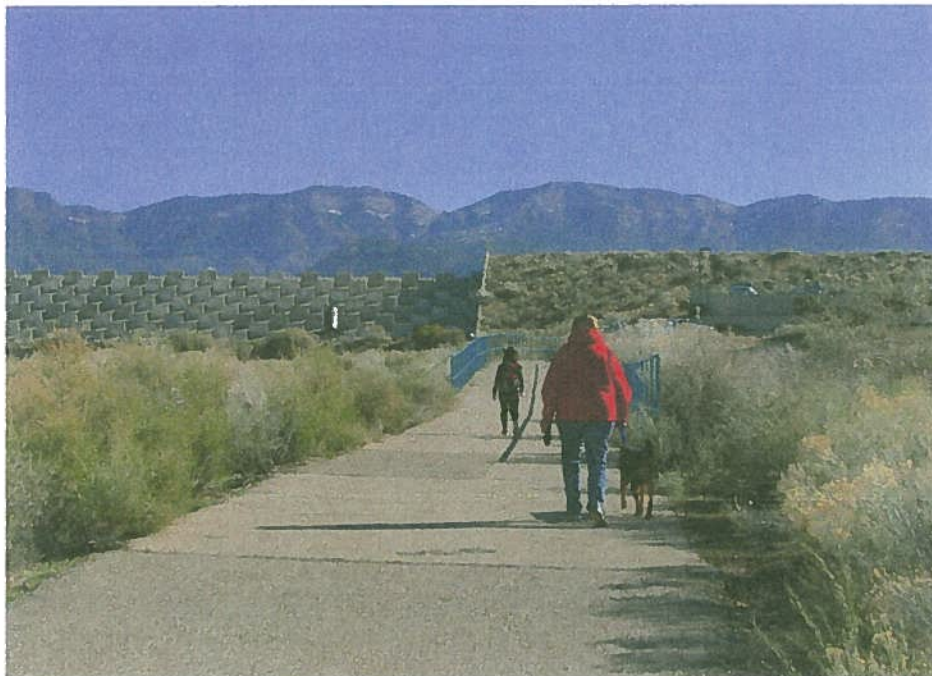
- Interpreter Needed for Hearing?  if yes, indicate language: \_\_\_\_\_
- A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF *shall be organized* with the Development Review Application and this Form A at the front followed by the remaining documents *in the order provided on this form*.
- Project number of the case being appealed, if applicable: 2019-002184
- Application number of the case being appealed, if applicable: SI-2019-00379
- Type of decision being appealed: DRB-SITE PLAN APPROVAL
- Letter of authorization from the appellant if appeal is submitted by an agent
- Appellant's basis of standing in accordance with IDO Section 14-16-6-4(U)(2)
- Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(U)(4)(c)
- Copy of the Official Notice of Decision regarding the matter being appealed

<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i>	
Signature: <u><i>[Handwritten Signature]</i></u>	Date: <u>2-13-20</u>
Printed Name: <u>ANICA QUINONES</u>	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers: <u>VA-2020-00057</u>	Project Number: <u>PR-2019-002184</u>
<div style="text-align: right;">  </div>	
Staff Signature: <u><i>[Handwritten Signature]</i></u>	
Date: <u>2-13-2020</u>	

# Notice of Appeal OF DRB Notification of Decision

AND SUBSEQUENT

**REQUEST FOR DISALLOWANCE OF PERMITTING UPON APPEAL  
FOR PROPOSED DEVELOPMENT OF SELF-STORAGE LOCATED AT  
4909 JUAN TABO BLVD. (PR:2019-002184-ON-13-FEB 2019)**



Oso Grande Neighborhood Association  
PO Box 21006; Albuquerque, NM 87111  
[info@osograndena.org](mailto:info@osograndena.org)

Planning Department  
Development Services Division  
600 2<sup>nd</sup>, St. NW, Ground Floor, 87102  
Office (505) 924-3946

Date: Feb. 13, 2020

From: Oso Grande Neighborhood Assn.

ATTN: Joleen Wolfley, DRB Chair

Re: Appeal of Project PR 2019 002184; Application #SI-2019-00379 Site Plan DRB; SD-2020-00027 Preliminary/Final Plat. Applicant: Guardian Storage

Reference Documents to this Appeal:

1) NFIP Floodplain Management Requirements: Unit 5. <https://www.fema.gov/floodplain-management-requirements> (not attached to conserve paper)

2) Rules And Regulations Governing Dam Design, Construction and Dam Safety; Dec. 31, 2010: <https://www.ose.state.nm.us/dams/RegsRules/19-25-12-NMAC-2010%202016-05-27.pdf> (not attached to conserve paper)

3) Oso Grande Neighborhood Assn. Regulatory Analysis, Site Risk Factors, Adverse Impacts for Sensitive Lands & Request for Disallowance. (on file with DRB)

Ms. Wolfley:

Oso Grande Neighborhood Association is appealing the above-named project for proposed storage units located at 4909 Juan Tabo. We disagree with findings in the Official Notification of Decision.

The realities and complexities of attempting to locate a building directly in front of John B. Robert Dam Spillway are daunting. OGNA is not willing to support the utilization of tax dollars on development which increases adverse impacts to the neighborhood, increases harm to life and property, increases flood and dam safety risks, increases nuisance levels, and increases

FEMA flood insurance premiums to homeowners. There are multiple and broad regulations, at County, Federal and State levels that apply in this situation and have direct bearing on the proposed grading, drainage, landscaping, and building design.

Hence far, DRB has not acknowledged that the property, whose character is firmly established as water and flood control infrastructure, is embodied within a comprehensive set of regulations for floodplain and dam management. These regulations exist for a purpose; to assure the safety of the public and to preserve the rights of other property owners.

DRB, has previously justified that it's within its purview to side-step FEMA and NFIP and NM State Dam Safety regulation. And that may be the case. However, we strongly request that DRB incorporate provisions of pertinent but non-CABQ regulation that has a direct and specific effect on the site plan. This is a means of anticipating that the development still needs to comply with non-IDO regulation. This is to assure the integrity of public safety and hazard mitigations.

We also request that DRB apply the strictest provisions of the IDO because human life and property are at risk as regards the location of proposed development being within floodplain and dam property.

Below are specific issues with the site plan and or proposal that do not meet IDO processes, procedures or code or pertinent regulation or intent of regulation:

- NFIP Regulation: 44 CFR 59.2 (b): Calls for communities to adopt floodplain management best practices and meet floodplain management criteria. This is not optional. Federally subsidized flood insurance, upon which Oso Grande Neighborhood depends, requires this adoption. FEMA is not obligated to respond to flood damage in cities where NFIP regulation has been disregarded, side-stepped, or otherwise demonstrates a lack of will to reduce community flood hazard. This imposes significant flood risk for Oso Grande. The Site Plan is inconsistent with NFIP intent and regulation that it asks communities to adhere to. CABQ Planning is obligated to reduce hazards, not increase them as the current proposed site plan does.
- Inundation mapping for John B. Robert dam, drainage field, flood hazard area has not been completed. This mapping is expected to considerably increase the size of the inundation zone, increasing potential damage to Oso Grande residences. The proposal's 2.3-acre removal of valuable floodplain, via its drainage field, increases hazards to Oso Grande neighborhood. It's a reasonable request for developer to wait to determine if a building on such a lot is advisable with new floodplain inundation maps and subsequent future requirements of NFIP.
- Site Plan proposes to build on the John B. Robert dam drainage field, west embankment and toe region. OGNA requests that the drainage plan be in accordance, and

coordination with State Engineer and NM Dam Safety Bureau so that the Site Plan will be able to comply with relevant dam safety regulations.

- Several sources of dam runoff water are not accounted for in the drainage plan.
  - Subsurface dam drainage pipeline extending from toe to flood channel shows that the property contains dam drainage infrastructure, a public asset. The pipeline water is unaccounted for in the drainage plan. Inspection of this pipe would be hindered with the current site proposal..., hence increasing hazard.
  - 
  - Site Plan does not consider street runoff on the north-east corner of the property, under ordinary and extraordinary flows.
  - 
  - Site Plan does not consider John B. Robert Dam western spillway and embankment incidental runoff which was designed to flow specifically onto 4909 Juan Tabo floodplain. Juan Tabo was designed and sloped to drain either partially or fully onto floodplain during times of ordinary or large storm event.
  - 
  - 
  - Site Plan does not consider western embankment subsurface leaking and drainage. Dam is subject to leakage from underneath the dam core. This drainage embankment leakage was designed and intended for the 4909 Juan Tabo drainage field. As in the 2013 rainfall, the dam does not need to detain significant amounts of water for under-embankment leakage to occur. This should be accounted for on the site plan.
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  - 
  - Existing drainage plan P.E. comments section indicates that a spillway overtopping could cause considerable damage to downstream properties. This spillway water needs to be accounted for on PE stamped site plan and accompanying analysis. Displaced flood water from property imposes hazards to Oso Grande residential property that otherwise would not be incurred.
  - A dam modification permit is required from NM Dam Safety Bureau. That permit will inform the site plan and should become part of CABQ's permitting documents.
  - 
  - The 10-yr. surface rating for the parking lot, is inconsistent with the 100-yr. rating designed on the drainage plan.
  - PE Stamped pages are not evident on-Site Plan or landscape plan.

Other Appeal Items:

- The building that DRB has permitted is not the building the ZHE approved.
- - The original plan called for noise reduction via indoor loading docks and insulating garage doors. This gave way to noise inducing exterior loading docks located into the acoustically altered canyon and onto the adjacent Trail. Site Plan needs to be re-approved by ZHE.
  - 
  - The original plan attempted to satisfy site character issues by dropping the building below grade by up to 15 feet.... Hence making the building less obtrusive. Character of the property has been defined as water infrastructure, recreation, and nature experience (See ZHE statement, and LUHO presentation) The building does not meet character criteria. Site Plan should be reapproved by ZHE since character issues were not previously vetted.
  - 
  - Subject site was to meet sensitive lands requirements and be studied as such, as designated by ZHE. Because there was no planning for the zoning designation, the approval sequence is out of order. Applicant did not meet requirements for sensitive lands and did not seek to avoid locating in it as required. Appellants have been denied their appeal rights by side-stepping the sensitive lands requirements.
  - 
  - OGNA requests that DRB review and double-check that each provision of approval criteria 6-6(G) (3)(a-c) has been met . OGNA notes that several conditions for prior approval for development were supposed to be accomplished prior to DRB approval. Hence these provisions could not be raised at prior hearings. We request that out-of-sequence approvals be rectified. Please contact us for specifics to assure mutual understanding.

OGNA requests to meet with you to discuss the complexities, hazards, safety and adverse impacts of the proposed site plan. Thank You.

Regards

Alicia Quinones, BSEngr., MBA, CRM, Certified Engineering Risk Manager  
President, Oso Grande Neighborhood Assn.  
quinones@cybermesa.com





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

Guardian Storage  
7501 Holly Avenue NE  
Albuquerque, NM 87113

**Project# PR-2019-002184**  
**Application#**  
**SI-2019-00379 SITE PLAN DRB**  
**SD-2020-00027 PRELIMINARY/FINAL PLAT**

### LEGAL DESCRIPTION:

All or a portion of TR G-1 PLAT OF TRACTS F-1 & G-1, ACADEMY PLACE SUBDIVISION, zoned MX-L, located at **4909 JUAN TABO BLVD NE** between **OSUNA RD** and **MONTGOMERY BLVD**, containing approximately 2.3795 acre(s). (F-21)

On January 29, 2020 the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request, with delegation to Hydrology and Planning to address issues, based on the following Findings:

### SI-2019-00379 SITE PLAN DRB

1. This is a request for a Site Plan DRB for a 116,700 square-foot self-storage building 35-feet in height.
2. The proper notice was given as required by the IDO in Table 6-1-1.
3. The applicant held a meeting with the affected neighborhood associations on November 5, 2019.
4. Pursuant to 6-6(G)(3) Review and Decision Criteria. An application for a Site Plan – DRB shall be approved if it meets all of the following criteria:
  - a. 6-6(G)(3)(a) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations. *Specifically, the height, parking, open space, landscaping and façade meet or exceed the IDO requirements.*
  - b. 6-6(G)(3)(b) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development. *The site has access to a full range of urban services including utilities, roads, and emergency services. The ABCWUA issued an availability statement for the site. A Traffic Impact Study was not required. A grading*

Official Notice of Decision

Project # PR-2019-002184 Application# SI-2019-00379, SD-2020-00027

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*and drainage plan for the entire site has been approved by Hydrology.*

- c. 6-6(G)(3)(c) The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable. *The site has significant perimeter landscaping: 39,809 square feet of landscaping is proposed and 9,544 square feet are required. The applicant agreed to and added a note on the Site Plan that interior lighting would be reduced to 50% by 9 pm and 25% by 11 pm. The applicant added an additional note stating that the hours of operation for office and gate access are from 7AM to 5:30 PM and gate only access is available until 7 PM.*

**SD-2020-00027 PRELIMINARY/FINAL PLAT**

1. This Preliminary/Final Plat dedicates 2,670 square feet of right-of-way to the City of Albuquerque along Juan Tabo Boulevard NE on the southwest corner of Osuna Road NE and Juan Tabo Boulevard NE.
2. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

**Conditions:**

1. This Site Plan is valid 5 years from DRB approval (2-13-2020). An extension may be requested prior to the expiration date.
2. Final Sign off is delegated to Hydrology to check for the stamped date for the grading and drainage plan and Planning for the infrastructure List.
3. The applicant will obtain final sign off from Hydrology and Planning by March 29, 2020 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.
4. Once the site plan has all the required signatures, a pdf of the complete, a signed-off-set shall be emailed to the PLNDRS.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **FEBRUARY 13, 2020**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

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).

Official Notice of Decision

Project # PR-2019-002184 Application# SI-2019-00379, SD-2020-00027

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Sincerely,

A handwritten signature in cursive script, appearing to read "J. Wolfley".

Jolene Wolfley  
DRB Chair

JW/jr

CSI – Cartesian Surveys, Inc. 1005 21<sup>st</sup> Street SE, Suite A, Rio Rancho, NM 87124