

CITY OF
ALBUQUERQUE, NEW MEXICO

RULES OF PROCEDURE
for the
DEVELOPMENT REVIEW BOARD

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Revised July 2003

RECOMMENDED:

 7/9/03
Date
Development Review Board
By: Sheran Matson, Chairperson

 7/9/03
Date
Victor Chavez, Planning Director

APPROVED:

 7/15/03
Date
Jay Czar, Chief Administrative Officer

TABLE OF CONTENTS

BACKGROUND	1
ORGANIZATION	
Composition	1
Qualifications & Responsibilities of Members	2
Appointment of Members	3
Removal of Members	3
Chairperson	4
Administrative Assistant	4
Legal Counsel	5
Committees	5
DELEGATION/INTERNAL ROUTING	5
DEVELOPMENT REVIEW BOARD RESPONSIBILITIES	
Exercise Administrative Approval Authority	6
Advisory Review Responsibilities	6
MEETINGS	6
DECISIONS	7
PARTICIPATION AT MEETINGS	8
APPEALS	8
TRANSMITTAL TO EPC, MAYOR & CITY COUNCIL	9
SUSPENSION OF RULES	9
AMENDMENT OF RULES	9
TYPICAL PROCESSING TIMES	9

DEVELOPMENT REVIEW BOARD RULES OF PROCEDURE

BACKGROUND

The Development Review Board (DRB) was established in March, 1982, by Administrative Instruction No. 11, later re-issued on September 1, 1992 as Administrative Instruction 8-2. The DRB provides a forum for key City departments directly responsible for specialized aspects of the physical development of this community to review and make decisions on subdivision proposals scheduled for their hearing.

The DRB is charged with administering the City Subdivision Ordinance and will exercise administrative approval authority on the types of proposals outlined in "Development Review Board Responsibilities" in this document. In addition, the Board will exercise advisory/review authority on the types of proposals also outlined in "Development Review Board Responsibilities".

The DRB is intended to meet three general goals:

- Implement a more effective review and approval process for the City and the applicant.
- Implement a mechanism for discussions where all key agencies and the applicant receive the same information and interface as a group, thereby establishing the same base for analysis of the proposal and its relevant impact on each agency's specialization area.
- Facilitate better coordination, planning and judgment leading to quality development in the City of Albuquerque.

These rules and regulations are in accordance with the applicable provisions of the Revised Ordinances of Albuquerque, New Mexico, RO-1994. Three certified copies of the DRB rules shall be filed with the City Clerk to be kept as permanent public record. Copies of these rules are available to the public at the Planning Department for a nominal fee.

ORGANIZATION

Composition - The DRB shall be composed of five (5) members, who are employees of the City of Albuquerque representing the following:

- Director of the Planning Department
- Director of the Parks and Recreation Department
- Water & Sewer Utilities Engineer
- Traffic Engineer
- City Engineer

Qualifications & Responsibilities of Members

General

- A board member must be appointed by his/her department director.
- A board member must be authorized to sign plats.
- Each of the members shall have an alternate whose qualifications are commensurate with the specific qualifications described here.
- If an agenda item is under consideration in which any of the DRB members voting on the item have a personal financial interest, his/her alternate must sit in review of that item.
- Members charged with engineering responsibilities must be licensed, professional engineers.

Specific responsibilities of each DRB member pertaining to DRB matters are:

The Planning Director representative provides:

- Expertise in the provisions of the City Subdivision Ordinance, City Comprehensive Zoning Code, and other applicable policies and regulations.
- Knowledge of and compliance with planning efforts including the Comprehensive Plan, Planned Growth Strategy, area plans and sector plans.
- Land use and design expertise.

The Parks and Recreation Director representative provides:

- Knowledge of park dedication and development fee requirements and methods by which the requirements are met.
- Expertise regarding suitability of parks, trails, recreations facilities and open space.
- Expertise regarding planned and programmed park and open space areas and their relationship to proposed development.
- Expertise regarding overall design of the proposed development.
- Knowledge of open space needs and requirements.

The Water/Sewer Utilities Engineer provides:

- Expertise on the availability and design of planned and programmed water and sanitary sewer facilities serving proposed development.
- Expertise regarding conformance with City water and sewer design and construction specifications including fire protection service.
- General engineering expertise including consideration of items such as utility easements
- Special assessment district information related to the provision of water and sewer facilities.

The Traffic Engineer provides:

- Intersection and street capacity information and design engineering expertise.
- On-site and off-site design and access expertise.
- Planning expertise in all applicable forms of transportation including Long Range Roadway System and Long Range Bikeway System Plan, etc.
- Expertise regarding access requirements for fire and refuse equipment.
- Coordination of drainage treatment with City Engineer.
- General engineering expertise including consideration of items such as adequate easements.
- Special assessment district information related to the provision of transportation facilities.

The City Engineer representative provides:

- Storm drainage engineering expertise (must qualify as AMAFCA's designee)
- General engineering expertise including consideration of items such as drainage easements.
- Master Drainage Plan information
- Special Assessment District information
- Coordination of drainage treatment with Traffic Engineer.
- Administration of subdivision improvements agreements.

Appointment of Members

- Each designated department director will appoint a member and an alternate.
- All appointments of members and alternates shall be made in writing to the Planning Department Director with the concurrence of the Chief Administrative Officer.
- The member and alternate shall receive a copy of the appointment and a copy of these rules.
- Each member and alternate, unless removed, shall serve until a replacement is appointed.

Removal of Members

- Any member (not alternate) who has missed more than fifty percent of the meetings, held during a three (3) month period, shall be automatically removed unless the appropriate Department Director assures that member's attendance in the future. In addition, violation of any of the provisions of these rules or unprofessional conduct may be cause for removal.
- Any member may be removed by written notice to the Planning Department Director with the concurrence of the Chief Administrative Officer and sent to the appropriate department director.

Chairperson

The Planning Director or designee shall chair the DRB. In the absence of the DRB Chairperson, another DRB member designated by the Chairperson or the Planning Department Director shall chair the DRB.

The Chairperson:

- Presides at all meetings and hearings of the DRB.
- Preserves order, decides all points of order and procedure, subject to appeal by membership.
- Takes evidence when appropriate. Signs transmittals to the Environmental Planning Commission (EPC), Mayor/CAO. Communications to City Council are forwarded to the Planning Director for transmittal under his/her signature.
- Represents the DRB before the EPC, City Council and other appellant bodies. The chairperson may appoint any member to appear in his/her behalf.
- Oversees the scheduling of matters which come before DRB. Matters scheduled for public hearing shall follow requirements for legal advertisement and notice. Matters not requiring legal advertisement and notice may be set for the next regular meeting of the DRB.
- Ensures that the Planning Department provides the necessary staff support for reports, meeting recordation, filing, preparation of decision documents and other appropriate tasks.
- Ensures that a file is maintained in the Planning Department listing persons from all agencies who are authorized to sign plats. Ensures that the list is sent to the County Treasurer and County Clerk's Offices & updated lists are sent whenever there is a change.
- Notifies and requests additional department, agency, or other representatives are present at meetings, when necessary, for a comprehensive review and approval process.

Administrative Assistant

- The Planning Director shall provide an administrative Assistant for the DRB.
- The administrative assistant shall also act as the DRB corresponding secretary.
- The administrative assistant shall attend meetings of the DRB.
- The administrative assistant shall prepare and distribute copies of the DRB agenda and other materials as directed by the Chairperson.
- The administrative assistant shall record and maintain summary minutes of all matters considered by the Board. These summary minutes shall normally consist of persons speaking on the matter, findings and actions of the Board. The Board may, on occasion, request a detailed transcript of a particular matter. The records shall be kept available for public inspection in the Planning Department during regular working hours.
- The administrative assistant shall arrange for the meeting place and prepare and provide notices of hearings as prescribed by the Revised Ordinances of Albuquerque.

- The administrative assistant shall prepare the DRB Official Notices of Decision and Action Sheets. Findings on which the decisions are based shall be included.

Legal Counsel

- The City Attorney or a designated representative shall be the legal counsel for the DRB.
- The designated DRB legal counsel shall attend DRB meetings and other meetings as requested by the DRB Chairperson or other DRB members.

Committees

The Chairperson, with concurrence of a majority vote of the DRB, may create committees and assign responsibilities and authority in writing, as deemed necessary or desirable. DRB members and/or other City Staff may serve on these committees.

Committees shall handle specific project areas, special problems and carry out the duties as specifically assigned by DRB at the time of committee creation. The DRB shall select the members and the committee will select its chairperson.

Committees established by the DRB shall proceed by these rules of procedure.

DELEGATION/INTERNAL ROUTING

The DRB will establish criteria and standards to allow staff to exercise administrative approval on specific types of requests. The criteria and standards must be appended to these rules prior to delegation of authority. A consensus is required to establish or amend the criteria or standards. Public notification will occur via DRB agenda attachments and availability at the Development Services Front Counter as well as publication on Planning's website.

To delegate a non-discretionary item off the agenda to DRB members at the meeting, three (3) DRB members must sign the plat or site development plan at the DRB meeting. The specific reasons for delegation must be stated at the meeting where delegation occurs. Approval by delegation shall occur only when those specific reasons are satisfied. If three signatures cannot be obtained at the meeting, the item is deferred to a future meeting. In the event the delegated item is not submitted to the DRB within the time set by the DRB, the DRB may disapprove the action at the next scheduled hearing.

To internally route a minor subdivision plat or delegate a minor plat off the agenda, all DRB members must agree to approve the plat prior to hearing it at a DRB meeting. In this case, minor subdivision plats are lot splits with no zoning, planning, access, grading or water and sewer issues. In those instances where issues such as major infrastructure are involved, the plat will not be delegated but will remain on the DRB agenda. In the case of internal routing, the application will have to be scheduled for a DRB meeting.

The DRB has delegated approval authority for technical corrections to recorded final plats in circumstances where the corrections have no material effect on the substantive content of the plat. The DRB Chairperson and the City Surveyor shall jointly have authority to approve technical corrections to recorded final plats. The DRB Chairperson and City Surveyor will consult other DRB members as appropriate prior to approving the correction plat.

DEVELOPMENT REVIEW BOARD RESPONSIBILITIES

Exercise Administrative Approval Authority

- Subdivision (where no rezoning action or annexation is required)
- Site development plans for administrative approval and/or as delegated by the EPC
- Minor amendments to approved site development plans
- Sidewalk variances
- Sign-off for compliance with written conditions set by the EPC on site development plans.
- Extensions of subdivision improvements agreements.
- Sector plans and area plans

Advisory Review Responsibilities

- Subdivision for which rezoning and/or annexation is required.
- Sector development and area plans
- Plans for transportation corridors shown on the Long Range Roadway System or in an alignment study.
- Future street alignment recommendations.
- Facilities Master Plan Review for Flood Control.
- Functional review of site development plans to be approved by other bodies.
- Preliminary subdivision and/or development agreements as appropriate.

Other matters as determined necessary or appropriate by the Mayor.

MEETINGS

- Open Meetings. All DRB meetings are open to the public.
- Meetings shall be held on a regularly scheduled basis.
- Special meetings. Special meetings may be called by the Chairperson with at least twenty-four hours public notice posted in lobby of Plaza del Sol. Such meetings shall be open to the public.
- The Chairperson shall preside at all meetings of the DRB. In the event of the absence or disability of the Chairperson, the DRB member designated by the Chairperson or the Planning Director shall preside as Chairperson.

- Place of Meetings. Generally all meetings shall be in the Plaza del Sol Hearing Room, Garden Level, 600 Second Street, NW. However, depending upon items to be discussed they may be held at various public places throughout the community where deemed desirable or necessary to promote citizen participation or to fulfill the requirements of City ordinances.
- Notice. Notice of the time and place of DRB hearings shall be in accordance with the Subdivision Ordinance, rules and regulations governing the items under discussion.
- Quorum. A DRB quorum consists of five members or their alternates. A quorum is necessary to conduct business. In the case of the emergency absence of designated member(s), the appropriate department director can sit for, or designate, a temporary alternate for the missing representative(s).
- Meeting Agenda: For regularly scheduled meetings, the administrative assistant shall prepare an agenda at least five (5) days prior to each DRB meeting based on applications received, listing the matters of business generally in the following order:
 1. Call to order - - recording of members present and absent
 2. Changes to Agenda - - any and all changes to the printed agenda, shall normally be announced at the beginning of each meeting.
 3. New or old business not part of submittals to be heard
 4. Public Hearing Matters. Major Actions.
 5. Signatures on items previously considered by the DRB, EPC, or others. Minor Actions.
 6. Sketch plat or plan review of subdivisions--conceptual review prior to formal submittal.
 7. Approval of minutes.
 8. Adjournment.
- All revised application submittals must be received by the DRB Administrative Assistant by noon on the Monday before the scheduled Wednesday meeting date. Materials received after this deadline will be reviewed only in extraordinary circumstances as determined by the Chairperson. If materials are faxed, the burden is on the applicant to notify the Administrative Assistant that a fax is being sent. If a DRB member has pre-approved a submittal and/or agreed before the meeting, the materials can be submitted at the meeting.
- As used within these rules, the term "meeting" also refers to a "hearing", a type of meeting at which public comments are taken and decisions are made by DRB.

DECISIONS

A consensus of the five members is necessary to advise and exercise administrative approval on items before the DRB. Failure to achieve a consensus is deemed a denial for purposes of appeal unless a deferral is agreed to in writing by the applicant or verbally requested at the DRB meeting.

Where approval requires the signatures of DRB members on a plan or plat, at least three (3) DRB members or their alternates present at the meeting must sign at the meeting for the agenda item to be conditionally approved and delegated off the agenda. The remaining two DRB members will sign once the stated conditions are met. If three DRB members cannot sign at the meeting, the item will be deferred at the agent's request, either indefinitely or to a specific date agreed to by DRB and the applicant. The conditions for final sign off must appear in the DRB minutes.

Voting occurs on rules, procedures, and similar items. A simple majority of votes cast shall carry all motions.

PARTICIPATION AT MEETINGS

The DRB intends to conduct its business in an orderly manner. Orderly procedure requires that each person shall proceed without interruption from any other person except as deemed necessary by the Chairperson. All arguments and questions shall be addressed to the DRB. Persons addressing the DRB must state their name and interest, and must sign in with the administrative assistant for record-keeping purposes. If they are appearing for an advertised agenda item, they shall be sworn in as well.

Matters of public hearing before the DRB shall be presented in the following manner:

1. Applicant's presentation of the request.
2. Comments by other concerned parties.
3. Applicant's response
4. Comments by other agencies and DRB members.
5. Chairman's summary of issues when needed, and close of public participation
6. Comments by DRB members, staff
7. Decision of the DRB with conditions as necessary

Members of the DRB may ask questions at any time.

A copy of all material presented to the DRB shall be given to the DRB administrative assistant for the record.

The DRB may defer the agenda item to a specific date, time, and place by majority vote with the written consent of the applicant or, if the applicant is present, with verbal consent entered as part of the record. If the deferral is due to: an incomplete submittal, insufficient time allowed for hydrology review or additional materials submitted after Monday at noon of the hearing week, a deferral fee will be charged.

If an applicant is not present when his/her project is announced by the DRB Chairperson, the application will be deferred to the end of the public hearing items if it is a publicly advertised case or to the end of the agenda for non-advertised cases. If the applicant still does not appear before the above deadlines, the project will be indefinitely deferred. Projects indefinitely deferred require re-application and repayment of all application fees

APPEALS

Individuals who own a property interest within 300 feet of the subject site excluding any public right of way which would not be altered by the action and organized neighborhood associations recognized by the City whose boundary is within 600 feet of the subject site (excluding public right of way) may file appeals of DRB decisions under the Subdivision Ordinance to the EPC.

TRANSMITTAL TO MAYOR, EPC AND CITY COUNCIL

Matters requiring transmittal to the EPC, Mayor/CAO and City Council from the DRB shall be transmitted by the DRB Chairperson to the Planning Director and include a copy of the minutes of the matter and a record of recommendation(s)/actions taken. The Planning Director will then transmit the information.

SUSPENSION OF RULES

No rule of the DRB shall be suspended except by a consensus vote of the membership of the DRB present. A motion to suspend the rules shall be decided without debate.

AMENDMENT OF RULES

These rules and the mandating policies or rules of conduct for a committee of the DRB may be amended by the majority of a quorum of DRB at a public meeting, provided written notice of the proposed changes and their time of consideration is given to all DRB members at least five (5) days in advance.

TYPICAL PROCESSING TIMES

From date of acceptance of application as complete, these non-publicly advertised (minor) cases will be considered at a DRB meeting usually within one week unless DRB is not meeting the following week. In that instance, the case will be heard within two weeks:

- Sketch plat review
- Final plats
- Amendments to site development plans originally DRB approved
- Amendments to site development plans delegated to DRB by EPC
- Sidewalk variances/deferrals
- Minor subdivisions
- EPC approved site development plans requiring DRB final sign off
- Site development plans delegated to DRB without public hearing
- Preliminary plat approval extensions

From date of acceptance of application as complete, the following public hearing items will be considered at a Board meeting within four (4) weeks. These items shall be sent to appropriate agencies for review and comment and a legal notice will be prepared and published at least fifteen (15) days prior to the hearing dates:

- Site development plans delegated to DRB with a public notification requirement
- Major subdivision preliminary plats
- Sector development plans
- Vacations
- Subdivision Improvement Agreement extensions

The Planning Director shall adopt standard requirements for submission of applications which detail the required information and/or materials. Incomplete submissions are grounds for deferral. Inaccurate, false or misleading information is grounds for denial.