

**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**

December 10, 2012

City of Albuquerque  
Planning Department  
PO Box 1293  
Albuquerque, NM 87103

**Project# 1009414**  
12EPC-40061 SECTOR DEVELOPMENT PLAN - EPC  
PHASE 2 FINAL REVIEW & APPROVAL

### **REQUEST:**

The City of Albuquerque Planning Department requests the above action for the Volcano Heights area, 569.11 acres surrounding Paseo del Norte and Unser Boulevard between Universe Blvd. and Petroglyph National Monument. Currently zoned RD, SU-1 PRD FAR. 5, SU-1 C-1 USES and proposed to be zoned SU-2 VHTC, SU-2 VHRC, SU-2 VHVC, SU-2 VHMIX, SU-2 VHNT, and/or SU-2 VHET. (Zone Atlas Maps: B-10 & 11, C-10 & 11)  
Mikaela Renz-Whitmore, Staff Planner

On December 6, 2012, the Environmental Planning Commission (EPC) voted that a Recommendation of APPROVAL be forwarded to City Council for Project 1009414 / 12EPC-40061, a Sector Development Plan – EPC Phase 2 Final Review and Approval, based on the following Findings and Conditions:

### **FINDINGS:**

1. This is a request for approval of the Volcano Heights Sector Development Plan, an area surrounding the intersection of Paseo del Norte and Unser Boulevard, including approximately 570 acres. The Plan area boundaries are Paseo del Norte to the north, the Petroglyph National Monument to the east, the Volcano Cliffs SDP to the south, and Universe Boulevard to the west.
2. The Plan area currently contains properties zoned RD, SU-1 for PRD, and SU-1 for C-1 uses.

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3. In 2006, a Volcano Heights Sector Development Plan (SDP) was adopted for a larger area but was appealed to court and ultimately remanded back to the City in 2008/9. The plan area was broken into three distinct but related sector development plans intended to guide future development in the area that was renamed the Volcano Mesa community. Volcano Cliffs SDP was adopted in May 2011, and the Volcano Trails SDP was adopted in August 2011. The three plans share similar policy underpinnings that are included in the Rank II West Side Strategic Plan's 2011 Volcano Mesa amendment, which recommends the designation of a Major Activity Center in Volcano Heights. In 2010, another draft Volcano Heights Sector Development Plan was submitted to the adoption process, heard several times at the Environmental Planning Commission, and ultimately withdrawn in October 2011.
  
4. This 2012 Volcano Heights Sector Development Plan has a boundary modified slightly from previous planning efforts and includes a new zoning strategy, mandatory street network, policies, goals, and recommended implementation steps. The Plan includes regulatory site development standards and building design standards associated with each zone as well as general to all zones; street and streetscape standards; signage standards; and open space, landscaping, and site lighting design standards.
  
5. The Volcano Heights SDP provides a balanced approach to achieve the following:
  - (A) The Plan addresses the imbalance of jobs and housing on the City's east and west sides by proposing to change existing zoning from single-family uses to a mixed-use, urban, walkable, transit-friendly environment that provides opportunities for employment, destination retail, and higher-density residential living at the scale of a Major Activity Center.
  - (B) The Plan addresses the challenge of multiple property owners and undeveloped land with highly coordinated land-use and transportation regulations that emphasize coordination across property owners, along corridors, and over time.
  - (C) The policies, regulations, and incentives in the Plan work together to create a distinct district with a sense of place that respects and enhances the unique natural environment and adds to the range of development options on the City's West Side.
  - (D) The Plan seeks to balance the built and natural environments through a combination of policies, regulations, and incentives that emphasize high-quality development as well as preservation options for views, rock outcroppings, and sensitive lands.
  - (E) The Plan seeks to balance the predictability of high-quality development provided by the Plan's detailed site development and building design standards with the flexibility of the Plan's mixed-use zones and streamlined development process.

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6. The Plan proposes to replace all zoning within the Plan area with one of the following zones: SU-2/VHTC (Volcano Heights Town Center), SU-2/VHRC (Volcano Heights Regional Center), SU-2/VHVC (Volcano Heights Village Center), SU-2/VHMX (Volcano Heights Mixed Use), SU-2/VHNT (Volcano Heights Neighborhood Center), or SU-2/VHET (Volcano Heights Escarpment Transition).
  
7. The proposed zoning is justified under R-270-1980 per the following considerations:
  - (A) The proposed zoning is consistent with the health, safety, morals, and general welfare of the city because it helps ensure that all development furthers the goals and policies of the Comprehensive Plan and other applicable plans and provides opportunities for additional employment on the West Side that can help address the imbalance of jobs to housing that creates significant traffic congestion and negatively impacts quality of life for residents.
  - (B) The Plan's proposed zoning implements established policies in the Rank I Comprehensive Plan, Rank II West Side Strategic Plan, Rank II Facility Plan for Major Public Open Space, Rank III Northwest Mesa Escarpment Plan that provide sound justification for the proposed zoning changes. (See also Findings # 7-11.)
  - (C) The proposed zoning poses no significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments as outlined in Findings #7-11.
  - (D) Existing RD zoning is inappropriate because:
    1. community conditions have changed, including existing and anticipated traffic congestion and a preponderance of single-family residential uses without the balance of nearby employment opportunities; and
    2. the proposed range of mixed uses in each zone would be advantageous to the community, as articulated in the Comprehensive Plan, by providing the opportunity for employment, retail, and services in close proximity to existing residential areas and future residents in the Plan area. (See also Finding #7.)
  - (E) Permissive uses in the proposed zones would not be harmful to adjacent property, the neighborhood, or the community because the mix of uses and the urban form resulting from the design standards create compatibility within the Plan area and with adjacent development. The Plan's proposed development pattern of walkable and transit-supportive retail, employment, and residential uses provides benefits for existing and future residents.
  - (F) Proposed zone changes do not require major and unprogrammed capital expenditures by the city. The plan suggests various strategies to finance infrastructure, including Public Improvement Districts (PIDs), Tax Increment Development Districts (TIDDs), or Special Assessment Districts (SADs), which all

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require property owners to collaborate, vote to institute the mechanism, and work with the City to implement the agreed-upon infrastructure improvements.

- (G) The cost of land and other economic considerations are not the determining factor for the proposed zone change
  - (H) The VHSDP does not use “location on a collector or major street” as the justification for establishing mixed-use zoning within the Plan area; rather the location of mixed use and higher density residential zoning is related to the vision proposed for the whole Volcano Mesa area.
  - (I) The Plan does not propose spot zones; rather the Plan proposes a rational nesting of zone categories, with the most dense and intense at the center, and least dense and intense at the borders where the boundaries abut existing single-family residential areas to implement Comprehensive Plan policies.
  - (J) The Plan does not propose strip zones; rather the Plan proposes a strategy of land use coordinated with a mandatory transportation network to allow the development of all properties, create transitions between zones, and implement Comprehensive Plan policies.
8. This Plan implements the following policies of the Rank I Albuquerque/Bernalillo County Comprehensive Plan:
- (A) The West Side Strategic Plan’s Volcano Mesa community and its Major Activity Center (MAC) designation and policies address the existing conditions of the Volcano Heights Plan area to ensure compatibility of development on vacant land with existing neighborhoods, urban services and facilities, and natural features (II.B.5 Developing and Established Urban Areas Goal and Policies c, d, e, g, n).
  - (B) Higher-density housing in the Volcano Heights MAC, with access to Paseo del Norte and Unser Boulevard, is appropriate to support employment and service uses. The MAC’s development pattern, Transition zones, and proposed densities along arterial and collector streets will protect existing residential areas and views, minimize traffic, and enhance livability via context sensitive design standards and a mandatory street network (II.B.5 Developing and Established Urban Areas Goal and Policies h, i, k, l, m).
  - (C) The Volcano Heights SDP zoning and design standards will protect and preserve open space areas, including the Escarpment, Petroglyph National Monument, and basalt rock outcroppings. Community open areas that tie into the open space network are encouraged through a combination of regulations and incentives in the Plan (II.B.1 Open Space Goal and Policies c, d, f, g, h, j).
  - (D) The West Side Strategic Plan MAC for Volcano Heights will provide a way to address the jobs/housing imbalance in the area with new job opportunities, densities, and structure sizes that are appropriate to and buffered from nearly low-density

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residential areas via Transition zones (II.B.7 Activity Centers Goal and Policies c, e, f and II.D.6 Economic Development Goal and Policies a and g).

- (E) More compact development, coupled with a multi-modal transportation system will improve air quality compared to what could be developed under the pre-existing zoning (II.C.1 Air Quality Goal and Policies b and d).
- (F) Volcano Heights SDP contains a combination of regulations and incentives to protect, preserve, and enhance the area's unique archaeological resources, including an incentive for interpretive signage to educate visitors and residents about the area's history, culture, and geology (II.C.6 Archaeological Resources Goal and Policy c).
- (G) The Volcano Heights SDP, particularly its zoning and design standards that include native plant lists and streetscape standards, will lead to a quality developed landscape that preserves and enhances the natural and built environments. Building, streetscape, and site development standards will ensure a quality developed landscape that preserves and enhances this community's identity via a high-quality built environment that is in harmony with the area's unique natural setting (II.C.8 Developed Landscape Goal and Policies a, d, e; II.C.9 Community Identity and Urban Design Goal and Policies b, c, e).
- (H) Volcano Heights SDP's energy incentives built into the height bonus system, its multi-modal street network, and transit-supportive development pattern promote energy efficiency, variety of transportation, and expansion of transit corridors and service. The plan's multi-modal cross sections, mandatory street network, and transit corridor – coordinated with ABQ Ride, DMD, and the Mid-Region Council of Governments (MRCOG) – will serve existing and future transportation needs for all users and, in conjunction with the compact development pattern, reduce peak hour demands in the morning hours on regional roads (II.D.3 Energy Management Goal and Policies a and d, II.D.4 Transportation and Transit Goal and Policies c, f, o).

9. The Plan implements the following policies of the Rank II West Side Strategic Plan:

- (A) The Plan's proposed density, mixed-use development pattern and scale, location at the intersection of major arterials, and multi-modal street network create the appropriate conditions to support a Major Activity Center on the West Side that provides opportunities for employment to address the existing jobs/housing imbalance (1.1, 1.9, 1.18, 3.85, 3.95, 3.96).
- (B) The Plan's implementation strategies encourage the creation of Public Improvement Districts, Special Assessment Districts, and public/private partnerships, as well as further collaboration with implementing agencies such as Albuquerque/Bernalillo County Water Utility Authority, Albuquerque Metropolitan Area Flood Control

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Authority, ABQ Ride, Mid-Region Council of Governments, and City Department of Municipal Development (3.98).

- (C) Mandatory street networks, requirements for usable and detached open space, and regulatory and incentive-based protections for archaeological and geological resources, native plant lists, grading and construction mitigation standards, and context-sensitive zoning and design standards will work together to protect the area's sensitive resources and encourage development in harmony with the unique natural setting (3.99, 3.100, 3.101, 3.103, 3.104, 3.105, 3.106, 3.107, 3.108).
- (D) Adequate access and transportation choices for all users are supported by recommended intersections along Paseo del Norte and Unser Boulevard; proposed high-capacity transit corridor and transit-supportive densities, land uses, and development patterns; and multi-modal cross sections (3.110, 3.111, and 3.112).

10. The Plan implements the following policies in the Rank II Facility Plan for Major Public Open Space:

- (A) The Escarpment Transition zone limits building height, scale, massing, building color, and density adjacent to the Petroglyph National Monument to ensure compatible development. The transition zone works with the proposed single-loaded Park Edge Road to protect visual access and view corridors (Design Guidelines for Development Adjacent to Major Public Open Space B.3.A and B.3.B; Resource Management C.6.E, West Side Open Space, Section 4, Policy C.1).
- (B) Grading and construction mitigation regulations, Park Edge Road and associated bioswale/linear pond, and coordination with a future drainage management plan by AMAFCA will protect the escarpment by managing stormwater and controlling erosion (West Side Open Space, Section 4, Policy D.1).

11. The Plan implements policies in the Rank II Facility Plan: Electric System Generation and Transmission (2010-2020) by limiting electrical uses in the Escarpment and Neighborhood Transition zones to ensure the appropriate siting of electrical facilities away from residential areas, sensitive lands, and highly visible topographic areas (Standard III.A.1, III.A.9, and III.A.10).

12. The Plan's height limits, color restrictions, drainage and construction mitigation regulations, reflectivity limits, Park Edge Road, Escarpment Transition zone, bonus height system, multi-modal street network, and sign standards complement many policies of the Rank III Northwest Mesa Escarpment Plan (NWMEP) (9, 11, 12, 15, 19, 20, 21, 23, and 35) and are compatible with the Rank III Unser Boulevard Design Overlay Zone (DOZ). Where this Plan conflicts with the NWMEP, this Plan prevails unless otherwise stated in this Plan. Where this Plan conflicts with the Unser Boulevard

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DOZ, the most restrictive regulation prevails. Where this Plan is silent, regulations of the other relevant Rank III plans prevail.

13. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Facility Plan for Open Space, Facility Plan: Electric System Generation and Transmission (2010-2020), Northwest Mesa Escarpment Plan, Unser Boulevard Design Overlay Zone, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
14. The Albuquerque/Bernalillo County Water Utility Authority, Albuquerque Metropolitan Area Flood Control Authority, and City Department of Municipal Development are planning for future implementation of infrastructure improvements in Volcano Heights that will help bring the Plan's goals and vision to fruition in collaboration with private efforts from property owners and other implementing departments and agencies.
15. After significant negotiations as to effective traffic systems; views, open space, and sensitive land preservation; and the balance of built and natural environments, the public involved in the planning process thus far supports the compromises about these issues embodied in the Plan. Major stakeholders, property owners, the National Park Service, and involved neighborhood associations understand that this Plan represents a balanced attempt to address and meet all needs for the benefit of the City and the larger region.

CONDITIONS:

*[Note: Page and section numbers refer to the draft plan presented at the October 4, 2012 EPC hearing. Numbers in brackets refer to the line item in the Comment Matrix prepared for the December 6, 2012 EPC Hearing and included in the associated staff report as Attachment 1. PC = Public Comment, AC = Agency Comment, CC = Commissioner Comment, and SC = Staff Comment]*

1. On page 4, section 1.3, add the following text to the end of the 3rd paragraph: "Safe, reliable electric service is the cornerstone of economic development for the Plan area." [AC 55]
2. On page 5, Exhibit 1.1, edit labels to show correct placement of Universe Blvd., Unser Blvd, and Golf Course Rd. [AC 21]
3. On page 8, section 1.7.2(ii), insert the following text: "The optional bonus height system is intended to provide additional height and density incentives for development in appropriate locations that enhances the built and natural environments." [PC 145]

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4. On page 7, section 1.6, replace "Development Vision for Full Build-out" with "Anticipated Build-out". In the text of the following paragraphs, replace "vision" with "anticipated build out." In the titles of Table 1.1 and 1.2, replace "Development Vision" with "Anticipated Build-out." [PC 18]
5. On page 7, in the second paragraph under section 1.6, add to the end of the second sentence the following: "(approximately 477 acres)" [SC 1]
6. On page 14, section 2.1.1, add the following sentence to the end of the second paragraph: "Table 2.2 summarizes the precedence of this Plan with other relevant plans and procedures." [PC 24]
7. On page 14, Table 2.1, replace "Facility Plan for Electric Service Transmission and Subtransmission Facilities" with "Facility Plan: Electric System Generation and Transmission (2010-2020)." Note in the third column "Predominantly Policy" [AC 56]
8. On page 16, section 2.2.1(iii), add "and Regional Center" after "Escarpment Transition Zone." [SC 2]
9. On page 16, section 2.2.1(v), add to the end of the first sentence, "with one exception: residential and mixed-use structures within the View area shall be subject to the same color restrictions as non-residential structures." On page 143, section 8.4.1, add the same text to the end of the sentence. [PC 200.2] and [AC 2]
10. On page 24, section 3.2.3(i), add the following text to the end of the existing text: "Regarding utility facilities, the developer must provide evidence that adequate and appropriate coordination with private utilities has occurred." [AC 58]
11. On page 20, section 3.1.3, add the underlined phrase below to the existing language: "The provisions of this Plan, when in conflict, shall take precedence over those of other City of Albuquerque codes, ordinances, regulations, and standards as amended except for the New Mexico Electrical Code, the New Mexico Electrical Safety Code and as noted herein." [AC 57]
12. On page 20, section 3.1.7(i), edit the end of the final sentence to read: "applicability of the various sections of this Plan to development and redevelopment projects." On page 22, Table 3.1, change the title to read "Applicability of Plan Sections by Development Type" and change the second item to read "Renovations associated with change of use/expansion of use with no expansion of building." [PC 106]
13. On page 26, section 3.2.6, add a new subsection (i) with the following language: "City Open Space Division should be included in the review process where the development occurs within the Impact Area as defined by the NWMEP or within 200 feet of a significant rock outcropping as shown in Exhibit 10.1." [AC 91]
14. On page 26, section 3.2.6, add as a final bullet of potential VHRT members: "An AIA representative(s) or other licensed design professional(s)." [PC 102.1]



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15. On page 26, section 3.2.6, add the following text: "As the Plan area develops, PNM must be involved in all aspects of significant infrastructure development in order to allow for adequate utility planning and placement." [AC 59]
16. On page 28, in Table 3.2 for "Location/geometry of Mandatory Streets," edit the Minor Deviation Allowed description as follows: delete "affected" and add to the end of the sentence: "when it affects their properties." [SC 3]
17. On page 29, Table 3.2, add the following text as a new criterion under "Built-to zones/setbacks" after "changes to avoid natural and/or culturally significant features or sensitive lands": "building placement to protect view corridors or enhance solar efficiencies." [PC 77]
18. On page 31, Table 3.3, add the following text to the criteria for "Built-to Zones/Setbacks" after "changes in the width of a sidewalk": "or building placement to protect view corridors or enhance solar efficiencies." [PC 77]
19. On page 29, Table 3.2, add the following text as a new element beneath "Building Design Standards": in the second column: "Street screens next to elevated roadways" and in the third column: "Where the roadway grade exceeds the approved property grade by more than 4 feet, the requirement for a street screen may be eliminated." [PC 33]
20. On page 31, in Table 3.3, Major Deviation Criteria, under the "Criteria" column in the first paragraph, add the underlined phrase below to the existing language: "Changes to the build to zones and setbacks may only be due to any changes to the street cross sections, changes due to utility use or changes in the width of the sidewalk." [AC 62]
21. On page 31, in Table 3.3, under the "Major Deviation Allowed" column in the first paragraph, add the underlined phrase below to the existing language: "A change in the maximum or minimum setback between 20-50%. In the case of avoiding natural and/or culturally significant features, or for the purpose of utility use, a greater allowance is permitted on a case-by-case basis." [AC 61]
22. On page 31, section 3.2.13(i), add the following to the end of the paragraph: ""and/or accommodate utility use or public utility structures." [AC 63]
23. On page 36, Table 3.6, change title of item 10 to read: "Renovation associated with change of use within an existing building or structure (with no exterior façade changes)". [PC 112]
24. On page 39, add a definition for "Approved Grade" as follows: "The grade approved by the City hydrologist that meets the requirements of the drainage ordinance, provides sufficient conditions to link to utilities, but imports the least amount of fill. Approved grade may or may not be the same as the nearest roadway grade." [PC 25]
25. On page 43, section 3.5, edit the definition of "Low Impact Design" to delete "green roofs" and add "water harvesting in landscape areas, parking islands, and street medians." [AC 49]

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26. On page 46, section 3.5, add a definition for "Public Utility Structure" referencing the Zone Code definition in §14.16.1.5. [AC 60]
27. On page 49, section 3.5, add a definition for "Slip Lane" as follows: "A traffic lane provided along a thoroughfare to allow vehicles to drive at a slower rate than the through lanes without interfering with through traffic. Slips lanes are separated from the through lanes by a median and typically allow parking on one or both sides. [SC 4]
28. On page 50, add the following to the definition of Special Assessment District at the end of the existing text: "See Section 13.3.1." On page 50, add the following to the definition of Tax Increment Development District at the end of the existing text: "See Section 13.3.3." On page 46, add the following to the definition of Public Improvement District at the end of the existing text: "See Section 13.3.2.) [CC 5]
29. On page 57, add the following note above Exhibit 4.3: "NOTE: These recommended intersections are shown for illustrative purposes only. This Sector Plan does not have the power to grant access. Measurements are shown to demonstrate how far apart the proposed intersections are, given the existing limited-access policy of 1/4 mile (1,320 feet) spacing for RI/RO intersections and 1/2 mile spacing for full intersections." [AC 24]
30. On page 58, add a new section 4.5.4 with the following text: "Site distance shall follow current AASHTO standards." [AC 26]
31. On page 58, add a new section 4.5.5 with the following text: "ADA guidelines shall govern minimum sidewalk widths to provide unobstructed passage from impedances, including but not limited to landscaping, street furniture, pedestrian amenities, utilities, signage, and grade changes. [AC 31]
32. On page 58, Exhibit 4.4, add a note as follows: "Note 2: Buffer = separation between the bicycle lane and vehicle lane." Add the same note to subsequent exhibits where a buffer is included. [AC 30]
33. On page 58, section 4.5.3, edit the first sentence as follows: "Alleys provide access for service and maintenance vehicles and access to parking areas for private vehicles while screening these vehicle uses from the public realm." [AC 25]
34. On page 59, add a note to Exhibit 4.4 that parking shown is reverse-angle parking. [AC 27]
35. On page 59, section 4.6.1(iii)f and subsequent sections, delete "match the material of the sidewalk and". [PC 116]
36. On page 61, Exhibit 4.6, label the center lane as "Turn Bay." Add a note as follows: "Note 2: The center lane is a two-way left turning lane." [AC 32]
37. On page 66, edit Exhibit 4.10 and 4.11 to move fence into the BTZ. [AC 35]
38. On page 66, edit Exhibit 4.10 to show curb and gutter at the median. [AC 34]

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39. On page 66, Exhibits 4.10 and 4.11, revise to show BTZ ending at main façade. [SC 6]
40. On page 66, section 4.6.4, add a new subsection (iv) that introduces the idea of a bioswale/linear pond as appropriate and beneficial next to the Park Edge Road. On page 177, section 11.5.4, add a new goal for a bioswale/linear pond. On page 190, section 12.5.3, add a new subsection (iii) that includes a policy encouraging bioswale/linear pond next to the Park Edge Road. [AC 48]
41. On page 67, edit Exhibit 4.12 to label center lane as median and show tapering at intersection. Add a design solution to minimize conflict with bike lane and right-turning movement of vehicles. [AC 36]
42. On page 69, Exhibit 4.14, delete "Shared." [AC 37]
43. On page 71, section 4.6.6(ii), turn existing language into subsection a. Add a new subsection b with the following text: "Slip lanes are for one-way movement only. Directional signage shall be required." [AC 38]
44. On page 72, Exhibit 4.17, move tree location to the sidewalk. [AC 43]
45. On page 73, section 4.6.8(i), replace "major" with "minor." [AC 44]
46. On page 75, section 4.7.3(iii), change "development agreement" to "legally binding agreement duly executed and acknowledged" to be consistent with terminology in the City Zoning Code Section 14-16-3-1(E)(6)(b) 4 and 6.[PC 26]
47. On page 78, add a new section 4.7.7 Typical Streets with Public Utility Easement. Add a purpose/intent statement explaining that utilities are typically to be provided via alleys. Where alley access is not possible, electric utility facilities must be accommodated on streets. Add an exhibit as provided by PNM. On page 138, section 7.6.1(c), add a cross reference to section 4.7.7. [AC 64.2]
48. On page 78, section 4.7.6, add a new subsection (i) with the following language: "Prior to site development, a truck exhibit will need to be provided to demonstrate appropriate turning movements for proposed alley configurations." Renumber subsequent sections accordingly. [AC 46]
49. On page 79, section 4.8.2, change "abutting" to "adjacent" and add to the end of the sentence "per the Street Tree Ordinance, Section 6-6-2-1. Delete section 4.8.6 entirely and renumber subsequent sections. [AC 11]
50. On page 79, section 4.8.3, add the following sentence at the end of the existing text: "It will be necessary for PNM to provide input on street tree location and selection if impacting electric facilities." [AC 67]
51. On page 80, section 4.9, include a new subsection 4.9.8 Encroachments with the following language: "Projections such as, portals, stoops, colonnades, arcades, shop fronts, projecting signs in public utility easements and other projections should be coordinated with the electric utility to accommodate existing easements and to avoid conflicts with utility infrastructure. Projections adjacent to electric utilities should be

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- carefully located in order to avoid interference and to accommodate equipment for the maintenance and repair of electric utilities." [AC 63.1]
52. On page 80, section 4.9.7, delete "and landscaped" and add "available from the Development Review Committee" after "City standards". Inside the bracket, add "See also" before "DPM" and delete "and reference pending for landscaping". [AC 12]
  53. On page 82, section 4.11.3, add a new sentence to the end of the existing text as follows: "Where street furniture is placed within a public utility easement, approval by utility companies will be required." [AC 68]
  54. On page 82, section 4.11.3, add the following sentence before the existing text: "Street furniture placement and procedure shall follow the DPM Chapter 8." Add to the end of the following sentence: "which may include the City Engineer, Zoning Enforcement Officer, and Code Administration Division." [SC 7]
  55. On page 85, revise Regional Center sketch. [SC 8]
  56. On page 86, section 5.2.5, revise the end of the first sentence in the second paragraph to read: "as well as some smaller-scale office uses." [SC 9]
  57. On page 89, section 4.6.1(iii)i and where it appears in subsequent sections, add to the end of the bracket: "via a revocable permit." [AC 28]
  58. On page 90, Table 5.1, edit MU-12 to read: "Electric switching stations, electric generation stations, natural gas regulating stations, public water system treatment plants and storage facilities, and wastewater treatment plants" and MU-13 to read: and "Electric substations, telephone switching stations". [AC 69]
  59. On page 92, Table 5.1, add a note corresponding to the asterisk on item OU-1: "\* Model homes are limited to a time period until all the homes are sold in the neighborhood." [CC 7]
  60. On page 92, Table 5.1, add an asterisk next to items OU-12 and OU-13 to correspond with the following note: "Note: As defined and regulated by the Rank II Facility Plan: Electric System Generation and Transmission (2010-2020)." [AC 70]
  61. On page 92, Table 5.1, item OU-6, change TC and VC to a conditional use. On page 97, Table 5.2, add an item OU-6 for Attached Garage, second column specifying Town Center and Village Center, with the following text: "Shall be alley-accessed. [PC 126]
  62. On page 101, note #7 and where it appears in subsequent sections, update corner building diagram for readability. [SC 10]
  63. In Section 6.0, edit language to remove subjective terms such as "generally" where they appear with "shall." Where it is intended that staff should have some latitude to interpret compliance, change "shall" to "should" to signal guidance versus a requirement. [PC 179]

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64. On page 103, section 6.1.9(i), insert "should" prior to "have." In section 6.1.9(ix), change "are" to "should be." Reorganize 6.1.9 to group mandatory and non-mandatory standards. [PC 132]
65. On page 104, 6.1.0 and where it occurs in subsequent sections, replace "three-step process" with "using a process other than a one-step process." [PC 235]
66. On page 104, section 6.1.11(ii), page 111, section 6.2.12(ii), page 116, section 6.3.11(ii), page 121, section 6.4.12(ii), page 126, section 6.5.10(vi), page 127, section 6.5.11(vii), replace existing text with the following language: "To reduce mirror effect, windows shall be either glazing rated low-reflective value or a combination of glass and coating or finish to satisfy the equivalent standard. Highly reflective coatings and/or finishes are prohibited." [PC 75.2]
67. On page 105, section 6.1.12, and subsequent zones, add an item (xiii) with the following text "other, as approved by the Planning Director or his/her designee." [PC 138]
68. On page 109, section 6.2.9(iii), change "shall" to "may." [PC 183]
69. On pages 110 and 120, sections 6.2.10(i)a and 6.4.10(i)a, remove parentheses and reorder as follows: "Stucco using a three-step process, masonry, stone, cast stone, brick, glass, or glass block." [SC 20]
70. On page 124, section 6.5.4, and page 129, section 6.6.4, remove requirements for first floor-to-floor height, ground floor finish level, and upper floor-to-floor height. [PC 76]
71. On page 126, section 6.5.10(i)a, remove parentheses and reorder as follows: "Stucco using a three-step process, masonry, stone, cast stone, brick, glass, glass block, split-face concrete, pre-cast concrete panels, or tile." [SC 21]
72. On page 134, add a note to correspond with the existing asterisk in item I.a with the following text: "See Section 12.1.3 on page 180 for more discussion of the potential benefits." [PC 82]
73. On page 134, Table 7.2, add a note that 5 bonus points shall be granted for amenities made available to the public through a public access easement. [AC 13]
74. On page 137, section 7.4.4, edit the first sentence as follows: "Fill shall be limited to 4 feet except as deemed necessary for site development and drainage by the City hydrologist." [AC 90]
75. On page 138, add a new section 7.5.5 with the following text: "The National Park Service and/or City Open Space Division shall be permitted to monitor any construction staking and/or blasting activities near the Monument boundary. No construction easements on the Monument shall be granted." Renumber subsequent sections accordingly. [AC 88]
76. On page 138, section 7.5.5, move existing text to section 7.4 as a new subsection 7.4.6. Add new text to 7.5.5 as follows: "Clear limits of construction shall be established so

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- that construction activities do not encroach on Monument. Construction or silt fencing shall be placed no less than 12” from the Monument boundary." [AC 87]
77. On page 138, section 7.6, add a new subsection 7.6.2 Drainage with the following text: "A Drainage Management Plan will be required to assure that the capacity of downstream drainage facilities is not exceeded by subsequent development of the Plan area." [AC 53]
  78. On page 138, section 7.6.1(i) c., add the following sentence to the existing language: "Main service line utility infrastructure connecting with public utility easements in alleys shall be accommodated in front setbacks." [AC 73]
  79. On page 138, section 7.6.1(i)b, add the following sentence to the existing language: "Dry utility easements (electric, cable, phone, fiber optics) and wet utility easements (water, sewer) are located subject to provisions of all applicable codes including the New Mexico Electrical Safety Code for safety reasons." [AC 72]
  80. On page 139, section 7.6.1(ii)b, add the following sentence to the existing language: "All uses shall require an encroachment agreement with PNM." [AC 74]
  81. On page 139, section 7.6.1(ii)d, add the following phrase to the end of the existing language: "and are subject to removal." [AC 76]
  82. On page 142, section 8.1, change "shall" wherever it appears to "should" to indicate purpose and intent. [PC 148]
  83. On page 143, 8.4.1, add "(see Appendix E)" after "NWMEP." Insert a new Appendix E "Approved Colors," which should be the same as "General Regulation B - Approved Colors" in the Volcano Cliffs Sector Development Plan, and re-letter subsequent appendices accordingly. [PC 149]
  84. On page 146, add a new section 8.8.5 with the following text: "All street screening shall be compatible with utility infrastructure, particularly to address safety considerations for utility crews during maintenance and repair." [AC 77]
  85. On page 154, Section 10.3.1, in the second paragraph, delete "a buffer of 100 feet." Delete the last sentence in brackets entirely. [SC 29]
  86. On page 156, section 10.4.4(ii)b, delete "publicly accessible." [PC 154]
  87. On page 157, section 10.4.7, edit the final sentence after the parentheses to read "irrigation shall be provided for a minimum of the first three growing seasons..." [AC 15]
  88. On page 159, in Table 10.3 under item (iv) remove the second bullet in its entirety. [AC 19]
  89. On page 159, section 10.5.1, add a final sentence as follows: "This provision is of major significance to the City of Albuquerque." [CC 1]

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90. On page 161, Table 10.3, add the following sentence to the first bullet for item (xvi): "Other materials may be used as acceptable to the City Open Space Division." [PC 156]
91. On page 161, Table 10.3, remove item (xix) in its entirety. [AC 16]
92. On page 162, section 10.6.2(i), add the following sentence to the existing language: "Public utility structures are excluded." [AC 79]
93. On page 162, section 10.6.2(iii), add the following sentence prior to the final sentence: "Use of block to create patterns is encouraged." Add the following phrase to the end of the final sentence: "except at public utility structures." [AC 80]
94. On page 180, a new policy section 12.1.8 shall be added with text as follows: "Open space areas should be considered for Low-Impact Design." [AC 50]
95. On page 180, section 12.1.3, add the following text at the end of the existing paragraph: "The costs of archaeological resource mitigation tend to be much higher than the alternative of in-place avoidance. The protection of archaeological sites through avoidance is included in this Plan as an incentive for greater development density and height through the optional bonus height system as well as rock outcroppings counting double their square footage to satisfy either usable or detached open space requirements. [See Section 7.3 and Table 7.2 for the bonus height system and Section 10.4.12 for the square footage incentive.]" [PC 82.1]
96. On page 182, insert a new 12.3.1 with the following text: "**Regionally Significant Roads:** Paseo del Norte and Unser Boulevard through the Plan area are vital to the realization of the Major Activity Center and associated benefits of job creation and alleviation of regional traffic congestion. Both also serve a vital regional transportation function and will continue to serve existing and future development beyond the Plan area. The cross sections in this Plan are specifically designed to serve both regional transportation needs and the proposed multi-modal urban development pattern envisioned by the Plan. As such, the City should prioritize and secure funding to help with the construction of Paseo del Norte and Unser Boulevard within the Plan area per the cross sections within this Plan. Segments that are necessary for implementing enhanced transit service should be prioritized for funding." Renumber subsequent sections accordingly. [PC 36 and PC 36.1]
97. On page 182, section 12.3, add the following text as a new paragraph: "Developing walkable urban centers is key to ensuring pedestrian safety. The Federal Highway Administration (FHWA) recently designated Albuquerque as a Pedestrian Safety Focus City because of the high rate of pedestrian fatalities. Focus cities were identified based on more than 20 average annual pedestrian fatalities or a pedestrian fatality rate greater than 2.33 per 100,000 population. The FHWA will provide technical assistance to conduct training on street designs for pedestrian safety, including a Road Safety Audit in locations that have a high number of pedestrian involved crashes. A Road Safety Audit looks at all modes using the street, the current design and signalization, and the

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location of transit to provide short- and long-term recommendations for improvement."  
[SC 34]

98. On page 182, section 12.3, add the following text as a new paragraph: "MRCOG has conducted a street connectivity analysis of developed areas in the region. The analysis shows that a well-connected street network has lower levels of congestion than a less-connected network. The more connected the surrounding street network is, the less congestion there is on major arterials. The connectivity analysis is currently done by calculating the number of intersections per mile. Enhanced street connectivity can disperse traffic, enhance safety, provide alternative emergency routes, and support the use of alternative transportation modes to the single occupancy vehicle." [SC 35]
99. On page 182, section 12.3, add to the last sentence of the last paragraph: "as well as other employment and activity centers east of the Rio Grande. This route alternative responds to the projected growth throughout the region's Westside and the pressure that growth would impose on the roadway network and river crossings." [SC 36]
100. On page 182, section 12.3, add a new paragraph with the following text: "MRCOG stresses the connection between land use and transportation planning in the 2035 MTP. In conjunction with the MTP, the Metropolitan Transportation Board established mode share goals of 10% of river crossing trips to be completed by transit by 2025 and 20% by 2035. MRCOG views transit-supportive developments such as Volcano Heights to be critical towards ensuring regional mobility and achieving regional mode share goals. As part of the HCTS, Rio Metro is also analyzing the potential for compact and transit-oriented development to increase ridership on Westside transit routes relative to existing conditions." [SC 36.1]
101. On page 182, section 12.3, add a final paragraph with the following text: "Rio Metro RTD will seek federal and other funding sources to implement the route that is ultimately selected as the locally-preferred alternative. The timeframe for implementation of service through Volcano Heights is dependent in part upon the approval and realization of the Volcano Heights SDP." [SC 36.2]
102. On page 183, section 12.3.4, add the following text after the heading: "The policies and regulations in this Plan should be updated to conform with MRCOG's Long Range Transportation System Guidelines [formerly called Future Albuquerque Area Bikeways & Streets or FAABS Guidelines], which will be an addendum to the Metropolitan Transportation Plan, expected in 2013. This document will contain guidelines on roadway design that are driven by land use context, are multi-modal, and that provide a flexible range of right-of-way and design options." [SC 38]
103. On page 183, section 12.3.4, change heading and reference in the first sentence to "Long Range Transportation System Guidelines." In the second sentence, delete the first instance of "transit" and edit the end of the sentence to read "as transit planning evolves." Delete the following sentence in its entirety. [SC 37]



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104. On page 185, section 12.39(i), replace the first sentence with the following text: "City Planning and DMD should coordinate to request additional access on Paseo del Norte and Unser Boulevard within the Plan area. This access should be sought through multiple methods, including but not limited to the MTB and its committees and subcommittees (e.g. the Transportation Coordination Committee or TCC and the Roadway Access Committee or RAC) and/or a pending update of the Future Albuquerque Area Bikeways and Streets (FAABS) plan (proposed to be renamed)." Move the remaining existing text to the end of subsection (ii).[AC 6]
105. On page 190, section 12.5.2, add the following sentences prior to the existing language: "Electric infrastructure is planned and constructed in response to new development. New electric transmission lines and multiple substations will be needed within the Plan area to provide electric service once regional employment center development occurs. Substations typically require one to two acre parcels of land. It may be necessary for substations to be located near the electric load in the Plan area. Transmission lines shall be located along arterial streets, major drainage channels, non-residential collector streets and other potential corridors as directed by the Facility Plan: Electric System Transmission and Generation (2010-2020)." [AC 81]
106. On page 190, section 12.5.3, turn existing language into subsection (i) and add subsection (ii) with language about AMAFCA's drainage master plan. On page 195, add a new section 13.2.5 with language about AMAFCA's drainage master plan. On page 192, add an exhibit showing the expected regional water infrastructure needed in this area. On page A-37, add an exhibit showing the existing water service areas and text describing the draft Integrated Infrastructure Plan for the Northwest Area. [PC 9]
107. On page 192, add a new section 12.5.7 with a policy supporting a drainage management plan. [AC 53.1]
108. On page 196, section 13.3, add a new subsection 13.3.4 with the following language: **Public/Private Tax Rebate Agreement:** Similar to a TIDD, this type of agreement allows for cities, counties and other taxing entities to enter into agreements with developers that let developers obtain rebates for infrastructure in return for development that meets standards set by the affected governments for density, walkability, sustainability, etc. Under this type of public/private partnership, the rebates can only be requested after the development has been completed as agreed upon and new property or sales tax revenues have been generated there for a set time period. Such an arrangement can allow rebates of tax revenues for a flexible range of infrastructure improvements, such as streets and utilities, but unlike TIDDs, developers must pay those costs upfront themselves – the agreement cannot be collateralized to allow bonding or other debt acquisition based on expected rebates. At least one such agreement has been made in New Mexico – a project in Rio Rancho whose developer may request up to \$2.8 million in rebates for infrastructure costs from gross-receipts (sales) taxes generated on site, after the development is complete and has been in use

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long enough that those revenues have been collected by the New Mexico Taxation and Revenue Department. [PC 10]

109. On page 196, section 13.4, renumber Table 14.1 to 13.1. [PC 31]
110. On page 198, Table 13.1, add a new item E-4 Drainage Management Plan to implement new policy 12.5.7, Medium-term, "Coordinate with property owners to create a Drainage Management Plan to identify needed infrastructure and plan for its implementation" with lead agency AMAFCA and coordination required with "Property Owners, City Hydrology". [AC 53.2]
111. On page A-9, Exhibit A.6, revise to make labels readable. [SC 43]
112. On page A-19, Exhibit A.28, revise to make labels readable. [SC 44]
113. On page A-22 and A-23, update information in second set of bullets to reflect existing conditions. [SC 45]
114. On page A-37, Appendix A.F.2, add the following language: "New lines are planned primarily to increase system reliability and serve new stations. New stations and lines are planned to serve load growth in developing areas. PNM has electric facilities within the Plan area as shown in Exhibit A.41 on page A-38. There is an existing 115kV electric transmission line with an approximate right-of-way width of 100 feet on the western boundary of the Plan area and a new substation called Scenic Substation is under development as of 2012." [AC 82]
115. On page A-38, update Exhibit A.41. [AC 83]
116. Throughout the Plan, provide cross references between policies and regulations. [PC 81]
117. Update relevant exhibits with corrected Monument boundary and subsequent alignment of Park Edge Road. [SC 5]
118. City Council should consider including SU-1 zoning as an optional zone within the Plan area for property owners to request in conjunction with site development plans for subdivision and/or building permit that meet and further the intent of the Plan and its SU-2 zoning and regulations.

**PROTEST: 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 DECISION, WHICH IS BY DECEMBER 21, 2012.**

**APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY DECEMBER 21, 2012 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.**

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Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

**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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).**

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,

Suzanne Lubar  
Acting Director, Planning

SL/MW/mc

cc: John Edward, PO BOX 26506, Albuquerque, NM 87125  
John Ransom, [jransom@nmrea.com](mailto:jransom@nmrea.com)  
James Hoffman, [Jim.Hoffman@AlconLabs.com](mailto:Jim.Hoffman@AlconLabs.com)

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Gerald N. Gold, [gngold@comcast.net](mailto:gngold@comcast.net)

Guy Brungardt, 6645 E Redmont Dr., Unit #2, Mesa, AZ 85215-0889,

[guybrungardt@aol.com](mailto:guybrungardt@aol.com)

Kurt F. Anschuetz, 6228 Calle Pinon NW, Albuquerque, NM 87114,

[kanschuetz@comcast.net](mailto:kanschuetz@comcast.net)

Alan M. Schwartz, 4409 Rancho Centro Ct. NW, Albuquerque, NM 87120,

[aschwartz74@comcast.net](mailto:aschwartz74@comcast.net)

Diane Souder, National Park Service, [Diane\\_Souder@nps.gov](mailto:Diane_Souder@nps.gov)

Julie Luna, 809 Cooper NW, Albuquerque, NM 87102

Max Kiehine, 2206 Sun ranch Loop, Albuquerque, NM 87031

Brendan Picker, 5015 5<sup>th</sup> St NW, Albuquerque, NM 87107

Jerold Widdison, 3333 Ave NE, Albuquerque, NM 87106

James Hoffman, 4606 Firewheel Dr, Garland, TX 75044

Rene Horvath, 5515 Palomino Dr, Albuquerque, NM 87120

Jay Lee Evans, 2004 Gabaldon NW, Albuquerque, NM 87104

Jim Strozier, 302 8<sup>th</sup> St NW, Albuquerque, NM 87102