

Response to Protests regarding Volcano Heights Sector Development Plan

Overview

This report is provided to comply with City Council Rules of Procedure related to the adoption of a Plan. The City Council held a public hearing on the Volcano Heights Sector Development Plan (the Plan) on June 5, 2006. At this meeting, Council President Heinrich indicated that the deadline for submittal of protests would be June 9th. A second Council hearing on the Plan was held on June 15th. The report addresses protests received as of the June 15th date.

This report indicates which individuals and groups submitted protests. The report contains responses to the protests submitted. It addresses only the substantive protests. The protests are organized by topic in order to avoid unnecessary repetition. Note that a number of the protests consisted of forwarding those of others. (Also note that responses to governmental agency comments were made separately in staff reports from the Planning Team to the Environmental Commission dated May 29, 2006, July 28, 2006, and July 31, 2006.)

Individuals & groups submitting protests

The following individuals submitted protests after public notification of the Plan and prior to June 10:

1. Elizabeth A. Sorensen
2. David Heil, Volcano Cliffs Property Owners Association – June 1, 2006
3. Albert Sandoval
4. Ventana Ranch Neighborhood Association
5. Volcano Cliffs Property Owners Association – June 5, 2006
6. Joseph and Cindy Martinez
7. David Campbell, Vogel Campbell & Blueher, representing Bedrock Investors Limited and Bedrock Partnership.
8. Ted E. Garrett
9. James Hoffman
10. Rene Horvath

The following individuals submitted protest after public between June 10 and prior to June 16.

11. Barbara Mueller
12. Volcano Cliffs Property Owners Association – June 11, 2006
13. Wayne Frye, Gene and Ruth Frye
14. Ben J. Ruiz
15. Ross Romero – June 12, 2006
16. The Tack family
17. The Silva family
18. Ross Romero – June 14, 2006

19. Bruce B. Huckell
20. Tracy Murphy for The Trails, LLC, by Longford Group
21. Ross Romero – June 15, 2006
22. Ian Ford
23. Audi Miranda
24. Petition submitted by Barbara Mueller

These communications have been made available to the City Council and the Environmental Planning Commission and are part of the public record.

Protests and responses

- * REVIEW TIME. Provide sufficient time to review, “at least a month or two”, dated June 1.
 - + *Upcoming Council consideration of the Plan is August 13.*
- * MAPS AND OTHER EXHIBITS. Provide maps of sufficient scale for property owners to determine “impacts of rights-of-way and rezoning on each lot”. Exhibit 32 shows western part of Plan area as open space and this is inconsistent with other parts of the report.
 - + *Maps on the Council web site are of high enough resolution that large scale maps can be printed.*
 - + *Large scale paper maps have been provided to individuals requesting them.*
 - + *The color used to designate Rural Residential was similar to the open space color, hence the confusion. This color has been adjusted in the current Exhibit.*
- * ARROYO RIGHTS OF WAY. Arroyo rights of way shown in the plan are too wide and exceed AMAFCA requirements.
 - + *The 300’ “prudent line” treatment of arroyos has been approved by AMAFCA and is consistent with policies calling for natural treatment of arroyos and multi-use of them.*
- * OPEN SPACE There is an excessive amount of open space. Property owners are not being property compensated. What sources of funds will be drawn upon to acquire open space and parks? Delays in acquisition of open space will increase costs and possibly SAD assessments. SAD assessments and land dedication requirements will be too great both to pay for open space and parks and allow development. Property designated as open space will have a “cloud” over it legally. There is excessive open space west of the Upper Boca Negra drainage channel south of the high school site. The Development Envelope requirement exceeds that in adopted EC-35. Re: area along Escarpment designated as open space, park, and resort – the resort is infeasible and this constitutes a taking. There is a need for more open space especially along the escarpment, which is shown as additional Escarpment “buffer” in the Plan. There is no need for more

open space along the Escarpment. There should be a “sunset” provision of the open space designation by which time the property must be acquired by the City or it is returned to the property owner.

+ *As indicated by the City’s Open Space Division, the amount of new public open space proposed in the plan is substantially lower than the City standard.*

+ *The public open space dedication requirements for Executive Residential and Rural Residential are proposed to be reduced in the current Plan draft from as much as 30% to 5% in Executive Residential and 3% in Rural Residential.*

+ *Earlier attempts to create SAD 228 assumed that public open space in the SAD area would be purchased / dedicated to the City from the SAD owners. The VHSDP assumes that almost all public open space would be purchased by the City. Subdivision of lots in Executive Res and Rural Res provides more buildable parcels across which assessments can be made. The sources of funding for these purchases are identified in the Implementation Section of the Plan. The City Council is not able to appropriate the funds for open space / parks in the Sector Plan adoption.*

+ *As stated in the current version of the Plan, identification of private property as open space / park land carries with it the legal responsibility for the City to acquire the property at fair market value. This occurs as soon as the Plan is enacted. A “sunset” provision would compromise the intent of the Plan.*

+ *The open space identified in the initial draft of the VHSDP along the Upper Boca Negra arroyo, south of the school site, has been analyzed and its configuration adjusted and reduced in size.*

+ *EC-35, which established public policy for access to City (now Water Authority) infrastructure, called for the dedication of 30% public open space to the City. The VHSDP has considerably less public open space required (0% in Suburban Residential, 5% in Executive Residential, and 3% in Rural Residential). Development Envelope standards create more private open space. However, this is an “apples to oranges” comparison. We believe that the open space requirements in the VHSDP have less impact on private property than those in the adopted EC-35.*

+ *The resort and park have been removed from the area identified in the current version of the Plan.*

+ *An additional open space buffer along the Escarpment is provided because the Escarpment face in the Monument is excessively narrow and policies in the NWMEP have not been effective in eliminating the visual impact of development along the Escarpment edge.*

* **RURAL RESIDENTIAL.** Water Pressure Zone 5W (on the far western edge of the Plan area) could be accommodated by wells and septic. Grandfather in lots smaller than the minimum size. Allow N.M. Utilities to serve the area. City should buy private land in this area as open space. City also should buy private property in Water Pressure Zone 4W

- + *The VHSDP does not address whether non-urban infrastructure can be used to support development in 5W. State and City regulations will be effective in this regard.*
- + *Smaller than minimum sized lots are grandfathered in the current version of the Plan.*
- + *Subdivision of parcels in Rural Residential and Executive Residential, as allowed in this Plan and requested by property owners, will increase the need for urban infrastructure and the planning and financing of such.*
- + *The Plan does not support provision of service by New Mexico Utilities since this utility is in deficit with regard to water rights and its operation is not sustainable environmentally.*
- + *The VHSDP achieves an open space “appearance” in Pressure Zones 5W and 4W largely through larger lot size and Development Envelopes regulations, consistent with adopted policies. This approach allows beneficial private use of the private property and does not unreasonably restrict development, while achieving policies with regard to views and open space.*

* **EMPLOYMENT ASSUMPTIONS.** The non-residential development / employment assumptions are unrealistic. The amount of space for office use is unrealistic. People will not live and work in the same neighborhoods. Industrial jobs are more appropriate per DEII. Rooftops need to come first. Build Urban Residential, Suburban Res, Executive Res, and Rural Res areas first. The Town Center will not be viable unless there are sufficient roof tops.

- + *The Planning Teams believes that the employment assumptions, including those for office employees, are realistic as described in the Implementation Section.*
- + *Some people will live and work in the same neighborhoods, some will not. The Plan does not expect everyone to do so.*
- + *Industrial employment is compatible with Double Eagle II airport but not for the Volcano Heights area. The number of employees per sq. ft. is extremely low in industrial uses, thereby making poor use of very accessible and urban space created by the intersection of Unser and Paseo del Norte. Many additional jobs are needed to address the jobs/housing imbalance in Volcano Heights and its vicinity.*
- + *The Town Center and the Village Centers are based on very different markets. The Town Center is region-serving and is not so depending on local housing. We agree in general that coordinated timing of Village Centers and housing is important. This coordination is reflected in the revised growth phasing plan in the Implementation Section.*

* **TOWN CENTER.** Explore expanding the Mixed Use zone northward along F Street and G Street to Unser to create a more walking quadrant.

- + *The Planning Team agrees and changes have been made in the current Plan version.*

- * HOUSING. Cost of regulations and other assessment are too high and will result in expensive housing. Assessments will be higher than added value thereby rendering SADs infeasible and making it difficult to obtain a mortgage. Retail jobs will not provide sufficient incomes to afford expensive housing in Volcano Heights.
 - + *As noted above, the Implementation Section indicates that costs for open space and parks are not proposed to be assessed as parts of SAD / PIDs thereby reducing impacts on housing costs.*
 - + *Housing price points are expected to vary widely because of the different housing types, tenure, and densities allowed in the VHSDP.*

- * RIGHTS OF WAY / PARK LAND. Rights of way for streets and a park cut parcels in uneconomic way, road are excessively wide in places, some parcels are land-locked. Streets are single loaded with lots in some places. Unser Blvd should be aligned so that it goes through Longford Home's property.
 - + *The streets and park rights of way in current maps have been adjusted to address this issue.*
 - + *Any division of private lots for public use may be eligible for full or partial compensation according to legal standards.*
 - + *We believe that current maps have addressed accessibility to all parcels. All parcels must have transportation access.*
 - + *Decisions on alignment of roadways are based on planning considerations.*

- * RETAIL. Walking to shopping is unrealistic, especially in lower density areas. People desire big-box centers. There is too much commercial/ retail space in the Volcano Cliffs area [presumably related to Village Centers]. Will the market support these assumptions? Could the Village Centers be primarily residential (with one convenience store)? Rezone southwest corner of Paseo del Norte and Universe as a Village Center. Rezone the southwest corner of Woodmont and Paseo del Norte as a Village Center.
 - + *The Planning Team disagrees that walking to shopping is unrealistic, especially more dense areas. This does not mean that all shopping trips will be by foot. However, vehicular trips will be reduced through accessibility, density, pedestrian design features, and so on, as called for in the Plan.*
 - + *"Big box" sized stores are allowed in the Town Center, however under strict design controls.*
 - + *The Village Centers themselves generally have mixed-use zoning that often includes residential. In order to address the writer's concern, the current version of the Plan reduces the amount of non-residential development in the Village Centers, except for the Volcano Cliffs Village Center, which functions as a Community Center for the entire Volcano Heights population. The Planning Team does not support reducing the mixed use minimum requirement in a Village Center to one convenience store.*
 - + *The current plans rezones an area to the west of Universe south of PdN as Neighborhood Mixed Use, increasing its intensity. A park and ride also is identified at this site. This rezoning is believed to be more compatible with*

the land use plan logic and the need to concentrate commercial uses to foster viable centers.

+ The Planning Team does not think there is sufficient market for expansion of the Village Center now on the east side of Woodmont. A park and ride is called for in the proposed location. Should a parking structure be constructed at this location, this provides an opportunity for the structure to be wrapped with retail/commercial uses.

* VILLAGE CENTER USES. Some of the uses in the Village Center are not “neighborhood friendly”.

+ The current version of the Plan eliminates some the uses identified as problems such as game arcades and billiard halls except in the Volcano Cliffs Village Center which is considered to be Community Center serving the entire Plan area.

* PHASING. Executive Residential and Rural Residential areas should be allowed to develop sooner than indicated in the plan (2015 to 2020). It is inequitable to allow owners on eastern side of Plan area to subdivide and to proceed ahead of those on western side. Include Urban Residential parcels with other lower density residential parcels in one SAD, rather than linking them to the mixed-use higher density zones such as Village Center. Attach the residential area south of high school site to other residential parcels in an SAD. Need to coordinate the final adoption of the Sector Plan with the adoption of an SAD to demonstrate that implementing the Plan is possible. Map is attached with proposed “demonstration” SAD that combines the Rainbow Village Center with a full range of zones mostly to the east. The Plan should provide deadlines and responsibilities affecting the City with regard to future SADs. Do not delay the development of the employment center represented by the Town Center (2015-2020) so that “job/housing imbalance” will be corrected. Eliminate the timing element of the growth phasing, “as the City’s Capital Improvement Plans (“CIP”) already determines the sequencing and timing of such projects” All phasing to be based on the market “and on the ability of the City to move forward, working with developers on increasing infrastructure capacity”. “Pipeline” developers will absorb capacity of roads, schools as provided in the Adequate Public Facilities portion of the Plan.

+ Adopted policies of the City call for growth phasing and timing such as contained in the Volcano Heights Plan. Providing urban services to all areas at once is not supported in the CIP or CCIP and sufficient infrastructure revenues are unavailable to do so.

+ Professional responsible for forming SADs advised the Planning Team that establishing common conditions and interests among property owners within an SAD / PID facilitates implementation. The PID / SAD plan contained in the current version of the Plan reflects this approach.

+ It is not possible to link the adoption of an SAD with the VHSDP without lengthy delay of Plan approval. It is not possible for the City Council to adopt an SAD within a Sector Plan approval.

- + Residential parcels south of the high school site have been added to PID / SAD 1-A in the revised Implementation Section per request.
- + The phasing of the Town Center has been advanced to 2010-2015 with provisions for developer contributions-in-aid to move this schedule up further. Note that the Planning Team does not believe that the current CIP and CCIP identify projects and funding for the infrastructure needed to support the Town Center.
- + The Adequate Public Facilities recommendations of the Plan are not effective until future legislative action taken by the City and the APS implements them.
- + Property owners purchased subdivided lots without locally serving infrastructure and without access to master plan water and wastewater services, regional roadways and hydrology systems. It is the property owners' responsibility to initiate and carry out actions to correct certain aspects of this situation which entails the participation of the City.

* SAD 227 Area. Remove open space indicated in SAD 227 on the west side of the elbow of the Unser dog leg. The Village Center at the intersection of SW Parkway and Unser will create a significant traffic bottleneck and increase noise, proximity to businesses will lead to crime, and reduce property values. (Petition of property owners opposing this Village Center was provided.) Rezone writer's property in SAD 227 as a Village Center. Remove SAD 227 from the plan area.

- + Except for the Village Center, SAD 227 has been removed from the VHSDP in the current version of the Plan.
- + The open space noted has been removed from the current version of the Plan.
- + The VHSDP Town Planner believes that a Village Center at this location is an asset for the area and disagrees that it will cause crime and reduces property values.
- + The land use map has been revised to indicate that a traffic analysis must be performed prior to the rezoning for this Village Center.

* APS. Should elementary school be so close to High School as shown? Currently planned schools are being built to address current over-crowding: the Plan does not show enough school sites.

- + Consultation with APS facility planners, resulting in moving the elementary school site south of the Volcano Cliffs Village Center and away from the high school.
- + APS planners were satisfied that the number of new elementary schools and the middle school were sufficient for population growth. They told us that another high school was needed in the area. The current draft of the Plan reflects this situation – prioritizing the needs of existing residents (i.e. to address current over-crowding).

* EC 35. Will the requirements of EC-35 regarding land assembly continue in the future under the adopted Volcano Heights Sector Development Plan?

+ The bill that would adopt the VHSDP indicates that the Plan supersedes EC-35. Changes have been made to the Plan to reflect this in addition.

* BUILDING HEIGHTS. What are the building heights to the western end of the Plan area? How do the height requirements conform to the North West Mesa Escarpment Plan (NWMEP)? Why are the height limitations needed especially in Suburban Residential area? Building heights map indicates 39' roof heights near the monument border. Height limits and FAR in the Town Center are too low.

+ The building heights on the western end of the Plan area are 18' except within 200' of the monument, open space, etc, where they are 15'. In addition, building height is restricted to 15' within the NWMEP Conservation Area and Impact Area along the Escarpment face.

+ The NWMEP called for a 15' height limitation in the Conservation Area on the western end of the Plan area, in the area south and west of the City open space along the Middle Fork of the Boca Negra. With the restrictions above, this has been increased to 18'

+ The 18' height limitation was put in place as a result of visual inspection of the Suburban Residential, Executive Residential, and Rural Residential areas. The land is gradually rising and increased building height will reduce views of the Volcanic cones and the Sandias, contrary to adopted policies.

+ The building heights map for the Village Center near the Escarpment edge has been adjusted to reflect the metrics above.

+ The FAR in the Town Center was increased from 2.0 to 3.0. The area immediately around the BRT Transfer Station in the Town Center allows for 90' or 7 stories. This area has been expended to 300' of the Transfer Station.

* SUBDIVISION OF LOTS. Do not allow subdivision of suburban lots: "this would mean small square-foot duplexes, which would turn into lower income rentals. Also, when you have low income rental housing, crime, gangs and drugs. This would lower our Property Values." Smaller lots with Conservation Bonus are allowed [presumably in Executive Residential] and this will promote low income rentals. Make use of the existing lot platting.

+ The WSSP already endorses the creation of mixed use and mixed density Villages / Communities with higher densities toward the center tapering to lower densities at the edge. The VHSDP carries out this policy by allowing limited subdivision of lots in and around the Village Center.

+ A new Suburban Residential – Large Lot zone was created for most of the previously platted Volcano Cliffs lots. The current version of the Plan does not allow these lots to be subdivided.

+ City policies support the provision of affordable housing.

+ The Planning Team disagrees that this land use program will result in social and financial disorder.

+ The "smaller lots" with Conservation Bonus in the Executive Residential area would have been 30,000 sq. ft. The current minimum lot size for subdividing lots in Executive Residential is 43,000 sq. ft.

+ The VHSDP uniformly makes use of the existing platting: when higher density residential uses are appropriate as in the Village Center areas, subdivision of existing lots is allowed.

* SET BACK IN SUBURBAN RESIDENTIAL. These should be changed from 15' to 25' to allow a "greater feeling of private open space". Diagram on p. 85 is not clear regarding set-back requirement. Side yard set backs should be at least 15'.

+ The current version of the Plan moves the front yard setback in Suburban Residential – Large Lot from 15' to 20'. "Greater feeling of private open space" is created at the rear of the lot and by clustering Development Envelopes. One important objective of the VHSDP is fostering community and walkability. Housing brought closer to the street with front porches, verandas, portals, and stoops will help in reaching this objective

+ The written set back standard is effective. A new Diagram has been provided in the current version of the Plan.

** Only minimum 10' side yard set back is required. The set-back could be greater if the property owner chooses to do so.*

* DETACHED GARAGES. The plan should allow attached garages. Garages should not be limited to side drive or alley fed for Suburban, Executive Res, or Rural Res lots. The restriction on only 40% of street façade as a garage rules out three car garages.

+ Attached garages are allowed per the latest version of the Plan. Within Suburban Residential-Large Lot zone, they may be located in the back of the house. In Executive Residential and Rural Residential zones, front garages cannot comprise more than 30% of the front face and must be set back from the façade.

+ The design focus of the Plan is on people and pedestrians, not the automobile.

* DEVELOPMENT ENVELOPES, DENSITY BONUSES, CONSERVATION EASEMENTS. Too much property is proposed to be dedicated to public open space in Executive Residential and Rural Residential areas. In cases, property owners are "left with between 40% and 10% for development". It is unfair for densities to be so much lower on the western portion of the Plan area. Plan should allow for ½ acre lots in Rural Residential area, at a very minimum it should be 1 acre. Plan denies property owners "right to use their property". Conservation Easements reduce "useable space so as to make the plan financial unfeasible". Who will buy the lot if you only can "use 35% of the property and the rest would be open space"? Development Envelopes (15,000 sq. ft. in Rural Residential, 10,000 sq. ft. in Executive Residential, and between 5,000 and 6,500 sq. ft in Suburban Residential) are too small. One cannot build a reasonably sized house in a 5,000 sq. ft. Development Envelope. Development Envelopes here should be 8,800 / 9,000 sq. ft / 10,000 sq. ft. Development Envelopes in Executive Residential should be 35% of the lot. Development Envelopes for homes in Rural Residential should be 15,000 sq. ft. and additional envelopes for out-buildings should be

30,000 sq. ft. Impermeable surfaces should not exceed 70% of the Development Envelope.

- + *The public open space dedication requirements for Executive Residential and Rural Residential are proposed to be reduced from as much as 30% to 5% in Executive Residential and 3% in Rural Residential. Please note that current policy as contained in EC-35 is that 30% of a parcel has to be dedicated to public open space in order to access water and wastewater utilities.*
- + *The Development Envelopes have been increased in the latest version of the Plan: from 15,000 sq. ft. to 20,000 in Rural Residential; from 10,000 sq. ft. to 15,000 sq. ft. in Executive Residential, and a minimum of 6,500 sq. ft. in Suburban Residential – Large Lot.*
- + *While it would be possible for the Development Envelope to be a small percentage of a lot size as reported, this does not account for the Plan's allowance to subdivide existing lots at the discretion of the owner. Currently proposed minimum lot sizes are for 2 acres in Rural Residential and 1 acre in Executive Residential. The minimum developable areas for parcels of these sizes would be 23% and 35%. Please remember that the remainder of the parcel is private land within the Conservation Easement and may be enjoyed by the property owner consistent with the limitation in the Plan.*
- + *Densities are lower in the Rural and Executive Residential areas to reflect their proximity to significant public open space including the Petroglyph National Monument that surrounds these areas on three sides, and consistent with adopted policies. Densities in the Rural Residential area reflect the fact that the area is in a separate Water Pressure zone and it probably infeasible to provide urban water and sewer service through the normal master plan system improvements (e.g. reservoir, wells, pump station, etc.) Lots as small as ½ acre would make virtually all the residential areas outside the Town and Village Centers very similar in size and appearance and undermine the principle of the Plan, which has been stated for over a year, to decrease density as one moves toward the National Monument and the volcanic cones.*
- + *The Planning Team does not believe that Conservation Easements as provided, considering the lot subdivision allowances, make the property financially infeasible. This assertion does not properly value the financial benefit of a low density environment, with significant private open space, good view lines provided by height restrictions, unparalleled access to public open space and the unique Petroglyph National Monument, and strong development regulations as contained in the Plan. Rather, the Planning Team believes that the regulation create value for property owners.*
- + *Impermeable surfaces in the current plan version have been increased from 33% of the Development Envelope to 65% in Suburban Residential – Large Lot and 50% in Executive Residential and Rural Residential.*
- + *Specially regarding the currently proposed Development Envelope for the Suburban Residential – Large Lot zone. The minimum Envelope is 6,500 sq. ft. New Plan provisions specify that this does not include drive-way access and a front walk. The maximum impermeable surface is 65% of this area, or*

4,225 sq. ft. Assuming a front porch of 160 sq. ft. (8' x 20') and a 600 sq. ft. garage, this leaves a building footprint of 3,465 sq. ft. It assumed that a parking apron, walk way, and open or covered deck can be of permeable material.

+ The "Density Bonus" regulations provided to be difficult to implement given the variability of lot sizes in Rural Residential and Executive Residential areas. These were replaced with the greatly reduced public open space dedications as described above.

- * WALLS & FENCES. The Conservation Easement area would be left open "for the public to throw their trash and walk up to the fence and to look into my yard or windows". Can a wall or fence only be built extending from the back of a house [in Suburban Residential]? Lots should be allowed to be fenced. Maximum height of a fence is only 4' and "this does not provide for security or privacy with people being able to walk all around your house."

+ The current version of the Plan allows for post and wire perimeter fencing on the lot in the lower density residential zones.

+ Walls within the Development Envelope can be 6' on rear and side lines, as allowed, and 4' street-facing.

- * HORSES. Residents in Executive Residential and Rural Residential should be allowed to have horses.

+ The Planning Team believes that allowing horses within the Conservation Easement would compromise the objective of protecting the natural landscape there. Furthermore, allowing horses within another Development Envelope but prohibiting them in the Conservation Easement would prove to be unenforceable

- * BOCA NEGRA WASH SITE / FOLSON CULTURAL COMPLEX. Acquire these unique sites. A self-guided trail system and interpretive panels could be constructed. Only one place in N.M. currently educates people about these earliest cultures in New Mexico.

+ The Boca Negra Wash Site is recommended for acquisition by the City. City Open Space Division would determine how the site would be protected and potentially used for educational purposes.

- * COLORS. Need to replace the color list contained in the NWMEP referenced in the Plan.

+ The latest version of the Plan contains an up-to-date Color List.

- * URBAN DESIGN ELEMENTS. Review Architectural and Landscape Design Section by local professionals.

** The Architectural and Landscape Design Section has been reviewed by local architects and has been amended following their recommendations in the current Plan version.*

* WATER CONSERVATION. The greater population density doesn't support lower water use.

+ *We disagree. Most water use is for landscape irrigation. Higher density residential areas generally use less water as a result.*

+ *However, most importantly, the Conservation Easements and use of area specific plants in these Easements and the virtual elimination of high water use landscape areas as provided in the Plan will reduce water use.*

* BIKE LANE. Bike lane exists on Unser south of S.W. Parkway. Do we need parallel paved trails there?

+ *The VHSDP calls for bike lanes off of Unser and Paseo del Norte except where these roadways cross the Escarpment. This is proposed because on-street bike lanes on these roadways are believed to be dangerous and will discourage bicycle use.*

* RE: SPECIFIC SITES. Allow subdivision of larger lots [south of high school presumably].

+ *Village Centers as a rule are surrounded by higher density residential and mixed-use areas. The VHSDP represents the best judgment of the land use planner on the Planning Team.*

* TRANSPORTATION. Reservations expressed concerning adequate transportation facilities. How does the plan work with the current road capacity of Unser (4 lanes), Montano (4 lanes), and Paseo del Norte (6 lane)? Was a traffic analysis done? Opposition to increasing roads as they impact the Monument and the Valley. Are the BRT lanes necessary? Would adding BRT lanes on Unser impact the streetscape negatively? The Volcano Heights Plan does not appear to adequately address future road and transit capacity, e.g. there is no plan to make sure that the designed capacity of Paseo del Norte is adequate. "If Paseo is not a limited access fast highway, and it is also not a walkable transit-friendly boulevard, then no one is winning." Extra wide roads are not necessarily worth it in terms of traffic handling capacity, use traffic signal prioritization instead. The form Albuquerque's growth needs to be addressed in transportation planning.

+ *A traffic analysis of the Plan area was conducted by MRCOG and Kimley-Horne and Associates. The results are summarized in the Planning Process Section. These analyses assumed a build-out condition with Volcano Heights and also surrounding areas. Hence the roadway system was tested under these assumptions.*

+ *Regardless of whether Volcano Heights is built out, it is expected that there will be more than 70,000 new residents mostly located outside of the City of Albuquerque. As a result, plans that encourage transit use and more than one person per vehicle are important to addressing accessibility. The Planning Team believes that the additional HOV/BRT lanes are needed and are infeasible without adding lanes. Traffic signal prioritization is a good idea and should be implemented.*

- + *The Plan itself does not provide a design solution for Paseo del Norte and Unser outside of the Plan area. However, it would be possible to merge the HOV/BRT lane to the existing roadway section.*
- + *The design of Unser and Paseo del Norte through the Escarpment does not expand the existing ROW / Escarpment cut.*
- + *The writer is accurate that the Volcano Heights Plan attempts to modify the already approved “limited access fast highway” so that a more pedestrian oriented Town Center can be established. This was done by locating the Town Center to the east of the intersection of Paseo del Norte and Unser so that it is more insulated from the high speed traffic, designing an urban boulevard as these roads pass through the Town Center, and routing BRT off these arterials and into the Town Center. The use designation for Unser and Paseo were largely set prior to the planning effort.*
- + *The correspondent is accurate that the overall “shape of the city” is very important in terms of the performance of the transportation system. However, in this situation, most of the new development is either in the unincorporated Bernalillo County or in Rio Rancho. Volcano Heights has been annexed to the City for some time and this carries with it the responsibility to provide access to utility within a “reasonable” time. There are certain givens in this situation which needed to be incorporated into the planning effort.*

* TAKING. Requiring so much public open space is a taking. Requiring so much private open space is a taking.

- + *The VHSDP has been reviewed by several City attorneys. When the Plan calls for new open space and parks so as to not allow any use of private property, the City is obligated to acquire the property at fair market value. However, other regulations such as for Development Envelopes, Conservation Easements, and public open space dedications are not believed to constitute a taking.*

* DEVELOPMENT REVIEW. Eliminate requirement for subsequent EPC review of Town Center plan, instead follow the example of the Downtown 2010 Plan.

- + *It is believed that a more detailed plan is a necessity for the Town Center area, addressing many site plan issues that were impossible to cover in the VHSDP. The Town Center development is significant so EPC plan review is appropriate. An expedited building permits process is possible subsequent to the approval of that plan.*

* TIDD. Mention other available financing mechanisms that would be available for development such as “Tax Increment Financing (TIF)”.

- + *This has been added to the current version of the Plan, along with a more complete discussion of Public Infrastructure Districts..*

* NOTICE. How can zoning be changed with no public notice?

- + *Public notice was provided consistent with State Statutory requirements, which are more stringent than those of the City.*