



**Environmental
Planning
Commission**

*Agenda Number: 08
Project Number: 1000032
Case #: 15EPC-40079
April 14, 2016*

Staff Report

Agent	Retail Equity Development 3, LLC
Applicant	Oxbow Town Center, LLC
Request	Site Development Plan for Subdivision
Legal Description	Tracts X-1-A2 and, Plat of Tracts X-1-A1 & X-1-A2, University of Albuquerque Urban Center
Location	On St. Josephs Drive NW between Coors Blvd. and Atrisco Drive
Size	Approximately 21.3 acres
Existing Zoning	SU-3 for Mixed Use (O-1 & C-2 Uses)
Proposed Zoning	No Change

Staff Recommendation

APPROVAL of Case #15EPC-40075 based on the Findings beginning on Page # 17, and subject to the Conditions of Approval beginning on Page # 22.

Staff Planner
Vicente M. Quevedo, Planner

Summary of Analysis

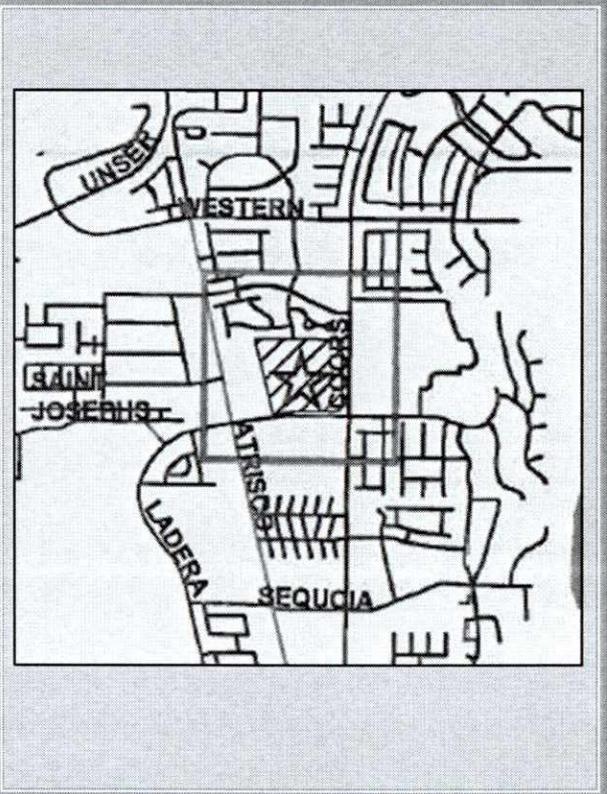
This is a request for a Site Development Plan for Subdivision for an approximately 21.3 parcel located on St. Josephs Drive NW between Coors Blvd. and Atrisco Drive. The existing zoning for the subject site is SU-3 for Mixed Use (O-1 & C-2 Uses).

The applicant is proposing to develop 7 acres of the subject site as office uses and the remaining 14.3 as commercial uses.

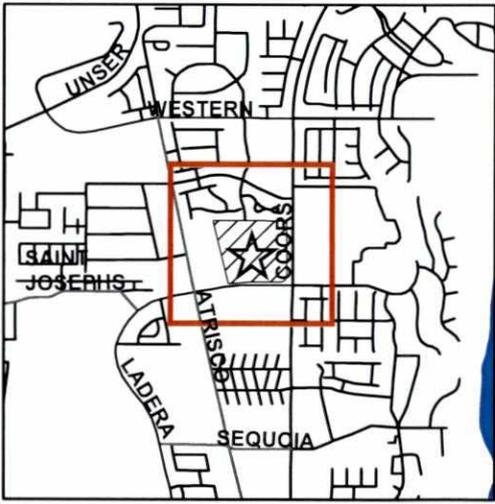
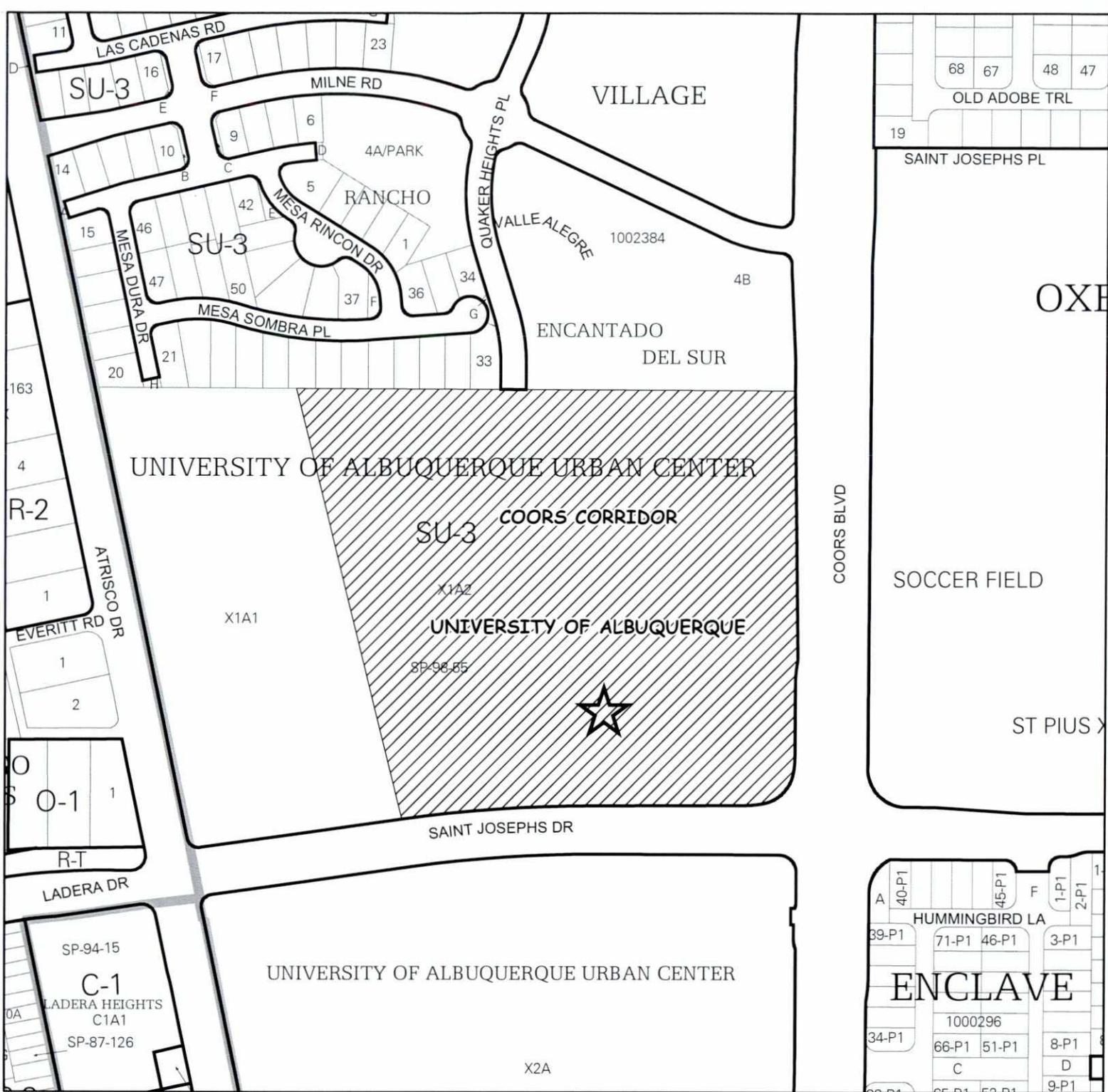
Staff has conducted a thorough review to ensure that the proposed Design Standards conform to the requirements of the Comprehensive Plan, West Side Strategic Plan and Coors Corridor Plan and the Zoning Code regulations.

The applicant is requesting delegation of future Site Development Plans for Building Permit to the Development Review Board. Staff is recommending delegation.

There is known neighborhood opposition to this request. Staff is recommending approval subject to the findings and conditions contained within the staff report.



City Departments and other interested agencies reviewed this application from 01/04/2016 to 01/15/2016. Agency comments used in the preparation of this report begin on Page 25.



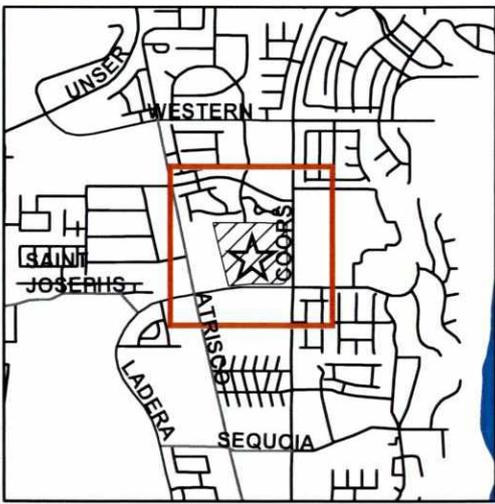
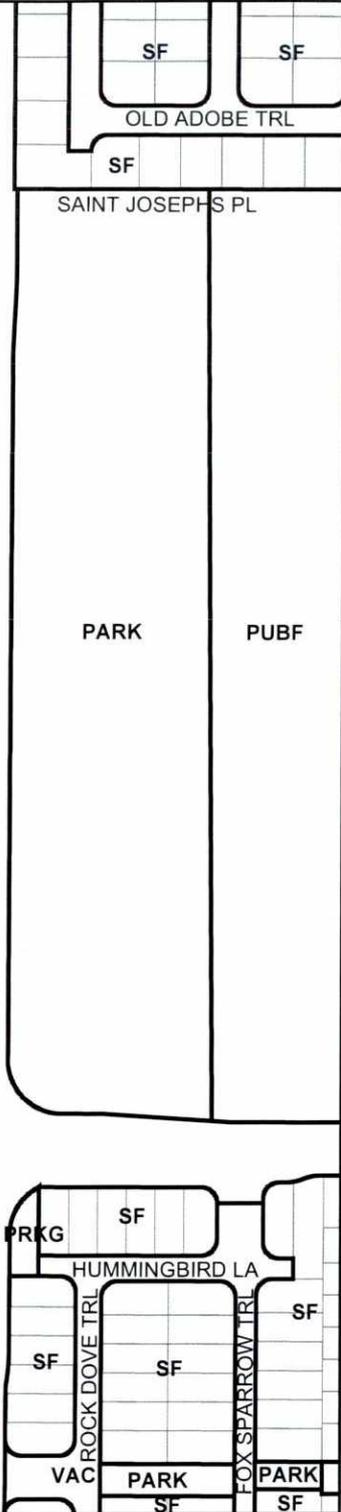
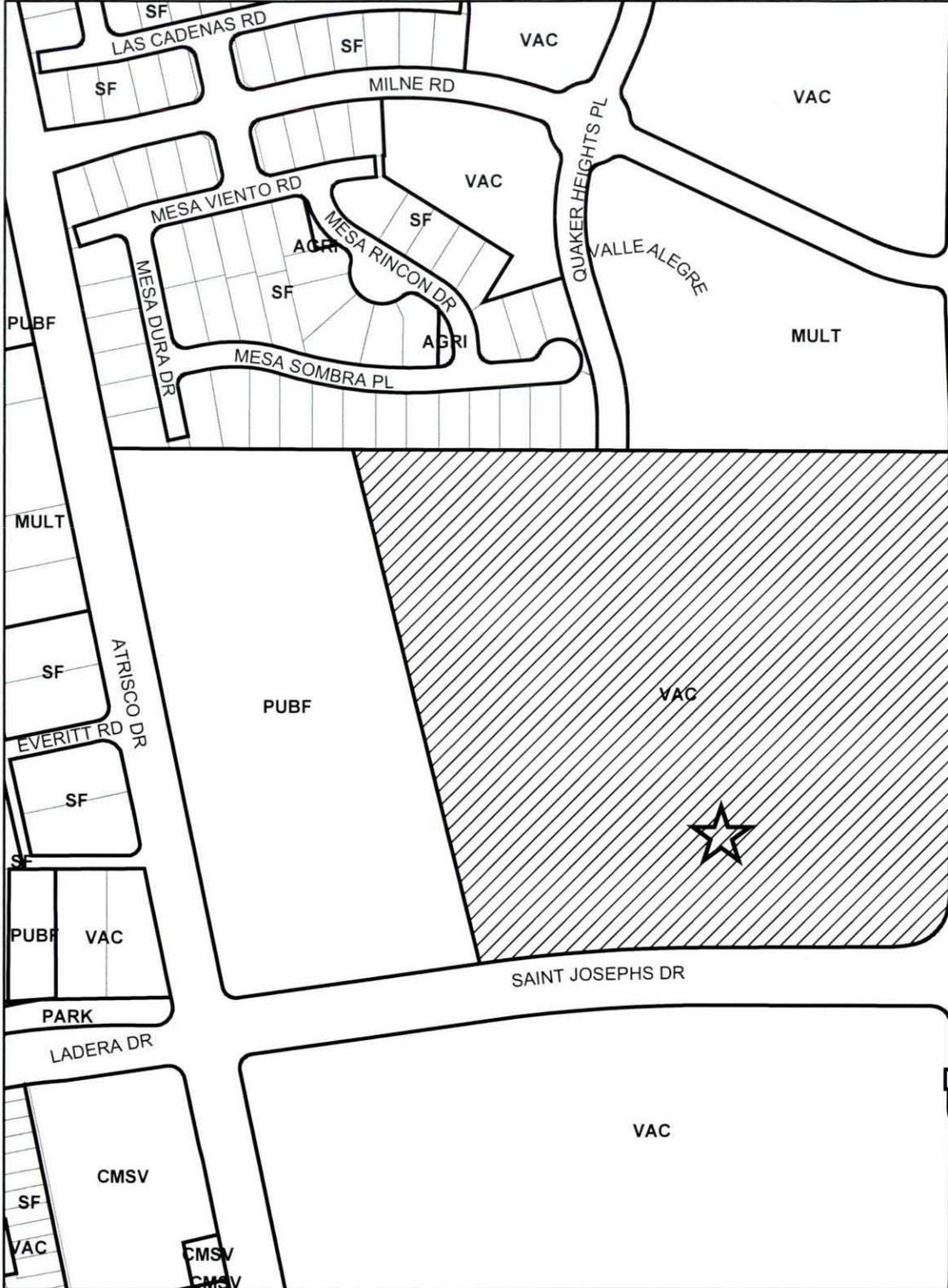
ZONING MAP

Note: Grey shading indicates County.



1 inch = 300 feet

Project Number:
100032
Hearing Date:
02/11/2016
Zone Map Page: G-11
Additional Case Numbers:
15EPC-40079 & 15-40080



LAND USE MAP

Note: Grey shading indicates County.

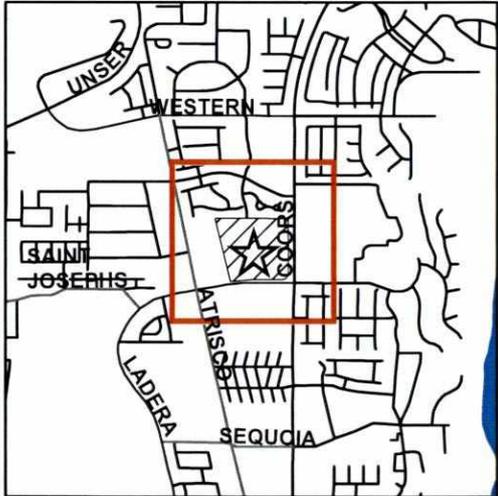
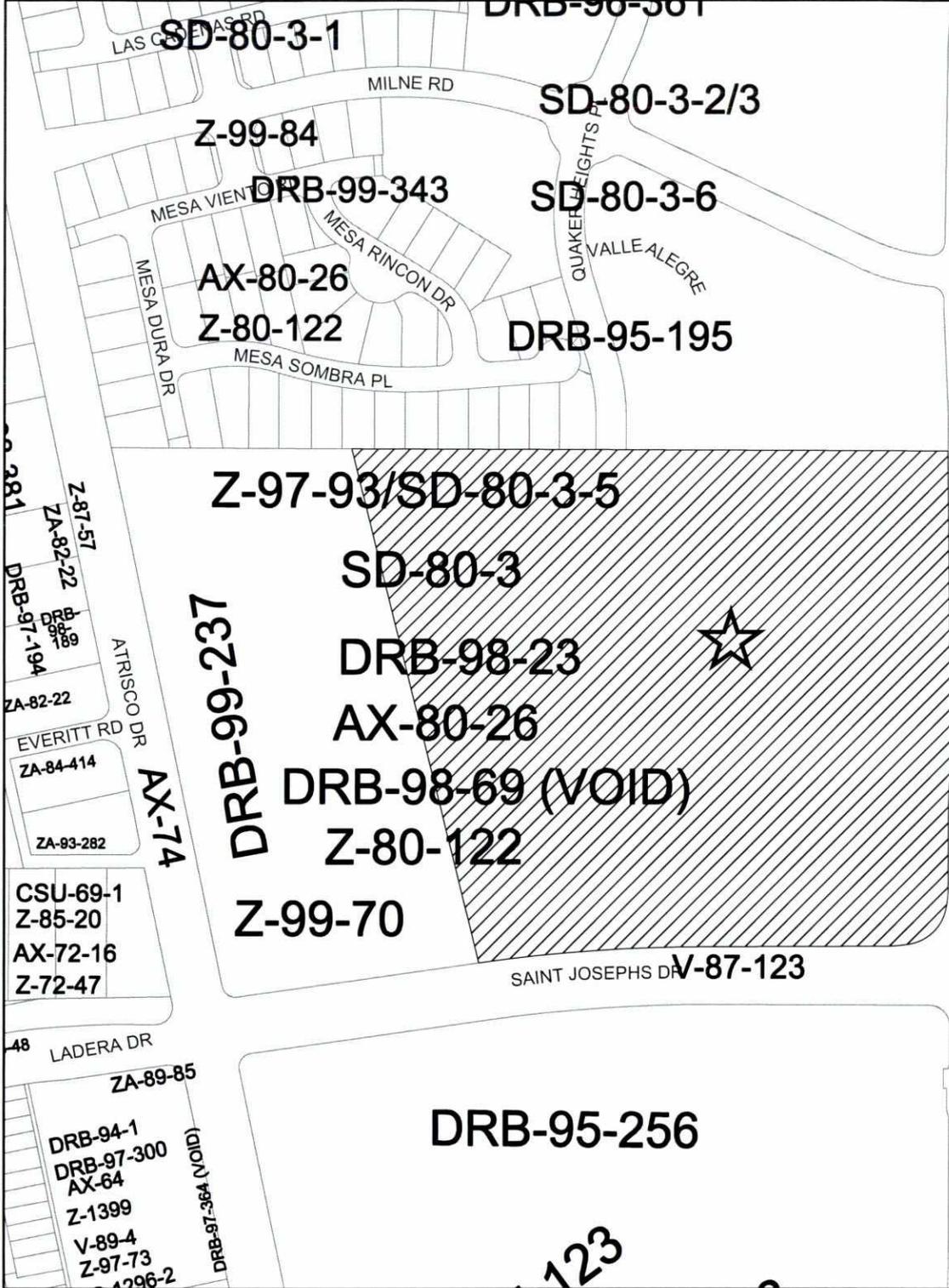
KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



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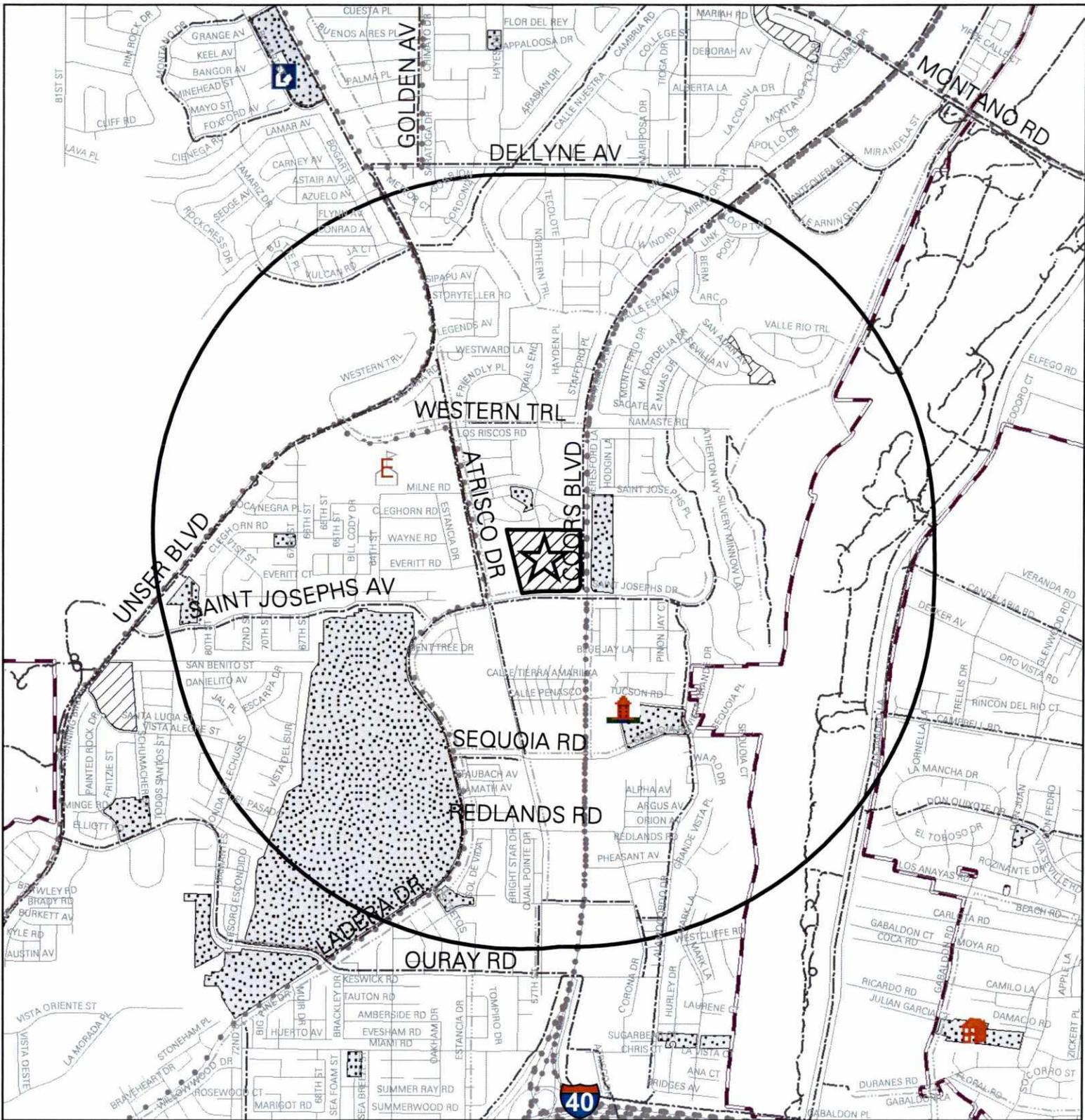
HISTORY MAP

Note: Grey shading indicates County.



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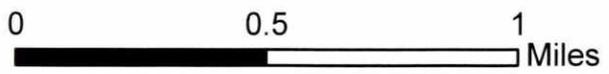


Public Facilities Map with One-Mile Buffer



- | | | | |
|----------------------|-------------------------|--------------------------|-----------------------------|
| COMMUNITY CENTER | FIRE | APS Schools | Landfill Buffer (1000 feet) |
| MULTI-SERVICE CENTER | POLICE | ABQ Ride Routes | Landfills designated by EHD |
| SENIOR CENTER | SHERIFF | ABQ Bike Facilities | Undeveloped County Park |
| LIBRARY | SOLID WASTE | Proposed Bike Facilities | Developed City Park |
| MUSEUM | Albuquerque City Limits | Undeveloped City Park | |

Project Number: 100032



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses relative to the 2 subject tracts:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-3 Mixed Use	Established Urban; WSSP; University of Albuquerque SDP; Coors Corridor Plan	Vacant
North	SU-3 Mixed Uses (R-LT, R-2, O-1, and C-1 Uses)	Same	Single-Family Residential
South	SU-3 Mixed Use	Same	Vacant
East	SU-1 PDA and SU-3 (Mixed Residential, O-1, and C-1 Uses)	Same	St. Pius High School, Soccer Fields, and Single-Family Residential
West	SU-3 Mixed Uses (Church); R-3; R-1; O-1; C-1	Same	St. Joseph's Church, Multi- Family Residential, Single- Family Residential, Offices, and Urgent Care Medical Center

II. INTRODUCTION

Request

This is a request for a Site Development Plan for Subdivision for an approximately 21.3 acre parcel located on St. Josephs Drive NW between Coors Blvd. and Atrisco Drive. The existing zoning for the subject site is SU-3 for Mixed Use (O-1 & C-2 Uses). The applicant is proposing to develop 7 acres of the subject site as office uses per the O-1 zone of the Zoning Code and the remaining approximately 14.3 acres as commercial uses per the C-2 zone of the Zoning Code. Design Standards are also proposed for the subject site. Staff notes that the proposed Coors Pavilion Site Development Plan for Subdivision includes Design Standards which in turn include additional design parameters that conform to the requirements of the Zoning Code and all applicable plans. The applicant is requesting delegation of future Site Development Plans for Building Permit to the Development Review Board (DRB).

Environmental Planning Commission (EPC) Role

The request is a quasi-judicial matter. The subject site is a premise containing five or more acres and is zoned C-2 and therefore meets the Zoning Code definition of a Shopping Center Site.

The Shopping Center (SC) Regulations Section §14-16-3-2(C) require the same approval process as an SU-1 zoned site. This request is being heard by the EPC because of the stated provision in the SC regulations.

The EPC is thus tasked with ensuring that the proposed Design Guidelines for the subject site meet all of the requirements of the Zoning Code (O-1 & C-2 zones) as well as applicable design portions of the Coors Corridor Plan, and University of Albuquerque Urban Center Sector Development Plan. The SC Regulations only allow the EPC discretion to require additional buffer landscaping per Section 14-16-3-2(B)(3) (Shopping Center Regulations) of the Zoning Code.

In cases where an applicant has requested DRB delegation of future site development plans for building permit but has not specified whether an advertised or unadvertised hearing is required, the advertised public hearing schedule shall be used if delegation is granted by the EPC.

History/Background

In the early 1980's the subject site was annexed into the City and designated as an Urban Center (AX-80-26). It was zoned SU-3 and as required by the SU-3 zoning, the University of Albuquerque Sector Plan was adopted to guide future development of the 299-acre Plan area (Z-80-122/SD-80-1). The Urban Center designation meant that the area was to develop with a mix of public, institutional, commercial, retail, and office uses as well as higher density residential.

Since the Urban Center designation and the adoption of the sector plan, the area has undergone many sector plan amendments and has failed to develop as an urban center, as was originally intended. Over the course of the amendments, the original University of Albuquerque Sector Development Plan document was lost, and the Land Use/Zoning Map was retitled as the Sector Development Plan. Also, many of the original notes were left off the land use/zoning map.

In 1996 and 2002, the sector plan zone map was amended to the point that it effectively changed the focus of the plan area from an Urban Center to a mixed use and residential area (Project 1001624). The Urban Center designation was officially eliminated by R-02-41. Concurrently, the West Side Strategic Plan was amended, introducing the Centers and Corridors Concept and designating the southwest corner of the Coors/Western Trail intersection (Parcel V) as the Neighborhood Center for the area (R-01-278). However, Parcel V has subsequently developed as primarily single-family residential. A 17-acre portion of the NAC remains undeveloped, and is designated for multi-family residential, senior housing, and commercial uses.

Even though the Urban Center designation was eliminated, the University of Albuquerque Sector Development Plan still controls the uses in the plan area and still reflects a mix of uses allowed at the subject site. It has been amended several times since 2002 and the amendments that occurred continued to change the composition of land uses from institutional, office, and commercial to residential. The amendments generally shifted the development intensity and density to the west side of Coors Blvd. These amendments have effectively wedged most the land available for commercial and office uses between single-family residential uses, where it has remained undeveloped.

Parcels A & B

At the time of annexation and establishment of zoning, the subject site land use was designated as “Employment Center, Technical Services, Light Industrial, and/or Office Park (Campus Type).” In 1996, City Council approved a change to “A minimum of 40 acres shall be developed as apartments (R-3) at 20-25 du/ac with the balance of the property (approximately 19 acres) shall be developed as commercial (C-2) and/or office (O-1)” (R-58-1996; SD-80-3-3). The applicant requested R-T residential uses as part of the land use mix for the 19-acre portion designated for commercial/office, but this use was determined by EPC and City Council to be inconsistent with Transit policies and the intent of the West Side Strategic Plan.

In 2007, the residential uses were removed from the allowable uses, instead designating a minimum of 17 acres of O-1 development and the remainder as a mix of O-1 and C-2 uses (R-07-256). Concurrently, the WSSP was amended to designate Parcels A and B as a Community Activity Center (R-07-255). The Council Resolution indicated that the size and service area of the activity center was a hybrid of a neighborhood and community activity center.

In 2012, an apartment complex was proposed on Parcel A. In the face of strong neighborhood opposition, in particular, to the intended work-force housing market segment, the applicant withdrew the request (Project 1005357/12EPC-40040/41/42).

In 2013, a request to amend the University of Albuquerque Sector Development Plan to change the zoning and allowable land use mix for the subject site and redevelop 17 acres of single-family residential uses instead of the required minimum 17 acres of O-1 development. A recommendation of denial was forwarded from the EPC to City Council (Project 1000032/13EPC-40123). The applicant subsequently withdrew the requested action.

The University of Albuquerque Sector Development Plan Land Use Map has been amended 9 times. The following table summarizes changes to the US SDP and other development requests:

Date	Action	Project #	Parcels Affected	Result
1980	Urban Center Designation (299 acres)	AX-80-26	Area between Western Trail and N. Boundary of Town of Atrisco Grant and Atrisco Dr. and the Rio Grande	Established the University of Albuquerque Urban Center and Adoption of the UA SDP
Aug. 31, 1982	Annexation Adoption of University of Albuquerque Sector Dev. Plan (UA SDP) Establishment of Zoning	Council Bill O-65 SD-80-1 Z-80-122	Parcels A, B, & C Parcels I, II, III, IV, V, VI, A, B, C, D, E and F ”	Established SU-3 Zoning Adoption of Land Use Plan as identified in the Sector Plan
June 16, 1995	Amendment of UA SDP	SD-80-3-1	Parcel V (incorporated 20 acres of Parcel A)	Amendment of land use plan to allow O-1, C-1, and

Date	Action	Project #	Parcels Affected	Result
				Residential (20 du/ac) uses
Oct. 13, 1995	Amendment of UA SDP	SD-80-3-1	Parcel V (incorporated 20 acres of Parcel A)	Amendment to land use plan to allow residential and commercial uses, a theatre, and alcohol sales
Oct. 20, 1995	Site Development Plan for Subdivision	Z-95-94	Parcel V (incorporated 20 acres of Parcel A)	Illustrated land use allocations; replatted to add 20 acres from Parcel A
Feb. 16, 1996	Amendment of UA SDP	SD-80-3-3	Parcels A and B	Amendment to the land use plan to allow R-3, O-1, and C-2 uses instead of employment center/industrial/education
July 3, 1996	Amendment of UA SDP	SD-80-3-3 (R-58)	Parcels A and B	Reallocation of R-3, O-1, C-2 land uses
Nov. 14, 1996	Amendment of UA SDP	SD-80-3-4	Parcels C, D, E, and F	Modification of Residential densities to 10-25 du/ac
Nov. 14, 1996	Site Development Plan for Subdivision	Z-96-99	Parcels C, D, E, and F	Allows for the development of single-family residential uses
Sept. 19, 1997	Site Development Plan for Subdivision	Z-97-103	Parcels C, D, E, and F	Design Guidelines approved
August 1999	Amendment of UA SDP Site Development Plan for Subdivision	SD-80-3-6 Z-99-84	Parcel V Parcel V	Added single-family residential, office, and neighborhood park Divided Parcel V into Tracts 1-4
January 2002	Amendment of UA SDP Deletion of Urban Center designation	Project 1001624 File#0113801744 R-02-41	I, II, C, D, and E Parcels I, II, III, IV, V, VI, A, B, C, D, E and F	Change focus from Employment Center to Mixed Residential (as reflected on current Plan) Urban Center designation Eliminated

Date	Action	Project #	Parcels Affected	Result
Sept. 2002	Amendment of UA SDP	Project 1001624 02EPC-01161	Parcel V	Reduced development densities and increased acreage allowed for single family residential
	Amendment of Site Development Plan for Subdivision	02EPC-01170	Parcel V	Subdivision of Tract 4 into 3 Tracts (4-A, B, & C) and a public roadway
	Site Development Plan for Building Permit	02EPC-01165	Parcel V	6-acre Condominium development on Tract 4-C
April 12, 2007	Amendment of WSSP	07EPC-00122 R-07-255	Parcels A and B	Designate as a new Community Activity Center
	Amendment of UA SDP	07EPC-00115 R-07-256	Parcels A and B	Eliminate high-density residential uses and increase acreage for office and commercial uses
	Site Development Plan for Subdivision	07EPC-00114	Parcel B and portion of Parcel A	Subdivision of a portion of Parcel A and B into 10 new tracts (never finalized)
	Site Development Plan for Building Permit	07EPC-00121	Parcel B	Development of 3 Tracts with commercial uses (never finalized)

Context

The subject site is vacant but is surrounded by development on all sides: to the north is single-family residential development (Rancho Encantado, Del Sur and Valle Alegre); to the east is a public park with soccer fields, St. Pius School, and single-family residential development (Enclave at Oxbow); to the south of Parcel B is a single-family residential development with attached dwelling units (Villa de Paz); and to the west is a church on Parcel A, an Urgent Care Medical Center, offices, and multi-family residential development (Atrisco Apartments).

The subject site is located within the Coors Community Activity Center, as identified in the West Side Strategic Plan, and adjacent to the Coors/Western Trails Neighborhood Activity Center (see attached maps). The neighborhood activity center has not developed with a mix of uses as planned but instead has developed primarily with single-family residential units, with senior housing and commercial uses allocated on the remaining undeveloped 17-acre parcel.

The subject site is approximately 2 miles south of the Coors/Montano Community Activity Center and approximately ½ mile north of the Coors/I-40 Community Activity Center, as designated by the Comprehensive Plan.

The subject site is designated by the West Side Strategic Plan as a Community Activity Center in the Ladera Community. In the Ladera Community, there are three Neighborhood Activity Centers:

1. The Coors/Western Trail NAC abuts the subject site to the north;
2. The Unser/St. Joseph's NAC is approximately 1 mile west of the subject site; and
3. The Unser/Ladera NAC is approximately 2 miles southwest of the subject site.

The general service area for a Community Activity Center (CAC) is within a 3-mile radius, and a Neighborhood Activity Center (NAC) is a 1-mile radius. Several NAC's (typically 3 to 8) may occur in each Community.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways and makes the following designations:

- Coors Boulevard NW as a Limited-Access Principal arterial, with a ROW of 156'.
- St. Joseph's Drive NW and Western Trail NW as Minor Arterials, with a ROW of 86'.
- Atrisco Drive NW as a Collector Street, with a ROW of 68'.

Comprehensive Plan Corridor Designation

Coors Blvd. is designated as a Major Transit Corridor. Coors Blvd. is designated a Major Transit Corridor, which is designed to optimize public transit and move large numbers of people in a very timely and efficient manner.

Trails/Bikeways

There is an existing multi-purpose trail along the east side of Atrisco Drive, which crosses St. Joseph's and turns into an on-street bike lane. There is also a bike lane along Coors Boulevard adjacent to the subject site.

Transit

ABQ Ride #790 and #155 pass by the subject site along Coors Boulevard. The nearest bus stop is 250' south from the southeast corner of the property, serving the above-mentioned routes is the southbound direction.

Public Facilities/Community Services

To the north of the subject site is a newly developed City park in the Rancho Encantado Neighborhood. Directly across Coors Boulevard are developed soccer fields – these fields are adjacent to the private St. Pius High School. To the south (on the east side of Coors) are the four baseball diamonds of Corona del Sol and is developed adjacent to Fire Station 17 on Yucca Drive. Within close proximity to the subject site, on Ladera Drive, is the Ladera Golf Course. For more specific information, see the Public Facilities Map (attached).

III. ANALYSIS – APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The existing zoning for the subject site is SU-3/Mixed Use (O-1 and C-2 Uses). The University of Albuquerque Urban Center Sector Development Plan (UAUCSDP) classifies land based on Parcel's A & B and not the legal descriptions. The subject site for this request is identified as Parcel A. Parcel B is located south of the subject site, on the south side of St. Joseph's Dr. and is not part of this request. The current land use description per the UAUCSDP reads: *SU-3/Mixed Use: Church and Related Uses for approximately 10 acres; a minimum of approximately 17 acres shall be developed for office (O-1), the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres).*"

The existing church to the west has already fulfilled the *Church and Related Uses* requirement, and the applicant will fulfill a portion of the requirements of the zoning designation by proposing 7 acres of O-1 uses and 14.3 acres of C-2 uses for Parcel A. The remaining balance of the property (Parcel B) will have to be fulfilled per a separate site development plan for subdivision action.

Definitions

Section 14-16-2-22 SU-3 Special Use Zone. This zone allows a variety of uses controlled by a plan, which tailors development to an Urban Center; these include centers of employment, institutional uses, commerce, and high-density dwelling*.

Section 14-16-2-15 Office and Institution Zone. This zone provides sites suitable for office, service, institutional, and dwelling uses*.

Section 14-16-2-17 C-2 Community Commercial Zone. This zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses.

**The requested action for Parcel A does not propose any residential uses for the subject site.*

Development Process

The development process established by the SU-3 zone is: "All uses and structures must have a Site Development Plan and, if relevant, a Landscaping Plan, each approved by the Planning Director." The original Sector Development Plan, dated July 1980, had a note indicating: "All future plans affecting this property shall be in accordance with standards established by future site development plans." While requiring a site development plan for all future development, it did not specify the review or approval process.

However, in the past, all developments have been reviewed and approved by the EPC. The applicant is requesting that future Site Development Plans for Building Permit for Parcel A be delegated to DRB. Staff has coordinated with the applicant to ensure that the proposed Design Guidelines meet or exceed the minimum requirements of the Zoning Code and all applicable plans and is in favor of recommending that the EPC grant the request for DRB delegation.

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations - Regular Text; *Staff Analysis - Bold Italics*

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a goal to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” The subject site is also within the Ladera NAC as designated by the WSSP. The Comprehensive Plan has also been updated to designate the subject site as a Developing CAC. The following Comprehensive Plan Goals and policies apply to this request:

Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environment conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request furthers Policy II.B.5.d. because it respects neighborhood values by proposing O-1 and C-2 uses that are appropriate for the plan area. The applicant has also participated in several discussions with surrounding neighborhood representatives to ensure that the Design Standards appropriately respond to natural environment conditions and carrying capacities. The Villa de Paz HOA has submitted a letter expressing unanimous support for the project.

Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The request furthers Policy II.B.5.e. because the site is vacant land that has access to existing facilities and services.

Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The request furthers Policy II.B.5.i. because employment and service uses shall be located to complement residential areas and the proposed design standards will ensure that future development is sited to minimize adverse effects. The subject site is surrounded by development on all sides: to the north is single-family residential development (Rancho Encantado, Del Sur and Valle Alegre); to the east is a public park with soccer fields, St. Pius School, and single-family residential development (Enclave at Oxbow); to the south of Parcel B is a single-family residential development with attached dwelling units (Villa de Paz); and to the west is a multi-family residential development (Atrisco Apartments).

Policy II.B.5.j.: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.

- In free-standing retailing and contiguous storefronts along streets in older neighborhoods.

The request furthers Policy II.B.5.j. because it would appropriately locate new commercial development in and existing commercially zoned area within a larger shopping center area.

II.B.7 Activity Centers: The Goal is to expand and strengthen concentrations of moderate and high density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

The request partially furthers the Activity Centers Goal because while the development will contribute to expanding and strengthening concentrations of moderate and high density land uses, the request does not appear to contribute to reducing auto travel needs given that the majority of users of the site will more than likely need to drive and park a vehicle to access commercial and office uses on the site.

Policy II.B.7.a.: Existing and proposed Activity Centers are designated by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.

The request furthers Policy II.B.7.a. by allowing extensive office and commercial development within the Activity Center which would contribute to mixed use concentrations of interrelated activities within the Activity Center, and improve on the cost-effectiveness of City services, relative to the current use entitlements.

II.D.6 Economic Development: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The request furthers the Economic Development Goal because the Activity Center site is already surrounded by mixed density residential development that would support the development of office, commercial, and retail services as proposed by the applicant.

West Side Strategic Plan

The West Side Strategic Plan (WSSP) was first adopted in 1997 and amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is located within the Ladera Community. The Ladera Community is 2,200 acres in size, and could potentially support a population of 15,400. This would result in approximately 6,200 housing units with a potential for 5,100 jobs in the area.

The WSSP identifies locating employment uses on the West Side as critical to achieving the Plan's goals including: reducing vehicle trip distances, decreasing commuter demand across the Rio Grande, decreasing the need for additional lanes of river crossing, decreasing construction and maintenance costs, and establishing healthy activity centers. The subject site is located in the Ladera Community's designated Community Activity Center (CAC).

Because the subject site is located within a CAC, the land uses are expected to develop as a provider of goods and services as well as employment for the area. The following WSSP goals, objectives, and policies apply to the proposal:

Goal 12: The Plan should provide for long-term sustainable development on the West Side.

Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side. (Page 17)

The request partially furthers WSSP Objective 1 because it will contribute to providing a mix of land uses on the West Side and will be located to complement surrounding and existing residential development, however the request does not appear to contribute to reducing auto travel needs given that the majority of users of the site will more than likely need to drive and park a vehicle to access commercial and office uses on the site.

Objective 4: Preserve a sense of community and quality of life for all residents based on wise, long-term decision-making. (Page 17)

The request furthers WSSP Objective 4 because locating the proposed uses within a Community Activity Center and near existing residential uses will ensure an appropriate mix of higher density / intensity uses to serve the surrounding residents.

Policy 1.1: Thirteen distinct communities, as shown on the Community Plan Map and described individually in this Plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers. (Page 38)

The request furthers WSSP Policy 1.1 because the applicant is proposing higher density non-residential development within a designated Community Activity Center and the subject site is surrounded by areas of lower density residential development. Additionally, the O-1 zone provides sites suitable for office, service, institutional, and dwelling uses. It is often used as a buffer or transition between single-family residential and commercial uses.

Policy 1.13: The Community Activity Center shall provide the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses in conjunction with community-wide services, civic land uses, employment, and the most intense land uses within the community. Its service area may be approximately three miles (radius) and a population of up to 30,000. (Page 41)

The request furthers WSSP Policy 1.13 because the intent of the policy is to focus higher intensity and mixed-uses within Activity Centers, and to encourage low-density residential development outside of Activity Centers.

Coors Corridor Plan

The subject site lies within the boundaries of the Coors Corridor Plan, a Rank III plan adopted in 1984. It contains policies, regulations, and guidelines for the development of Coors Boulevard. The subject property is in Segment 2 of the Corridor Plan, which extends from I-40 on the south to the Western Trail on the north. The following CCP policies and design regulations apply to the proposal:

Policy 3 – Recommended Land Use: The Coors Corridor Plan recommends land uses which are identified on the following maps. They specify existing and recommended zoning and recommended land uses. These recommended land uses shall guide the development in the plan area.

The request furthers CCP Policy 3 because the plan’s recommended land use for the site is industrial/employment. The O-1 and C-2 uses proposed for the subject site will appropriately fulfill the employment requirement of the CCP. The recommendation for industrial uses is no longer applicable given the amount of residential uses surrounding the Activity Center.

Site Planning and Architecture Policies: Various design policies apply to development within the Coors Corridor Plan area. These include: site design, building setback height and bulk, front landscaped street yard, site landscaping, off-street parking, commercial sites, access, bikeways and horse trails, site lighting, and architectural design.

The request furthers CCP Site Planning and Architecture Policies because the proposed Design Standards address site design, setback, height, and bulk, landscaping, off-street parking, access, site lighting and architectural design. Staff has ensured that the proposed Site Development Plan for Subdivision complies with all required elements of the CCP.

Site Development Plan for Subdivision

The requested action is entitled the “Coors Pavilion Site Development Plan for Subdivision (CPSDPS)”. The following is an overview of the proposed Design Standards for the proposed Site Development Plan for Subdivision action before the EPC. The applicant has had several meetings with various stakeholders and interested parties as well as Planning Staff and has made several modifications to the Design Standard language to address the input received from the public and the City. Planning Staff has also conducted a thorough review to ensure that the proposed Design Standards conform to the requirements of the Comprehensive Plan, West Side Strategic Plan and Coors Corridor Plan and the Zoning Code regulations. Staff is recommending delegation of future Site Development Plans for Building permit to the DRB.

Purpose and Intent

The stated purpose of these CPSDPS Design Standards is to provide a framework for designers to understand the vision and development goals for the subject site’s mixed use property and assist them in decision making to achieve the vision and goals. The intent of these standards is to create an aesthetically pleasing, pedestrian friendly, mixed use development that adds office space and supporting retail / restaurant amenities to the Coors Blvd. corridor.

Goals for development on the site include aesthetic treatments and material selection that provides consistency in design across the entire property. A pedestrian friendly environment that provides pleasant outdoor spaces for users and achieves a 'park once and walk' outcome that allows for easy access within the 21.3 acre mixed use center.

Setbacks and Building Height Limitations

The site is surrounded by development that consists primarily of retail and residential uses. Building setbacks shall conform to the requirements of the C-2 Zone of the City of Albuquerque's Code of Ordinances with exceptions in the form of increased setbacks for buildings on lots adjacent to residentially zoned property. These increased setbacks are the result of discussions with nearby property owners and neighborhood association representatives.

Building heights shall be as allowed as described under the R-3 Zone of the City of Albuquerque Code of Ordinances.

The applicant has included proper height limitations per the University of Albuquerque Urban Center Sector Development Plan building height requirements (must conform to the R-3 height limitations of the Zoning Code provided that the retail buildings along Coors Blvd. shall not exceed 36 feet in height (and be one story)), and the office buildings at the west edge of this Subject Property shall not exceed two stories in height). Notations referring to the Coors Corridor Plan requirements for minimum front and rear yard setbacks from Coors Blvd and St. Joseph's Rd have also been included.

Parking

Per the CPSDPS Design Standards, parking is required to be broken into a series of smaller areas, and views of parking from off-site is required to be interrupted with screening materials. These requirements are intended to fulfill the intent of the Design Standards to create a pedestrian friendly, visually appealing mixed use development.

All off-street parking areas are required to comply with Section 14-16-3-1 (Off-Street Parking Regulations) of the City of Albuquerque's Code of Ordinances. Requirements for pedestrian walkways and connections throughout all areas designated for parking have also been included as requirements per Section 14-16-3-1. Building orientation that will allow for visibility of the main entrance from parking areas and pedestrian connections is also required. All Off Street Parking areas are also required to comply with the off-street parking requirements of the Coors Corridor Plan (Page 94).

Pedestrian Connections and Amenities

Pedestrian connectivity is also required within parking lots and shall comply with Section 14-16-3-1(H) (Off-Street Parking Regulations) of the City of Albuquerque's Code of Ordinances. Pedestrian connections are also required at the subject site's perimeter along Coors Blvd. and St. Josephs Rd. per Zoning Code requirements.

Per the CPSDPS Design Standards, a minimum 120 square feet of public space shall be provided at each restaurant establishment for outdoor seating or gathering. Areas designated for public space or seating shall be defined with landscape elements, low seat walls, benches, planters, paving patterns, or materials distinguishable from the pedestrian sidewalk and parking areas.

Landscaping

The site development landscape shall serve to enhance the visual aesthetic of the site and aid in reinforcing the street presence and pedestrian experience. The intent is to provide year round color and interest and reflect the natural environment of New Mexico landscape. A clear theme and image for the development shall be enforced throughout by consistent paving materials, plantings, signage, etc. Landscaping plans must contain low to medium water usage tree and plant species selected from a specific list included within the Design Regulations. All required notations regarding maintenance responsibilities, water conservation and irrigation system to be used must be included on all landscape plans.

Walls and Fences

The intent of the walls and fences section of the Design Standards is to provide screening of less attractive areas such as parking and utility items, as well as management of grade changes that exceed simple slopes, should be accomplished through the use of walls and fences that are designed to be an integral part of the project's overall aesthetic. The applicant has made all appropriate references to Sections 14-16-3-18 (General Building and Site Design Regulations for Non Residential Use), 14-16-3-19 (General Height and Design Regulations for Walls, Fences and Retaining Walls), 14-16-3-18 (General Building and Site Design Regulations for Non-Residential Uses). The applicant has also included a list of prohibited materials such as razor ribbon, razor wire, barbed wire, chain link fencing with or without slats, cyclone fencing or unfinished solid CMU which match the prohibited materials outlined the aforementioned sections of the Zoning Code.

Utilities

To ensure the overall aesthetic quality of the property and natural environment, the visual impact of utilities, all new electrical distributions lines shall be placed underground transformers, utility pads, and telephone boxes shall be appropriately screened with walls and/or vegetation when viewed from the public right-of-way. When an above-ground backflow prevention device is required, the heated enclosure shall be constructed of materials compatible with the architectural materials used on the adjacent buildings. If prefabricated enclosures are used, they shall be appropriately screened from view with walls and/or landscaping. All appropriate notations have been included on the CPSDPS.

Architecture

Architectural design of buildings and site features should demonstrate a high quality aesthetic character throughout the property and should respond to climate, views, solar access, and aesthetic considerations. Appropriate architectural styles include "modern" or "southwestern modern" or "contemporary southwest" in design (that utilize earth toned color palette). The

development shall also provide a cohesive material and color palette among all buildings (earth toned color palette). A list of quality and prohibited building materials has also been noted within this section of the Design Guidelines (Engineered wood paneling, Vinyl or plastic siding, and Plain concrete masonry units)

Lighting

The intent of the lighting design standards is to enhance safety, security and visual aesthetics, daytime and night-time appearance of lighting design and fixtures shall be considered. The primary design objective of site lighting shall be to maximize public safety without impacting the adjacent properties, buildings, or roadways with unnecessary glare or reflection. Appropriate references to site lighting requirements of the University of Albuquerque SDP, Coors Corridor Plan (Page 98), as well as Section 14-16-3-9, Area Lighting Regulations of the City of Albuquerque's Comprehensive Zoning Code, and State of New Mexico Night Sky Protection Act have all been included on the CPSDPS.

Signage

All signage shall conform to the requirements of the University of Albuquerque – Signing and Graphics Criteria section contained within the development guidelines. All signage shall also conform to the requirements of the design regulations of the Coors Corridor Plan. Signage and graphics should create a sense of arrival to the development and provide visual continuity between the various lots and their uses. All appropriate additional references to the requirements of the Zoning Code regarding signage have also been included.

Process

A note has been included on the site development plan for subdivision that all future Site Development Plans for Building Permit for the buildings within the 21.3 acre community activity center (Coors Pavilion) shall be delegated to the Development Review Board and shall be consistent with the Design Standards established by the CPSDPS. As previously stated in this report, future delegated site development plans for building permit will be subject to a DRB advertised public hearing.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

Agencies reviewed this request from January 4, 2016 to January 15, 2016. The most significant comments were received from the New Mexico Department of Transportation regarding the relocation of an ITS sign. The NMDOT has plans to install an ITS sign off of Coors Blvd. near the subject site. Due to the fact that the proposed development on the subject site conflicts with those plans, the applicant will be required to relocate the sign in conformance with NMDOT Standard drawings 701-01 series using the Dynamic/VMS notes and 701-06 series upsized by two sizes. The applicant has already begun coordinating the sign relocation with NMDOT to meet their requirements. The proposed site for the relocated sign has been indicated on the Site Development Plan for Subdivision.

Neighborhood/Public

The Enclave at Oxbow HOA, Ladera Heights Neighborhood Association, Rancho Encantado HOA, Vista Grande Neighborhood Association, Westside Coalition of Neighborhood Association's and property-owners within 100-feet were all notified of this request. A facilitated meeting was recommended by the Office of Neighborhood Coordination and a meeting between the applicant and recognized neighborhood association representatives was held on February 10, 2016. Meeting participants agreed that commercial and office uses on the subject site are positive and appropriate. Modifications to height limitations and overall layout of the project were discussed.

More specifically, the applicant agreed to limit a potential vehicular point of ingress and egress at Quaker Heights Place at the west edge of the site to a pedestrian and bicycle access only. The Rio Grande Parish Church expressed some concern about the proposed service drive on the west side of the property to which the applicant agreed to increase the amount of buffer elements closest to the church site along the western edge of the subject site. Several follow up meetings between the applicant and recognized neighborhood association representatives and property owners were held to further refine the CPSDPS Design Standards to attempt to address various stakeholders concerns. Therefore, staff is recommending DRB delegation of future site development plans for building permit. See the full facilitated meeting report for more details regarding the meeting discussion and outcomes.

Staff also received a series of correspondence from Richard Shine regarding residential uses on the subject site (Parcel A). Mr. Shine has submitted historical information from 2013 (1000032/13EPC-40123) to be included in the administrative record regarding a discussion about whether or not residential uses are allowed on the subject site under the existing SU-3 Mixed Use (O-1 and C-2) zoning designation. Mr. Shine is also requesting that specific EPC findings from 13EPC-40123 be included as findings for this request (15EPC-40079), and that the applicant include a notation within the Design Standards section of the Site Development Plan for Subdivision that residential uses be prohibited on the subject site. The applicant has submitted a letter opposing Mr. Shine's request.

It should be noted that the applicant has not indicated that residential uses are being requested for the subject site. More specifically, the intent statement of the CPSDPS clearly states that "The intent of these standards is to create an aesthetically pleasing, pedestrian friendly, mixed use development that adds office space and supporting retail / restaurant amenities to the Coors Blvd. corridor." Lastly, if the applicant wanted to add design standards for residential uses for residential uses, the applicant would be required to request an amendment to the CPSPDS Design Standards for EPC approval.

It is at the EPC's discretion whether to direct staff to require the applicant to include notation within the Design Standards section of the Site Development Plan for Subdivision that residential uses be prohibited on the subject site and to include specific findings from 13EPC-40123 as findings for the current case to that effect. All supporting documentation regarding Mr. Shine's requests have been included as part of the EPC packet under the Neighborhood and Notification tab of the EPC packet.

V. CONCLUSION

This is a request for a Site Development Plan for Subdivision for an approximately 21.3 acre parcel located on St. Josephs Drive NW between Coors Blvd. and Atrisco Drive. The existing zoning for the subject site is SU-3 for Mixed Use (O-1 & C-2 Uses). The applicant is proposing to develop 7 acres of the subject site as office uses per the O-1 zone of the Zoning Code and the remaining approximately 14.3 acres as commercial uses per the C-2 zone of the Zoning Code. Design Standards are also proposed for the subject site. Staff notes that the proposed Coors Pavilion Site Development Plan for Subdivision includes Design Standards which in turn include additional design parameters that conform to the requirements of the Zoning Code and all applicable plans. The applicant is requesting delegation of future Site Development Plans for Building Permit to the Development Review Board (DRB).

The request is a quasi-judicial matter. The subject site is a premise containing five or more acres and is zoned C-2 and therefore meets the Zoning Code definition of a Shopping Center Site.

The Shopping Center (SC) Regulations Section §14-16-3-2(C) require the same approval process as an SU-1 zoned site. This request is being heard by the EPC because of the stated provision in the SC regulations.

The EPC is thus tasked with ensuring that the proposed Design Guidelines for the subject site meet all of the requirements of the Zoning Code (O-1 & C-2 zones) as well as applicable design portions of the Coors Corridor Plan, and University of Albuquerque Urban Center Sector Development Plan. The SC Regulations only allow the EPC discretion to require additional buffer landscaping per Section 14-16-3-2(B)(3) (Shopping Center Regulations) of the Zoning Code..

In cases where an applicant has requested DRB delegation of future site development plans for building permit but has not specified whether an advertised or unadvertised hearing is required, the advertised public hearing schedule shall be used if delegation is granted by the EPC.

The applicant has had several meetings with various stakeholders and interested parties as well as Planning Staff and has made several modifications to the Design Standard language to address the input received from the public and the City. Planning Staff has also conducted a thorough review to ensure that the proposed Design Standards conform to the requirements of the Comprehensive Plan, West Side Strategic Plan and Coors Corridor Plan.

The Enclave at Oxbow HOA, Ladera Heights Neighborhood Association, Rancho Encantado HOA, Vista Grande Neighborhood Association, Westside Coalition of Neighborhood Association's and property-owners within 100-feet were all notified of this request. A facilitated meeting was recommended by the Office of Neighborhood Coordination and a meeting between the applicant and recognized neighborhood association representatives was held on February 10, 2016.

Staff is recommending approval of the requested Site Development Plan for Subdivision and delegation of future Site Development Plans for Building permit to the DRB subject to findings and conditions contained within the Staff Report.

FINDINGS–15EPC-40079 – April 14, 2016 – Site Development Plan for Subdivision

1. This is a request for a Site Development Plan for Subdivision for Tracts X-1-A2 and, Plat of Tracts X-1-A1 & X-1-A2, University of Albuquerque Urban Center located On St. Josephs Drive NW between Coors Blvd. and Atrisco Drive and containing approximately 21.3 acres.
2. This is a request for a Site Development Plan for Subdivision for an approximately 21.3 acre parcel located on St. Josephs Drive NW between Coors Blvd. and Atrisco Drive. The existing zoning for the subject site is SU-3 for Mixed Use (O-1 & C-2 Uses). The applicant is proposing to develop 7 acres of the subject site as office uses per the O-1 zone of the Zoning Code and the remaining approximately 14.3 acres as commercial uses per the C-2 zone of the Zoning Code. Design Standards are also proposed for the subject site. Staff notes that the proposed Coors Pavilion Site Development Plan for Subdivision includes Design Standards which in turn include additional design parameters that conform to the requirements of the Zoning Code and all applicable plans.
3. At the time of annexation and establishment of zoning, the subject site land use was designated as “Employment Center, Technical Services, Light Industrial, and/or Office Park (Campus Type).” In 1996, City Council approved a change to “A minimum of 40 acres shall be developed as apartments (R-3) at 20-25 du/ac with the balance of the property (approximately 19 acres) shall be developed as commercial (C-2) and/or office (O-1)” (R-58-1996; SD-80-3-3). The applicant requested R-T residential uses as part of the land use mix for the 19-acre portion designated for commercial/office, but this use was determined by EPC and City Council to be inconsistent with Transit policies and the intent of the West Side Strategic Plan.

In 2007, the residential uses were removed from the allowable uses, instead designating a minimum of 17 acres of O-1 development and the remainder as a mix of O-1 and C-2 uses (R-07-256). Concurrently, the WSSP was amended to designate Parcels A and B as a Community Activity Center (R-07-255). The Council Resolution indicated that the size and service area of the activity center was a hybrid of a neighborhood and community activity center.

In 2012, an apartment complex was proposed on Parcel A. In the face of strong neighborhood opposition, in particular, to the intended work-force housing market segment, the applicant withdrew the request (Project 1005357/12EPC-40040/41/42).

In 2013, a request to amend the University of Albuquerque Sector Development Plan to change the zoning and allowable land use mix for the subject site and redevelop 17 acres of single-family residential uses instead of the required minimum 17 acres of O-1 development. A recommendation of denial was forwarded from the EPC to City Council (Project 1000032/13EPC-40123). The applicant subsequently withdrew the requested action.

4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, University of Albuquerque Urban Center Sector Development Plan, Coors Corridor Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

5. The request furthers the following applicable goals and policies of the Comprehensive Plan:
 - A. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environment conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.
The request furthers Policy II.B.5.d. because it respects neighborhood values by proposing O-1 and C-2 uses that are appropriate for the plan area. The applicant has also participated in several discussions with surrounding neighborhood representatives to ensure that the Design Standards appropriately respond to natural environment conditions and carrying capacities. The Villa de Paz HOA has submitted a letter expressing unanimous support for the project.

 - B. Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.
The request furthers Policy II.B.5.e. because the site is vacant land that has access to existing facilities and services.

 - C. Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.
The request furthers Policy II.B.5.i. because employment and service uses shall be located to complement residential areas and the proposed design standards will ensure that future development is sited to minimize adverse effects. The subject site is surrounded by development on all sides: to the north is single-family residential development (Rancho Encantado, Del Sur and Valle Alegre); to the east is a public park with soccer fields, St. Pius School, and single-family residential development (Enclave at Oxbow); to the south of Parcel B is a single-family residential development with attached dwelling units (Villa de Paz); and to the west is a multi-family residential development (Atrisco Apartments).

 - D. Policy II.B.5.j.: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:
 - In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.

- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free-standing retailing and contiguous storefronts along streets in older neighborhoods.

The request furthers Policy II.B.5.j. because it would appropriately locate new commercial development in and existing commercially zoned area within a larger shopping center area.

- E. Policy II.B.7.a.: Existing and proposed Activity Centers are designated by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.

The request furthers Policy II.B.7.a. by allowing extensive office and commercial development within the Activity Center which would contribute to mixed use concentrations of interrelated activities within the Activity Center, and improve on the cost-effectiveness of City services, relative to the current use entitlements.

- F. II.D.6 Economic Development: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The request furthers the Economic Development Goal because the Activity Center site is already surrounded by mixed density residential development that would support the development of office, commercial, and retail services as proposed by the applicant.

6. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:

- A. II.B.7 Activity Centers: The Goal is to expand and strengthen concentrations of moderate and high density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

The request partially furthers the Activity Centers Goal because while the development will contribute to expanding and strengthening concentrations of moderate and high density land uses, the request does not appear to contribute to reducing auto travel needs given that the majority of users of the site will more than likely need to drive and park a vehicle to access commercial and office uses on the site.

7. The request furthers the following applicable goals and policies of the West Side Strategic Plan:

- A. Objective 4: Preserve a sense of community and quality of life for all residents based on wise, long-term decision-making. (Page 17)

The request furthers WSSP Objective 4 because locating the proposed uses within a Community Activity Center and near existing residential uses will ensure an appropriate mix of higher density / intensity uses to serve the surrounding residents.

- B. Policy 1.1: Thirteen distinct communities, as shown on the Community Plan Map and described individually in this Plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers. (Page 38)

The request furthers WSSP Policy 1.1 because the applicant is proposing higher density non-residential development within a designated Community Activity Center and the subject site is surrounded by areas of lower density residential development. Additionally, the O-1 zone provides sites suitable for office, service, institutional, and dwelling uses. It is often used as a buffer or transition between single-family residential and commercial uses.

- C. Policy 1.13: The Community Activity Center shall provide the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses in conjunction with community-wide services, civic land uses, employment, and the most intense land uses within the community. Its service area may be approximately three miles (radius) and a population of up to 30,000. (Page 41)

The request furthers WSSP Policy 1.13 because the intent of the policy is to focus higher intensity and mixed-uses within Activity Centers, and to encourage low-density residential development outside of Activity Centers.

8. The request partially furthers the following applicable goals and policies of the West Side Strategic Plan:

- A. Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side. (Page 17)

The request partially furthers WSSP Objective 1 because it will contribute to providing a mix of land uses on the West Side and will be located to complement surrounding and existing residential development, however the request does not appear to contribute to reducing auto travel needs given that the majority of users of the site will more than likely need to drive and park a vehicle to access commercial and office uses on the site.

9. The request furthers the following applicable goals and policies of the Coors Corridor Plan:
- A. Policy 3 – Recommended Land Use: The Coors Corridor Plan recommends land uses which are identified on the following maps. They specify existing and recommended zoning and recommended land uses. These recommended land uses shall guide the development in the plan area.
- The request furthers CCP Policy 3 because the plan's recommended land use for the site is industrial/employment. The O-1 and C-2 uses proposed for the subject site will appropriately fulfill the employment requirement of the CCP. The recommendation for industrial uses is no longer applicable given the amount of residential uses surrounding the Activity Center.*
- B. Site Planning and Architecture Policies: Various design policies apply to development within the Coors Corridor Plan area. These include: site design, building setback height and bulk, front landscaped street yard, site landscaping, off-street parking, commercial sites, access, bikeways and horse trails, site lighting, and architectural design.
- The request furthers CCP Site Planning and Architecture Policies because the proposed Design Standards address site design, setback, height, and bulk, landscaping, off-street parking, access, site lighting and architectural design. Staff has ensured that the proposed Site Development Plan for Subdivision complies with all required elements of the CCP.*
10. Staff has also conducted a thorough review to ensure that the proposed Design Standards conform to the requirements of the Comprehensive Plan, West Side Strategic Plan and Coors Corridor Plan and the Zoning Code regulations.
11. The applicant is requesting delegation of future Site Development Plans for Building Permit to the Development Review Board (DRB).
12. Staff has coordinated with the applicant to ensure that the proposed Design Guidelines meet or exceed the minimum requirements of the Zoning Code and all applicable plans and is in favor of recommending that the EPC grant the request for DRB delegation.
13. If approved by the EPC, all future DRB delegated Site Development Plans for Building Permit for the subject site will occur per the requirements of an advertised DRB public Hearing.
14. The Enclave at Oxbow HOA, Ladera Heights Neighborhood Association, Rancho Encantado HOA, Vista Grande Neighborhood Association, Westside Coalition of Neighborhood Association's and property-owners within 100-feet were all notified of this request.

15. A facilitated meeting was recommended by the Office of Neighborhood Coordination and a meeting between the applicant and recognized neighborhood association representatives was held on February 10, 2016.

16. Staff received written public comments from surrounding neighborhood association representatives and area residents expressing support for the project (Villa de Paz Neighborhood Association) and requesting that additional information be added to the administrative record. The additional information has been included in the record.

RECOMMENDATION – 15EPC-40079 – April 14, 2016

APPROVAL of 15EPC-40079, a request for Site Development Plan for Subdivision, for Tracts X-1-A2 and, Plat of Tracts X-1-A1 & X-1-A2, University of Albuquerque Urban Center, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – 15EPC-40079 – April 14, 2016 - Site Development Plan for Subdivision

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. Conditions of approval from Albuquerque / Bernalillo County Water Utility Authority:
 - A. The conceptual utility plan indicates an onsite public waterline. If individual lots are to be served from separate water meters, then this would be allowed. The waterline shall be minimized, thus there is potential to eliminate the proposed public waterline along the western property lines of Lots 8-12 as well as the waterlines south of Lot 8 and south of Lot 7. The proposed fire hydrants that are connected to these lines to be eliminated can be extended from the remaining public waterlines. All fire hydrants on

the property shall be deemed private. All public waterline easements shall be 20' in width and granted to the Water Authority.

- B. The proposed sanitary sewer shall be deemed private.
 - C. Request an availability statement at the following link: http://www.abcwua.org/Availability_Statements.aspx. Requests shall include fire marshal requirements.
4. Conditions of approval from NMDOT:
- A. The standard drawings for the ITS sign shall be installed per NMDOT Std dwgs 701-01 series using the Dynamic/VMS notes and 701-06 series upsized by two sizes.
5. Conditions of approval from Solid Waste Management – Refuse Division:
- A. Project#1000032--# of refuse enclosures indicated, inadequate for size of site development. Tracts 1 and 2 indicate enclosure locations. Please indicate enclosures for 3,4,5,7. Provide site plan to minimum scale of 1-50 to verify truck access.
6. Conditions of approval from Public Service Company of New Mexico:
- A. An existing overhead distribution line is located along the eastern boundary of the subject property on the west side of Coors Blvd NW. In addition, an existing overhead distribution line is also located along the southern boundary of the property on the north side of St. Josephs Drive NW. It is the applicant's obligation to abide by any conditions or terms of those easements. Sheet DS02 - Site Development Plan for Subdivision Design Standards, Section VII. Utilities, indicates that the existing PNM overhead distribution line on Coors Blvd. would be relocated. It is necessary for the developer to contact PNM's New Service Delivery Department to discuss distribution line relocation and potential streetlight impact in the submittal and to coordinate electric service for this project. PNM is requesting a meeting with the applicant before the February EPC hearing to discuss the relocation assumptions and alternative location to place the distribution line. In the event that the distribution line cannot be relocated, the Conceptual Grading and Drainage Plan indicates that the first flush water quality pond is being directed at PNM existing pole locations on the northeast corner of the project which is not acceptable. Contact:

Mike Moyer
PNM Service Center
4201 Edith Boulevard NE
Albuquerque, NM 87107

Phone: (505) 241-3697

- B. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.
7. The subdivision of the site shall comply with the purpose, intent, and regulations of the Subdivision Ordinance (14-14-1-3).
8. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.
-



*Vicente M. Quevedo
Planner*

Notice of Decision cc list:

Retail Equity Development 3, 8220 San Pedro NE, Suite 500, Albuquerque, NM 87113
Jill Greene, 3915 Fox Sparrow Trail NW, Albuquerque, NM 87120
Forrest Uppendahl, 3900 Rock Dove Trail NW, Albuquerque, NM 87120
Allan and Marie Ludi 6216 St. Josephs Ave NW, Albuquerque, NM 87120
Colin Semper, 5809 Mesa Sombra Pl. NW, Albuquerque, NM 87120
Adam Barker, 8500 Jefferson, Suite B, Albuquerque, NM 87113
Berent Groth, 3546 Sequoia Pl. NW, Albuquerque, NM 87120
Richard Shaefer, 3579 Sequoia Pl, NW, Albuquerque, NM 87120
Gerald Worrall, 1039 Pinatubo Pl NW, Albuquerque, NM 87120
Harry Hendriksen, 10592 Rio Del Sole Ct. NW, Albuquerque, NM 87114-2701

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Reviewed, no adverse comments.

Office of Neighborhood Coordination

The Enclave at Oxbow HOA, Ladera Heights NA (R), Rancho Encantado HOA, Vista Grande NA (R), Westside Coalition of NA's

1/11/16 – Recommended for Facilitation – siw

1/14/16 – Assigned to Jessie Lawrence - th

Long Range Planning

No comments received.

Metropolitan Redevelopment Agency

No comments received.

CITY ENGINEER

15EPC-40079 - Site Development Plan for Subdivision

City Engineer/Transportation Development:

The following comments need to be addressed prior to DRB:
D.O.T. Driveway Permit is required for entrance off of Coors Blvd.
Transportation Impact Study (T.I.S) is required.

Hydrology Development

Project number 1010693, Will require a full G&D plan review, meeting the following criteria and other criteria stated in the Development Process Manual Chapter 22 and the design guidelines given in Standard Specifications.. Staff Planner: Vicente Quevedo.

GENERAL HYDROLOGY CRITERIA:

- Beyond 10' of a structure, all landscape beds to be depressed below grade, within 10', runoff shall be directed away from the structure.
- All new development projects shall manage the runoff from precipitation which occurs during the 90th Percentile Storm Events, referred to as the "first flush." The Site Plan/Drainage Plan must indicate all areas and mechanisms intended to capture the first flush. For volume calculations, the 90th Percentile storm event is 0.44 inches. For Land Treatment D the initial abstraction is 0.1", therefore the first flush volume should be based on $0.44 - 0.1 = 0.34$ " and only consider the impervious areas.

-
- State how the first flush will be managed and supporting calculations
 - State the area of Land Treatment D on the plan
 - The applicant may request a pre-design meeting with the Hydrology Section. First submit a Conceptual Grading and Drainage plan, and indicate on the DTIS sheet (**in large bold letters at the top**) that a pre-design conference is requested (DTIS sheet is the information sheet required for all Hydrology and Transportation submittals). The reviewer will contact the applicant to set up a meeting.
 - The engineer should research the Master Drainage Plan and/or adjacent sites – essentially practice due diligence prior to meeting. Conceptual Grading and Drainage plans should reference the master drainage plan or other sources that indicate the intended drainage for that area. **The applicant should provide excerpts from the supporting documents and/or grading plans.**
 - Final Drainage Reports should have an appendix with all supporting documentation
 - When determining allowable discharge from a site
 - If a Master Drainage Report planned an allowable discharge for a site, determine if the basis for that discharge is still valid or if conditions have since changed.
 - If discharging to the street, determine if the street has capacity. Also determine if the storm drain has capacity.
 - If discharging to the back of inlets, determine if doing so will still provide capacity for the discharge from the street
 - When determining inlet capacity using the orifice equation, the area for a single grate should be 3.84 sq. ft.

NM DEPARTMENT OF TRANSPORTATION

NMDOT anticipates modifications to the site plan as submitted pending NMDOT review of the DRAFT Traffic Impact Study. When final comments are made, then NMDOT will request a revised site plan.

The standard drawings for the ITS sign shall be installed per NMDOT Std dwgs 701-01 series using the Dynamic/VMS notes and 701-06 series upsized by two sizes.

Here is the link to the 701 series:

http://dot.state.nm.us/content/dam/nmdot/Plans_Specs_Estimates/Standard_Drawings/701.pdf

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

No comments received.

Traffic Engineering Operations

Project# 1000032 Site Development Plan for Subdivision

Transportation Section:

Per MRCOG's 2040 Long Range Roadway System Map, Coors Blvd. is designated as a Regional Principal Arterial and St. Joseph's Drive is a Minor Arterial. See NMDOT's comments for Coors Blvd. since it is under their jurisdiction. Per MRCOG's 2040 Long Range Bicycle System Map, St. Joseph's Drive is an existing bicycle route and is proposed to contain future bicycle lanes. DMD is presently working on the design of improvements to St. Joseph's Drive across the frontage of this site. Any applicant-required improvements shall be coordinated with DMD project manager Kellie Shaw (768-3659) prior to Site Development Plan sign-off at DRB.

WATER UTILITY AUTHORITY

Utility Services

15EPC-40079 Site Development Plan for Subdivision:

- a. The conceptual utility plan indicates an onsite public waterline. If individual lots are to be served from separate water meters, then this would be allowed. The waterline shall be minimized, thus there is potential to eliminate the proposed public waterline along the western property lines of Lots 8-12 as well as the waterlines south of Lot 8 and south of Lot 7. The proposed fire hydrants that are connected to these lines to be eliminated can be extended from the remaining public waterlines. All fire hydrants on the property shall be deemed private. All public waterline easements shall be 20' in width and granted to the Water Authority.
- b. The proposed sanitary sewer shall be deemed private.
- c. Request an availability statement at the following link: http://www.abcwua.org/Availability_Statements.aspx. Requests shall include fire marshal requirements.

ENVIRONMENTAL HEALTH DEPARTMENT

No comments received.

PARKS AND RECREATION

Planning and Design

Reviewed, no adverse comments

Open Space Division

No comments received.

City Forester

No comments received.

POLICE DEPARTMENT/Planning

EPC 1010693 – This project is in the Northwest Area Command.

Reviewed, no adverse comments.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Project#1000032--# of refuse enclosures indicated, inadequate for size of site development. Tracts 1 and 2 indicate enclosure locations. Please indicate enclosures for 3,4,5,7. Provide site plan to minimum scale of 1-50 to verify truck access.

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

Route #790, Rapid Ride Blue Line, Route # 155 Coors Route and Route # 96 Crosstown commuter route all access various parts of the Coors Boulevard. Nearest bus stop is 250' south of the property from the southeast corner of the property serving the above-mentioned routes.

Site development plan comments forthcoming.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS - MRMPO

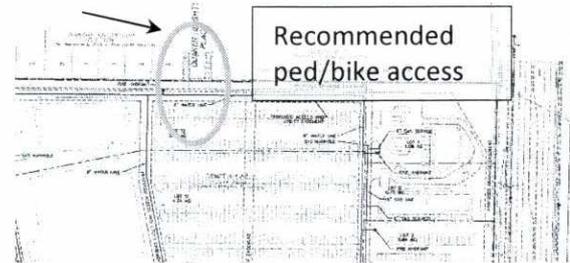
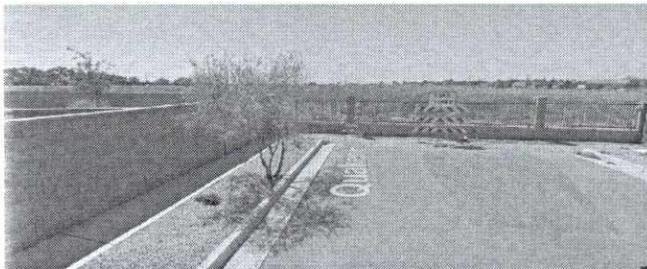
Project #1000032

The proposed development helps fulfil one of the principles of the Preferred Scenario of the 2040 Metropolitan Transportation Plan (2040 MTP) by bringing more jobs west of the Rio Grande.

Coors Blvd is part of the Priority Transit Investment Network identified in the 2040 MTP. In order to improve access and connectivity for all modes along Coors Blvd, MRMPO recommends the following:

- Provide pedestrian and bicycle access to Quaker Heights Pl NW. This allows resident to the north to access the proposed retail sites by walking and bicycling on low-traffic volume, low-

speed local roadways while also encouraging fewer trips on the arterial and collector network surrounding the site.

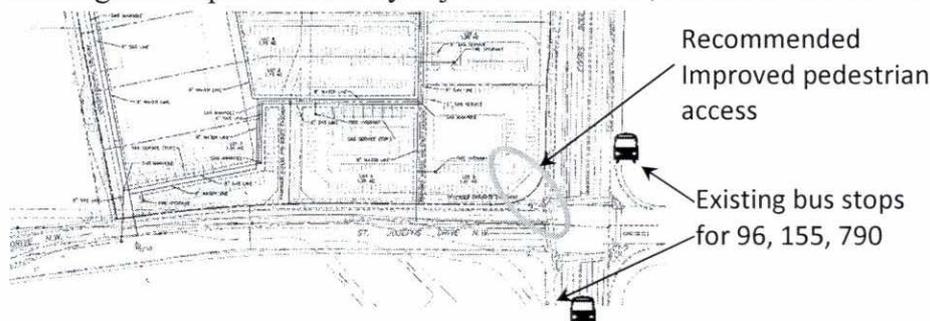


- The current sidewalk and buffered bicycle lane north of the site provides for pedestrian and bicycle travel. MRMPO recommends continuing this design and ensuring any new access takes pedestrian and bicycle safety into strong consideration.



Current sidewalk and bicycle lane design with buffers

- Provide pedestrian access from the NW corner of Coors Blvd and St Josephs Dr to retail within the site. The intersection of Coors Blvd and St Josephs Dr NW is served by three bus lines (96, 155, 790) with bus stops on the NE and SW corners of the intersection. Although there is no existing bus stops immediately adjacent to the site, the intersection is well served by transit.



For informational purposes, Coors Blvd is a limited access facility between Arenal Rd and NM 528. Please contact Dave Pennella at 724-3621 or dpennella@mrcog-nm.gov with any questions about access control.

In the project area, Coors Blvd is functionally classified as an Existing Principal Arterial, and St. Josephs Dr is classified as an Existing Minor Arterial.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

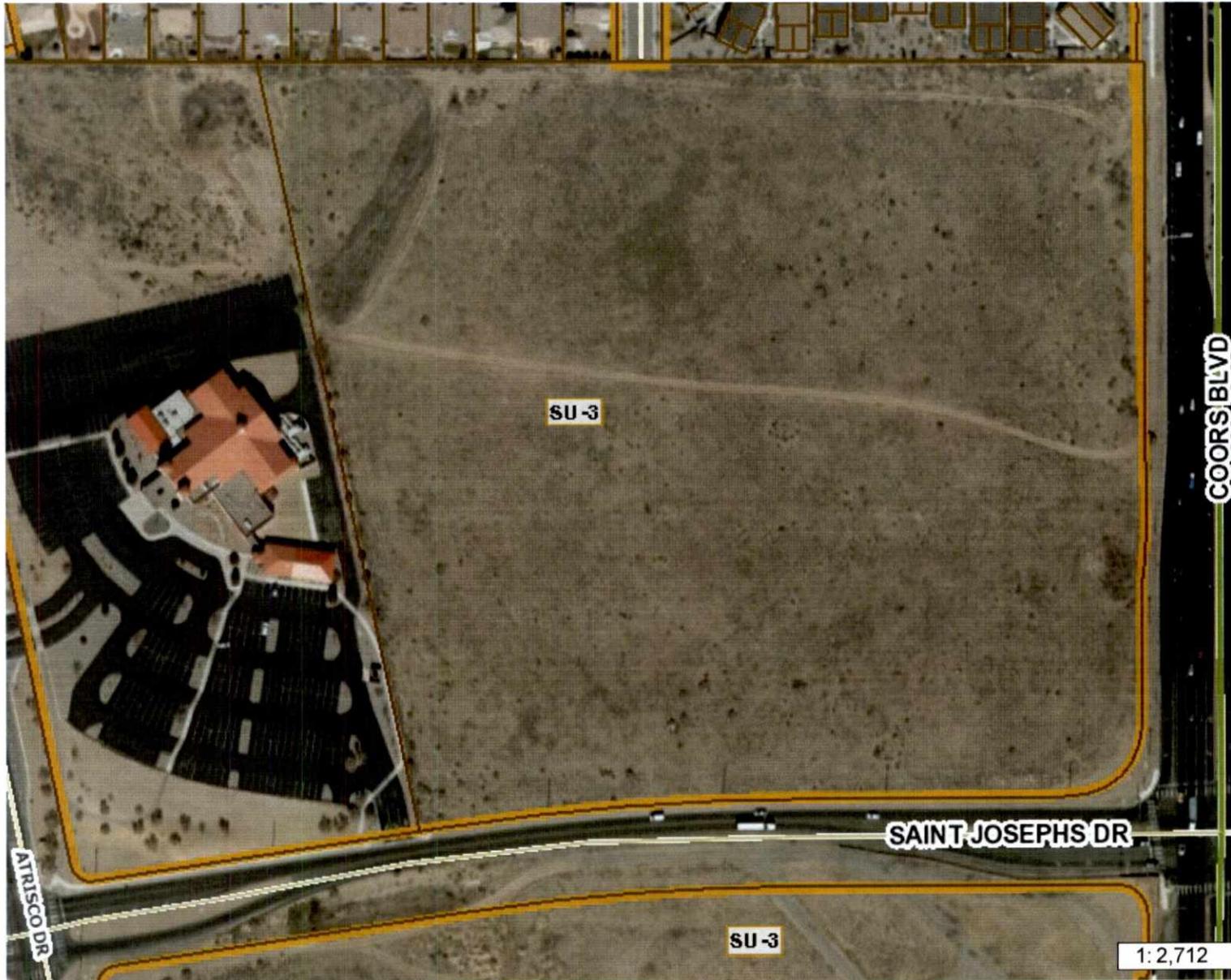
PUBLIC SERVICE COMPANY OF NEW MEXICO

Conditions for Approval for Project #1000032 Site Development Plan for Subdivision and Zone Change (Oxbow Town Center at northwest corner of Coors and St. Josephs NW) 15EPC-40079

1. An existing overhead distribution line is located along the eastern boundary of the subject property on the west side of Coors Blvd NW. In addition, an existing overhead distribution line is also located along the southern boundary of the property on the north side of St. Josephs Drive NW. It is the applicant's obligation to abide by any conditions or terms of those easements. Sheet DS02 - Site Development Plan for Subdivision Design Standards, Section VII. Utilities, indicates that the existing PNM overhead distribution line on Coors Blvd. would be relocated. It is necessary for the developer to contact PNM's New Service Delivery Department to discuss distribution line relocation and potential streetlight impact in the submittal and to coordinate electric service for this project. PNM is requesting a meeting with the applicant before the February EPC hearing to discuss the relocation assumptions and alternative location to place the distribution line. In the event that the distribution line cannot be relocated, the Conceptual Grading and Drainage Plan indicates that the first flush water quality pond is being directed at PNM existing pole locations on the northeast corner of the project which is not acceptable. Contact:

Mike Moyer
PNM Service Center
4201 Edith Boulevard NE
Albuquerque, NM 87107
Phone: (505) 241-3697

2. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.



Legend

- Bernalillo County Parcels
- Primary Streets**
 - Urban Principal Arterial
 - BN and SF Railroad
 - Freeway
 - Urban Minor Arterial
- Other Streets**
- Zoning**
 - <all other values>
 - RESIDENTIAL
 - COMMERCIAL
 - OFFICE
 - INDUSTRIAL / WHOLESALE / MANUFACTURING
 - INSTITUTIONAL / GOVERNMENT
 - UTILITIES / TRANSPORTATION
 - OPEN SPACE / RECREATION / AGRICULTURAL
 - RESIDENTIAL / AGRICULTURAL
 - NOT CLASSIFIED
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map**

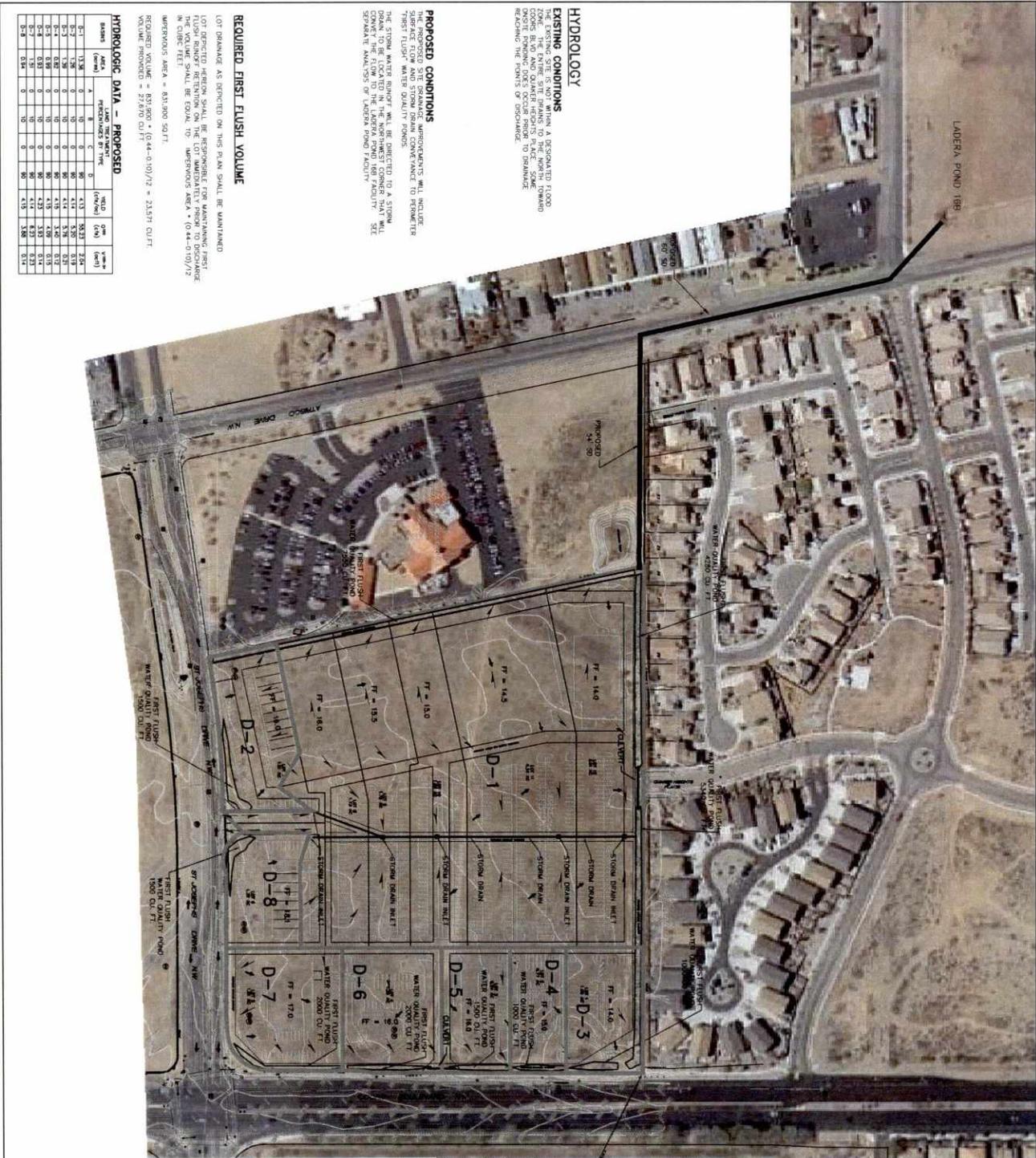
Notes

0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
4/7/2016 © City of Albuquerque

This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES



LAUREA POND 188

HYDROLOGY

EXISTING CONDITIONS
 THE ENTIRE SITE DRAINS TO THE NORTH TOWARD LAUREA POND 188. DRAINAGE OCCURS PRIOR TO REACHING THE POINTS OF DISCHARGE.

PROPOSED CONDITIONS

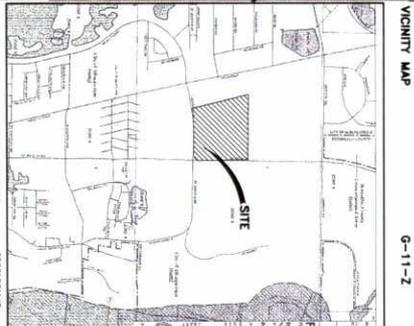
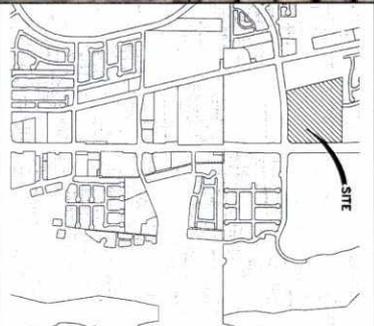
IMPROVEMENTS WILL INCLUDE SURFACE FLOW AND STORM DRAIN CONVEYANCE TO PERMITTER FIRST FLUSH WATER QUALITY PONDS. THE STORM WATER RUNOFF WILL BE DIRECTED TO A STORM DRAIN AND CONVEYED TO LAUREA POND 188 FACILITY. SEPARATE ANALYSIS OF LAUREA POND FACILITY.

REQUIRED FIRST FLUSH VOLUME

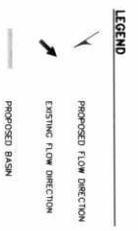
LOT DRAINAGE AS DIRECTED ON THIS PLAN SHALL BE MAINTAINED. LOT DRAINAGE DURING PERIODS OF MAINTENANCE SHALL BE MAINTAINED. FIRST FLUSH VOLUME SHALL BE EQUAL TO: IMPERVIOUS AREA * (10-44-010)/12. IMPERVIOUS AREA = 83,000 SQ.FT. REQUIRED VOLUME = 83,000 (10-44-010)/12 = 23,571 CU.FT. VOLUME REDUCTION = 23,571 CU.FT.

HYDROLOGIC DATA - PROPOSED

Basins	Area (Acres)	Impervious Area (Acres)	Volume (Cu Ft)	Volume (Gals)
D-1	1.38	0	0	0
D-2	1.38	0	0	0
D-3	1.38	0	0	0
D-4	1.38	0	0	0
D-5	1.38	0	0	0
D-6	1.38	0	0	0
D-7	1.38	0	0	0
D-8	1.38	0	0	0
Total	11.04	0	0	0



LEGAL DESCRIPTION
 Tracts X-1-1-12, Albuquerque Urban Center
 Projected Sec. 2, T10N, R2E



GND, LLC
 CONSULTING ENGINEERS

CITY OF ALBUQUERQUE
 MUNICIPAL DEVELOPMENT DEPARTMENT
 COORS PAVILION

NO.	DATE	REMARKS	BY
REVISIONS			
DESIGNED BY:	SEG	DATE: DEC 2015	
DRAWN BY:	SEG	DATE: DEC 2015	
CHECKED BY:	SEG	DATE: DEC 2015	

SURVEY INFORMATION		BENCH MARKS		AS BUILT INFORMATION	
FIELD NOTES	NO.	DATE	NGS/Albuquerque Control Survey Monument	CONTRACTOR	DATE
			"JOSEPH 1969"	STAKER	DATE
			NM State Plane Coordinates (Central Zone -NAD27)	ACCEPTANCE BY	DATE
			X=366,686.82 Y=1,502,246.75	DESIGNATION BY	DATE
			Data Alpha=0.001524	REVISION BY	DATE
			Ground to Grid Factor=0.99967551	COMPILED BY	DATE
			Elevation=5116.61 (NAVD88)	MICRO-FILM INFORMATION	
				RECORDED BY	DATE



HISTORY

January 15, 2016

Ms. Kym Dicome
Mr. Vicente Quevedo
City of Albuquerque
Environmental Planning Commission
600 2nd. St. NW
Albuquerque, NM 87102

RE: Applicant Official Rescission of the Zone Map Amendment to the Land Use Map and Text of the University of Albuquerque Sector Development Plan.

Dear Chairman of the EPC, Ms. Dicome and Mr. Quevedo:

Please be advised that Retail Southwest Development 3, LLC (Joshua Skarsgard) is acting as agent on behalf of Oxbow Town Center, LLC (“**Applicant**”), in the Applicant’s request for approval of a zone map amendment - amendment to the Land Use Map of the University of Albuquerque Sector Development Plan and Site Development Plan for Subdivision to the Environmental Planning Commission. Please accept this letter as a formal notice that we have amended the application by removing the Zone Map Amendment to the Land Use Map and Text of the University of Albuquerque Sector Development Plan. We will maintain the application for a Site Development Plan for Subdivision. Please call me with any questions at 505 998 9094 or 505 262 2323. Thanks a lot.

Sincerely,

Joshua J. Skarsgard. Esq. (“Agent”)



Environmental Planning Commission

*Agenda Number: 04
Project Number: 1000032
Case #: 15EPC-40079
March 10, 2016*

Staff Report

Agent	Retail Equity Development 3, LLC
Applicant	Oxbow Town Center, LLC
Request	Site Development Plan for Subdivision
Legal Description	Tracts X-1-A2 and , Plat of Tracts X- 1-A1 & X-1-A2, University of Albuquerque Urban Center
Location	On St. Josephs Drive NW between Coors Blvd. and Atrisco Drive
Size	Approximately 21.3 acres
Existing Zoning	SU-3 for Mixed Use
Proposed Zoning	No Change

Staff Recommendation

*DEFERRAL of Case # 15EPC-40079 based on
the findings below, at the request of the applicant
for 30 days.*

***Staff Planner**
Vicente M. Quevedo, Planner*

Summary of Request

This request is for a Site Development Plan for Subdivision for an approximately 21.3 acre site located on St. Josephs Drive NW between Coors Blvd. and Atrisco Drive. The applicant is proposing to develop approximately 7 acres for office uses and approximately 14.3 acres as C-2 commercial uses.

The subject site is located within the Established Urban Area of the Comprehensive Plan as well as within the boundaries of the Coors Corridor Plan and University of Albuquerque Sector Development Plan.

The applicant has requested a 30 day deferral to the April 14, 2016 EPC Public Hearing to allow adequate time for a facilitated meeting to occur.

Findings

1. This request is for a Site Development Plan for Subdivision for an approximately 21.3 acre site located on St. Josephs Drive NW between Coors Blvd. and Atrisco Drive.
2. A written request for the deferral from the applicant has been included as part of the record for the case.
3. The applicant requests a 30-day deferral to the April 14, 2016 EPC Hearing to continue meeting with the interested parties regarding the proposed Site Development Plan for Subdivision.

City Departments and other interested agencies reviewed this application from 1/04/16 to 1/15/16.

Quevedo, Vicente M.

From: Josh Skarsgard <josh@skarsgardfirm.com>
Sent: Tuesday, February 23, 2016 11:19 AM
To: rshine60@hotmail.com; Joe Valles; Pauline Garcia; Richard Dineen; Dicome, Kym; Jessie Lawrence
Cc: Quevedo, Vicente M.; William R. Keleher; Jim Rogers Jr. (jim@sunlandnm.com); Thomas F. Keleher; mjmcMahonx@gmail.com; Charles Price; Trish Lopes; Diane Rossignol; Becky Torres
Subject: Vicente, Jessie, Kym: Applicant Request for 30-day deferral (April EPC Hearing). St. Joseph's/Coors Blvd. (21 Acre)
Importance: High

Good Morning Vicente:

The applicant for the 21 acre Site Development Plan for Subdivision on St. Joseph's and Coors Blvd. is formally requesting a 30 day deferral from the March EPC Hearing to the April EPC Hearing. This request for a deferral is to continue to meet with the interested parties (St. Joseph's on the Rio Grande, Local Neighbors, etc.) regarding the site plan.

Vicente, when we arrive at a final SDP for Subdivision I will print the obligatory copies and give you an updated "letter" addressing the application.

Jessie: if you believe another facilitated meeting is required, please let me know a date and time and I will be there.

Thanks for your help, we are excited to move this project forward in the coming weeks. All the best, Josh

Joshua J. Skarsgard, Esq., CPA
Owner



8220 San Pedro NE Suite 500 / Albuquerque, NM 87113 / Office 505.262.2323 / Fax 505.998.9080
Direct 505.998.9094 / Email josh@retailsouthwest.com / www.retailsouthwest.com

State of New Mexico Attorney Bar Number: 25965 (Active)
State of New Mexico Certified Public Accountant Number: 5873 (Inactive)

CITY OF ALBUQUERQUE



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

February 12, 2016

Oxbow Town Center
Thomas Keleher
201 third St NW Suite 1200
Albuquerque, NM 87102

Project# 1000032
15EPC-40079 Site Development Plan for Subdivision

LEGAL DESCRIPTION:

The above actions for all or a portion of Tract X-1-A2 Plat of Tracts X-1-A1 & X-1-A2 University of Albuquerque Urban Center, zoned SU-3/Mixed Use, located on Coors Blvd., between St. Josephs and Western Trail NW, containing approximately 21.3 acres. (G-11)
Staff Planner: Vicente Quevedo

PO Box 1293

Albuquerque, NM 87105
On February 11, the Environmental Planning Commission (EPC) voted to DEFER Project #1000032/15EPC-40079, a Site Development Plan for Subdivision, based on the following finding:

FINDING:

1. The applicant requests a 30 day deferral to the March 10, 2016 EPC Hearing to allow adequate time for a facilitated meeting to occur.

www.cabq.gov

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **FEBRUARY 26, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. 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.

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 Zoning Code must be complied with, even after approval of the referenced application(s).



**Environmental
Planning
Commission**

**Agenda Number: 01
Project Number: 1000032
Case #: 15EPC-40079
February 11, 2016**

Staff Report

Agent	Retail Equity Development 3, LLC
Applicant	Oxbow Town Center, LLC
Request	Site Development Plan for Subdivision
Legal Description	Tracts X-1-A2 and , Plat of Tracts X- 1-A1 & X-1-A2, University of Albuquerque Urban Center
Location	On St. Josephs Drive NW between Coors Blvd. and Atrisco Drive
Size	Approximately 21.3 acres
Existing Zoning	SU-3 for Mixed Use
Proposed Zoning	No Change

Staff Recommendation

**DEFERRAL of Case # 15EPC-40079 based on
the findings below, at the request of the applicant
for 30 days.**

**Staff Planner
Vicente M. Quevedo, Planner**

Summary of Request

This request is for a Site Development Plan for Subdivision for an approximately 21.3 acre site located on St. Josephs Drive NW between Coors Blvd. and Atrisco Drive. The original request also included a zone change but the agent withdrew that portion of the request. The applicant is proposing to develop approximately 7 acres for office uses and approximately 14.3 acres as C-2 commercial uses.

The subject site is located within the Established Urban Area of the Comprehensive Plan as well as within the boundaries of the Coors Corridor Plan and University of Albuquerque Sector Development Plan.

The applicant has requested a 30 day deferral to the March 10, 2016 EPC Public Hearing to allow adequate time for a facilitated meeting to occur.

Findings

1. This request is for a Site Development Plan for Subdivision for an approximately 21.3 acre site located on St. Josephs Drive NW between Coors Blvd. and Atrisco Drive.
2. A written request for the deferral from the applicant has been included as part of the record for the case.
3. The applicant requests a 30-day deferral to the March 10, 2016 EPC Hearing adequate time for a facilitated meeting to occur.

APPLICATION INFORMATION



Supplemental Form (SF)

SUBDIVISION	S Z ZONING & PLANNING
<input type="checkbox"/> Major subdivision action	<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action	<input checked="" type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Vacation	<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
<input type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
SITE DEVELOPMENT PLAN	D <input type="checkbox"/> Street Name Change (Local & Collector)
<input checked="" type="checkbox"/> for Subdivision	L A APPEAL / PROTEST of...
<input type="checkbox"/> for Building Permit	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
<input type="checkbox"/> Administrative Amendment (AA)	
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)	
<input type="checkbox"/> IP Master Development Plan	
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	
STORM DRAINAGE (Form D)	
<input type="checkbox"/> Storm Drainage Cost Allocation Plan	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102.
Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Retail Equity Development 3 PHONE: 505-262-2323
 ADDRESS: 8220 San Pedro NE Ste 500 FAX: 505-998-9080
 CITY: Albuquerque STATE NM ZIP 87113 E-MAIL: josh@retail-southwest.com
 APPLICANT: Oxbow Town Center-Thomas Kelener PHONE: 505-830-2200
 ADDRESS: 201 Third St NW Ste 1200 FAX: _____
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: wkelener@midtlaw.com
 Proprietary interest in site: owner List all owners: Oxbow Town Center

DESCRIPTION OF REQUEST:

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract X-1-A2 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: University of Albuquerque Urban Center
 Existing Zoning: SU-3 Proposed zoning: SU-3 for SU-1 for C-2 uses MRGCD Map No _____
 Zone Atlas page(s): 9-11 UPC Code: 101106019549120846

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX_Z, V, S, etc.):
N/A 1000032

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 1 No. of proposed lots: _____ Total site area (acres): 21.2244
 LOCATION OF PROPERTY BY STREETS: On or Near: Coors + St. Josephs NW
 Between: St. Josephs NW and Western Trail NW
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: 10/13/15

SIGNATURE

(Print Name) Joshua Skarsgard DATE 12/30/15
 Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>15 EPC 40079</u>	<u>SBS</u>	_____	<u>\$385.00</u>
<input type="checkbox"/> All fees have been collected	<u>40080</u>	<u>AZM</u>	_____	<u>\$905.00</u>
<input type="checkbox"/> All case #s are assigned	_____	<u>CMF</u>	_____	<u>\$50.00</u>
<input type="checkbox"/> AGIS copy has been sent	_____	<u>ADV</u>	_____	<u>\$75.00</u>
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	_____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	_____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	_____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	_____
	Hearing date			Total
	<u>12-30-15</u>			<u>\$1,415.00</u>

Staff signature & Date: [Signature] Project # 1000032

FORM P(1): SITE DEVELOPMENT PLAN REVIEW – E.P.C. PUBLIC HEARING

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC16) Maximum Size: 24" x 36"**
- IP MASTER DEVELOPMENT PLAN (EPC11)**

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval**
 - Scaled Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.**
For IP master development plans, include general building and parking locations, and design requirements for buildings, landscaping, lighting, and signage.
 - Site plans and related drawings reduced to 8.5" x 11" format (1 copy)**
 - Zone Atlas map with the entire property(ies) clearly outlined**
 - Letter briefly describing, explaining, and justifying the request**
 - Letter of authorization from the property owner if application is submitted by an agent**
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts**
 - Completed Site Plan for Subdivision and/or Building Permit Checklist**
 - Sign Posting Agreement**
 - Traffic Impact Study (TIS) form with required signature**
 - Fee (see schedule)**
 - List any original and/or related file numbers on the cover application**
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC15) Maximum Size: 24" x 36"**
- SITE DEVELOPMENT PLAN and/or WAIVER OF STANDARDS FOR WIRELESS TELECOM FACILITY (WTF) (EPC17)**

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval**
- Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.**
- Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted.**
(Folded to fit into an 8.5" by 14" pocket.) **20 copies**
- Site Plans and related drawings reduced to 8.5" x 11" format (1 copy)**
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)**
- Letter briefly describing, explaining, and justifying the request**
- Letter of authorization from the property owner if application is submitted by an agent**
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts**
- Sign Posting Agreement**
- Completed Site Plan for Subdivision and/or Building Permit Checklist**
- Traffic Impact Study (TIS) form with required signature**
- Fee (see schedule)**
- List any original and/or related file numbers on the cover application**

NOTE: For wireless telecom facilities, requests for waivers of requirements, the following materials are required in addition to those listed above for application submittal:

- Collocation evidence as described in Zoning Code §14-16-3-17(A)(6)**
- Notarized statement declaring number of antennas accommodated. Refer to §14-16-3-17(A)(13)(d)(2)**
- Letter of intent regarding shared use. Refer to §14-16-3-17(A)(13)(e)**
- Affidavit explaining factual basis of engineering requirements. Refer to §14-16-3-17(A)(13)(d)(3)**
- Distance to nearest existing free standing tower and its owner's name if the proposed facility is also a free standing tower §14-16-3-17(A)(17)**
- Registered engineer or architect's stamp on the Site Development Plans**
- Office of Community & Neighborhood Coordination inquiry response as above based on ¼ mile radius**

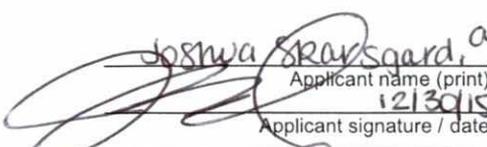
EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC01) Maximum Size: 24" x 36"**
- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC02)**

- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 20 copies**
- DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 20 copies**
- DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) 20 copies**
- Site plans and related drawings reduced to 8.5" x 11" format (1 copy)**
- Zone Atlas map with the entire property(ies) clearly outlined**
- Letter briefly describing, explaining, and justifying the request**
- Letter of authorization from the property owner if application is submitted by an agent**
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts**
- Sign Posting Agreement**
- Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)**
- Traffic Impact Study (TIS) form with required signature**
- Fee (see schedule)**
- List any original and/or related file numbers on the cover application**

EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.


 Joshua S. Rasmussen, agent
 Applicant name (print)
 12/30/15
 Applicant signature / date



Form revised November 2010

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
 15-EPC-40079

Project #: 1000032
 Planner signature / date
 [Signature] 12-30-15

FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS

ANNEXATION (EPC08)

- Application for zone map amendment including those submittal requirements (see below).
Annexation and establishment of zoning must be applied for simultaneously.
 - Petition for Annexation Form and necessary attachments
 - Zone Atlas map with the entire property(ies) clearly outlined and indicated
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
 - Letter describing, explaining, and justifying the request
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
 - Letter of authorization from the property owner if application is submitted by an agent
 - Board of County Commissioners (BCC) Notice of Decision
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

SDP PHASE I – DRB CONCEPTUAL PLAN REVIEW (DRBPH1) (Unadvertised)

SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14) (Public Hearing)

SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2) (Unadvertised)

- Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
 - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
 - Zone Atlas map with the entire plan area clearly outlined and indicated
 - Letter describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
 - Traffic Impact Study (TIS) form (for EPC public hearing only)
 - Fee for EPC final approval only (see schedule)
 - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)

- Zone Atlas map with the entire property clearly outlined and indicated
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
 - Letter of authorization from the property owner if application is submitted by an agent
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)

AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)

- Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
 - Plan to be amended with materials to be changed noted and marked
 - Zone Atlas map with the entire plan/amendment area clearly outlined
 - Letter of authorization from the property owner if application is submitted by an agent (map change only)
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
 - Letter briefly describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
 - Traffic Impact Study (TIS) form
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

- Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
 - Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
 - Letter describing, explaining, and justifying the request
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Joswa Skarsgard Agent
Applicant name (print)
12/30/15
Applicant signature & Date
Revised: June 2011



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
5 EPC - 40080

[Signature] 12-30-15
Staff signature & Date
Project # 1000032

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Retail Southwest Development DATE OF REQUEST: / / ZONE ATLAS PAGE(S): G-11

CURRENT:

ZONING SU-3
PARCEL SIZE (AC/SQ. FT.) 21.2244

LEGAL DESCRIPTION:

LOT OR TRACT # X-1-A2 BLOCK #
SUBDIVISION NAME University of Albuquerque
Urban Center

REQUESTED CITY ACTION(S):

ANNEXATION []
ZONE CHANGE [] From To
SECTOR, AREA, FAC, COMP PLAN []
AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:

SUBDIVISION* AMENDMENT []
BUILDING PERMIT [] ACCESS PERMIT []
BUILDING PURPOSES [] OTHER []

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT []
NEW CONSTRUCTION
EXPANSION OF EXISTING DEVELOPMENT []

GENERAL DESCRIPTION OF ACTION:

OF UNITS:
BUILDING SIZE: (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE [Signature]

DATE 12/14/15

(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2ND St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES NO [] BORDERLINE []

THRESHOLDS MET? YES NO [] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: []
Notes:

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new TIS.**

[Signature]
TRAFFIC ENGINEER

12-21-15
DATE

Required TIS must be completed prior to applying to the EPC and/or the DRB. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED / /
-FINALIZED / /

TRAFFIC ENGINEER

DATE

Revised January 20, 2011

OXBOW TOWN CENTER, LLC
c/o
SMIDT, REIST & KELEHER, P.C.

4811-A Hardware Drive N.E., Suite 4
Albuquerque, New Mexico 87109
Telephone: 505.830.2200
Facsimile: 505.830.4400
Writer's E-mail: wkeleher@smidtlaw.com

December 23, 2015

City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87103

Re: Agency Authorization for Retail Equity Development 3, LLC (Joshua J. Skarsgard) to act as agent on behalf of Oxbow Town Center, LLC at the Planning Commission.

Dear City of Albuquerque Planning Department:

Please be advised that Retail Equity Development 3, LLC (Joshua J. Skarsgard) has been granted the express authority to represent Oxbow Town Center, LLC with respect to an application for Site Development Plan for Subdivision on Tract X-1-A2, University of Albuquerque Urban Center. This grant of authority will continue until and unless Oxbow Town Center, LLC provides notice of termination.

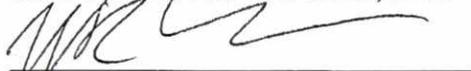
Questions and communications should be directed to Mr. Skarsgard at:

Joshua J. Skarsgard
8220 San Pedro NE, Suite 500
Albuquerque, NM 87113
Phone (505) 262-2323
Fax (505) 998-9099
josh@retailsouthwest.com

We would appreciate receiving copies of all notices and correspondence at the address on this letterhead.

Thank you.

OXBOW TOWN CENTER, LLC



William R. Keleher
Managing Member

December 30, 2015

City of Albuquerque
Environmental Planning Commission
Care of Madam Chair Karen Hudson
600 2nd. St. NW
Albuquerque, NM 87102

RE: *Applicant Justification Letter for submittal for approval of Site Development Plan for Subdivision - University of Albuquerque Sector Development Plan.*

Dear Madam Chair Hudson and EPC Commissioners:

Please be advised that Retail Southwest Development 3, LLC (Joshua Skarsgard) (“**Agent**”) is acting as agent on behalf of Oxbow Town Center, LLC (“**Applicant**”), in the Applicant’s request for approval of a Site Development Plan for Subdivision to the Environmental Planning Commission on the real property described as:

Tract X-1-A2 Plat of Tracts X-1-A1 & X-1-A2 University of Albuquerque Urban Center containing 21.2244 acres (“Subject Site”).

WHAT IS THE REQUEST?

This Site Development Plan for Subdivision application submitted by the Applicant (and Agent) is to establish land uses consistent with the underlying zoning established in the Land Use Map of the University of Albuquerque Sector Development Plan (UA SDP) to locate 7 acres of office uses on the northwest corner of Tract X-1-A2 and 14 acres of C-2 uses on the balance of the Subject Property. The “subject site” refers to the undeveloped portions of Parcel A (21.2 acres of vacant land within Tract X-1-A2) of the UA SDP. The request excludes 10 acres of Parcel A that have already been developed as a church (Tract X-1-A1). The subject site is currently vacant.

- Parcel A = 10 Acres developed as a church (X-1-A1)
- Parcel X-1-A2 = 21.2 Acres vacant (X-1-A2)
- ***Parcel B = NOT APPLICABLE TO THIS REQUEST***

Because the sector plan classifies land based on Parcel A and B, and not the legal descriptions, and because this is a request to establish land uses within Parcel A (only) this Justification Letter will only address Parcel A (and not Parcel B). The current land use/zoning description reads: **“SU-3/Mixed Use: Church and Related Uses for approximately 10 acres; a minimum of approximately 17 acres shall be developed for office (O-1), the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres).”**

The Applicant is submitting a Site Development Plan for Subdivision along with Design Standards for the subject site, which include specification of the development process (delegation to the Development Review Board). The Applicant is requesting approval on a Site Development Plan for Subdivision (“SDP for Subdivision”) consistent with the underlying zoning of the University of Albuquerque Sector Development Plan for 14 acres of C-2 uses and 7 acres of office uses (O-1) in the northwest corner of the site.

Current ENTIRE SITE	SU-3 / Mixed Use	10 acres	Church & Related Uses
		17 acres	Office Uses (O-1 permissive uses)
		30.7 acres	C-2 and O-1 Permissive Uses
Subject Property	SU-3 / Mixed Use	10 acres	Church & Related Uses (Existing St. Joseph’s on the Rio Grande Church)
		7 Acres	Office (O-1 Permissive Uses)
		14 acres	Retail / Services (C-2 permissive uses and conditional uses)

WHAT IS THE CURRENT ZONING AND LAND USE MAP DESIGNATION?

Per an email from the City of Albuquerque Planning Department and prior Staff Report for Case Number 1000032 (Case Number: 13EPC – 40123): *“After review of the University of Albuquerque Sector Development Plan, its adopting Ordinance (O-63-1982), zoning code regulations, and the history of prior development requests, City Legal made the following determinations:*

1. *City Council is the approval body for this sector plan map amendment (zone change) request.*
2. *The 2007 Site Development Plan for Subdivision for Tracts X-1-A2 and X-2-A (a portion of Parcel A & Parcel B) should be withdrawn, or an extension should be requested for the period of time allowed for the site plan to be effective after EPC approval.*
3. *There is no record of a fully approved site development plan for subdivision for development on Tract X-1-A2 (a portion of Parcel A), so a site development plan for subdivision needs to return to the EPC for approval.*
4. *The development process established by the SU-3 zone is: “All uses and structures must have a Site Development Plan and, if relevant, a Landscaping Plan, each approved by the Planning Director.” The original UA SDP Land Use Plan, dated July 1980, had a note indicating: “All future plans affecting this property shall be in accordance with standards established by future site development plans.” While the UA SDP Land Use*

Plan requires a site development plan for all future development, it did not specify the review or approval process.

*The enacting ordinance O-63-1982 states: “The Planning Commission shall review the Sector Plan before the first site development plan is approved in any given subarea; the Planning Commission may require more detail in the Sector Plan for the subarea. Approval of such detailed sector planning is hereby delegated to the Planning Commission.” The phrase “more detail in the Sector Development Plan for the subarea” has historically taken the form of applications for **site development plan for subdivision** and/or building permit being concurrent with requests to amend the zoning.*

The City believes it was the intention of City Council to require EPC review of site development plans for each Parcel. This interpretation is supported by the EPC findings and the development process followed for the Tract X-1-A1 in 1996. The sector plan map amendment findings indicate: “A site development plan which includes design standards is required prior to the development of this site and must be approved by the Environmental Planning Commission.” This ordinance also allows the EPC to “require more detail in the Sector Plan for the subarea,” meaning it is the EPC’s discretion whether a site development plan for building permit may also be required. Previous development requests have resulted in EPC approval of a site development plan for subdivision, while others additionally had a site development plan for building permit approved by the EPC. Similarly, if the first site development plan for subdivision does not provide enough detail to the satisfaction of the EPC, such as with a bulk land plat, the EPC has the authority to require review of more detailed site development plan for subdivisions. Alternately, the EPC also has the discretion to delegate approval of future site development plans to the Planning Director, when confident with the level of information provided.”

Environmental Planning Commission (EPC) Role

The City Council has the sole authority, in its discretion, to establish a SDP for Subdivision within the SU-3 Sector Development Plan for the Subject Property [§14-16-4-1(C)(15)(c)]. The EPC has the authority to delegate each individual SDP for Building Permit to the DRB.

COMPREHENSIVE PLAN POLICIES THAT SUPPORT THIS SDP for SUBDIVISION

Albuquerque/Bernalillo County Comprehensive Plan (Rank I)

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a goal to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” The subject site is also within a Community Activity Center (CAC) as designated by the WSSP and Comprehensive Plan. One of many applicable policies to this current Application is **Policy II.B.5e** which reads: “***New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.***”

The Applicant believes that the shopping center and Activity Center (Coors Pavilion) will be “new growth” that is accommodated in vacant land located next to programmed “urban facilities

and services” which ensure the integrity of the surrounding communities. We believe that this mixed use 21 acre Activity Center is a perfect use for the Established Urban area of the Comprehensive plan, providing needed dining choices near the residents as well as shopping and other retail/commercial choices (without adding residential product west of the river). This site design will be pedestrian oriented and provide a comfortable place for residents to recreate and enjoy a nice meal. It is also a “walkable” site, in that residents can utilize the nearby sidewalks to access the site and the numerous patios (see the Site Plan with pedestrian oriented sidewalk connections).

This Application will likely result in a development that “offers variety and maximum choice in housing, transportation, work areas, and life styles.” The design standards attached to this Application were crafted to incorporate policies for Activity Center design and layout (buildings located on Coors Blvd). The intention of the policies is to create a higher intensity/density node of development that has a different feel and character than the surrounding neighborhoods. The Applicant believes that the character of the development is generally consistent with the Established Urban Area Goal.

Policy II.B.5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The Applicant has provided robust DESIGN STANDARDS (see attached) as part of this Application to ensure that there will be minimal adverse effects of noise, lighting and pollution and traffic on the nearby residents. The Applicant requested delegation to DRB for an approval process for Site Plan for Building Permit for each individual restaurant or building to ensure the quality of design and adherence to the Design Standards. The Applicant utilized design regulations in the Coors Corridor Plan to help shape the Design Standards. The lighting will be “fully cutoff” and there will be landscape buffers located around the perimeter of the Subject Property along with terrific pedestrian connectivity (trails, sidewalks, etc.). The Applicant is adding a decel lane and a THRU LANE along Coors Blvd. to help the traffic congestion that currently exists on Coors Blvd. The applicant is seeking a “right in right out” from the NMDOT to help keep cars off of St. Joseph’s Road and allow direct access for south bound cars on Coors Blvd. (beneficial to the surrounding community). It is important to note that the subject site was designated as an appropriate location for services to support the surrounding residential areas. The applicant believes that the nearby homes don’t have many choices regarding shopping, services, and dining.

Policy II.B.5j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- **In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.**

The area of commercial retail/services is envisioned within the Sector Plan (Univ. of Abq) to be sited along Coors Boulevard. Site specific development for these commercial uses should provide pedestrian and bicycle access from the residential communities to the retail/service development. The request will provide new commercial development in an existing

commercially zoned area that is located off an arterial street (Coors Blvd.) with access via mass transit (bus system). The Applicant believes the request is consistent with II.B.5.j.

Policy II.B.5i: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

Policy m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The applicant believes that the DESIGN STANDARDS (attached to the Application) have carefully adopted design policies for this commercial uses that are consistent with the vision for the Activity Center and regulations of the Coors Corridor Plan, West Side Strategic Plan, and the Comprehensive Plan. The Applicant added unique earth toned colors, pedestrian connectivity and “landscape buffers” to provide unique vistas and improve the visual environment along Coors Blvd. and St. Joseph’s Blvd (and the neighbors can walk or bicycle to these amazing restaurants and shopping stores).

The Applicant hosted THREE meetings with the neighbors and agreed to REMOVE all electronic flashing signage to the site, and to maintain one story buildings along the frontage of Coors Blvd. and two stories for the O-1 zoned 7 acres.

II.B.7 Activity Centers: The Goal is to expand and strengthen concentrations of moderate and high density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

The Applicant believes that this 21 acre property will reduce urban sprawl and dramatically reduce auto travel needs so that west side residents can shop and work on the west side without crossing the river. The University of Albuquerque Sector Plan area is designated as a Community Activity Center. Specifically, Activity Centers are intended to “*provide for unique attractions serving local, regional, and statewide needs*”. The subject property is accessible by all modes of travel, and has convenient access to the major roadway system, including Coors Boulevard. The applicant believes that the commercial uses are consistent with the examples contained in the Comprehensive Plan; supporting retail, and service uses.

Table 22: Table 22 in the Comprehensive Plan provides a description of the appropriate land uses within a Community Activity Center.

The proposed uses are consistent with this Table 22 (as this is not a zone change application).

Policy II.B.7a: Existing and proposed Activity Centers are designated by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.

The property is currently vacant and has lagged behind development within the Sector Plan on the east side of Coors Boulevard (i.e., Oxbow Communities). The Subject Property is located on Coors Boulevard and is accessible by transit, passenger vehicles, bicycles, and pedestrians. We believe that the Design Standards will help ensure that the access and connectivity that are critical to an Activity Center are implemented in the site layout.

II.D.6 Economic Development: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The COORS PAVILION commercial uses will promote economic activity and allow the people that currently live on the west side to walk or bike and have closer proximity to commercial services. The proximity of the commercial retail/service areas to existing residential development will increase business success rates as potential clientele can be found nearby. The Applicant learned from the prior denials from EPC by focusing on commercial uses (and removing residential uses from the application).

West Side Strategic Plan

The West Side Strategic Plan (WSSP) was first adopted in 1997 and amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is located within the Ladera Community. The Ladera Community is 2,200 acres in size, and could potentially support a population of 15,400. The subject site is located in the Ladera Community's designated Community Activity Center (CAC).

Because the subject site is located within a CAC, the land uses are expected to develop as a *provider of goods and services as well as employment for the area*. One goal is to improve the pedestrian environment along Coors Boulevard by providing pedestrian amenities (*Page 102*). The following WSSP goals, objectives, and policies apply to the proposal:

Goal 12: The Plan should provide for long-term sustainable development on the West Side.

Objective 4: Preserve a sense of community and quality of life for all residents based on wise, long-term decision-making. (Page 17)

APPLICANT: Residential uses will NOT interface with existing neighborhood and community-oriented uses in an effective manner. That is why the Applicant is focusing on C-2 permissive and conditional uses and O-1 permissive and conditional uses.

Policy 1.3: Strip commercial developments shall not be approved on the West Side. Commercial development shall occur in concentrated clustered areas rather than new strip developments. Zone changes to commercial, industrial, or office uses for areas outside the centers are strongly discouraged, in order to reinforce the Neighborhood and Community Centers. Changes of commercial and office zoning outside the centers to residential use is encouraged. This policy is meant to impact the design and layout of commercial areas and their connections to adjacent development and to encourage clustering of commercial and office uses in activity centers. It is not intended to rezone allowed commercial uses. (Page 39)

The Applicant is proud of the fact that this is not a strip commercial development, but rather a concentrated cluster shopping center. The Design Standards provide for an integrated commercial project with great pedestrian amenities.

Policy 1.13: The Community Activity Center shall provide the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses in conjunction with community-wide services, civic land

uses, employment, and the most intense land uses within the community. Its service area may be approximately three miles (radius) and a population of up to 30,000. (Page 41)

The Applicant is proud of the fact that this zoning will allow for a HIGHER CONCENTRATION of retail, dining and shopping for west side residents and office uses in the northwest corner (7 acres). The Design Standards provide for an integrated commercial project with great pedestrian amenities and shopping and employment opportunities. This shopping center COORS PAVILION will serve a larger radius of population to the west side.

Policy 1.10: Designated neighborhood and community centers shall be reviewed periodically for viability and appropriateness; if a center comes to exhibit characteristics which justify it, its designation may be amended from neighborhood to community or vice-versa. Similarly, new centers may be located/designated based upon the criteria outlined in Policy 1.9. (Page 39)

This applicant reminds staff that this subject property was adopted as a Comprehensive Plan Community Activity Center in August 2013. Mixed commercial, office, institutional, public, and residential uses are appropriate in Activity Centers... however the Applicant will not be pursuing any residential uses on the subject property.

Ladera Community Policies – page 7 of R-07-255 (not amended in WSSP text)

Potential Uses: Retail, service, higher density housing Coors/St. Joseph's Community Center

Goals: Encourage higher density housing on vacant parcels along Coors to provide a mix of land uses and increase the residential base of the Ladera community.

The applicant believes that the site plan and submittal is consistent with the 2012 citywide Zoning Code text amendments to facilitate mixed uses (non-residential) in Activity Centers and along Transit Corridors.

Coors Corridor Plan

The subject site lies within the boundaries of the Coors Corridor Plan, a Rank III plan adopted in 1984. It contains policies, regulations, and guidelines for the development of Coors Boulevard. The subject property is in Segment 2 of the Corridor Plan, which extends from I-40 on the south to the Western Trail on the north. The following CCP policies and design regulations apply to the proposal:

Policy 1 – Adopted Plans: Land use decisions shall be made in accordance with adopted plans for Northwest Mesa area. The City of Albuquerque has adopted a hierarchical plan ranking system. The Rank 1 plan includes all the elements of the Albuquerque/Bernalillo County Comprehensive Plan. Rank 2 plans include area plans such as the Northwest Mesa Area Plan. Rank 3 plans include sector development plans including this Coors Corridor Plan. Plans of lower rank must comply with all provisions of all higher ranking plans, including issues such as land use and commercial site locations.

The Applicant believes that this site plan is consistent with all the ranked plans that affect this Subject Property (WSSP and Univ. of Albuquerque SDP). We have cited the relevant policies from applicable plans.

Policy 3 – Recommended Land Use: The Coors Corridor Plan recommends land uses which are identified on the following maps. They specify existing and recommended zoning and recommended land uses. These recommended land uses shall guide the development in the plan area.

The subject property is located in Segment 2 of the Coors Corridor Plan Zoning and Land Use maps. Existing zoning at the time the Plan was written was SU-3 for Employment Center. The Coors Corridor Plan's recommended land use for the site is industrial/employment. The Coors Corridor land use recommendation reflects the University, Technology Park, and high density development that was envisioned at the time of the Plan's adoption. Since the Plan's adoption, there have been several amendments to the land use within the University of Albuquerque Sector Plan due to changing conditions in the area. Notably, the Coors Corridor Plan was adopted in 1984, around the same time as the University of Albuquerque Sector Plan. Therefore, the Applicant believes that the land use vision presented by uses that would be advantageous to the current community by providing C-2 uses to this vacant land and O-1 uses in the northwest 7 acres.

If you have any questions or concerns regarding this Application, please contact me using the following contact information: Joshua Skarsgard - 8220 San Pedro NE Suite 500 Albuquerque, NM 87113 - Phone: 505-262-2323 E-mail: josh@retailsouthwest.com.

Sincerely,

Joshua Skarsgard, Esq.

NOTIFICATION &
NEIGHBORHOOD INFORMATION

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT.** Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.>").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
 - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-

The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.

Copies of Letters to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.

Copies of the certified receipts to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.

Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

Any questions, please feel free to contact Dalaina at 924-3906 or via an e-mail message at dlicarmona@cabq.gov.

Thank you for your cooperation on this matter.

.....
(below this line for ONC use only)

Date of Inquiry: **12/7/15** Time Entered: **2:17 p.m.** ONC Rep. Initials: **DC**

ATTACHMENT "A"

December 7, 2015

Trish Lopes
Retail Southwest Development
8220 San Pedro NE, Ste. 500/87113
Phone: 505-998-9093/ Fax: 505-998-9080
E-mail: trish@retailsouthwest.com

THE ENCLAVE AT OXBOW H.O.A. (EOX)

***Jill M. Greene**
3915 Fox Sparrow Trail NW/87120 410-3250 (c)
Forrest Uppendahl
3900 Rock Dove Trail NW/87120 836-1758 (h)

LADERA HEIGHTS N.A. (LDH) "R"

***Allan Ludi**
6216 St. Josephs Ave. NW/87120 839-9153 (h)
Marie Ludi
6216 St. Josephs Ave. NW/87120 839-9153 (h)
Website: www.lhna.webs.com

RANCHO ENCANTADO H.O.A. (REH)

***Colin Semper**
5809 Mesa Sombra Pl. NW/87120 306-6081 (h)
Adam Barker
8500 Jefferson, Ste. B/87113 342-2797 (o)

VISTA GRANDE N.A. (VTG) "R"

***Berent Groth**
3546 Sequoia Pl. NW/87120 266-6700 (c)
Richard Schaefer
3579 Sequoia Pl. NW/87120 836-3673 (h)

NEIGHBORHOOD COALITIONS

WESTSIDE COALITION OF N.A.'S

***Gerald C. (Jerry) Worrall**, 1039 Pinatubo Pl. NW/87120 839-0893 (h) 933-1919 (c)
Harry Hendriksen, 10592 Rio Del Sole Ct. NW/87114-2701 890-3481 (h) 221-4003 (c)



RETAILSOUTHWEST D E V E L O P M E N T

Typical

December 30, 2015

Berent Groth
3546 Sequoia Pl NW
Albuquerque, NM 87120

Dear Mr. Groth:

This letter is to inform you that Retail Equity Development 3, LLC (Mr. Joshua Skarsgard) represents an applicant for an application for a Site Development Plan for Subdivision and Zone Map Amendment upon Tract X-1-A2 University of Albuquerque Urban Center ("Subject Site") that will be submitted to the City of Albuquerque ("City") on December 30, 2015 for a public hearing on February 11, 2016. The City requires that notification be made to all affected Neighborhood and/or Homeowner Associations contemporaneous with applications for Site Development Plan for Subdivision and Zone Map Amendment. The purpose of this letter is to inform you as to the facts surrounding the application and to invite you to contact us if you have any questions. The Subject Site is legally described as:

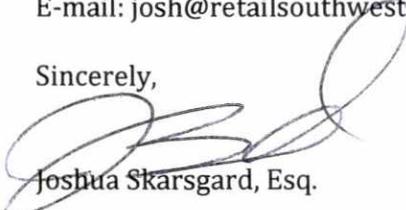
Tract X-1-A2 Plat of Tracts X-1-A1 & X-1-A2 University of Albuquerque Urban Center containing 21.2244 acres.

The Subject Site is **23 acres** located on the North West corner of Coors Blvd. NW and St. Josephs Dr. NW. The Applicant is requesting approval on a Site Development Plan for Subdivision for the purpose of developing the land for a multi-use center and a Zone Map Amendment & University of Albuquerque Sector Development Plan Amendment from the current zoning of SU-3 to **SU-3/SU-1 for C-2 Uses** (see the attached Site Development Plan for Subdivision for an illustration of the request).

The complete application can be reviewed at the City Planning Department offices in downtown Albuquerque at the Plaza del Sol building, located at 600 2nd Street NW. It is advised that you call the Planning Department to schedule a visit so that the project file will be available upon your arrival. To arrange a visit to review the application or to speak to the planner reviewing this application, please contact the City of Albuquerque Planning Division at 924-3860. If you have any questions or concerns regarding this proposal, please contact me using the following contact information:

Joshua Skarsgard
Retail Southwest Development, LLC
8220 San Pedro NE Suite 500
Albuquerque, NM 87113
Phone: 505-262-2323
E-mail: josh@retailsouthwest.com

Sincerely,


Joshua Skarsgard, Esq.

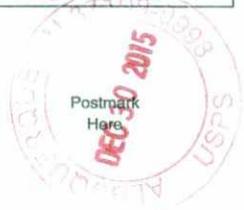
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Street, Apt. No., or PO Box No. 3915 Fox Sparrow Trl
City, State, ZIP+4 Alb NM 87120

PS Form 3800, August 2006 See Reverse for Instructions

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City, State, ZIP+4 Alb NM 87120

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Sent To Marie Ludi
Street, Apt. No., or PO Box No. 6216 St. Josephs Ave
City, State, ZIP+4 Alb NM 87120

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Street, Apt. No., or PO Box No. 6216 St. Josephs Ave
City, State, ZIP+4 Alb NM 87120

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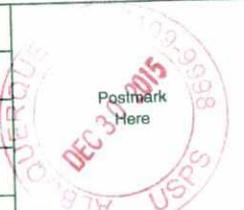
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Sent To Richard Schaefer
Street, Apt. No., or PO Box No. 3579 Sequoia Pl NW
City, State, ZIP+4 Alb NM 87120

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Sent To Berent Groth
Street, Apt. No., or PO Box No. 3546 Sequoia NW
City, State, ZIP+4 Alb NM 87120

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Total Postage & Fees	\$ 6.74



Sent To Colin Semper
 Street, Apt. No.,
 or PO Box No. 5809 Mesa Sombrera
 City, State, ZIP+4 Alb. NM 87120

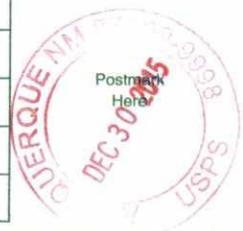
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Total Postage & Fees	\$ 6.74



Sent To Adam Barker
 Street, Apt. No.,
 or PO Box No. 8500 Jefferson Ste B
 City, State, ZIP+4 Alb. NM 87113

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1000032
Property Description/Address: All or a portion of tract X-1-A2, University of Albuquerque Urban Center, zoned SU-3 for SU-1 for C-2 uses, located on Coors Boulevard NW and Saint Josephs Drive NW between Saint Josephs Drive NW And Western Trail NW, containing approximately 21.2244 acres.

Date Submitted: February 12, 2016
Submitted By: Jessie Lawrence

Meeting Date/Time: February 10, 2016
6:30 PM

Meeting Location: Don Newton / Taylor Ranch Community Center
Facilitator: Jessie Lawrence
Co-facilitator: Dave Gold

Parties (individual names and affiliations are listed at the end of the report):

- **Applicant:**
 - o Oxbow Town Center
- **Agent:**
 - o Retail Equity Development 3
- **Affected Neighborhood Associations:**
 - o The Enclave at Oxbow HOA
 - o Ladera Heights NA
 - o Rancho Encantado HOA
 - o Vista Grande NA
 - o Westside Coalition of NAs
- **Other Interested Parties Represented:**
 - o St. Joseph on the Rio Grande Catholic Church
 - o Oxbow Village HOA
 - o San Blas HOA
 - o La Luz del Sol
 - o Taylor Ranch NA
 - o La Luz NA
 - o Andalucia NA
 - o Villa de Paz NA
 - o Story Rock HOA

Background/Meeting Summary:

Applicant requests approval of a site development plan for subdivision for all or a portion of tract X-1-A2, University of Albuquerque Urban Center, zoned SU-3 for SU-1 for C-2 uses, located on Coors Boulevard NW and Saint Josephs Drive NW between Saint Josephs Drive NW And Western Trail NW, containing approximately 21.2244 acres. Applicant plans to develop the property with mixed retail and office uses.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

There were some areas of agreement at the meeting. Meeting participants seemed to agree that commercial and office development on this site is positive. The project agent agreed to some conditions requested by meeting participants regarding the type of uses, height limitations, and design of the project.

There are still some unresolved concerns and areas of disagreement. The neighboring church, St. Joseph on the Rio Grande Parish, has concerns about the planned service drive on the west side of the property. St. Joseph on the Rio Grande Parish also objects to the sale of alcohol within 300 feet of the church property, which appears to limit the possibility of a grocery store on the site. One meeting participant requested that future approvals related to this project be reviewed by the EPC rather than the DRB to allow for more robust public participation. Finally, some meeting participants expressed concerns about the potential number of drive-thrus along Coors.

This project will potentially impact Quaker Heights Place, which is marked in plans as a future connecting street. Residents of the Rancho Encantado neighborhood stated that they do not want this to be a connecting street. The project agent stated that he would support the neighbors' wishes in this matter.

Outcome:

- *Areas of Agreement*
 - o Neighbors and the Agent agreed to include language from the November 14, 2013 EPC Notice of Decision for this property which stated that future development will not include any residential uses. (See Appendix.)
 - o Neighbors and the Agent agreed that the agent would include in the design standards a limit of no more than two stories in the office buildings.
 - o Agent agreed to accept a condition on EPC approval that security cameras would be required on all tenant buildings.
 - o Agent agreed to accept a condition on EPC approval that dumpsters need to be closed dumpsters and enclosed on three sides.
 - o Agent agreed to accept a condition on EPC approval that there will be no electronic display panel signs.
- *Unresolved Issues & Concerns*
 - o The Applicant/Agent and the neighboring church, St. Joseph on the Rio Grande Parish, are in disagreement about the service road and corridor on the west side of the property and the proposed curb cut on St. Josephs. The church's concerns about the service road include safety from large trucks and concerns about the "dead zone" on the back of the property. The church is also concerned that the proposed curb cut is too close to the existing church entrance and will cause traffic problems. The Agent responded that there would be a good buffer along the side of the property, that truck traffic would not include overnight parking or trucks turning around, and this is a very good neighbor for the church given the existing SU-3 zoning.
 - o The Agent and many neighbors support having a grocery store as part of this development. However, a grocer cannot be located on the site in its current configuration without a waiver from St. Joseph on the Rio Grande Parish, and church representatives stated that they do not want to waive the 300' requirement for

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

distance between a church and alcohol sales. A number of suggestions were made at the meeting about how to reconfigure the site or make the use more appealing to the church, but the issue was not resolved at the meeting.

- A meeting participant asked that future approvals related to this project be completed by the EPC, rather than the DRB as requested by the applicant. The Agent defended his request, stating that he believed his design standards to be robust and noting that the DRB decisions would be made in public hearings.
 - Some meeting participants expressed concerns about the number of potential drive-thrus along Coors. Agent stated that he needed these potential drive-thrus to attract the type of tenants he wants.
- *Other Key Points*
- Neighbors living in Rancho Encantado stated that they did not want to see Quaker Heights Place become a connecting street. Agent said that he would support what the neighbors wanted.

Meeting Specifics:

- 1) Overview of Request
 - a) Joshua Skarsgard, Agent, stated that he is a managing member of the LLC that is the contract purchaser for the 21-acre property on the northwest corner of Coors and St. Josephs. He is applying for site development plan for subdivision approval with the goal of developing retail and office on the site.
 - b) Agent stated that they clearly heard the past opposition to residential on the site, and assured meeting participants that there are no plans for residential development.
 - c) Five parcels along Coors will be designed for retail, restaurant, or pharmacy uses.
 - i) Drive-thrus are possible in the parcels along Coors.
 - d) Seven acres of office will be located on the north and northwest part of the property, near the Rancho Encantado neighborhood.
 - e) Larger retail, e.g. grocery, shoe/clothing stores, or home goods stores, will be located on parcels on the west side of the property.
 - f) There will be pedestrian connections between the buildings on the property and along the streets.
 - g) A request has been made to the NMDOT for right in / right out access on Coors. There will be deceleration lanes on Coors and on St. Josephs.
 - h) There will be a 10-foot landscape buffer bordering the Rancho Encantado neighborhood.
 - i) Agent stated that he hopes to collect water on the north side of the property, run it through the St. Joseph on the Rio Grande Parish property, and bring it to the existing storm drain pond. The church needs to review and respond to this suggestion.
 - j) There will be full cut off luminaires to keep light pointed down and allow views of the night sky.
- 2) Traffic/Transportation Questions and Comments
 - a) A meeting participant asked what traffic studies have been done and expressed a concern about pollution.
 - i) Agent stated that he had a traffic study completed by Terry Brown, and he would be willing to share it via email.
 - ii) Agent stated that the project would reduce pollution, because it would reduce the number of shopping trips from the west side to other parts of Albuquerque.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT

- b) A meeting participant asked about acceleration lanes in addition to deceleration lanes.
 - i) Agent stated that he would comply with any DOT guidelines for acceleration lanes.
- c) A meeting participant asked how much parking would be built.
 - i) Agent stated that the site would have more than enough parking.
 - ii) A few meeting participants said that there wasn't a need for an overabundance of parking.
 - (1) Agent stated that medical office uses required a lot of parking.
 - iii) A meeting participant noted that there would be an excess of parking in the center of the property, and asked if there might be some park space in that area with grass and an area for sitting.
 - (1) Agent stated that they would meet the Albuquerque requirement of 15 percent landscaping on the property, and some of that would include park benches.
- d) A meeting participant asked about the service drive and truck access to the sites.
 - i) Agent stated that there would be three ingress/egress points for the site, and there would be a service drive adjacent to or using cross-access with St. Joseph on the Rio Grande Parish. This has not yet been resolved with the church.
 - (1) A representative of St. Joseph on the Rio Grande Parish stated that they believe that the service road on the west side of the development will be extremely problematic because of 18-wheelers driving in and parking and because of safety concerns in the dead space.
 - (2) The representative stated that they have been assured that there will be a six-foot wall, landscape setback, and screening trees, but these are not in the site plan.
 - (3) The representative stated that the church plans to build a future facility that will increase the daytime and evening population, including children, and this will increase their concerns about safety.
 - (4) The representative stated that the church traffic needs to be separated from the commercial traffic, and especially large trucks.
 - (5) The representative stated that they are concerned about additional street traffic generated by the development.
 - (6) Agent responded that the church was aware of the SU-3 zoning when they purchased the property, and stated that trucks would come once a week with no overnights and no turning around on the site.
- e) Several meeting participants asked about the plans for Quaker Heights Place, the road that currently ends with bollards at the property.
 - i) Agent stated that he would support whatever the neighborhood association wants to do with this possible connecting road.
 - ii) Several people stated that they oppose making this a connecting street.
 - iii) One person noted that roundabout at Milne and Quaker Heights would not support the potential increase in traffic.
 - iv) One person said that making this a connecting street would create a lot of neighborhood traffic whenever traffic is backed up on Coors.
- f) A meeting participant asked how the sidewalk connections would work.
 - i) Agent stated that there is a sidewalk on Coors and St. Josephs per NMDOT standards, and the project would also connect to the sidewalk at Rancho Encantado.
- g) A meeting participant asked how pedestrian-friendly the property would be.
 - i) Agent stated it would be a parking lot, but with paths and with high-end tenants.
- h) A meeting participant asked if land could be set aside for a future pedestrian bridge over Coors.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT

- i) Agent stated that land could not be set aside at this time, and he did not believe that a pedestrian bridge was currently being considered by NMDOT because the pedestrian counts don't merit one.
 - i) A meeting participant asked about the possibility of underground parking.
 - i) Agent stated that it would be cost-prohibitive.
 - j) A meeting participant asked about the ability of St. Josephs to handle truck traffic.
 - i) Agent stated that the City would be working on St. Josephs and neighbors would be happy with the result.
- 3) Zoning and Design Standards Questions and Comments
- a) A meeting participant asked that the applicant adopt paragraphs 5, 6, 7, and 9 from the EPC notice of decision dated November 14, 2013 to be included in the findings of fact for this application. (See Appendix A.)
 - i) Agent stated that he had no objections to this, and he is committed to no residential development and no apartments on the site.
 - b) A meeting participant asked about the development of the parcel immediately south, on the other side of St. Josephs.
 - i) Agent stated that parcel is also zoned SU-3, with 10 acres of office and 17 acres of C-2, and he said that he has no immediate intent to develop this parcel.
 - c) A representative of St. Joseph on the Rio Grande Parish stated that there had been a change in the plans from three acres to seven acres of office, and the parish feels strongly that they do not want to see fewer than seven acres of office.
 - d) A meeting participant asked about the height of the offices.
 - i) Agent stated that the zoning allows as many as seven floors, and he stated that he would agree to a limit of no more than two stories.
 - e) A meeting participant noted that Agent is requesting that future reviews be delegated to the DRB, and stated that he would like the future reviews to be done at the EPC where the community would have greater opportunity for review and input.
 - i) Agent disagreed, stating that he believed his design standards to be robust and the DRB would be a public hearing.
 - f) Meeting participants expressed concerns about drive-thrus, and in particular the possibility that all five tenants along Coors could have drive-thrus.
 - i) Agent stated that he needed these drive-thrus to attract the tenants he wanted, and noted that many types of businesses other than fast food, like sit-down restaurants and pharmacies, want drive-thrus.
- 4) Uses Questions and Comments
- a) A meeting participant asked what type of users would occupy the office space.
 - i) Agent stated that it could be uses like light medical, dental, CPA, or legal.
 - b) Agent stated that he hoped to attract a high-end grocer like Whole Foods, Trader Joe's, or Sprouts.
 - i) To locate a grocer on this property as designed, St. Joseph on the Rio Grande Parish would have to sign a waiver to the 300-foot setback requirement for alcohol sales. They stated that they would refuse to sign a waiver.
 - ii) A meeting participant asked for more explanation of the church's refusal to sign a waiver.
 - (1) Church representatives stated that they have concerns about not knowing what type of retailer might come in if they sign a waiver, and they have concerns about what

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT

type of activities might occur in the back area behind the businesses. They would like to see consideration of other designs that might better accommodate this. They said that they would not have a problem with a grocer on the open parcel south of St. Josephs.

- iii) A few meeting participants expressed their desire to have this sort of grocer nearby and the hope that this could be worked out.
 - iv) A meeting participant suggested that there might be a way to compromise, perhaps by limiting certain types of alcohol sales.
 - v) A meeting participant said that in his view, if the development depended on the ability to have alcohol sales, it would be better to have an empty lot.
 - c) Agent stated that the uses on the west side of the property would be smaller box stores, not large big boxes like Wal-Mart or Target.
 - d) A meeting participant asked what the Agent meant by "high-end dining."
 - i) Agent stated that it could be fast food like Chick-fil-A or Starbucks or restaurants like Olive Garden, Outback, Bonefish, or Pei Wei.
 - ii) A few meeting participants expressed a concern that this wasn't really high-end dining.
- 5) Lighting/Signs Questions and Comments
- a) A meeting participant asked about lighting and whether light bulbs would be visible.
 - i) Agent stated that he supported the Albuquerque Night Sky Ordinance and explained that the lights would be directed down so light would not disburse widely.
 - ii) Another meeting participant stated that lights had to be 26 feet tall in the parking lot and 12 feet tall in walkways.
 - b) A meeting participant asked about security cameras.
 - i) Agent stated that security cameras would be located on office buildings and would be the decision of the retail and restaurant tenants.
 - ii) Meeting participants suggested that a requirement for security cameras be included in the design guidelines and noted the need for security in the parking lots.
 - iii) Agent stated that he would agree to a condition that required security cameras to be placed on all tenant buildings.
 - c) A meeting participant asked they could prevent any electronic display panel signs.
 - i) Agent stated that he would agree to a condition that there would be no electronic display panel signs.
 - d) A meeting participant asked where signs would be located.
 - i) Agent stated that there would be monument signs on the corner and at the entrances on Coors and St. Josephs, and they would be small to comply with the University of Albuquerque plan.
 - e) A meeting participant asked about signs on the office building.
 - i) Agent stated that the office building would not have bright signs.
- 6) Other Questions and Concerns
- a) A meeting participant expressed concern about mosquitos at the storm drainage pond, and asked what could be done to minimize mosquitos.
 - i) Agent stated that he couldn't do anything about the mosquitos at the drainage pond, and suggested contacting the City.
 - b) A meeting participant asked about the timeline for construction.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- i) Agent stated that if the project goes as planned, there will be road construction on Coors and St. Josephs in August/September and restaurant construction would begin in October/November.
- c) A meeting participant asked if tenants would have patios.
 - i) Agent stated that some of the tenants he is trying to attract, like Chick-fil-A and Starbucks, like to have patios.
- d) A representative of St. Joseph on the Rio Grande Parish stated that the church would like to have pedestrian view corridors from the church property, rather than a tall, long blank wall.
- e) A meeting participant stated that they wanted to ensure that dumpsters would be enclosed.
 - i) Agent stated that he would accept a condition of approval that all dumpsters need to be closed dumpsters and enclosed on three sides.

EPC Application Hearing Details:

1. The Environmental Planning Commission (EPC) is an appointed, 9-member, volunteer citizen board with authority on many land use and planning issues. The EPC was formed in 1972 per City of Albuquerque Ordinance #294-1972. Members:
 - Peter Nicholls, Chair, Council District 4
 - Karen Hudson, Vice Chair, Council District 8
 - Dan Serrano, Council District 1
 - Moises Gonzalez, Council District 2
 - Victor Beserra, Council District 3
 - Derek Bohannan, Council District 5
 - Maia Mullen, Council District 6
 - James Peck, Council District 7
 - Bill McCoy III, Council District 9
2. Hearing Time:
 - i. The hearing is scheduled for March 10, 2016.
 - ii. The Commission will begin hearing applications at 8:30 a.m.
 - iii. The actual time this application will be heard by the Commission will depend on the applicant's position on the Commission's schedule.
 - iv. The agenda is posted on <http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission> on the Friday immediately prior to the EPC Hearing.
3. Hearing Process:
 - i. Comments from facilitated meetings will go into a report which goes to the City Planner.
 - ii. City Planner includes facilitator report in recommendations.
 - iii. The Commission will make a decision and parties have 15 days to appeal the decision.
4. Resident Participation at Hearing:
 - a. Comments may be sent to:

Vicente Quevedo, Staff Planner
600 2nd Street NW, Third Floor
Albuquerque, NM 87102
vquevedo@cabq.gov

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT

(505) 924-3357

OR

Peter Nicholls, Chair, EPC
Karen Hudson, Vice Chair, EPC
c/o Planning Department
600 2nd St, NW, Third Floor
Albuquerque, NM 87102

Names & Affiliations of Attendees:

Josh Skarsgard	Applicant/Agent
Heidi Marchand	San Blas HOA
Pauline Garcia	St. Joseph on the Rio Grande
Kevin Mccarty	Rancho Encantado
Ann Prinz	
Marlene Seaton	Vista Grande NA
Richard Shine	Oxbow Village HOA
John Kinney	
Ginny Kinney	
Del Dixon	St. Joseph on the Rio Grande
F. Uppendahl	Enclave at Oxbow
R. Smith	LHNA
C. Crawley	Rancho Encantado
Rusty Florin	Rancho Encantado
Mary Florin	Rancho Encantado
Celys Wilmot	La Luz del Sol
Joseph Montano	St. Joseph on the Rio Grande
Berent Groth	Vista Grande NA
C. Reiz	BSA
Art Retberg	TRNA
Richard Dineen	St. Joseph on the Rio Grande
Edward Padilla	Rancho Encantado
David Skowran	LLNA
Terry Smith	LHNA
Kay Pickett	Andalucia NA
Larry Reszka	Andalucia NA
John Maren	Rancho Encantado
Herbert Krutis	Rancho Encantado
Kath Krutis	Rancho Encantado
Charles Wilkinson	Rancho Encantado
Elisa Wilkinson	Rancho Encantado
Carla Felsted	Villa de Paz
Amanda Armenta	Story Rock HOA
Nick Harrison	Oxbow Village
Ron Briggs	Rancho Encantado

**CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT**

Jeri Briggs	Rancho Encantado
Bill Keleher	Oxbow
Terri Spiak	TRNA
Ray Bahm	WBNA
Joe Valles	GHNA/WSCONA
Judith Kanester	Villa de Paz HOA
Jerry Worrall	WSCONA

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

Appendix A: Paragraphs 5, 6, 7, and 9, EPC Official Notification of Decision, November 14, 2013, Oxbow Town Center LLC, Project #1000032

5. The subject site was annexed in 1980 as part of a 299-acre tract of land designated as an Urban Center, pursuant to the University of Albuquerque Sector Development Plan. The Plan designated the subject site as an Employment Center with light industrial and office uses. In 1996 the zoning was changed to allow mixed use development, with a minimum of 40 acres as apartments (20-25 du/acre) and 19 acres as commercial or office. At that time, R-T uses were determined to be inappropriate for the subject site. In 2007, the site's current zoning was established. Residential uses were removed from the site's zoning and the site was designated as a Community Activity Center in the West Side Strategic Plan, which, unlike other Community Activity Centers, would be limited to an employment center without residential uses being permitted.
6. R-07-256, which was enacted by City Council on September 17, 2007, amended the University of Albuquerque Sector Development Plan to change the zoning designation of Parcel(s) A and B, University of Albuquerque Urban Center, to 'SU-3 for Church and Related Uses for approximately 10 acres; a minimum of approximately 17 acres shall be developed for office (O-1), the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres).' A careful review of the record leading up to the enactment of R-07-256 by the City Council makes it clear that the aforesaid zoning description prohibits any residential uses anywhere on the "approximately 17 acres" and the "approximately 30 acres of Parcels A and B."
7. On February 8, 2012, the City Council amended the C-1 and C-2 zones to allow and encourage residential uses in Activity Centers and along Transit Corridors (O-11-64, Enactment O-2012-004). Because the site does not have C-2 zoning, this action does not constitute a changed condition for the subject site.
- 8.
9. Code Enforcement has determined that all of the permissive uses in the O-1 and C-2 zones are currently allowed in 30 acres of the subject site. In the 17 acres that are designated for "office (O-1)," all permissive O-1 uses are allowed.
 - i. The EPC disagrees with the Zoning Enforcement Officer's interpretation and believes that only office and commercial uses are currently allowed, as regulated by the O-1 and C-2 zones, respectively.
 - ii. That in 2007 the O-1 zone allowed residential development and, therefore, the Council did not intend any O-1 uses since it is clear the Council understood the 2007 amendment would not allow residential development on Tracts A & B.
 - iii. The ZEO's interpretation is not a declaratory ruling and was made without a review of the intent of the 2007 UASDP amendment.

**Richard S. Shine
Oxbow Village
Homeowners Association**

March 29, 2016

Ms. Karen Hudson, Chairwoman
Environmental Planning Commission
City of Albuquerque
600 Second Street, NW
Albuquerque, NM 87102

**Re.: Project No. 1000032
15 EPC 40079**

Dear Chairwoman Hudson and Commissioners:

This letter is in response to the letter of Mr. William Keleher to the Commission on behalf of the landowner of the subject site, dated March 3, 2016, in which he objected to the two requests made by me in my letter to the Commission, dated February 19, 2016. In that letter, on behalf of the West Side Coalition of Neighborhood Associations (“WSCONA”) and the Oxbow Village Homeowners Association (“OVHOA”), I requested (1) that the Commission include certain documents that are part of the 2013 Administrative Record of Project No. 1000032, 13 EPC 40123 be included in the Administrative Record of the above-referenced current application and (2) that certain findings made by the EPC in 2013 in 13 EPC 40123 relating to the meaning of the current zoning language applicable to the subject site be included as findings in the above-referenced current application. As I indicated in that letter, Joshua Skarsgard, on behalf of the applicant and *on behalf of the landowner*, had indicated at the facilitated meeting on February 10, 2016, that he has no objection to these two requests.¹

Mr. Keleher now objects to the inclusion of certain documents from the 2013 EPC proceeding in the Administrative Record of the above referenced application.² As grounds for this objection, he appears to rely on the fact that the 2013 application involved a requested zone

¹ Mr. Keleher, in his letter to the Planning Department dated December 23, 2015, acting on behalf of the landowner, expressly granted authority to Mr. Skarsgard to represent the landowner in this matter unless the landowner “provides notice of termination.” To the best of my knowledge, that authority has not been terminated.

² The documents to be included in the current Administrative Record are 1) an opinion letter of Code Compliance Manager Brennon Williams, dated May 9, 2013, relating to the meaning of the current zoning language on the subject site; 2) a letter to the Commission from me, dated October 29, 2013, detailing the history and intent of the current zoning language; 3) a letter to the Commission from Timothy Flynn-O’Brien, a lawyer representing the views of WSCONA, dated November 4, 2013; and 4) the transcript of the hearing before the EPC conducted on November 14, 2013.

change and “a number of complicated issues.” I would respectfully suggest that is not a basis for the Commission to deny our request to incorporate these documents. The only purpose for including the referenced documents in the current Administrative Record is to support a decision, one way or the other, by the EPC on a single narrow issue: the meaning of the current zoning language applicable to the subject site. By including these documents, the Commission is able to address that issue in the current application and decide whether or not to include the requested findings in its *Official Notification of Decision*. Moreover, regardless of what the Commission decides, there will then be a basis in the Administrative Record for any aggrieved person(s) to appeal the Commission’s decision to the City Council, if they so choose. Finally, no individual, whatever his or her status, should be permitted to veto the inclusion of any arguably relevant document in the Administrative Record to support an arguably relevant discussion and decision by the Commission, whether that document is from a prior proceeding or is freshly drafted for the current proceeding.

Regarding the adoption by the Commission of the proposed findings, Mr. Keleher objects, in part, because the land south of St. Joseph’s Drive (Parcel B) is not part of the current application (which involves only the land north of St. Josephs Drive, that is, Parcel A).³ We do not dispute that Parcel B should not be covered by our proposed findings. But that is just a drafting issue. We would certainly agree to limit the language of the findings to Parcel A.⁴

Strikingly, Mr. Keleher’s other objection to the Commission adopting the proposed findings is *not* that they are wrong. Indeed, at the 2013 hearing the applicant (the current landowner, then speaking through Mr. Jim Rogers and now speaking through Mr. Keleher) never claimed that the Williams letter was a correct interpretation of the current zoning language, nor did the applicant find fault with the analysis and legislative history provided to the Commission by WSCONA, which then became the basis for the 2013 EPC findings and our currently proposed findings.

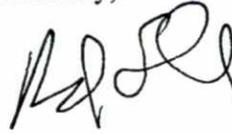
The primary objection to the proposed findings raised by Mr. Keleher appears to be that the 2013 application was, in part, an application for a zone change and the current application is not for a zone change. I would respectfully suggest that, whether or not there is a request for a zone change, as a matter of routine, on any application for a Site Development Plan for Subdivision, among other things, the staff proposes and the Commission adopts findings regarding the current zoning on the site. The Commission cannot determine if a particular proposed use is lawful and appropriate without first determining what the current zoning is for

³ The text of the requested findings are found at paragraphs five, six, seven and nine of the *Official Notification of Decision* in 13 EPC 40123, dated November 14, 2013. The full text of those paragraphs is contained in the Attachment to my letter of February 19, 2016.

⁴ The following amendments to proposed findings contained in the Attachment to my letter of February 19, 2016, would limit the findings to Parcel A: After the words “subject site” in the first sentence of paragraph 5 insert the words “(Parcel A).” In paragraph 6, the last sentence should read “... prohibits any residential uses anywhere on the subject site (Parcel A).” In paragraph 9, delete the words “30 acres of” and the number “17” in the second line. Insert the words “on the subject site (Parcel A)” after the word “allowed” in paragraph 9(i). The last line of paragraph 9(ii) should read “. . . residential development on Parcel A.”

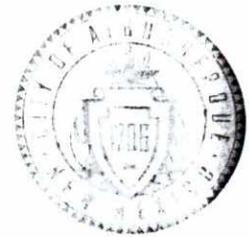
the subject site. That is all we are asking the Commission to do in this case. Because of the Williams letter, a dispute has arisen as to the meaning of the current zoning on the site. We are simply asking the Commission to adopt the proposed findings as part of its routine determination of the zoning on the subject site and the final approval of the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Shine', written in a cursive style.

Richard S. Shine

CITY OF ALBUQUERQUE



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

February 12, 2016
March 11, 2016

Oxbow Town Center
Thomas Keleher
201 third St NW Suite 1200
Albuquerque, NM 87102

Project# 1000032
15EPC-40079 Site Development Plan for Subdivision

LEGAL DESCRIPTION:

The above actions for all or a portion of Tract X-1-A2 Plat of Tracts X-1-A1 & X-1-A2 University of Albuquerque Urban Center, zoned SU-3/Mixed Use, located on Coors Blvd., between St. Josephs and Western Trail NW, containing approximately 21.3 acres. (G-11)
Staff Planner: Vicente Quevedo

PO Box 1293

On March 10, the Environmental Planning Commission (EPC) voted to DEFER Project #1000032/15EPC-40079, a Site Development Plan for Subdivision, based on the following finding:
Albuquerque

FINDING:

1. The applicant requests a 30-day deferral to the April 14, 2016 EPC Hearing to continue meeting with the interested parties regarding the proposed Site Development Plan for Subdivision.
New Mexico, 87103

www.cabq.gov **APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 25, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. 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.

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 Zoning Code must be complied with, even after approval of the referenced application(s).

**Oxbow Town Center, LLC
4811-A Hardware Dr. NE
Albuquerque, NM 87109**

March 3, 2016

Hand Delivered

Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87103

Re: Project #1000032; 15 EPC 40079 Site Development Plan for Subdivision

Dear Ms. Hudson:

Oxbow Town Center, LLC is the owner of the approximately 21 acre parcel which is the subject of the referenced Site Development Plan application. The property is under contract to be purchased by Retail Equity Development 3, LLC (Joshua J. Skarsgard), which is acting as the agent of the Owner for purposes of the application.

We have received a copy of a letter to the Commission from the Oxbow Village Homeowners Association and also on behalf of the Westside Coalition of Neighborhood Associations, requesting that the Commission include in the administrative record for this pending application, certain documents and findings which were developed in prior (2013) hearings involving this property (13 EPC 40123). We understand that Mr. Skarsgard on behalf of the agent/purchaser of the property has verbally indicated that he does not object to the request. However, as owner of the property, we do object; we do not believe that it is appropriate to add the 2013 documents and findings to this 2016 request, for the reasons below.

The 2013 case involved more property (approx. 47.7 acres) than just the property involved in the pending application (approx. 21 acres); the additional property in the 2013 application is located south of St. Joseph's Drive, and is still owned by our company. Accordingly, adopting documents and findings based on the 2013 application/record would potentially affect our remaining property, even assuming that Mr. Skarsgard's present application is approved and that he purchases our 21 acres.

The 2013 application involved an amendment to the University of Albuquerque Sector Development Plan; the present application does not. The 2013 application involved a number of complicated issues and several hearings; those issues are not before the

Commission at this time. To the extent (if any) that similar issues are involved in the present application, we believe that those issues should be discussed anew, based on the existing application and existing circumstances, rather than being incorporated into the record based on an old application (for a different approval) and based on 2013 circumstances.

Finally, the 2013 EPC decision was a recommendation to the City Council, rather than a final decision pending only an appeal by an affected party. As the owner of the property, we elected to withdraw the application for Sector Plan Amendment rather than to incur the additional expense and delay of the City Council process. The findings and decisions of the EPC in 2013 may, or may not, have been approved and adopted by the City Council.

If the Commission were to consider incorporating the documents and findings as requested by Mr. Shine, we would need to know of that decision in sufficient time to decide whether to hire an attorney to thoroughly consider how such an action might affect our property, and to represent us at a Commission hearing with respect to this matter.

Accordingly, we ask that the Commission decline to incorporate documents and findings as set forth in Mr. Shine's letter. Thank you.

OXBOW TOWN CENTER, LLC



William R. Keleher
Managing Member

cc: Vicente Quevado, Staff Planner (hand delivered)
Josh Skarsgard
Richard Shine

**Richard S. Shine, President
Oxbow Village
Homeowners Association**

February 19, 2016

Mr. Peter Nicholls, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street, NW
Albuquerque, NM 87102

**Re.: Project No. 1000032
15 EPC 40079**

Dear Chairman Nicholls and Commissioners:

The purpose of this letter is to request that certain documents that are part of the Administrative Record of Project No. 1000032, 13 EPC 40123 be included in the Administrative Record of the above-referenced current application and that certain findings made by the EPC in 13 EPC 40123 be included as findings in the above-referenced current application. I am making this request on behalf of the Oxbow Village Homeowners Association and on behalf of the Westside Coalition of Neighborhood Associations ("WSCONA").

The documents to be included in the current Administrative Record are 1) an opinion letter of Code Compliance Manager Brennon Williams, dated May 9, 2013, relating to the meaning of the current zoning language on the subject site; 2) a letter to the Commission from me, dated October 29, 2013, detailing the history and intent of the current zoning language; 3) a letter to the Commission from Timothy Flynn-O'Brien, a lawyer representing the views of WSCONA, dated November 4, 2013; and 4) the transcript of the hearing before the EPC conducted on November 14, 2013.

The text of the findings that I am requesting should be included verbatim as findings by the EPC in its *Official Notification of Decision* in the above referenced current application are found at paragraphs five, six, seven and nine of the *Official Notification of Decision* in 13 EPC 40123, dated November 14, 2013. The full text of those paragraphs is contained in the Attachment to his letter. **Joshua Skarsgard, on behalf of the applicant, has indicated at the facilitated meeting on February 10, 2016, that he has no objection to this request.**

Brief Background

As you may recall, in 2013 the owner of the land which is the subject of the current application requested a zoning change (13 EPC 40123) that would have expressly permitted residential uses. During that application process the meaning of the current zoning language applicable to the land became an issue, in part because of a non-declaratory ruling letter that Mr. Williams had sent to the applicant suggesting that the current zoning already permits residential

uses. (The May 9, 2013 letter.) WSCONA, and twenty-two of its component Neighborhood Associations and Homeowners Associations, strongly believed that the current zoning did not permit residential uses but was intended, when adopted in 2007, to permit only non-residential office and non-residential commercial uses. WSCONA, and twenty-two of its component Neighborhood Associations and Homeowners Associations, also opposed the zoning change because of the Westside's overwhelming need for more jobs rather than more bedrooms and the need to thereby help alleviate, among other things, continuing and severe cross-river traffic problems.

As a result, WSCONA employed counsel, Mr. Tim Flynn-O'Brien, to represent its interests before the Planning Department and the EPC and thousands of dollars were raised from concerned Westside citizens to pay Mr. Flynn-O'Brien's legal fees. Mr. Flynn-O'Brien communicated WSCONA's views to the EPC in his letter of November 4, 2013. Moreover, I researched the history, *pro bono*, of the 2007 zoning change and prepared a letter to the EPC detailing that history and the intent of the current zoning language. (The October 29, 2013 letter.)

On November 14, 2013, the EPC conducted a hearing on the application in 13 EPC 40123. Based upon the oral testimony and the written submissions of Mr. Flynn-O'Brien and myself, as well as many other concerned citizens, the Commission voted to recommend that the City Council deny the application for a zoning change. Moreover, the EPC made specific findings that under the current zoning "only office and commercial uses are currently allowed, as regulated by the O-1 and C-2 zones, respectively" and that residential uses are *not* allowed. Moreover, the EPC found that in 2007 "[r]esidential uses were removed from the site's zoning and the site was designated as a Community Activity Center in the West Side Strategic Plan, which, unlike other Community Activity Centers, would be limited to an employment center without residential uses being permitted." (Paragraphs five, six, seven and nine of the *Official Notification of Decision*.)

The EPC's decision was in the form of a recommendation to the City Council which would have had final decision-making authority on the application. On December 26, 2013, the applicant withdrew the application before the City Council could address the matter. As a consequence, WSCONA, and the Westside communities that it represents, were not able to obtain a binding final determination on the meaning of the current zoning language and a final determination regarding residential uses in this Community Activity Center.

In an effort to obtain a binding final determination of this zoning issue, on September 11, 2014, WSCONA sent a letter to Mr. Williams requesting that he issue a binding declaratory ruling that interpreted the current zoning language in accord with the interpretation adopted by the EPC at the 2013 hearing. After a very substantial delay, Mr. Williams responded by denying the request for a declaratory ruling on the grounds that such a ruling is only permitted when there is an application for a project pending before the Planning Department. Since no project was then pending, Mr. Williams refused to issue a declaratory ruling.¹

¹ It is interesting to note that the City Council has discouraged the Zoning Compliance Manager from issuing a declaratory ruling when a project is pending before the EPC. (See the Walmart declaratory ruling appeal. *Notice of Decision* ¶ 16b, AC 12-10.) Since Mr. Williams has now ruled that WSCONA could not obtain a declaratory ruling because no project was pending, the combined effect of the two decisions is that WSCONA, neighborhood

Conclusion

To the best of my knowledge, Mr. Williams has never withdrawn or modified his original opinion letter of May 9, 2013. Because the 2013 application was withdrawn, the 2013 decision of the EPC expressly disagreeing with that opinion letter and interpreting the current zoning language to prohibit all residential uses was never made final and binding. Since then WSCONA, and the Neighborhood and Homeowner Associations it represents, have been unable to obtain a binding declaratory ruling on the subject. By including the four documents described above in the Administrative Record of the current application, that Record would then support the EPC now making final and binding findings interpreting the meaning of the current zoning language. Therefore, on behalf of the Oxbow Village Homeowners Association and on behalf of the Westside Coalition of Neighborhood Associations, I am requesting that the Commission include as findings in its *Official Notification of Decision* in the above referenced current application, the exact text (quoted in the Attachment) of paragraphs five, six, seven and nine of the *Official Notification of Decision* in 13 EPC 40123, dated November 14, 2013. Again, the applicant has indicated that he has no objection to this request.

Sincerely,



Richard S. Shine
President

associations or any other interested 3rd parties are effectively barred from obtaining a declaratory ruling. Thus, the procedure is only available to developers.

Attachment

5. The subject site was annexed in 1980 as part of a 299-acre tract of land designated as an Urban Center, pursuant to the University of Albuquerque Sector Development Plan. The Plan designated the subject site as an Employment Center with light industrial and office uses. In 1996 the zoning was changed to allow mixed use development, with a minimum of 40 acres as apartments (20-25 du/acre) and 19 acres as commercial or office. At that time, R-T uses were determined to be inappropriate for the subject site. In 2007, the site's current zoning was established. Residential uses were removed from the site's zoning and the site was designated as a Community Activity Center in the West Side Strategic Plan, which, unlike other Community Activity Centers, would be limited to an employment center without residential uses being permitted.

6. R-07-256, which was enacted by City Council on September 17, 2007, amended the University of Albuquerque Sector Development Plan to change the zoning designation of Parcel(s) A and B, University of Albuquerque Urban Center, to 'SU-3 for Church and Related uses for approximately 10 acres; a minimum of approximately 17 acres shall be developed for office (O-1), the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres).' A careful review of the record leading up to the enactment of R-07-256 by the City Council makes it clear that the aforesaid zoning description prohibits any residential uses anywhere on the "approximately 17 acres" and the "approximately 30 acres of Parcels A and B."

7. On February 8, 2012, the City Council amended the C-1 and C-2 zones to allow and encourage residential uses in Activity Centers and along Transit Corridors (O-11-64, Enactment O-2012-004). Because the site does not have C-2 zoning, this action does not constitute a changed condition for the subject site.

9. Code Enforcement has determined that all of the permissive uses in the O-1 and C-2 zones are currently allowed in 30 acres of the subject site. In the 17 acres that are designated for "office (O-1)," all permissive O-1 uses are allowed.

i. The EPC disagrees with the Zoning Enforcement Officer's interpretation and believes that only office and commercial uses are currently allowed, as regulated by the O-1 and C-2 zones, respectively.

ii. That in 2007 the O-1 zone allowed residential development and, therefore, the Council did not intend any O-1 uses since it is clear the Council understood the 2007 amendment would not allow residential development on Tracts A & B.

iii. The ZEO's interpretation is not a declaratory ruling and was made without a review of the intent of the 2007 UASDP amendment.

Received 2/24/16

CODE ENFORCEMENT DIVISION

Plaza Del Sol Building, Suite 500
600 2nd Street NW
Albuquerque, New Mexico 87102

Richard J. Berry, Mayor

May 9, 2013

Jim Strozier, AICP
Consensus Planning
302 8th St. NW
Albuquerque, New Mexico 87102

Re: NW and SW corners of Coors Blvd. & St. Josephs Dr. NW

Dear Mr. Strozier:

This letter will verify that according to the map on file in this office on this date, the properties located at the northwest and southwest corners of Coors Boulevard and St. Josephs Drive, legally described as Lot X1A2 and Lot X2A, University of Abq Urban Center Subdivision (a.k.a. Parcels A & B as referenced by the University of Albuquerque Sector Development Plan), Albuquerque, Bernalillo County, New Mexico, are zoned SU-3 and are governed by the University of Albuquerque Sector Development Plan.

The sector development plan denotes that "(C-2) commercial or (O-1) office" development may occur on portions of Parcels A & B. This includes residential uses as enumerated and regulated in the C-2 Community Commercial and O-1 Office and Institution zones of the Comprehensive City Zoning Code.

The West Side Strategic Plan designates these parcels as a Community Activity Center (R-07-255).

If you have additional questions regarding this matter, please feel free to contact me at (505) 924-3454 or bnwilliams@cabq.gov.

Sincerely,

Brennon Williams
Code Compliance Manager

**Richard S. Shine, President
Oxbow Village
Homeowners Association**

October 29, 2013

Mr. Hugh Floyd, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street, NW
Albuquerque, NM 87102

**Re.: Opinion Letter of Code Compliance Manager
Saint Josephs Drive and Coors Boulevard
Sector Plan Amendment
13 EPC 40123**

Dear Chairman Floyd and Commissioners:

On July 29, 2013, I wrote to you, on behalf of the Oxbow Village Homeowners Association, expressing our opposition, and the reasons therefore, to the zone change proposed by Oxbow Town Center, LLC in its above-captioned application to amend the University of Albuquerque Sector Plan by changing the zoning on Parcels A and B from O-1 (office uses) to RT (residential townhouse uses). For the same reasons, we continue to oppose the proposed zone change, particularly because the applicant now wants to significantly increase and intensify the residential use of the land in lieu of the office uses that are so necessary for an increase of jobs on the West Side. But that is not the primary reason that I am writing to you today.

Introduction

At the EPC hearing on this matter, conducted on September 12, 2013, we learned for the first time of an opinion letter, dated May 9, 2013, from Brennon Williams, the Code Compliance Manager, to Jim Strozier of Consensus Planning, in which Mr. Williams opined that the current zoning (even if the current application for a zone change were to be denied) “[permits] residential uses as enumerated and regulated in the C-2 Community Commercial and O-1 Office and Institution zones of the Comprehensive City Zoning Code.”

The purpose of this letter is to bring to the attention of the EPC the evidence that we have since discovered that establishes that Mr. Williams is incorrect when he opines that residential uses are permitted by the language of the current zoning. Since Mr. Williams has refused to convert his opinion letter into a Declaratory Ruling so that we could take an immediate appeal to the City Council, we are hereby requesting that you make a specific Finding on this issue as part of your decision to recommend to the City Council either the approval or the denial of the above-captioned application.

I should add that a Finding on this issue is necessary to your final recommendation since the Planning staff, in preparing all of the staff reports to you relating to this application, simply assumed the correctness of Mr. Williams' interpretation of the current zoning language. As Chair Floyd seemed to point out at the last hearing, if Mr. Williams is correct, then there would be no need for this application and the EPC might as well just approve it. However, if Mr. Williams is incorrect in his interpretation, then only if the zone change requested in this application is approved would the building of residential units on this property be permitted.

Discussion

As a result of the EPC's direction at the last hearing in this matter to "get further clarification regarding uses allowed pursuant to the current zoning," Carmen Marrone sent an email to Mr. Williams on September 13, 2013, posing the issue as follows:

"The current zoning for Parcels A and B includes:

17 acres shall be developed for office (O-1); and the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres)

The questions [sic] was raised whether we should focus on the "office" and "commercial" part of the description, where "(O-1)" and "(C-2)" would clarify the appropriate regulations, or whether the emphasis is on the "(O-1)" and "(C-2)" part of the description, meaning all O-1 and C-2 uses are allowed."¹

Mr. Williams responded by stating, among other things, that

"While I can't verify the intent, the reference to C-2 and O-1 uses called out by the parenthesis (... commercial (C-2 uses) or office (O-1 uses)... as shown on the matrix Carrie attached) is clear. Any activity listed in these zones – both permissive and conditional – can occur by right on the property, provided the use meets any other related development limitations/restrictions." (Emphasis added.)

At the outset, it should be pointed out that Mr. Williams, in his above-quoted email, incorrectly states the current zoning. He cites to the matrix and characterizes the current zoning as "commercial (C-2 uses) or office (O-1 uses)." That is not the current zoning. The current zoning is "office (O-1) . . . (C-2) commercial or (O-1) office," as Ms. Marrone correctly states in her above-quoted email. The applicant, in the current application, is requesting that the zone description be modified to include the word "uses" after the O-1 and the C-2 within the parentheses. As discussed in more detail below, the absence of the word "uses" in the current zoning description is, in part, what makes it clear that the current zoning description was not intended to permit all "(C-2 uses)" and all "(O-1 uses)."

¹ I am assuming that this exchange of emails between Mr. Williams and Ms. Marrone are available to you in full in your staff report. To the best of my knowledge, this email exchange is the only "clarification" of the opinion letter provided by Mr. Williams since the September hearing.

In the email quoted above, Mr. Williams precedes his opinion regarding the meaning of the zoning description with the acknowledgement that his opinion is limited by the fact that “. . . I can’t verify the intent.” I would respectfully suggest that “*the intent*” of the City Council when it approved the current zoning language in 2007 is crucial and should control the meaning of that language for the EPC and the City Council until the City Council should decide to alter that language. I would further suggest that a review of the City Council’s official record of the 2007 zoning change makes it clear, to focus on Ms. Marrone’s above quoted characterization of the issue, that the City Council intended that “we should focus on the “office” and “commercial” part of the description [in the current zoning language], where “(O-1)” and “(C-2)” would clarify the appropriate regulations” and that the EPC and the City Council intended by that language to bar any residential uses of the land absent a later change in the zoning description.²

In an effort to discern the intended meaning of the current zoning description, a review of the original application in 2007 is helpful. That review makes it clear that the current zoning description was drafted by the then applicant, Oxbow Town Center, LLC and its agent, and was not modified by the staff or by the EPC. If the then applicant had wanted the zoning changed to all C-2 uses and O-1 uses they could have simply, and unambiguously, written the zoning description as “SU3/Mixed Use: 17 acres for O-1 uses and the balance for C-2 uses and O-1 uses.” However, the applicant did not do that. Instead, a description was drafted that focused on the words “office” and “commercial,” with no mention of “residential.” That was no accident. It was intentional.

Indeed, at the February 26, 2007, facilitated meeting on the application, the applicant reportedly indicated that

“• If zone change were approved: the 30 acres would change from high density; and they would allocate 17 acres to office and 30 acres to retail/commercial development. There would be no residential. (Emphasis added.)

“Representatives from Taylor Ranch and Story Rock asked if the mixed use, live/work concept had been thought about for this development. Applicant said no, they felt there was enough residential in the immediate area and the point of the zoning was to remove residential entirely to positively impact school issues and create more West Side jobs. (Emphasis in the original.) (Page 239-240, City Council Record)³

So it is clear that, as early as February 2007, the applicant was telling the community that the consequence of the change in the zoning description that the applicant had written would be that “[t]here would be no residential” and that “the point of the zoning was to remove residential entirely.”

² I have reviewed the City Council’s 2007 official record which consisted of a CD containing two files: one file, consisting of 910 pages, including the transcript of the 2007 EPC hearing, led to the enactment by the City Council of R-07-256 which amended the University of Albuquerque Sector Development Plan to establish the current zoning language; the other file, consisting of 477 pages (which was largely duplicative of the R-07-256 record), led to the enactment by the City Council of R-07-255 which amended the West Side Strategic Plan to establish the 47 acres at issue in the current application as a Community Activity Center.

³ Unless otherwise indicated, all references to the City Council Record refer to the 910 page Record for R-07-256.

This proposition is underscored by what happened at the April 12, 2007, hearing before the EPC on the application. Commissioner Siegel proposed a modification to the applicant's zoning description in the Sector Development Plan that would have added residential uses back into the description. The initial exchange was as follows:

“COMMISSIONER SIEGEL: I'll read it to you then we can discuss it. [“]Multi-family residential uses consistent with R-3 zoning for up to 30 acres of the subject tracts are permissive, though not required, at densities ranging from 16/du to 30/du per acre.[”] That restores the underlying possibility that a true mixed used development could occur at a later time. It doesn't require it of you. It makes the existing proposed plans just fine but it allows that if the schools would catch up, if our city can evolve. These are - the school district is another entity that we have no control over – that would remain permissive instead of being written out of this plan. So I propose that as an added condition that I see could not possibly cause you harm.

VICE CHAIR MOYE: Where are you wanting to add that?

COMMISSIONER SIEGEL: To the ...

MR. MYERS:⁴ I think we would not have any objection to that with the caveat that what we have told a lot of people that have concerns on the west side about all of those multi-family units and we have said to them we think we're doing something that you want. And they have said yes you're right. So in putting that leeway in there I understand that it is not depriving us of anything we've asked for and is really adding something to what we've asked for and I guess we can always honor what we've said by going back and saying we won't do it unless things clear up. So I guess it would be okay.

COMMISSIONER SIEGEL: Thank you.

VICE CHAIR MOYE: I am concerned with the additional condition simply because the applicant has gone to the various neighborhood associations and said this is what we're going to do. And the EPC was not present during those meetings and did not create an understanding with the neighborhoods and the adjacent people and then for us to put this back in makes me a little uncomfortable but I think we can talk about it as a group.”
(Page 338, City Council Record)

Later on in the hearing, Commissioner Siegel's proposal was discussed further among the Commissioners. Initially, opinion was divided on whether it was appropriate to change the zoning descriptor to permit residential uses. Then Jim Rogers⁵ was asked for his view. Mr. Rogers said:

⁴ Mr. Myers was the applicant's agent.

⁵ This was the same Jim Rogers who continues to be the spokesperson for Oxbow Town Center LLC in the current application process.

“MR. ROGERS: For quite some time the climate on the west side has been difficult because of the West Bluff situation and we have worked very hard with the West Side Coalition, with Joe Valles, with the current leadership there for quite some time long before we started to come publicly with this plan. I was involved in developing The Oxbow, Oxbow North and the rest of the stuff over there. And one of the elements that is very critical to our development team is that we actually do what we say we're going to do. *And so we've represented to the neighbors clearly that we're not doing multi-family.* In the separate effect I see the foresight in what you're endeavoring to do purely from a financial perspective or economic perspective if we had the wherewithal to do apartments now and we wanted to we could do them quickly and we would be remunerated quicker. The more difficult path that we're attempting to take is the office. We do think that will be fine financially, ultimately. *We don't want anything to be misconstrued or inadvertently indict the representation of our work to the neighborhood association because we don't want to buy that difficulty where we've worked hard not to buy it.* I don't see us at this point contemplating apartments but that's simply my view that we have really worked hard to represent something one way and you know what it is with neighbors if you once they get upset it's hard to get them back to the table. Once they get in fear or in doubt then they go well wait a minute you said this now they're saying this. So that's really my only caveat on that.” (Emphasis added.)
(Page 372-373, City Council Record)

As a result of Mr. Roger's statement, the Commission, after a “straw vote,” decided *not* to add Commissioner Siegel's language to the zoning description.

“COMMISSIONER SIEGEL: *We'll leave it as it's going without it* and I appreciate everybody's thoughts and contemplation of this and I understand. *Leave it alone. . . .*” (Emphasis added.)
(Pages 373-374, City Council Record)

Indeed, the Planning Department's Staff Report also indicated that the intention was “to alter the site's zoning so as to eliminate residential uses.”

“*[West Side Strategic Plan policies are] furthered because the proposed sector development plan map amendment request is to alter the site's zoning so as to eliminate residential uses.*” (Emphasis in the original.)
(Page 61, City Council Record)

The fact that the applicant and the EPC in 2007 intended that the current zoning description would only permit office and commercial uses and would not permit any residential uses is further, and even more persuasively, established by the Mayor's transmittal memorandum to the City Council President, dated May 15, 2007, in which the Mayor officially notified the City Council of the EPC's recommendation. In describing the amendment to the University of Albuquerque Sector Development Plan which, when enacted, established the current zoning description here at issue, the Mayor said:

"The University of Albuquerque Sector Development Plan amendment (07EPC-0011 5) will change the site's zoning so as not to allow high-density or other residential uses. This will allow more land to develop with employment, service, retail, and office uses." (Emphasis added.)
(Pages 31 and 33, City Council Record)

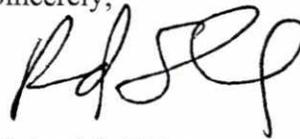
Conclusion

Based upon the foregoing, I would respectfully suggest to you that the evidence is overwhelming that when the Applicant drafted, and the EPC and the City Council approved of, the current zoning description, everyone believed and intended that only offices and commercial buildings would be permitted on the 47 acres at issue here and that no residential uses of any type would be permitted without a change by the City Council in that zoning description. Consequently, I would ask you to adopt the following Findings as part of your resolution of the current Application:

"R-07-256, which was enacted by the City Council on September 17, 2007, amended the University of Albuquerque Sector Development Plan to change the zoning designation of Parcel(s) A and B, University of Albuquerque Urban Center, to "SU-3 for Church and related uses for approximately 10 acres; a minimum of approximately 17 acres shall be developed for office (O-1), the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres)." **A careful review of the record leading up to the enactment of R-07-256 by the City Council makes it clear that the aforesaid zoning description prohibits any residential uses anywhere on the "approximately 17 acres" and the "approximately 30 acres" of Parcels A and B.**"

Thank you for your time and attention to this matter which is of great importance to the Oxbow Village Homeowners Association and to many of the neighborhoods on the West Side of Albuquerque.

Sincerely,



Richard S. Shine
President

TIMOTHY V. FLYNN-O'BRIEN

Attorney at Law
817 Gold Avenue SW
Albuquerque, New Mexico 87102-3014
Phone: 505-242-4088 / Fax: 866-428-7568

November 4, 2013

HAND-DELIVERED

Hugh Floyd, Chairman
Environmental Planning Commission
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Oxbow Town Center, LLC
EPC Hearing November 14, 2013
Project No. 100032/13EPC-40123

Dear Chairman Floyd and Members of the Environmental Planning Commission,

I represent the Westside Coalition of Neighborhood Associations ("WSCONA"). WSCONA opposes the proposed University of Albuquerque Sector Development Plan (UASDP) amendment.

The analysis of the proposed amendment/zone change must begin with an accurate understanding of the current zoning. Unfortunately, the Planning Department has complicated this task by a decision that all staff must follow the opinion expressed in a September 20, 2103 email from Mr. Williams as to what the current zoning allows even through that opinion was not a Declaratory Ruling. That email was in response to an inquiry from Carmen Marrone of September 19, 2013 (attached). It is my understanding that Planning staff have been told that they must assume Mr. Williams' opinion is correct even if their own opinion differs. While it is the prerogative of the Department to make such a decision, the practical effect is that the EPC is deprived of the analysis that Staff could have provided on this issue, including the intent of the current zoning in the UASDP. This is an issue that the EPC must address to analyze the proposed amendment. The question is what uses are allowed by the following language in the UASDP:

17 acres shall be developed for office (O-1); and the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres).

According to the September 12, 2013 Staff Report the current Land Use Matrix provides:

10 acres shall be developed for "Church & Related Uses"; 17 acres for Office Uses (per the O-1 zone) and 30.7 acres for commercial and/or Office uses (per the C-2 & O-1 zones).

The plain meaning of the language quoted above is that 17 acres are to be developed *for offices* and the balance of 30+ acres for *offices or commercial uses* and that offices would be subject to O-1 regulations and commercial development subject to C-2 regulations. If the intent had been to allow any uses allowed in the "O-1 office and institution zone" or all uses allowed in the "C-2 Commence Commercial Zone" the name of the zone would have been used. In his email Mr. Williams acknowledges that he "can't verify intent" of the current language. The current language was adopted in 2007. Without reference to intent Mr. Williams relies on the parenthetical reference to O-1 and C-2 to conclude the full range of O-1 and C-2 uses are allowed. This rationale ignores the plan language, the intent of the UASDP and rules of construction. The current zoning is limited to offices and commercial uses and does not include residential uses.

Unfortunately the Brennan opinion is not a Declaratory Ruling. This deprives neighborhoods of an appeal of the interpretation under the City process. *When the ZEO does not issue a declaratory ruling his "opinion" is simply an opinion and is not binding on the EPC. See Finding 14a in AC-12-10 (attached). Therefore, the EPC should determine what the current zoning allows so that its recommendation fully analyzes the effect of the proposed amendment.* Even more distressing is that this opinion does not consider intent.

In order to determine whether a proposed SDP amendment and zone change meets the criteria of Res. 270-1980, it is critical to know what current regulations allow and prohibit. The EPC cannot effectively make a recommendation without first deciding what the UASDP allows. This requires, as set forth below, a comprehensive study of the intent of the 2007 UASDP amendment.

When constraining statutes or ordinances the "guiding principle is to determine and give effect to legislative intent." *Baker v. Hedstrom*, 2013 NMSC-043, ¶11 quoting *El Paso Elec. Co., v. N.M. Pub. Regulation Comm'n.*, 2010-NMSC-048, ¶7, 149 N.M. 174, 246 P.3d 443. *See also Jordan v. Allstate Ins. Co.*, 2010-NMSC-051, ¶15, 149 N.M. 162, 745 P.3d 1214 ("This Court's primary goal when interpreting statutes is to further legislative intent.") "If the plain meaning of the statute is doubtful, ambiguous, or [if] an adherence to the literal use of words would lead to injustice, absurdity or contradiction, we will construe the statute according to its obvious spirit or reason." *Baker, supra*, at {11}.

As pointed out by Richard Shine on behalf of Oxbow Village Homeowners Association, the intent of the 2007 UASDP amendment (the current language) was to limit Tracts A & B to office and commercial development and not to allow residential development. Mr. Shine's letter provides the history the City ignored. A review of his letter and the quoted portions of the record

make it clear: the 2007 amendments intended that there would be no residential development on Tracts A & B. The 2007 amendments were requested by the developer and he intended to limit Tracts A & B to office and commercial development and to exclude residential (“17 acres to office and 30 acres to retail/commercial development. There would be no residential.”) Council Record, p. 239-240 (emphasis added). Additional references to the Record in Mr. Shine’s letter confirm the intent of the current zoning.

Plain Language. The Brennan opinion appears to rely on the *parenthetical* references to the O-1 and C-2 zones as somehow overriding the body of the sentence limiting development to office and commercial uses. An “Office” is a defined term in the Zoning Code. Parentheses denote comment, or a reference. The ordinance is complete in meaning without reference to the parenthetical words. *See, Black’s Law Dictionary.* (“Parentheses. Part of a sentence occurring in the middle thereof, and enclosed between marks like (), the omission of which part would not injure the grammatical construction of the rest of the sentence. Wharton; *In re Schilling*, 53 Fed. 81, 3 C. C. A. 440.”) In *Schilling*, the United States Federal Circuit Court of Appeals for the Second Circuit stated that punctuation, including a parenthesis “is no part of a statute” To rely on the parenthetical over the sentence itself ignores these recognized canons of construction.

The plain language provided for 17 acres of offices and 30 acres of commercial and office uses. This is consistent with the prior amendment to allow 10 acres for church: If the full range of O-1 uses were allowed, there would have been no need to designate 10 acres for church as church is permissive in the O-1 zone and conditional in the C-2 zone. The specific provisions for a church recognizes that all O-1 and C-2 use not allowed.

As Mr. Shine points out the City Council and EPC understood the 2007 amendment did not allow residential uses. Since the O-1 zone allowed residential uses and since the 2007 Council understood the amendment not to allow residences on Tracts A & B, the parenthetical reference did *not* mean to allow all uses in the zones identified in parentheses.

The West Side Strategic Plan states that a CAC (like the University of Albuquerque CAC) “provides the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses in conjunction with community-wide services, civic land uses, employment, multiple family dwellings and the most intense land uses within the community.” WSSP p. 33 (attached). Given the surrounding residential uses the 2007 amendment focused on office and commercial since there was already ample housing. An interpretation of the office and commercial language as meaning any O-1 use or any C-2 use including residential is inconsistent with a CAC.

Res. 270-1980. Applicant has not justified a zone change under Res 270-1980.

Error. Applicant has not identified any error in the 2007 UASDP amendment adopting the current zoning (this was a rezoning at applicant's request).

Changed Conditions. Applicant has not identified any changed conditions justifying a zone change. Applicant states that surrounding land has developed with a high school (St. Pius was existing), a church (that was proposed by applicant so is not a changed condition), park (not a changed condition) and residential neighborhoods (that was the zoning for the surrounding areas so is not a changed condition). Applicant refers to increased traffic (without evidence) but fails to show how this was not anticipated or is a changed condition justifying more residential. More residential development in place of office and commercial adds to cross river traffic which is the biggest problem. Office and commercial zoning was to help alleviate the west side population/jobs imbalance--this change would exacerbate it. The Council as recently as 2013 adopted a Sector Plan to address the imbalance for another Westside community. This problem (jobs imbalance) still exists and the City Council recognizes that housing at the expense of offices and commercial zones exacerbates the imbalance. Applicant claims (without evidence) that there is no market for commercial or offices. The Staff report refers to a claim by applicant of a city-wide office vacancy rate of 18.8 % in 2012. The west side vacancy rate is 11.1%-substantially less than the market average. The Westside vacancy rate is also not significantly different from the rate in 2007 so there is no changed condition. Moreover, changed conditions are not intended to allow zone changes as the market fluctuates. *See, Res. 270-1980 G* ("the cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.") The New Mexico Supreme Court has recognized that stability in zoning is the rule in New Mexico. *See Albuquerque Commons Partnership v. City of Albuquerque*, 2008 NMSC -025 P25. *See also Smith v. Board of County Comm'rs*, 2005 NMSC-012 P 33 citing *Miller v. City of Albuquerque*, 89 N.M. 503, 506, 554 P.2d 665, 668 (1976) (noting importance of promoting "the desirable stability of zoning classifications).

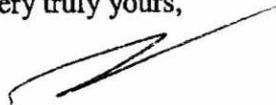
More advantageous. The policy of CACs and office and commercial zoning is to give the adjacent community a place to work, to shop and to have entertainment. Current zoning allows that. As pointed out by staff west of the river there is little vacant land zoned O-1. To reduce available O-1 land by 50% is not advantageous. Applicant's reasoning would apply to every CAC citywide and allow all Community Activity Centers to become residential. Applicant's rationale would allow all O-1 land to be re-zoned for residential development. Neither a higher return nor (if it is the case) a slump in the current market for office or commercial is a justification for a zone change. The Zoning Code is not intended to allow zones to flip back and forth as the market fluctuates.

For the reasons articulated by Mr. Shine the intent of the Sector Plan amendment was to limit development on Tracts A & B to offices and commercial uses. Applicant has not justified a zone change or sector plan amendment. We urge the EPC to adopt the following findings:

1. The intent of the 2007 amendment to the UASDP was to develop Tracts A & B with offices and commercial uses.

2. That the record made clear that the 2007 amendment intended to limit development on Tracts A & B to offices and commercial uses and to exclude residential uses.
3. That in 2007 the O-1 zone allowed residential development and, therefore, the Council did not intend any O-1 uses since it is clear the Council understood the 2007 amendment would not allow residential development on Tracts A & B.
4. The intent in 2007 was also not to allow residences under the land preserved for commercial development.
5. The 2007 amendment did not intend that any O-1 or C-2 uses would be allowed in Tracts A& B but only office and commercial uses per the O-1 and C-2 zone regulations.
6. The ZEO's interpretation is not a declaratory ruling and was made without a review of the intent of the 2007 UASDP amendment.
7. Applicant has not justified a zone change under Res 270-1980.
8. The Westside has lower vacancy rate for offices than the city-wide rate and has a shortage of vacant land for O-1 uses.
9. The Westside had population/jobs imbalance and needs more office and commercial development to correct the imbalance.
10. The proposed Sector Plan amendment from office or commercial zoning to residential is not more advantageous and should be denied.
11. The proposed Sector Plan amendment is inconsistent with the intent of the City Council in 2007 and contrary to Res 270-1980.

Very truly yours,



Timothy V. Flynn-O'Brien

TVFOB/mlg

Enclosures as stated

cc: Blake Whitcomb
Kevin Curran
Carmen Marrone
Jenica Jacobi
Richard Shine
Joe Valles
Jim Strozier

Attachments:

September 19, 2013 Email

AC-12-10 Notice of Decision

Westside Strategic Plan, page 33

Albuquerque Office MarketView (CBRE Global Research and Consulting)

Office Market Trends Albuquerque (Grubb & Ellis Research)

Resolution (Enactment R-2013-068)

Subject: FW: U of A SDP Amendment, #1000032
Date: Fri, 20 Sep 2013 14:04:54 -0600
From: kcbarkhurst@cabq.gov
To: aboard10@juno.com; rshine60@hotmail.com; JOEVALLES@aol.com

From: Williams, Brennon
Sent: Friday, September 20, 2013 1:16 PM
To: Marrone, Carmen M.
Cc: Brito, Russell D.; Conrad, Matthew A.; Barkhurst, Kathryn Carrie; 'Jim Strozier'; Turner, Jonathan C.
Subject: RE: U of A SDP Amendment, #1000032

Hello All –

While I can't verify the intent, the reference to C-2 and O-1 uses called out by the parenthesis (... commercial (C-2 uses) or office (O-1 uses)... as shown on the matrix Carrie attached) is clear. Any activity listed in these zones – both permissive and conditional – can occur by right on the property, provided the use meets any other related development limitations/restrictions. It's also interesting to note that there aren't any prohibitions on certain types of activities, like we often see when there's a concerted attempt to ban uses that are otherwise allowed. Residential uses may not have been enumerated in the code or even anticipated by surrounding property owners at the time the sector plan was adopted, but today's zoning code recognizes residential development as an allowed activity.

Hope this helps. Please let me know if you have any other questions.

Sincerely,

Brennon Williams
Code Compliance Manager
Planning Department
City of Albuquerque
600 2nd St. NW, Suite 500
Albuquerque, NM 87102
bnwilliams@cabq.gov

From: Marrone, Carmen M. [mailto:CMarrone@cabq.gov]
Sent: Thursday, September 19, 2013 4:23 PM
To: Williams, Brennon
Cc: Brito, Russell D.; Barkhurst, Kathryn Carrie; cp@consensusplanning.com; Conrad, Matthew A.
Subject: RE: U of A SDP Amendment, #1000032

Brennon,

The current zoning for Parcels A and B includes:

17 acres shall be developed for office (O-1); and the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres)

The questions was raised whether we should focus on the "office" and "commercial" part of the description, where "(O-1)" and "(C-2)" would clarify the appropriate regulations, or whether the emphasis is on the "(O-1)" and "(C-2)" part of the description, meaning all O-1 and C-2 uses are allowed.

Carmen

From: Williams, Brennon
Sent: Thursday, September 19, 2013 2:58 PM
To: Marrone, Carmen M.
Cc: Brito, Russell D.; Barkhurst, Kathryn Carrie; Jim Strozier (cp@consensusplanning.com); Conrad, Matthew A.
Subject: RE: U of A SDP Amendment, #1000032

Carmen –

What, specifically, did EPC have questions about as it pertains to the verification letter for this property?

Sincerely,

Brennon Williams
Code Compliance Manager
Planning Department
City of Albuquerque
600 2nd St. NW, Suite 500
Albuquerque, NM 87102
bnwilliams@cabq.gov

From: Marrone, Carmen M.
Sent: Friday, September 13, 2013 3:57 PM
To: Williams, Brennon
Cc: Brito, Russell D.; Barkhurst, Kathryn Carrie; Jim Strozier (cp@consensusplanning.com); Conrad, Matthew A.
Subject: U of A SDP Amendment, #1000032

Brennon,

The EPC heard this case yesterday and instructed the Planning Staff to "get further clarification regarding uses allowed pursuant to the current zoning." Pursuant to R-07-256, Enactment No.

112-2007, the zoning for Parcels A and B of the U of A SDP is "SU-3 for Church and Related Uses for approximately 10 acres; a minimum of approx. 17 acres shall be developed for office (O-1), the balance of the property is to be developed as (C-2) Commercial or (O-1) office (approx. 30 acres)".

You issued a Zoning Verification to Jim Strozier on May 9 stating that "the sector development plan denotes that (C-2) commercial or (O-1) office development may occur on portions of Parcels A & B. This includes residential uses as enumerated and regulated in the C-2 Community Commercial and O-1 Office and Institution zones of the Zoning Code". Several members of the public commented at the EPC Hearing that the intent of the zoning is to allow only office and commercial uses and not residential uses. As a result, the EPC is requesting that you further clarify your Verification Letter of May 9. Please "REPLY TO ALL" so that everyone copied can proceed with a clear understanding of what is allowed under the current zoning. Thank you.

If you need further information, please let me know.

Carmen Marrone, Manager
Current Planning Section
Planning Department

**Notice of Decision
City Council
City of Albuquerque
September 6, 2012**

AC-12-10 Timothy V. Flynn-O'Brien, Attorney at Law, Agent for Taylor Ranch Neighborhood Association and Westside Coalition of Neighborhood Associations appeal the March 23, 2012 Declaratory Ruling, issued by the Acting Compliance Manager, Juanita Garcia, that the Environmental Planning Commission (EPC) has authority to approve a site plan for building permit of Large Retail Facilities (LRF)

Decision

On August 20, 2012, by a vote of 8 FOR, 1 AGAINST, the City Council voted to send this matter back to the EPC with findings and instructions.

Against: O'Malley

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Findings 1 through 13:

Abstain: Garduño

1. This case had its genesis in an action before the Environmental Planning Commission ("the EPC Case"). The EPC conducted hearings regarding an application for a site plan for building permit for a proposed development. ("the Project"). The EPC case is Project No. 1003859 11 EPC 40067/40068.

2. An issue in the EPC Case was whether the Project met the access requirements required by the Zoning Code for large retail facilities. §14-16-3-2(D)(2).

3. During the hearing on the EPC case, the acting Zoning Enforcement Officer ("ZEO") testified about her interpretation of the access requirements for large retail facilities.

4. The Taylor Ranch Neighborhood Association ["TRNA"] requested that the ZEO issue a declaratory ruling with respect to access requirements for large retail facilities.

5. The ZEO is empowered by the Zoning Code to issue declaratory rulings regarding the interpretation of the Zoning Code:

§ 14-16-4-8 DECLARATORY RULINGS.

(A) Upon request, the Zoning Enforcement Officer shall issue declaratory rulings as to the applicability of the Zoning Code to a proposed development or activity...

6. The TRNA asked the ZEO to issue declaratory rulings answering the following questions:

a. "[W]hether the site for the LRF [large retail facility] as presented in project No. 1003859 11 EPC 40067/40068, is permitted at this site, specifically whether it meets the requirements [of] LRF access regulations?"

b. "Does an LRF meet the access requirements of...[the Zoning Code] if...the site plan for building permit... does not have the required access...?"

c. Are the requirements for access to a LRF met "when the subdivision in which the LRF is proposed is zoned SU-1 and the local road access to a collector street is through residential zones?"

7. At the EPC hearing the ZEO testified that in her opinion the Project had the access required by the Zoning Code for a large retail facility. The ZEO did not issue a declaratory ruling in response to the question of whether the Project meets the access requirements for a large retail facility.

8. The ZEO issued a declaratory ruling that the access requirements in the Zoning Code for a large retail facility do not need to be met: "If a site does not meet this particular standard [for access], EPC still has the authority to approve the request."

9. In a later explanation of the ZEO's position on whether the EPC may approve a site that does not meet the requirements of the Zoning Code it was explained: "[T]he Planning Commission [is allowed] to make an exception to the regulations of the LRF."

10. The ZEO finally issued a declaratory ruling that the Zoning Code does not answer the question of whether LRF access can be accomplished by local road access to a collector street through residential zones.

11. TRNA, subsequently joined by additional neighborhood associations, appealed the declaratory rulings of the ZEO.

12. The Land Use Hearing Officer ["LUHO"] heard the case and issued recommended findings and conclusions. The LUHO recommendation went beyond the narrow declaratory rulings and made policy recommendations that were not specifically at issue. Most notably the LUHO recommended that the Council should hold that declaratory rulings should not be issued when the identical issue is already being considered by the EPC or another body.

13. The LUHO recommendations were rejected by the City Council and a hearing was held by the City Council on the appeal.

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 14a:

Abstain: Garduño

14a. The Council finds that the ZEO did not issue a declaratory ruling, as requested, with respect to the question of whether the Project met the access requirements required by the Zoning Code for large retail facilities. §14-16-3-2(D)(2). The EPC case should proceed and the EPC should recognize that the ZEO has not made any statements, including her testimony before the EPC, that are binding on the EPC. The EPC is responsible for deciding those issues that are before it with respect to whether the Project meets the requirements of the Zoning Code.

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 15a:

Abstain: Garduño

15a. The Council finds that the ZEO erred in her declaratory ruling when she determined that: "[T]he Planning Commission [is allowed] to make an exception to the regulations of the LRF." The Planning Commission is charged with interpreting the Zoning Code in reaching its decisions. When the EPC determines that the language of

the Zoning Code imposes mandatory requirements, the EPC may not waive such requirements.

On September 5, 2012, by a vote of 7 FOR, 1 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 16b:

Against: Harris
Abstain: Garduño

16b. The ZEO is not prohibited from issuing a declaratory ruling with respect to issues that are currently pending resolution before a board or commission. The ZEO is not obligated to provide a declaratory ruling in such a case and should exercise discretion in determining if the issuance of a declaratory ruling in such a case is appropriate.

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 17:

Abstain: Garduño

17. The City Council finds that the issue of site access will be an important issue if there is an appeal of the EPC Case. The City Council requests, but does not order, that the EPC adopt findings that fully explain its determination of this issue together with the facts that justify that determination.

IT IS THEREFORE ORDERED THAT THE APPEAL IS GRANTED IN PART, AND DENIED IN PART.

Attachments

1. Land Use Hearing Officer's Recommendation
2. Action Summary from the August 6, 2012 City Council meeting
3. Action Summary from the August 20, 2012 City Council meeting
4. Action Summary from the September 5, 2012 City Council meeting

Appeal of Final Decision

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.

Trudy E. Jones
Trudy E. Jones, President
City Council

Date: 9.12.2012

Received by: Janette Slavick
City Clerk's Office

Date: 9.12.2012

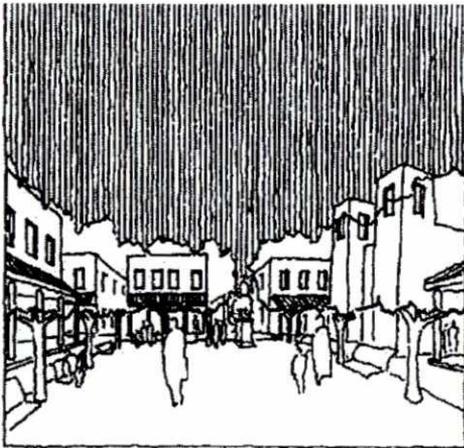
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WEST SIDE STRATEGIC PLAN

Community Activity Centers

Each Community on the West Side will be served by a Community Activity Center and several smaller Neighborhood Activity Centers that are easily reached by walking from surrounding neighborhoods. The Community Center provides the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses in conjunction with community-wide services, civic land uses, employment, multiple-family dwellings and the most intense land uses within the community. Its service area may be approximately three miles (radius) and a population of at least 30,000. This population can be concentrated within a smaller area by locating multiple-family housing within the community activity center to support nearby services and public transit service.



New Mexico Plaza Style
Development

Community Activity Centers provide focus, identity, and a sense of character.

The typical Community Center is accessible by a major street or parkway, provides a hub for the regional transit system, and is accessible by pedestrians and bicyclists. Even off-street parking areas are very accommodating to the pedestrian. The community-wide trail network should provide access to the center. The plaza model of development, with services enclosing a pedestrian-oriented public space, is the desirable form for Community and Neighborhood Centers. This model is traditional to New Mexico and applicable to a community-based urban form.

The ideal community activity center of 35 to 60 acres would have parcels and buildings in scale with pedestrians, small enough to encourage parking once and walking to more than one destination. Off-street parking is often shared, and on-street parking helps contribute to the intimate scale typical of well functioning pedestrian areas. Parking located between and behind

Albuquerque Office

Q3 2013

CBRE Global Research and Consulting



ABQ MSA UNEMPLOYMENT RATE
7.8%*



NM UNEMPLOYMENT RATE
6.8%*



US UNEMPLOYMENT RATE
7.3%*

*August 2013

"FLIGHT TO QUALITY" PREVAILING TREND AMONG OFFICE USERS

Quick Stats

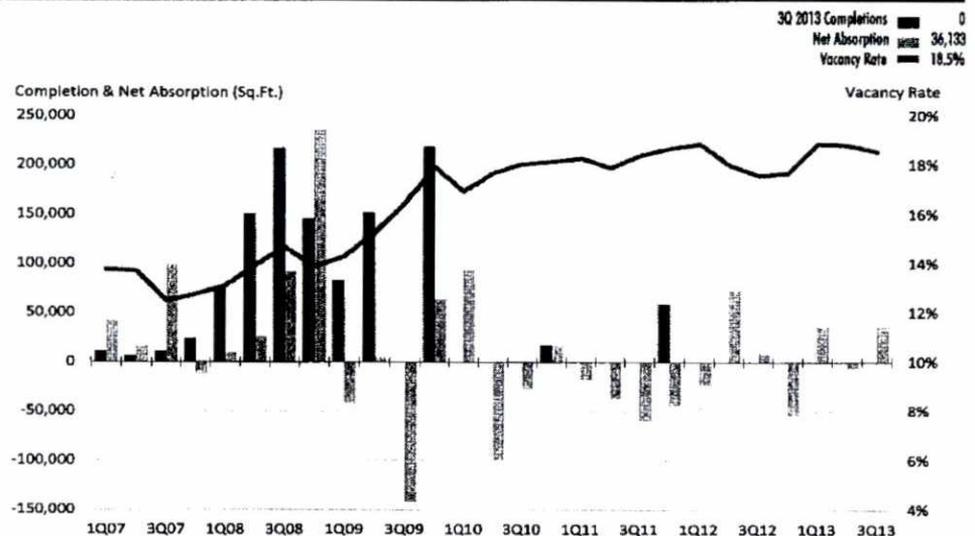
Q3 2013	Ytd	Q-Q
Net Absorption	36,133 sq ft	↑ ↑
Vacancy	18.5%	↑ ↓
Completion	0 sq ft	↔ ↔
Asking Lease Rate	\$15.50 FS	↔ ↔

*The arrows indicate a trend and do not represent a positive or negative value for the underlying statistics (e.g. Net Absorption could be negative, but still represent a positive trend over the time period).

Hot Topics

- The overall vacancy rate declined by 26 bps to 18.5% for the third quarter of 2013, which is still 97 bps higher than one year ago.
- Mixed trends have been apparent among office users; the market is experiencing both expansions and contractions.
- The Class A vacancy rate declined by 312 bps since 1Q 2013 primarily due to a "flight to quality".
- The Class B vacancy rate increased by 51 bps since 1Q 2013.
- Tightening of Class A building vacancy will likely lead to construction of build-to-suit projects, as well as pressure on landlords of Class B buildings to address deferred maintenance and to upgrade the quality of their assets.
- Class B building asking lease rates will likely increase as property improvements are made.

Chart 1: Completions, Net Absorption and Vacancy Rate



The Albuquerque office market registered positive net absorption in the third quarter of 2013 with the overall vacancy rate declining by 26 basis points (bps) to 18.5% for the quarter. The vacancy rate, however, is still 97 bps higher than one year ago.

The leasing activities that contributed to the positive net absorption were:

- a 35,000 square-foot expansion by a healthcare-related organization within their existing building in the North I-25 submarket;
- a 25,000 square-foot new UNM user relocating from an industrial building to an office building in the Airport submarket;
- a 19,000 SF relocation from a Class B office space to Class A office space in the Uptown submarket; and
- a 15,000 square-foot new government user in the Downtown submarket.

While most markets in the nation have seen steady improvements benefitting from gradual job growth, the Albuquerque office market continues to experience mixed trends. While some organizations expand, others downsize or close.

The condition of the Albuquerque office market has given tenants the opportunity to relocate in order to improve the quality of their offices. Three out of the four largest activities among Class A buildings year-to-date have been a result of tenants upgrading from Class B buildings. The year-to-date net absorption rate for Class A buildings was 45,442 square feet or 3.4% of the Class A market and the vacancy rate declined by 312 bps since the first quarter of 2013. This is significant compared to Class B space which reflected negative net absorption year-to-date and an increased vacancy rate of 51 basis points during the same period. This is largely due to companies pursuing higher quality space in a soft office real estate market. In addition, Class B buildings experienced some tenant downsizing and closures which also contributed to the increased vacancy rate.

The "flight to quality" trend will support investments in upgrades for existing Class B buildings. Once upgraded, Class B asking rates will likely increase. In addition, scarce availability of large floor plates will create the opportunity for build-to-suit projects in the future.

MARKET STATISTICS

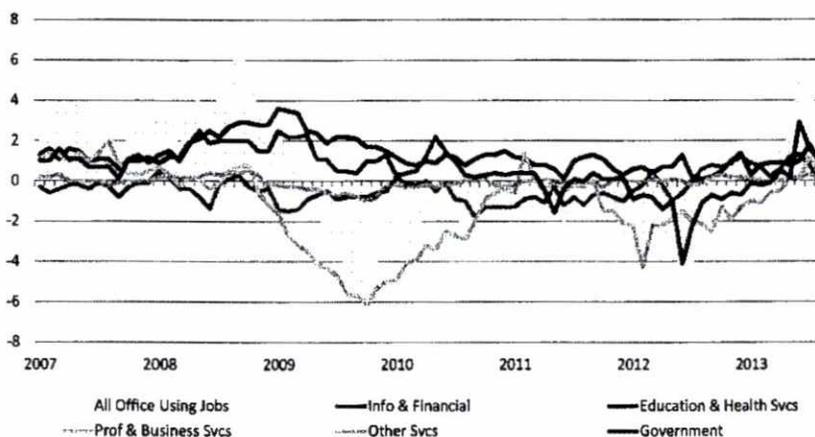
Table 1. Market Statistics

Submarket	Building SF	Vacancy Rate	Qtr Net Absorption SF	YTD Net Absorption SF	YTD Completion SF	Under Construct SF	Median Ask Lse Rate \$/SF/YR Full Service		
							Class A	Class B	All Classes
Airport	1,011,019	16.6%	(236)	8,631	0	0		\$14.00	\$14.00
Downtown	3,042,137	30.5%	2,891	(22,824)	0	0	\$20.25	\$15.75	\$15.75
East Heights	1,001,266	12.7%	1,225	25,687	0	0		\$17.60	\$15.50
Mesa del Sol	271,052	16.1%	0	0	0	0		\$19.00	\$19.00
NE Heights	654,472	26.0%	435	(2,871)	0	0		\$17.30	\$13.49
North I-25	3,310,763	13.0%	41,251	91,765	0	0	\$22.50	\$19.00	\$17.25
Rio Rancho	2,181,493	7.1%	(8,540)	(7,644)	0	0		\$17.77	\$14.75
SE Heights	824,874	14.3%	0	(59)	0	0		\$19.00	\$14.50
University	509,426	14.3%	(11,977)	(6,761)	0	0		\$16.19	\$15.63
Uptown	1,716,851	21.0%	14,179	(19,902)	0	0	\$21.25	\$18.50	\$16.50
West Mesa	562,069	11.1%	(3,526)	11,411	0	0		\$19.00	\$14.50
Market Total	13,702,411	18.5%	36,133	65,881	0	0	\$22.25	\$17.50	\$15.50

Class	Building SF	Vacancy Rate	Qtr Net Absorption SF	YTD Net Absorption SF	YTD Construction SF	Under Construction SF	Median Ask Lse Rate \$/SF/YR Full Service	
							Class A	Class B
Class A	1,349,414	16.2%	28,139	45,442	0	0	\$22.25	
Class B	6,597,174	17.2%	(32,395)	(28,029)	0	0	\$17.50	
Class C	5,761,823	20.7%	40,389	48,468	0	0	\$14.00	
Market Total	13,702,411	18.5%	36,133	65,881	0	0		\$15.50

Chart 2 Economic Indicators

YoY Changes in Nbr of Jobs, x 1000



Source: Bureau of Labor Statistics

ECONOMIC OUTLOOK

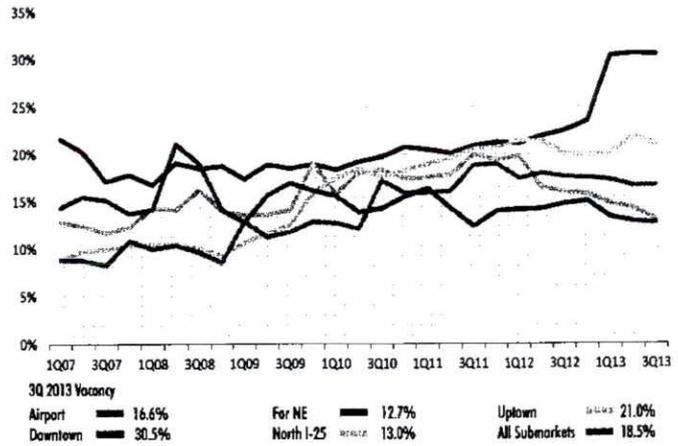
Chart 2 shows year-over-year changes in the number of office-using jobs in the Albuquerque Metropolitan Statistical Area (MSA). The professional and business services sector and the government sector comprise the majority of jobs which occupy office buildings, 24% and 35% respectively. Jobs for these two sectors have increased this year, after showing a year-over-year contraction for 19 and 14 consecutive months, respectively. This is a positive sign for the office market. However, it will be some time before the addition of jobs creates positive effects on the office real estate market.

MARKET RE-CAP AND OUTLOOK

VACANCY RATE BY SUBMARKET

Chart 3 shows vacancy rates for the top five largest office submarkets in Albuquerque since 2007. The vacancy rate for the North I-25 submarket, which encompasses a quarter of the market square footage, decreased for the sixth consecutive quarter down to the 2007 level. The Airport submarket, which is 7% of the market in size, has experienced upward trends from single digits in 2007 to a 16% vacancy rate for the 3rd quarter of 2013. The Airport submarket vacancy rate is expected to continue increasing next year as Presbyterian vacates their headquarter location and moves into their new facility in the North I-25 submarket. The Uptown submarket, which encompasses 13% of the market square footage, reflects continuous increases in vacancy rate from 9% in 2007 to 21% for the 3rd quarter of 2013. Although the Uptown submarket is very active, downsizing has impacted the vacancy rate.

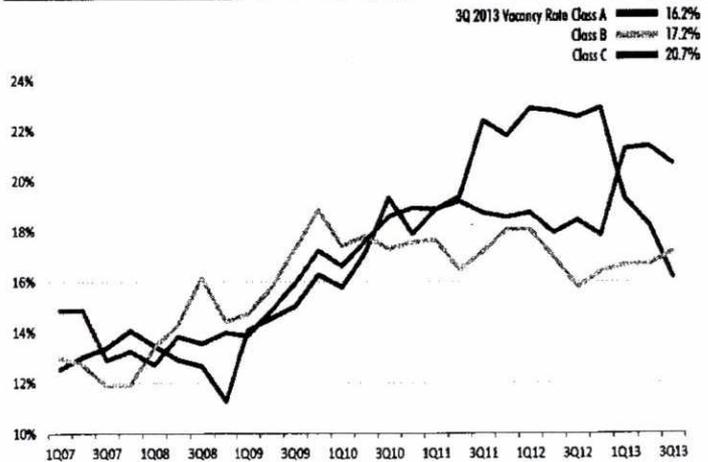
Chart 3: Vacancy Rate by Submarket



VACANCY RATES BY CLASS

Chart 4 shows vacancy rates for Class A, B and C since 2007. CBRE's re-classification of some Class A and Class B buildings at the beginning of 2013 contributed to a sharp decrease in the Class A building vacancy rate and a slight increase in the Class B building vacancy rate. During the three quarters after the reclassification, the Class A building vacancy rate continued to decrease while the Class B building vacancy rate continued to increase. Class A building vacancy rate is particularly noteworthy because it has decreased by 300 bps since the beginning of 2013.

Chart 4: Vacancy Rates by Class



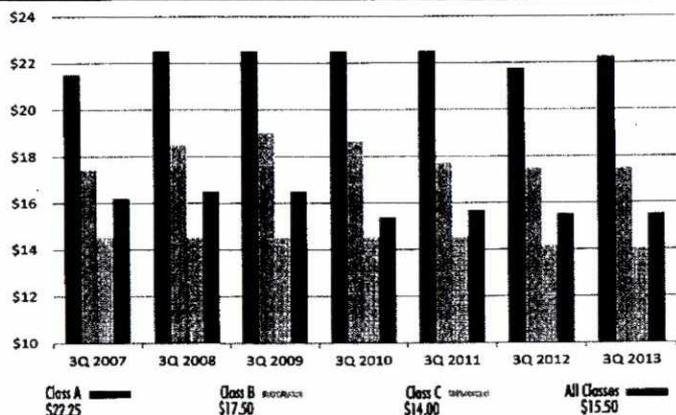
MEDIAN ASKING LEASE RATES

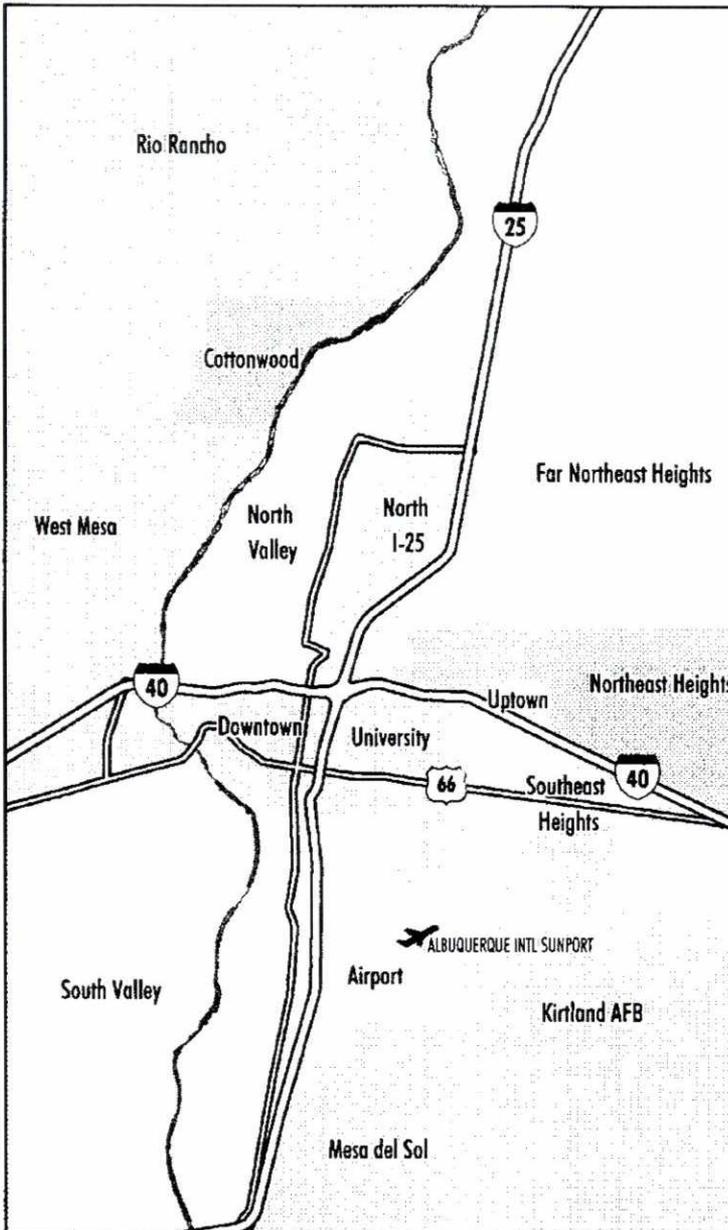
The overall median asking lease rate remained unchanged for the fifth consecutive quarter at \$15.50 per square foot per year on a full service basis.

The median asking lease rates for Class A, B and C buildings remained unchanged as well for the fourth consecutive quarter.

There were no significant signs of gaps between asking lease rates and actual lease rates within the market, nor were there any increases in concessions, according to CBRE office specialists. The tightening of Class A building availability will likely lead to new Class A construction opportunities and upgrades in existing Class B buildings, which will contribute to increases in asking lease rates for both classes.

Chart 5: Median Asking Lease Rates





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GLOBAL RESEARCH AND CONSULTING

This report was prepared by the CBRE U.S. Research Team which forms part of CBRE Global Research and Consulting – a network of preeminent researchers and consultants who collaborate to provide real estate market research, econometric forecasting and consulting solutions to real estate investors and occupiers around the globe.

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Office Market Trends: Albuquerque

Grubb & Ellis Research
Fourth Quarter 2007



Stable Market in a Tentative Climate

The office market held steady in the fourth quarter despite growing uncertainty about the health of the national economy. As in the previous quarter, a majority of the activity occurred in smaller spaces in the 1,000 to 10,000 square foot range. The trend is for tenants to trade spaces in lieu of moving into more expensive new construction or purchasing new condominiums. Many executive suites and incubator spaces are growing in popularity because they offer the amenities and flexibility required by small office users.

Medical market sound...

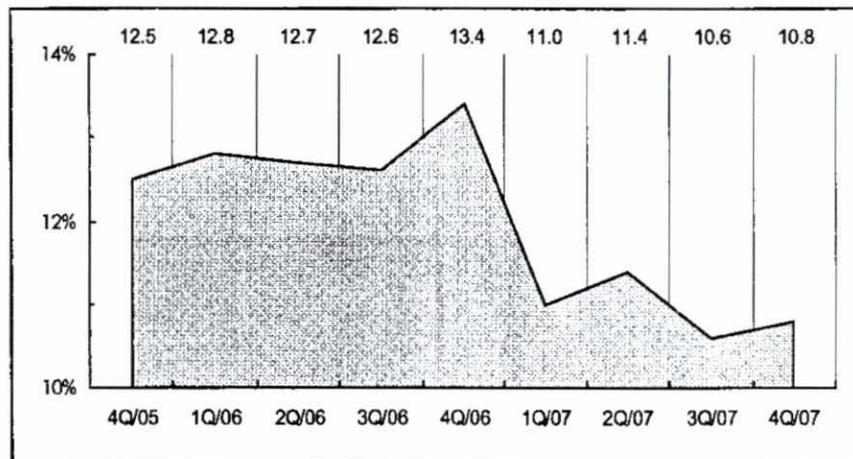
Absorption of new construction projects is being driven by particular tenant needs. Medical tenants and owner-users accounted for all of the 43,000 square feet of absorption in new construction during the fourth quarter. Medical tenants require higher build-out costs and are generally more accepting of higher rates. A number of owners have recently opted to build their own buildings with the intention of occupying a portion and leasing the remainder out.

Condominiums and owner-occupied buildings comprise fully one third of all construction due for completion within the next six months. While condos have long been an attractive choice for medical users, their popularity has not yet caught on with other office users. Canny condominium developers are responding by offering lease or lease to purchase options. The challenge will be competing with existing inventories that have much lower asking rates than new construction. With the perception of a weakening economy, concessions are likely to be required to facilitate deals in new projects.

Albuquerque Office Market Trends
is a newsletter published quarterly by
Grubb & Ellis|New Mexico. To obtain additional copies or
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Office Vacancy Rate*
*All Classes of Space

Office Market Snapshot Albuquerque Fourth Quarter 2007

By Submarket (All Classes)	Total (1) SF	Vacant (2) LF	Vacant %	Net Absorption		Under Const. (3) SF	Asking Rent (4)	
				Current Qtr	Year To Date		Class A	Class B
Downtown	2,163,225	403,240	15.6%	33,967	65,458	11,936	\$22.00	\$14.32
CBD Total	2,539,225	403,240	15.6%	33,967	65,458	11,936	\$22.00	\$14.32
Airport	1,235,020	125,910	10.2%	(10,358)	157,455	-	-	\$13.73
Far Northeast Heights	965,027	84,820	2.8%	19,241	13,115	-	-	\$19.14
North I-25	2,939,710	317,405	10.8%	(65,091)	6,598	262,446	-	\$20.55
Northeast Heights	730,584	96,643	13.2%	(24,396)	(29,769)	-	-	\$18.44
Rio Rancho	353,022	46,903	13.3%	29,713	46,923	-	-	\$22.70
Southeast Heights	587,073	24,726	4.1%	(1,160)	2,576	-	-	\$21.50
University	958,737	50,718	5.3%	15,287	10,179	-	-	\$18.52
Uptown	1,821,785	166,571	9.1%	6,075	(7,932)	-	\$21.50	\$18.54
West Mesa	296,280	27,419	9.3%	2,357	13,997	28,402	-	\$19.10
Suburban Total	9,897,238	941,204	9.5%	(28,334)	213,142	290,848	\$21.50	\$18.48
Totals	12,486,463	1,344,444	10.8%	2,633	278,600	302,784	\$21.80	\$17.43

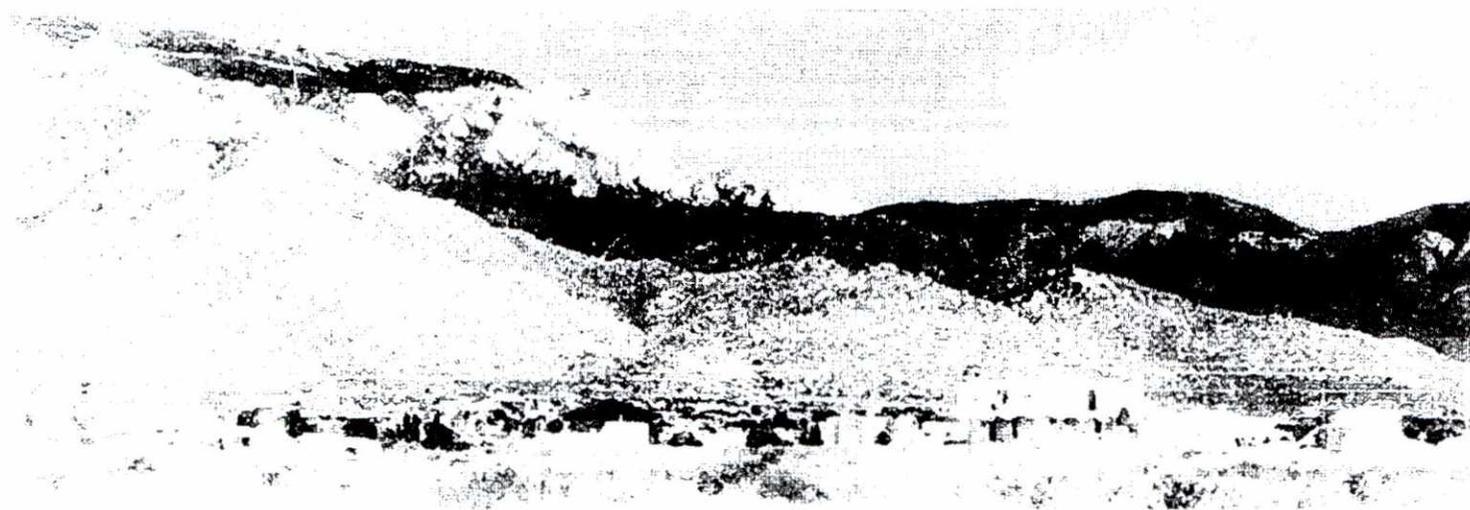
By Class (All Submarkets)	Total	Vacant	Vacant %	Current Qtr	Year To Date	Under Const.	Available for Sublease	
							CBD	Suburban
Class A	1,388,049	157,394	11.3%	(1,609)	(11,645)	-	-	21,846
Class B	7,978,166	858,801	10.8%	4,470	311,542	302,784	18,361	158,884
Class C	3,120,248	328,249	10.5%	(226)	(21,297)	-	7,000	4,364
Totals	12,486,463	1,344,444	10.8%	2,633	278,600	302,784	25,361	186,084

- (1) Inventory includes multi-tenant buildings with at least 10,000 sq. ft.
 - (2) Vacant space includes both vacant direct and vacant sublease space.
 - (3) Space under construction includes speculative and build-to-suit for lease projects.
 - (4) Asking rates are per square foot per year, full service. Rates for each building are weighted by the size of the building.
 - (5) Buildings that are over 75% occupied by medical users or owner-users are not tracked in the inventory.
- * Grubb & Ellis|New Mexico statistics are audited annually and may result in revisions to previously reported quarterly and final year-end figures

Grubb & Ellis Office Locations



La Cueva Sector Development Plan



Car. 30 Villapinzón - San Andrés Bello - San Andrés Bello - San Andrés Bello - San Andrés Bello

Approved: June, 2000
Revised: October, 2000

CHAPTER I: INTRODUCTION

1.0 Executive Summary

1.1. Plan Area

Volcano Heights is one of three Sector Development Plan areas in Volcano Mesa. [See Exhibit 1.1].

The Volcano Heights Sector Development Plan (SDP) is bordered by Paseo del Norte to the north before it curves southeast, the Petroglyph National Monument on the east, Volcano Cliffs SDP boundary on the south, and Universe Boulevard on the west. The Plan area includes approximately 570 acres and surrounds the intersection of Paseo del Norte and Unser Boulevard—two vital, regional traffic arteries.

1.2. Purpose

The purpose of the Plan is to support pedestrian-friendly and transit-supportive development with particular emphasis on employment, while buffering pre-existing single-family neighborhoods and sensitive lands on the borders of the Plan area from higher-density development toward the center of the Plan area. The Plan seeks to create a walkable, urban center with a sense of place rooted in its unique volcanic context and with development that respects the Petroglyph National Monument, which includes over 10,000 acres of open space preserved in perpetuity by an act of Congress in 1990.

1.3. Intent

The intent of this Plan is to encourage development that creates an attractive, vibrant Major Activity Center that respects and honors the unique cultural, historical, geological, and volcanological setting, while providing employment, services, amenities, housing, and transportation choices for the larger region as part of a sustainable community on Albuquerque's West Side.

Adding jobs, urban and mixed-use housing options, and regional retail opportunities in Volcano Heights is part of a larger strategy to provide a center on the West Side that can begin to address the imbalance of jobs and housing that is expected to contribute to increasing traffic congestion on the region's river crossings in the future.

The zoning and corresponding standards are created to support economic development, a sustainable tax base, and job creation by establishing the predictability of private development along corridors and across property lines to support and leverage investment in Volcano Heights. Infrastructure and utilities, such as safe, reliable electric service, are essential to economic development for the Plan area.

The Plan aims to encourage attractive development through the use of recognized principles of urban design and to allow property owners flexibility in land use, while providing predictability through a higher level of detail in proscribed site development standards, building design, and the form of the built environment.

1.4. Strategy for Zoning

All zones in Volcano Heights allow a mix of residential and non-residential development in order to provide maximum flexibility to property owners to adapt to market conditions over time and to encourage a mix of housing and services within walking and biking distance. [See Exhibit 4.1 on page 64.]

East of the intersection of Paseo del Norte and Unser Boulevard, the Plan envisions a Town Center with employment-oriented development and entertainment uses organized around a planned transit corridor. Development lining these vital regional auto transportation corridors in the Regional Center Zone is intended to support auto-oriented, destination retail and businesses accessed from local roads.

- vi. Food and non-alcoholic drink for consumption on-premises or off but not drive-in restaurant or restaurant with drive-up facility for take-out orders.
- vii. Jewelry.
- viii. Services, provided there is no outdoor storage or activity except parking:
 - ix. Barber, beauty.
 - x. Day care center.
 - xi. Dry cleaning station (no processing), self-service laundry.
 - xii. Instruction in music, dance, fine arts, or crafts.
 - xiii. Interior decorating.
 - xiv. Photography, except adult photo studio.
 - xv. Sign, as regulated in 5.4.6 below.

Conditional use. Uses conditional in the R-2 zone and not permissive in this zone.

Site size. Sites can be planned as individual lots or as consolidated site plans under multiple ownership. The regulations for lot and/or site size are as follows:

1. Minimum site size for a multifamily development is ten acres. The minimum site dimension is 400 feet.
2. Minimum lot area and width for lots developed with houses and townhouses shall be as provided in the R-T zone.
3. Consolidated sites can be assembled into coordinated developments with lots remaining under multiple ownership. The site development plan must contain shared parking and access, a consistent landscaping plan, shared trash receptacles and perimeter walls, coordinated building design, orientation and common drainage facilities. Access easements, drainage easements and other easements must be recorded by plat.

Setbacks. Minimum setbacks are as defined in the R-2 zone. Maximum setback from Holly Avenue or Carmel Avenue is 30 feet. No parking or driveways are allowed in the setback area.

Site plan requirements. Sites are subject to the site development regulations in §14-16-3-10 and §14-16-3-11 of the City Zoning Code.

5.4.3 SU-2/O-1

SU-2/O-1 (office) zoning is proposed along Alameda and on Louisiana as part of the “mix” in the Neighborhood Activity Centers. Permissive and conditional uses of the O-1 zone as provided in the City Zoning Code are allowed in areas mapped SU-2/O-1 on the zoning map. These uses are regulated as in the O-1 zone, with the exceptions noted below.

Exceptions:

Height. The height requirements of the O-1 zone apply except that the maximum building height is 36 feet.

Site plan requirements. Sites are subject to the site development regulations in §14-16-3-10 and §14-16-3-11 of the City Zoning Code.

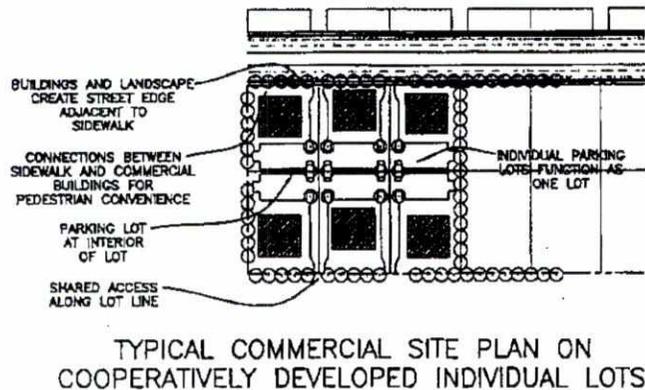
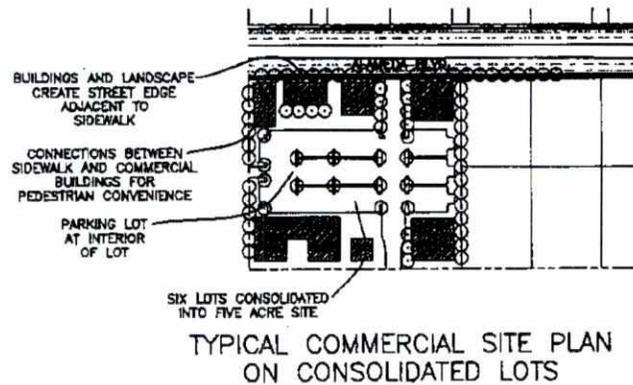


Figure 6 - Site Plan Options

5.4.4 SU-2/C-1

SU-2/C-1 (neighborhood commercial) zoning is proposed at the southeast corner of Alameda and Louisiana and the southwest corner of Paseo del Norte and Ventura to provide neighborhood retail services that provide the day-to-day needs of nearby neighborhoods.

Permissive and conditional uses of the C-1 zone as provided by the City Zoning Code are allowed in areas mapped SU2/C-1 on the zoning map. These uses are regulated as in the C-1 zone, with the following exceptions:

Exceptions:

1. The sale of alcoholic drink for consumption off premises is a permissive use provided that it is an ancillary use within a grocery store.
2. Site plan requirements. Sites are subject to the site development regulations in §14-16-3-10 and §14-16-3-11 of the City Zoning Code.

5.4.5 SU-2/Mixed Use

SU-2/Mixed Use zoning is proposed along Paseo del Norte in Windows C, H, and M and is intended to provide the community with a mix of mutually-supporting retail, service, office and residential uses. This zone promotes physically and functionally coordinated and cohesive site planning and design. It also encourages development of a high-density, active urban environment in the Community and Neighborhood Activity Centers.

The provisions of the C-1 zone in the City Zoning Code apply in areas mapped SU2/Mixed Use on the zoning map. These uses are regulated as in the C-1 zone, with the exceptions noted below.

APPENDIX

Appendix A. Pre-existing Conditions

East of the schools, one large tract of land is zoned R-LT. East of Unser Boulevard, the first tract of land is zoned R-LT. East of Lyon, land is zoned SU-1 for C-1.

West of the Plan area, zoning is R-LT on the northwest corner of Universe Boulevard and Paseo del Norte. The southwest corner is zoned SU-2 Volcano Trails Village Center (VTVC). Moving south, the remaining zones abutting the Volcano Heights Plan boundary are residential:

- a medium-density SU-2 Volcano Trails Urban Residential (VTUR),
- a slightly lower-density SU-2 Volcano Trails Small Lot (VTSL), and
- a low-density SU-2 Volcano Trails Residential Developing (VTRD) zone.

South of the Plan area, zoning is predominantly residential, with one mixed-use zone (SU-2 Volcano Cliffs Mixed Use - VCMX) south of Paseo del Norte near Kimmick Drive. The residential zones from west to east include the following:

- SU-2 Volcano Cliffs Large Lot (VCLL) with average lot size of 1/4 acre (.25).
- SU-2 Volcano Cliffs Urban Residential (VCUR), which is a large tract of land being master-planned as La Cuentista II, and
- SU-2 Volcano Cliffs Large Lot (VCLL) on the eastern edge of the Volcano Cliffs Plan area.

2. Pre-Existing Land Use

In general, the West Side remains predominantly single-family subdivisions served by few major arterials, leading to almost exclusive vehicle travel and congestion at peak hours. In the last 10 years, more commercial and retail has filled in along corridors, particularly at major intersections. The development pattern, limited river crossings, and imbalance of jobs on the east side of the river and housing on the West Side concentrates traffic onto few arterials. The Major Activity Center proposed for Volcano Heights is intended to provide the opportunity for major employment on the West Side to counteract the commuting pattern, mitigate congestion at peak hours, and diversify land uses on the West Side.

Land use surrounding Volcano Heights is largely residential. (See **Exhibit A.36**). The Petroglyph National Monument provides an open space and culturally rich amenity. The northeast and southwest corner of Universe Boulevard and Paseo del Norte are reserved for commercial development. Land farther north of the Plan area near Paradise and Unser Boulevards is also reserved for commercial development.

Volcano Trails and Volcano Cliffs Sector Development Plans changed zoning to encourage higher-density residential development near mixed-use and Village Center areas for neighborhood-serving commercial and retail services. This movement toward mixed use development offers support and additional opportunities for higher-density residential and more intense non-residential activity in Volcano Heights, which can support regional retail and office uses in addition to neighborhood-serving commercial land uses.

APPENDIX

Appendix A. Pre-existing Conditions

C. Economic Development

1. Major Activity Centers

The land within Volcano Heights is undeveloped, but the area has been recommended to be designated as a Major Activity Center by the Volcano Mesa amendment to the Rank II West Side Strategic Plan. A Major Activity Center would provide an opportunity to address the imbalance of jobs east of the river and predominantly housing on west of the river by serving the region with employment, commercial, service, and retail opportunities. The Comprehensive Plan's Centers and Corridor Plan would need to be updated to finalize the designation. It is unknown at this time when that final step will be taken.

Major Activity Centers (MACs) are meant to focus area employment and commercial and retail opportunities in particular locations well-served by existing transportation systems. Per the Comprehensive Plan, Major Activity Centers must be located on large tracts of undeveloped land (300 acres or more) and must be located at the intersection of two major roadways. Opportunities for designation of a Major Activity Center on the West Side other than Volcano Heights are limited due to a lack of undeveloped land near two critical roadways. The Volcano Heights area provides a critical opportunity for the West Side to locate a mix of employment, commercial, service and residential uses to meet the needs of the wider area and decrease cross-river traffic.

The Albuquerque-Bernalillo County Comprehensive Plan designates two areas on the West Side of Albuquerque as Major Activity Centers (MAC): the Cottonwood Center and the Atrisco Business Park. (See **Exhibit A.18.**) These areas have developed in a low-density, auto-oriented, and single-use pattern.

Four areas on the West Side are designated as Proposed Major Activity Centers; however, these are all west of Paseo del Volcan.

The east side of Albuquerque contains ten designated Major Activity Centers. According to MRCOG, in 2008, there were 152,300 jobs provided on the east side of Albuquerque in the top seven activity centers on the east side, including Downtown, Uptown, UNM/CNM/Hospitals, Jefferson/I-25, Midtown, Sunport, and Kirtland Air Force Base. This is in stark contrast to the 14,400 jobs available in 2008 on the west side in the Intel/Cottonwood and Atrisco Business Park centers.

This suggests that the majority of people who live on the west side find their employment on the east side of the river, and, as an auto-oriented city, this has led to significant traffic problems today, which are predicted to continue and worsen over time. According to MRCOG, based on present-day land-use and zoning policies, the current trend of employment growth concentrated on the east side of the Rio Grande will continue and will far outpace employment growth on Albuquerque's West Side. The only way to reverse this trend is to provide significant and attractive opportunities for employers to locate on the West Side.

A comparison of several comparable MACs is shown in **Table A.6.** Commuting patterns are shown for Uptown MAC, Cottonwood MAC, and Journal Center MAC in **Exhibits A.25-27.**

APPENDIX

Appendix B. Sector Planning Process

In 2004, the City Council called for a planning study of Volcano Mesa, an area west of the volcanic Escarpment of the City's Northwest Mesa that includes three Sector Development Plan areas: Volcano Cliffs, Volcano Trails, and Volcano Heights.

The City Council expressed concerns over development trends with subdivisions being approved piecemeal without the guidance of an overall plan for the area, which "has long been considered a unique landscape that requires special protection." The Council recognized the need for a plan that would bring development in line with the West Side Strategic Plan (WSSP), the Northwest Mesa Escarpment Plan (NWMEP), the Albuquerque / Bernalillo County Comprehensive Plan, and other previously established policies and regulations. Issues to be addressed included transportation, drainage, water and wastewater, land uses, view corridors, building height, massing and orientation, walls, parks, trails and open space, and phasing and timing of growth.

The planning study originally forecast over 100,000 additional residents at final build-out in the Volcano Mesa plan area and adjoining areas on the Northwest Mesa and identified how the build out of exclusively single-family residential subdivisions would increase the imbalance of jobs and housing, adding to traffic demands and increasing the burden on West Side and east-west transportation systems. The study identified an overall need for transit-supportive densities and design; additional mixed-use centers; a large-scale, regional, mixed-use employment center; consolidation and connection of open space and trails along drainage channels; and retained access to exceptional views.

The City sought input from stakeholders and property owners in a renewed planning process and used that input to guide the development of the three plans that were based on the original planning effort, but more specifically tailored to the goals and visions of affected stakeholders and property owners of each area.

The planning study led to the original Volcano Heights Sector Plan, which was adopted in 2006 but appealed to district court by the Volcano Cliff Property Owners Association. Upon remand from court, the Plan was divided into three separate, but related, Rank III Sector Development Plans in order to address the diverse needs of and issues within each planning area.

In 2010, at the direction of City Councilor Dan Lewis and Planning Director Deborah Stover, in consultation with area property owners, the Planning Department and Council Services initiated a new approach to developing long-range plans for this special area of Albuquerque. Language related to the overall development of the plan area, including analysis of existing conditions and consideration and general goals and policies for land use, transportation and open space were separated into the companion "Volcano Mesa" amendment to the WSSP, the Rank II Area Plan that governs Albuquerque's West Side.

- The Volcano Cliffs Sector Development Plan (VCSDP), which includes the areas where small lots are individually owned and lower-density residential development will predominate, was adopted in May 2011.
- The Volcano Trails Sector Development Plan (VTSDP), primarily designated for medium-density, single-family residential development held in consolidated ownership, with larger tracts being developed by a master developer, Longford Homes, was adopted in August 2011.
- The Volcano Heights Sector Development Plan (VHSDP) which includes unplatted land in tracts larger than 2 acres, was designated a Major Activity Center by the WSSP Volcano Mesa Amendment. It is intended to include a mix of employment, commercial, and high- and medium-density residential development opportunities.



MEMORANDUM

To: Mikaela Renz-Whitmore, City of Albuquerque Planning Department
From: Colin Burgett, Magnus Barber, Rick Chellman and Jeremy Nelson
Date: August 7, 2012
Subject: Volcano Heights Multi-modal Transportation Assessment

This memorandum describes the traffic forecast and circulation assessment conducted by Nelson\Nygaard of the proposed roadway network described in the Working Draft of the *Volcano Heights Sector Development Plan (VHSDP)* as of April 2012.

Purpose of the Sector Plan

The purpose of the VHSDP is to leverage the opportunity to create a major employment and activity center on the City's West Side in order to address the imbalance of jobs on the East Side and primarily housing on the West Side and relieve some congestion on river crossings caused by one-way commutes over time.

The Plan proposes a high-density, mixed-use development pattern that can encourage pedestrian, bicycle, and transit use for local trips without adversely impacting auto travel on the region's most important arterials – Paseo del Norte and Unser Boulevard, both of which are access-controlled by policy. This proposal has elicited several concerns by stakeholders and agency staff, including:

- Local impact of such intense development on surrounding neighborhoods and roadways;
- Regional impact of this development on the broader transportation network; and
- Potential effect of additional intersections on limited-access roadways.

Purpose of this Report

In order to assess the key concerns summarized above, Nelson\Nygaard was engaged by the Sector Plan consultant, Gateway Planning Group, as traffic engineering consultants to perform this traffic study.

The purpose of this assessment is to provide a conceptual, high-level analysis of the proposed roadway network. The analysis included conservative assumptions on various inputs in order to generate the worst-case scenario as a baseline for comparison between currently forecasted traffic volumes for 2035 and potential changes based on the proposed Plan.

- This study is not meant to provide the level of precision of a "near-term" Traffic Impact Analysis typically required to justify an access modification request for pending development applications on these limited-access roads.
- This report provides an "order-of-magnitude" trip generation comparison to assess the local impact of such intense development on surrounding neighborhoods and roadways.

Quevedo, Vicente M.

From: Steve Von Hoff <swv47@msn.com>
Sent: Thursday, April 07, 2016 11:40 AM
To: Quevedo, Vicente M.
Subject: EPC Hearing for #1000032 Oxbow

April 7, 2016

Vincent Quevedo, Staff Planner
Environmental Planning Commission

RE: EPC #1000032 Oxbow Town Center Project

Dear Sir:

WSCONA had its April meeting and passed an adverse motion (by one vote) by which some desire changes to the development plan of the Coors Pavilion - Oxbow town Center Project, EPC #100032. Many neighborhoods voting are not directly impacted as is Villa de Paz Homeowners Association which is directly south of Parcel A & B. While there is opposition to the Project [as submitted by Retail Southwest Development to you with the Amended Design Standards,] we do not see that the opposition has submitted studies or demographic documentation supporting their adverse position or opinion. Please correct me if I am wrong. It is time for this project to move forward.

As per our previous special letter of March 29, 2016 to the EPC regarding this project (sent to you via email attachment) our Board is in absolute and unanimous agreement that the project should move forward, be approved by the EPC as submitted by Josh Skarsgard and Retail Southwest Development, and sent forthwith to the DRB without further restrictions whatsoever.

I am requesting that I be placed on the EPC Hearing Agenda of April 14, 2016 for this project, to reflect strong support by the Villa de Paz Homeowners Association Board of Directors. Please confirm my placement on the Agenda via return email.

Thank you for your coordinating work in developing the presentation of this project to the EPC.

Sincerely,

Steve Von Hoff, President
Villa de Paz Homeowners Association
Albuquerque
(505) 604-1553
swv47@msn.com

Quevedo, Vicente M.

From: Richard <rshine60@hotmail.com>
Sent: Tuesday, March 29, 2016 9:26 AM
To: Quevedo, Vicente M.
Cc: josh@skarsgardfirm.com; wkeleher@srklawnm.com; Joe; Jerry Worrall; Connie Johnson; Nick Harrison; Nigel Burgess; Porus Olpadwala; Rik Chavez; Raul Garcia
Subject: Response to Keleher letter 15 EPC 40079
Attachments: Ltr to EPC responding to Keleher 2016.pdf

Vicente

Please find attached our letter to the Commission responding to the Keleher letter. Please also include it in the Administrative Record for 15 EPC 40079.

Thanks

Dick Shine

**Richard S. Shine
Oxbow Village
Homeowners Association**

March 29, 2016

Ms. Karen Hudson, Chairwoman
Environmental Planning Commission
City of Albuquerque
600 Second Street, NW
Albuquerque, NM 87102

**Re.: Project No. 1000032
15 EPC 40079**

Dear Chairwoman Hudson and Commissioners:

This letter is in response to the letter of Mr. William Keleher to the Commission on behalf of the landowner of the subject site, dated March 3, 2016, in which he objected to the two requests made by me in my letter to the Commission, dated February 19, 2016. In that letter, on behalf of the West Side Coalition of Neighborhood Associations (“WSCONA”) and the Oxbow Village Homeowners Association (“OVHOA”), I requested (1) that the Commission include certain documents that are part of the 2013 Administrative Record of Project No. 1000032, 13 EPC 40123 be included in the Administrative Record of the above-referenced current application and (2) that certain findings made by the EPC in 2013 in 13 EPC 40123 relating to the meaning of the current zoning language applicable to the subject site be included as findings in the above-referenced current application. As I indicated in that letter, Joshua Skarsgard, on behalf of the applicant and *on behalf of the landowner*, had indicated at the facilitated meeting on February 10, 2016, that he has no objection to these two requests.¹

Mr. Keleher now objects to the inclusion of certain documents from the 2013 EPC proceeding in the Administrative Record of the above referenced application.² As grounds for this objection, he appears to rely on the fact that the 2013 application involved a requested zone

¹ Mr. Keleher, in his letter to the Planning Department dated December 23, 2015, acting on behalf of the landowner, expressly granted authority to Mr. Skarsgard to represent the landowner in this matter unless the landowner “provides notice of termination.” To the best of my knowledge, that authority has not been terminated.

² The documents to be included in the current Administrative Record are 1) an opinion letter of Code Compliance Manager Brennon Williams, dated May 9, 2013, relating to the meaning of the current zoning language on the subject site; 2) a letter to the Commission from me, dated October 29, 2013, detailing the history and intent of the current zoning language; 3) a letter to the Commission from Timothy Flynn-O’Brien, a lawyer representing the views of WSCONA, dated November 4, 2013; and 4) the transcript of the hearing before the EPC conducted on November 14, 2013.

change and “a number of complicated issues.” I would respectfully suggest that is not a basis for the Commission to deny our request to incorporate these documents. The only purpose for including the referenced documents in the current Administrative Record is to support a decision, one way or the other, by the EPC on a single narrow issue: the meaning of the current zoning language applicable to the subject site. By including these documents, the Commission is able to address that issue in the current application and decide whether or not to include the requested findings in its *Official Notification of Decision*. Moreover, regardless of what the Commission decides, there will then be a basis in the Administrative Record for any aggrieved person(s) to appeal the Commission’s decision to the City Council, if they so choose. Finally, no individual, whatever his or her status, should be permitted to veto the inclusion of any arguably relevant document in the Administrative Record to support an arguably relevant discussion and decision by the Commission, whether that document is from a prior proceeding or is freshly drafted for the current proceeding.

Regarding the adoption by the Commission of the proposed findings, Mr. Keleher objects, in part, because the land south of St. Joseph’s Drive (Parcel B) is not part of the current application (which involves only the land north of St. Josephs Drive, that is, Parcel A).³ We do not dispute that Parcel B should not be covered by our proposed findings. But that is just a drafting issue. We would certainly agree to limit the language of the findings to Parcel A.⁴

Strikingly, Mr. Keleher’s other objection to the Commission adopting the proposed findings is *not* that they are wrong. Indeed, at the 2013 hearing the applicant (the current landowner, then speaking through Mr. Jim Rogers and now speaking through Mr. Keleher) never claimed that the Williams letter was a correct interpretation of the current zoning language, nor did the applicant find fault with the analysis and legislative history provided to the Commission by WSCONA, which then became the basis for the 2013 EPC findings and our currently proposed findings.

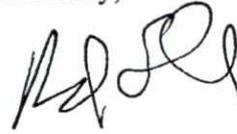
The primary objection to the proposed findings raised by Mr. Keleher appears to be that the 2013 application was, in part, an application for a zone change and the current application is not for a zone change. I would respectfully suggest that, whether or not there is a request for a zone change, as a matter of routine, on any application for a Site Development Plan for Subdivision, among other things, the staff proposes and the Commission adopts findings regarding the current zoning on the site. The Commission cannot determine if a particular proposed use is lawful and appropriate without first determining what the current zoning is for

³ The text of the requested findings are found at paragraphs five, six, seven and nine of the *Official Notification of Decision* in 13 EPC 40123, dated November 14, 2013. The full text of those paragraphs is contained in the Attachment to my letter of February 19, 2016.

⁴ The following amendments to proposed findings contained in the Attachment to my letter of February 19, 2016, would limit the findings to Parcel A: After the words “subject site” in the first sentence of paragraph 5 insert the words “(Parcel A).” In paragraph 6, the last sentence should read “. . . prohibits any residential uses anywhere on the subject site (Parcel A).” In paragraph 9, delete the words “30 acres of” and the number “17” in the second line. Insert the words “on the subject site (Parcel A)” after the word “allowed” in paragraph 9(i). The last line of paragraph 9(ii) should read “. . . residential development on Parcel A.”

the subject site. That is all we are asking the Commission to do in this case. Because of the Williams letter, a dispute has arisen as to the meaning of the current zoning on the site. We are simply asking the Commission to adopt the proposed findings as part of its routine determination of the zoning on the subject site and the final approval of the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. S. Shine', written in a cursive style.

Richard S. Shine

Quevedo, Vicente M.

From: Steve Von Hoff <swv47@msn.com>
Sent: Tuesday, March 29, 2016 1:50 PM
To: Quevedo, Vicente M.; josh@skarsgardfirm.com
Cc: Adele L Williams; Carla Felsted; James A. Mangham; Shari Tarbet; Therese Ely-Schmitter
VDP; Will Wheeler; Judith Kanester; Allan Ludi
Subject: EPC Hearing April 14, 2016 RE: #1000032
Attachments: 03292016 Letter to EPC RE Project 1000032.pdf

March 29, 2016

Vincent M. Quevedo, EPC Staff Planner
City of Albuquerque, New Mexico

RE: Project #1000032 - Oxbow Town Center Project
EPC Hearing April 14, 2016

Sir:

Greetings! I am President of the Villa de Paz Homeowners Association Inc., a 184 unit townhome community directly to the south of the above noted project. Please accept the attached letter as a formal declaration by our Board of Directors in unanimous support of the amended Design Standards and project as submitted to you by Mr. Joshua Skarsgard of Retail Southwest Development, LLC on or about March 25, 2016.

If you have any questions concerning the unqualified support of Villa de Paz Homeowners Association for this excellent development project, please feel free to call me.

Thank you for your time and consideration.

Steve Von Hoff, President
(505) 604-1553
Villa de Paz Homeowners Association
Albuquerque

Villa de Paz Homeowners Association

3600 Atrisco Road NW #185
Albuquerque New Mexico 87120
(505) 831-0625

March 29, 2016

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

**Re: Project #1000032 – Oxbow Town Center Project
EPC Hearing April 14, 2016**

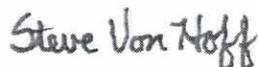
Dear Ms. Hudson:

Villa de Paz Homeowners Association Inc. is a venerable and long-established Association having existed since 1973 with 184 townhome units. I am President of the Association. The above mentioned project is located directly north of Villa de Paz, and north of St. Josephs Drive NW.

Retail southwest Development, LLC (Joshua Skarsgard, Agent) submitted amended Design Standards to Vicente Quevedo (Staff Planner from the City of Albuquerque) on or about March 25, 2016 with clarifications to the zoning and land use (per comments from Mr. Shine) and limiting the size of the buildings to one story along Coors Blvd. and the office building(s) to two stories in the west edge of the project. Mr. Skarsgard also added to the Design Standards every review comment that he received from the EPC Staff Planner, Mr. Vicente Quevedo. These amended Design Standards were reviewed by me and presented to the Villa de Paz HOA Board for consideration.

The Villa de Paz Homeowners Association Board of Directors unanimously supports the project and urges the EPC to approve it. We strongly oppose any modification or further qualification to the amended Design Standards or other architectural approvals beyond those presented to Mr. Quevedo. We ask the Commission to recognize our complete support of this project and to consider this development as a benchmark for future development of the parcel north of Villa de Paz and south of St. Josephs Drive NW. The economic future and design of this area will benefit greatly from this project. Thank you for your time and consideration.

Respectfully,



Steve Von Hoff, President
Villa de Paz Homeowners Association
(505) 604-1553 - cell

Quevedo, Vicente M.

From: Allan Ludi <aludi415@gmail.com>
Sent: Monday, April 04, 2016 12:04 PM
To: Quevedo, Vicente M.
Subject: EPC Hearing April 14, 2016 Re: 100032
Attachments: San Blas Homeowners 4~4~2016.pdf

Vincent M. Quevedo, EPC Staff Planner
City of Albuquerque, New Mexico

RE: Project #1000032 - Oxbow Town Center Project
EPC Hearing April 14, 2016

Mr. Quevedo,

The attached letter is from the San Blas Homeowners Association regarding their support for the Oxbow Town Center Project. Should you have any questions please contact me or Kip Fischer, President of the San Blas Homeowners Association at 710-7831

Allan Ludi
Ladera Heights Neighborhood Assn.
839-9153

SAN BLAS HOMEOWNERS ASSOCIATION
PMB 172
3301 COORS BLVD. NW, SUITE R
ALBUQUERQUE, NM 87120-1229

April 3, 2016

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

**Re: Project #1000032 - Oxbow Town Center Project
EPC Hearing April 14, 2016**

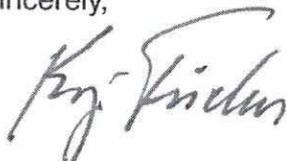
Dear Ms. Hudson,

I am the president of **San Blas Homeowners Association**, which has 42 members on San Blas Place NW. The planned project referenced above is within walking distance of our neighborhood.

After attendance at the presentation by Retail Southwest Development LLC (Joshua Skarsgard, agent) about this proposed project, SBHA is satisfied that this project will be an asset to our area of the city. It looks to be architecturally well thought out, with walkways for pedestrian safety within the center, and accommodations for traffic entering or leaving the center addressed. The mix of retail and office space is an attractive feature. We are confident our members will welcome and visit the center, and will not be adversely affected by its presence.

We ask that your Commission recognize SBHA's support of this project as the underlying wish of our neighborhood to direct development in terms of future design and economic needs. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Kip Fischer". The signature is written in a cursive, flowing style.

Kip Fischer, President
for the SBHA Board of Directors

Quevedo, Vicente M.

From: Pauline Garcia <paulinegar@msn.com>
Sent: Tuesday, April 05, 2016 4:34 PM
To: Quevedo, Vicente M.
Cc: Pauline G
Subject: Comments re Project 1000032
Attachments: Comments re Coors Pavilion for facilitated meeting by SJRG.pdf

Hello Vincent,

I am attaching written comments presented re Project 100032 which were presented at the facilitated meeting held in February so that they may become part of the written record.

Thank you,
Pauline Garcia
representative of St. Joseph on the Rio Grande Catholic Church

Comments from St. Joseph on the Rio Grande Parish for City of Albuquerque Facilitated Meeting

Re: Proposed Development at Coors & St. Joseph Blvd – Coors Pavilion, Project #1000032

My name is Pauline J Garcia. I have been a resident of this area of the west side since 1980. I purchased my first home near 75th and Central, then another in Taylor Ranch and I now live near the west bluff. I am here today on behalf of Saint Joseph on the Rio Grande (SJRG) Parish and have been a member since 1986. I am presently chair of the Dream Team at St Joseph, which is the committee that is raising money and developing the plans to build Phase 3 on the Church property. The building will be a faith formation and ministry meeting facility on the northeast portion of the SJRG property.

The architectural subcommittee has reviewed the plan for the proposed development and has had telephone conversation with the proposed development's agent, Mr. Joshua Skarsgard. We are currently discussing the proposed drainage strategy from the subject development through our property and those conversations will continue. While we are pleased that the proposed Coors Pavilion (CP) development could bring more services and jobs to this community, we are concerned about the western portion of the development along our common property line as it relates to the SJRG property and our future development plans. As it is proposed the western portion of the CP development will consist of one office building at the northwest corner and a large multi-tenant retail/commercial building just to the south. The large multi-tenant building as proposed is designed to have one "big box" tenant (+/- 50k SF) that could potentially house a grocery store or large retailer and thirteen (13) smaller retail lease spaces ranging from 23k SF to 1200 SF.

The following are the concerns regarding the proposed CP development that our committee has:

We will object to the sale of alcohol within 300 feet of SJRG property per current State Law and regulations.

We feel strongly that the requirement for office use be retained. Seven acres of office space is required. The office uses would be a transitional buffer zone between SJRG property and any proposed retail/commercial area planned on the eastern portion of the property. The proposed plan places a service corridor and the back side of the large multi-tenant retail/commercial structure facing the SJRG property. These areas on most retail sites often become a "wasteland" and are very unattractive visually. We would like to see separate buildings that have interesting facades on all sides that will allow pedestrian and view corridors. That would be a more pedestrian friendly environment with walkways, parking and streets,

Comments from St. Joseph on the Rio Grande Parish for City of Albuquerque Facilitated Meeting

Re: Proposed Development at Coors & St. Joseph Blvd – Coors Pavilion, Project #1000032

similar to ABQ Uptown and the “mixed-use” Retail Center northeast of the intersection of Coors Boulevard and Montano Plaza Drive NW.

The service road/corridor on the west side of the proposed development is extremely problematic. As a loading area with large 18 wheeler trucks arriving and parking to deliver goods, it presents a long list of problems. These are problems that exist in other parts of Albuquerque and there is an opportunity to eliminate them here. Trucks arriving early will park overnight or after hours in an area that is difficult to monitor and police. It’s a dead space with blank walls and refuse containers. There have been assurances given to us that a six foot wall and a landscape setback with tall trees for screening will be considered and installed as a buffer; however that detail is not shown in the plan. When our future planned facility is built at SJRG, the weekday and weekend daytime and evening population, including children, will increase. From a safety perspective, the service corridor is unappealing.

The proposed curb cut on the southwest corner of the proposed plan is too close to the existing southeast curb cut entrance of the St Joseph parking lot and we object to its location. Church traffic must be separated from commercial traffic, especially large 18 wheeler trucks requiring large turning radiuses and width. We are concerned about the changes in traffic patterns created by the additional traffic generated by the development. It appears that there are too few satisfactory entrances/exits to the development.

We understand that the developer is requesting an approval of a site development plan for subdivision with delegation of individual site plans for building to the city Development Review Board (DRB). The preliminary plan submitted should be amended to show the required seven acres of office use. As currently submitted, this plan is similar to the typical retail center with a large multi-tenant building in the rear with separate pad site buildings in-front. Our committee would prefer to see a more comprehensive site development plan that incorporates more progressive planning concepts which follow the policies of Community Activity Centers outlined in Table 22 of the Albuquerque/Bernalillo Comprehensive Plan.

The Planning Commission should approve a master plan for the whole parcel and the first phase of the Plan. That would then allow future phase approval by the DRB.

RANCHO ENCANTADO HOMEOWNERS' ASSOCIATION

c/o Associa Canyon Gate
P. O. Box 93488, Albuquerque, NM 87199
(505) 342-2797 / Fax: (505) 342-2508
cgres@cgres.com

March 8, 2016

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

RE: Rancho Encantado Homeowners Association
University of Albuquerque Urban Center Development

To Whom It May Concern,

There is currently consideration being given to a site plan proposal for the parcel just south of Rancho Encantado HOA (NW of Coors/St. Joseph's intersection).

The Board of Directors of Rancho Encantado Homeowners Association wants to express cautious support of the development pending the review of actual building plans as they are put up for permitting at DRB meetings (which the developer states will be open to public comment).

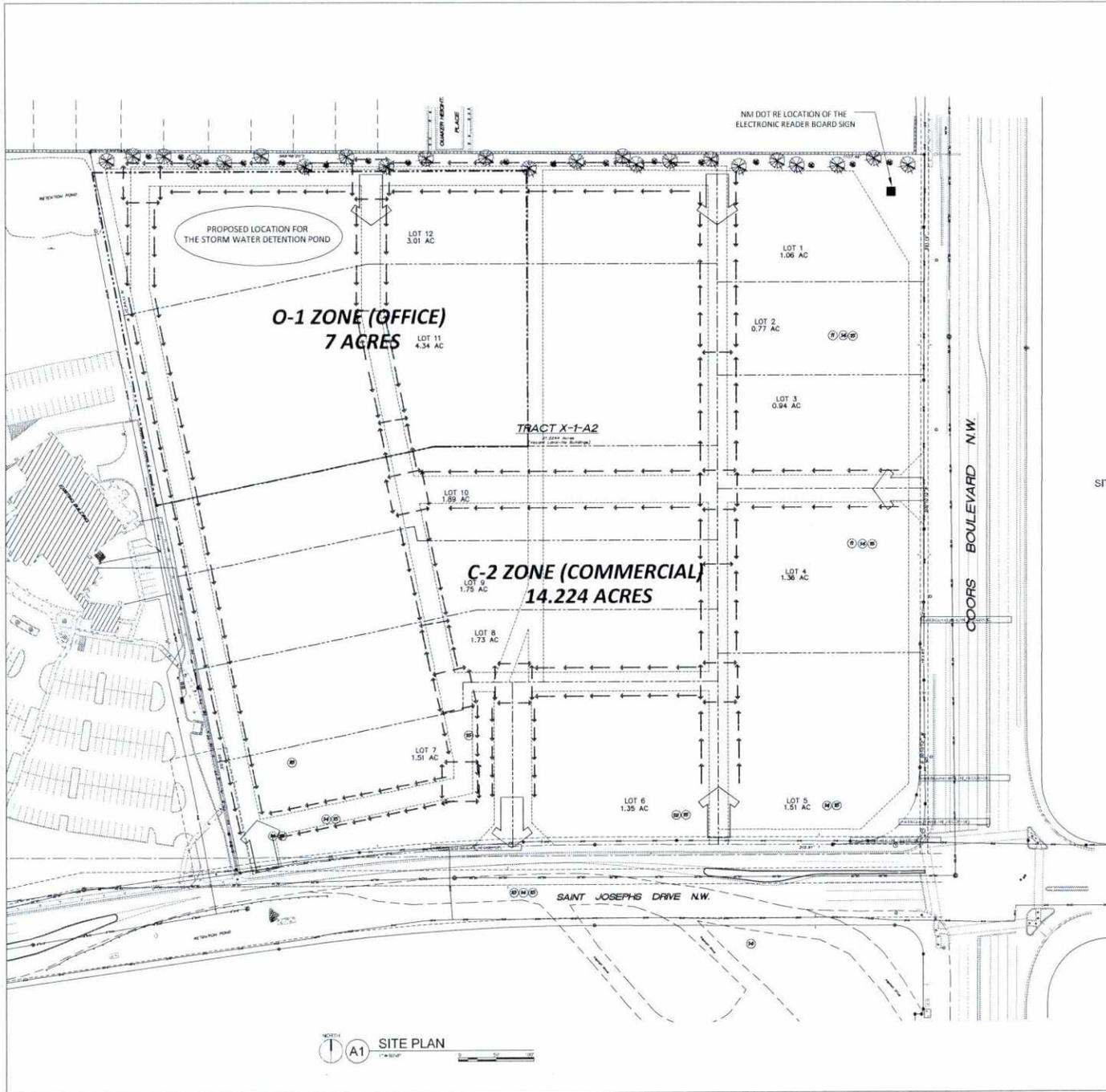
The developer has been approachable and has expressed that he has taken the community into consideration by agreeing to use mature trees for the buffer zones, ensure proper setbacks, plan the office buildings closest to the neighborhood and support the Association's desire to keep Quaker Heights closed to vehicle access. This is much appreciated as the Association is adamant that the city keep the road closed for the protection of our park and neighborhood especially given the extra traffic that will be generated by the drive through restaurants and proximity to often backed up and angry rush hour traffic on Coors.

Your attention to this important request is appreciated. The residents of Rancho Encantado look forward to positive impact to their community.

Best Regards,

Rancho Encantado Board of Directors
Colin Semper – President
John Vigil – Vice President
Kevin McCarty – Secretary
John Marco – Treasurer
Chuck Crawley - Director

SITE PLAN REDUCTIONS



1 NORTH
 (A1) SITE PLAN
 1" = 50'

GENERAL NOTES	
A. APPLICABLE PLANS: REFER TO DESIGN GUIDELINES, SHEET SC-01 AND SC-02 THAT CONTAIN THE PROJECT DESIGN STANDARDS GUIDELINES. THIS PACKAGE. B. OFF-PREMISE SIGNING/CONSTRUCTION: STATE OF NEW MEXICO REQUIRES 300' DISTANCE USE PROPERTY LINE FROM SCHOOL OR CHURCH, SUBSTATION RESIDENTIAL ZONE.	
KEYED NOTES	
SITE DATA	
LEGAL DESCRIPTION: TRACT 6-1-A2 PLAT OF TRACTS X-1-1 & X-1-2 UNIVERSITY OF ALBUQUERQUE URBAN CENTER COMPT 21,234 AC OR 924,537 SF ACRES 21,2344 UPC: 101000184512284E	
ZONE: CURRENT: SUBMIXED USE PROPOSED: C-2 AND O-1 (7 ACRES REQUIRED) MAXIMUM BUILDING HEIGHT: SEE DESIGN STANDARDS BUILDING SETBACKS: SEE DESIGN STANDARDS PROPOSED USES: RETAIL, RESTAURANT, OR OFFICE MAXIMUM FLOOR: 10	
SITE PLAN LEGEND	
→ FUTURE ADDRESS / EGRESS Y CURBLINE ADDRESS / EGRESS PROPERTY LINE - EXISTING AS NOTED PROPERTY LINE - PROPOSED AS NOTED PROPOSED ALLEY IMPROVEMENTS	
ZONING ATLAS MAP G-11-Z	
VICINITY MAP Zone Atlas Map G-11-Z	
FORMER PROJECT NUMBER: PROJECT NUMBER: PAW 15-175, CASE FILE 100332, EPC-40123-2013 APPLICATION NUMBER: In an Informational Use Request? (Yes / No). If yes, then a set of approved LMR plans with a check sheet is required for any construction under Public Right-of-Way or for construction of public improvements.	
SITE DEVELOPMENT PLAN APPROVAL:	
TRAFFIC ENGINEER, TRANSPORTATION DIVISION DATE: _____ SIGNATURE: _____	DESIGNED BY: AMA REVIEWED BY: AMA DATE: 03.28.2018 PROJECT NO.: 15-0168.001 DRAWING NAME:
PARKS AND RECREATION DEPARTMENT DATE: _____ SIGNATURE: _____	SITE DEVELOPMENT PLAN FOR SUBDIVISION
CITY ENGINEER DATE: _____ SIGNATURE: _____	SHEET NO.:
SOLID WASTE MANAGEMENT DATE: _____ SIGNATURE: _____	SPSD OF
PUBLIC UTILITIES DEPARTMENT DATE: _____ SIGNATURE: _____	

ARCHITECTURE / DESIGN / INSPIRATION

DEKKER PERICH SABATINI

7601 2811 FISON N.W. SU 11100
 ALBUQUERQUE, NM 87184
 505.761.8700 / DPS@DESIGN.ORG
 ARCHITECT

ENGINEER

ISSUED FOR EPC
 Site Plan for Subdivision

PROJECT

Coors Pavilion
 Coors Blvd. NW & St. Joseph NW
 Albuquerque, New Mexico 87122

REVISIONS

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