



Environmental Planning Commission

Agenda Number: 01
Project Number: 10000649
Case #: 16EPC-40023
June 09, 2016

Staff Report

| | |
|--------------------------|--|
| Agent | Studio Southwest Architects, Inc. |
| Applicant | Indian Pueblos Marketing, Inc. (IPMI) |
| Request | Site Development Plan for Subdivision |
| Legal Description | Tract A of the Plat for the United States Bureau of Land Management Survey of Town of Albuquerque Grant, Projected Sections 7 and 8 of Township 10 North, Range 3 East New Mexico Principal Meridian |
| Location | On 12 th St. NW between Menaul Blvd. NW and Indian School Rd., NW |
| Size | Approximately (≈) 47.3 acres |
| Zoning | SU-1/C-2, SU-1/O-1 and C-1 Permissive Uses, and R-1 |

Staff Recommendation

*That a recommendation of **CONDITIONAL APPROVAL** of 16EPC-40023 be forwarded to the City Council based on the Findings beginning on Page 16 and subject to the Conditions beginning on Page 18.*

*Staff Planner
Catalina Lehner-AICP, Senior Planner*

Summary of Analysis

The request is for a site development plan for subdivision for an ≈47.3 acre site historically called the Abq. Indian School Property, and now the IPMI (Indian Pueblo Marketing, Inc.) site. The subject site is sovereign land, though pursuant to a development agreement, part of it is subject to City requirements. The City Council is the final authority; the EPC is a recommending body.

The applicant proposes to replace the existing *12th and Menaul Study* (the “2005 Study”) with the *IPMI Development Plan: Design Guidelines and Standards* (the “2016 Development Plan”). The 2016 Development Plan responds to the City’s revised street sections for 12th St. NW and Menaul Blvd., which now include bicycle lanes and no parking on 12th St.

The subject site is in the Central Urban area and in a designated Community Activity Center. The North Valley Area Plan applies. Overall, Staff finds that the request generally furthers most applicable Goals and policies.

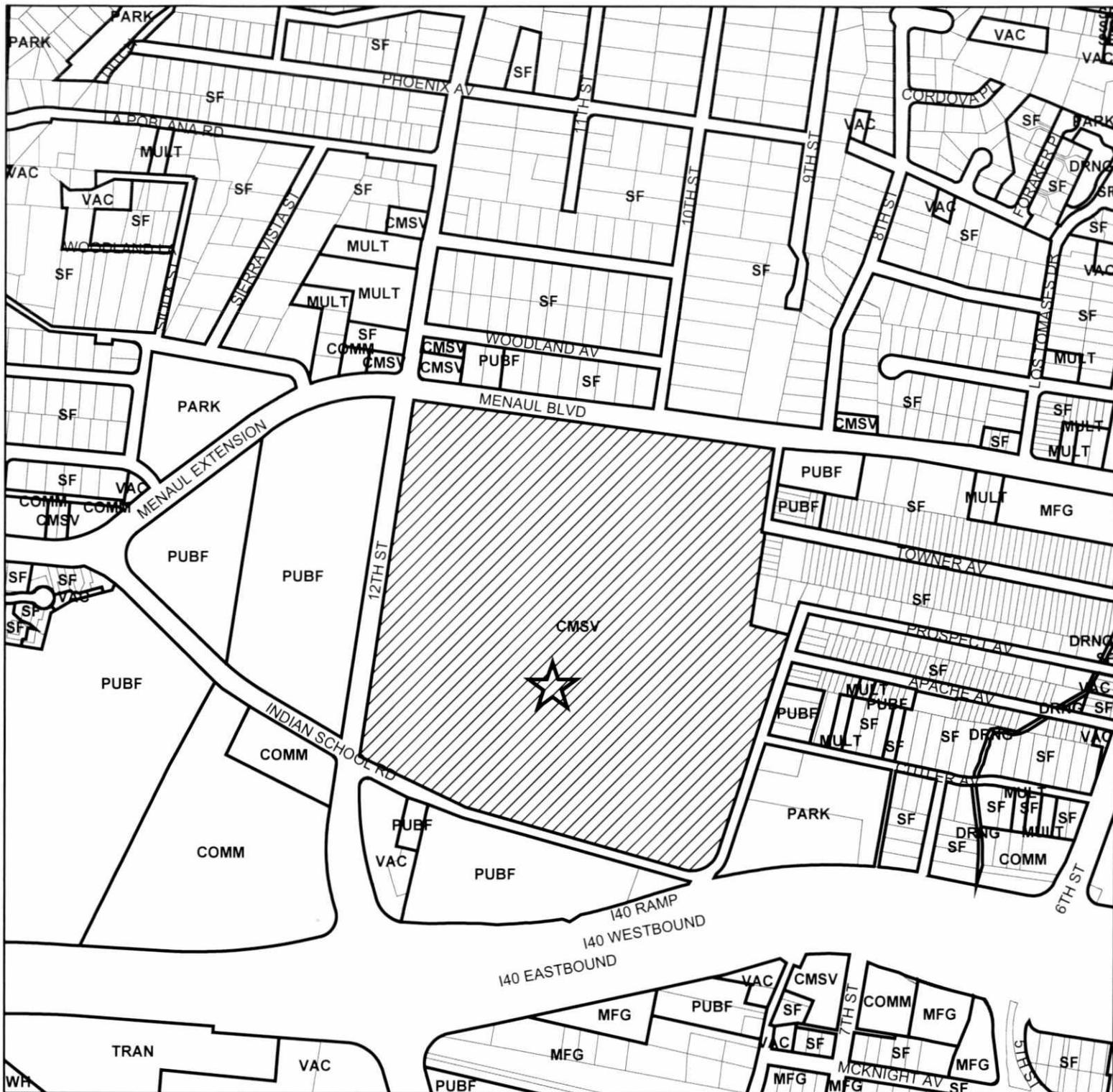
Neighborhood organizations and property owners were notified as required. The Near North Valley NA has met with the applicant and council Staff and has submitted a letter. Staff recommends that an approval recommendation, with conditions, be forwarded to the City Council.



City Departments and other interested agencies reviewed this application from 5/2/2016 to 5/18/2016. Agency comments used in the preparation of this report begin on Page 21.

Project #1000649- June 2016 EPC





LAND USE MAP

Note: Grey shading indicates County.

KEY to Land Use Abbreviations

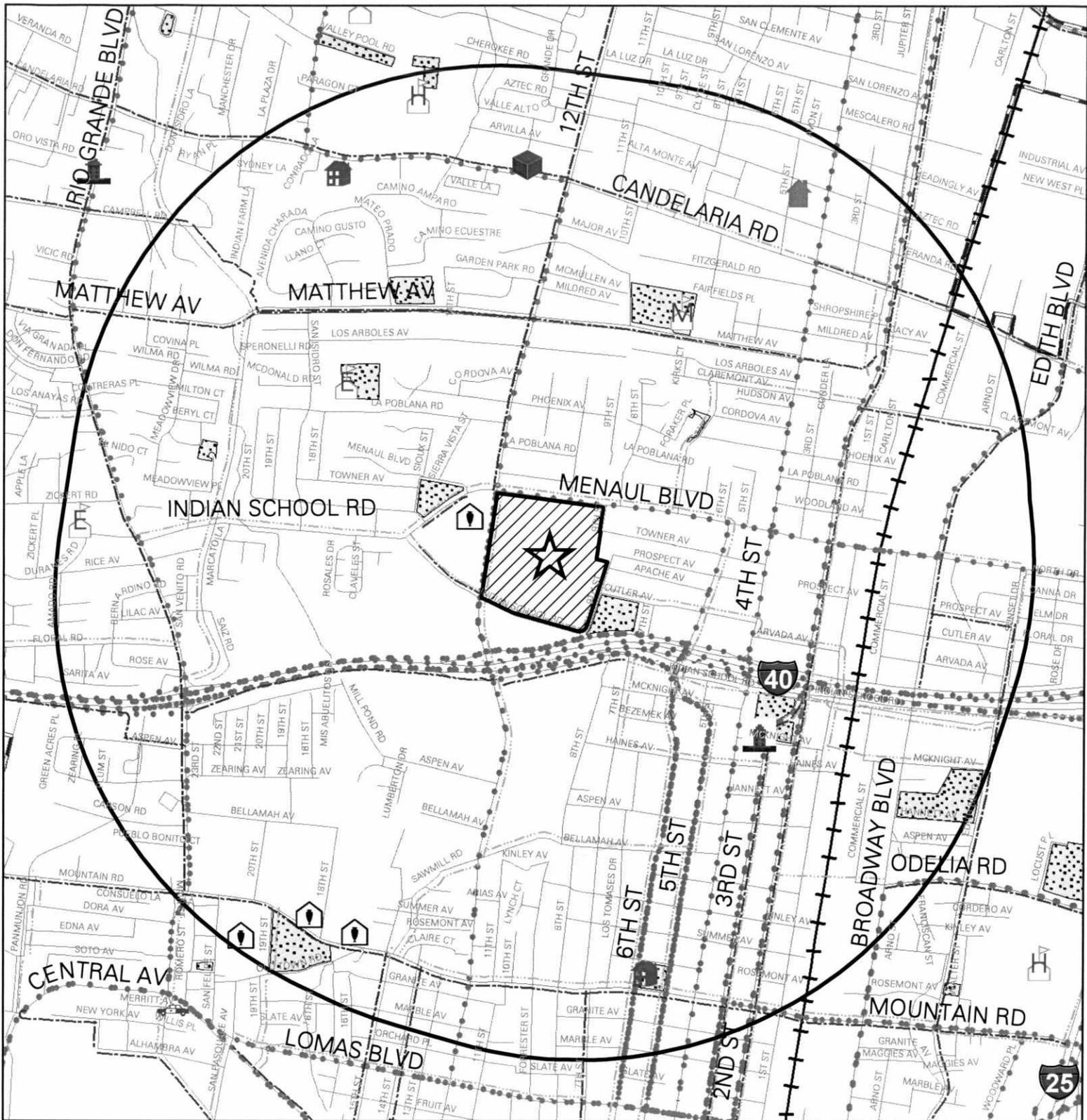
- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned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



1 inch = 500 feet

Project Number:
1000649
Hearing Date:
06/09/2016
Zone Map Page: H-13
Additional Case Numbers:
16EPC-40023



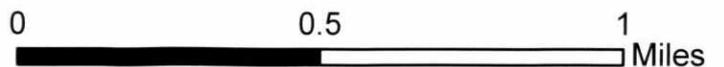


Public Facilities Map with One-Mile Buffer



- | | | | | | | | |
|--|----------------------|--|-------------------------|--|--------------------------|--|-----------------------------|
| | 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 | | Developed County Park |
| | LIBRARY | | SOLID WASTE | | Proposed Bike Facilities | | Undeveloped County Park |
| | MUSEUM | | Albuquerque City Limits | | Undeveloped City Park | | |

Project Number: 1000649



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

| | Zoning | Comprehensive Plan Area; Applicable Rank II & III Plans | Land Use |
|--------------|---|--|--|
| Site | SU-1/C-2, SU-1/O-1 and C-1 Permissive Uses, and R-1 | Central Urban North Valley Area Plan | Federal office buildings, coffee drive-thru, hotel, vacant |
| North | C-2 | Established Urban North Valley Area Plan | Car wash, ditch, single-family homes, church |
| South | SU-1 for C-1 permissive uses and drive-up service window, R-1 | Central Urban North Valley Area Plan | Fast-food restaurant, church, school |
| East | O-1, R-2, R-1 | Central Urban North Valley Area Plan | Single-family homes, park |
| West | SU-1 for Indian School | Central Urban North Valley Area Plan | Indian Pueblo Cultural Center, gas station |

II. INTRODUCTION

Request

The request is for a site development plan for subdivision, with design guidelines and standards, for Tract A of the Plat for the United States Bureau of Land Management Survey of Town of Albuquerque Grant, Projected Sections 7 and 8 of Township 10 North, Range 3 East New Mexico Principal Meridian, approximately 47.3 acres (the “subject site”). The subject site, located between Menaul Blvd. NW and Indian School Rd., on the eastern side of 12th St., is partially developed with two Federal office buildings and some commercial uses. The subject site, also known as the IPMI (Indian Pueblos Marketing, Inc.) site, was formerly referred to as the Albuquerque Indian School Property (see O-05-98 and History & Background section of this report).

The applicant proposes to replace the *Study Recommendations: 12th and Menaul Study* (the “2005 Study”) with the *IPMI Development Plan: Design Guidelines and Standards* (the “2016 Development Plan”, see attachment). Both contain design guidelines and standards that pertain to the approximately 47.3 acre site. The 2016 Development Plan addresses changes that have occurred since the 2005 Study, including changes in roadway design as proposed by the City, street design cross-sections, and re-design of carriage strips, sidewalks and the plaza area. The 2016 Development Plan separates guidelines and standards by placing them in distinct parts of the document: the Design Guidelines, Design Standards for the Commercial Tract, and Design Standards for the Office Tract, and adds some new uses to those originally authorized through adoption of the 2005 Study.

The applicant is requesting a procedural change. The legislation that enacted the 2005 Study, O-05-98, stipulates that “non-minor changes to the site development plan shall be heard by the City Council for approval.” Anything that exceeds the threshold for “non-minor”, the parameters of which are described in 14-16-2-22(A)(6) of the SU-1 zone, is considered “major” and must be heard by Council. Also, any changes to uses, landscape buffers, the plaza area, and design standards are required to be heard at Council. The applicant requests that the City Council delegate its authority over these changes to the Development Review Board (DRB).

Land Status of the Subject Site

The subject site is owned by the 19 Indian Pueblos, who granted the IPMI the responsibility for development and management of the property. The subject site was formerly managed by the Indian Pueblo Federal Development Corporation (IPFDC), which is no longer associated with the property. The Federal Government holds these lands in trust for the Pueblos (see attachment). The applicant provided several letters documenting the history of the subject site’s ownership.

The subject site is sovereign land and is not subject to City regulation. Pursuant to Zoning Code §14-16-1-2(B), Authority and Jurisdiction, the Zoning Code has no authority over Federal and State lands (ex. the Fairgrounds, APS properties, and the subject site).

The subject site intersected with City land development regulations and process due to execution of a development agreement in December 2002 (the “Original Development Agreement”), between the Indian Pueblos and the City. The Original Development Agreement pertained to approximately 19 acres of the subject site and specified that City regulations would apply to the commercial portions (the “Commercial Tract”), but not to the portion that contains the Federal office building (the “Office Tract”).

Though a draft revised Development Agreement (the “2016 Development Agreement”) is included with the current request, it is for informational purposes and is not the purview of the EPC. Matters contained in the Development Agreement will be handled by the City Council and the City Legal Department.

Environmental Planning Commission (EPC) Role

The EPC is hearing the case for a couple of reasons—precedent and public process. Prior to adoption of the 2005 Study by the City Council, the EPC had reviewed a site development plan for subdivision (Project #1000649) for a portion of the subject site because City review was required in the Original Development Agreement. This established an expectation by neighbors and the public that the subject site would continue to be subject to EPC review. Also, at the request of the City Council and as a matter of standard procedure, the EPC process provides a forum for public participation and input.

The task of the Environmental Planning Commission (EPC) is to make a recommendation to the City Council regarding the request. The City Council is the City’s Zoning Authority and will make the final decision. The EPC is a recommending body with review authority.

Context

The subject site is partially developed. Two large Federal office buildings (Bureau of Indian Affairs) and a hotel front Indian School Rd. NW. A coffee franchise with a drive-thru recently developed. The remainder of the site is vacant. The subject site is located in a designated Activity Center, the Indian School Community Activity Center.

The area is characterized by a variety of uses, including single-family homes, multi-family residential, the Indian Pueblo Cultural Center (IPCC), a gas station, a church, a car-wash, auto repair, and a large park. To the north is an auto repair place, a car wash, and a ditch, which runs along Menaul Blvd. NW, and single-family homes that have backyards facing Menaul Blvd. NW. To the east are more single-family homes and some small-scale multi-family residential buildings. A large park is adjacent SE of the subject site. Some offices, a church, and a fast-food restaurant are south of the subject site. To the west, across 12th St., is the IPCC and a gas station.

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. 12th St. and Menaul Blvd. NW are designated as Urban Minor Arterials. Gibson Blvd. Indian School Rd. NW is a local road in this location (adjacent south of the subject site).

A bicycle lane exists along 12th St. and Menaul Blvd. NW. A bike route runs along Indian School Rd. NW in this location. The subject site is served by Transit. ABQ Ride Route 36, 12th St., runs along 12th St. and offers weekday and Saturday service. ABQ Ride Route 8, Menaul, runs along 6th St. Though a bit far for some, one could walk from there to the subject site. Menaul Blvd. is an Enhanced Transit Corridor as designated in the Comprehensive Plan.

Public Facilities/Community Services

Several public facilities are located within a mile of the subject site: nine parks, four museums, two community centers, a senior center, and a fire station. A large City park is adjacent to the subject site's SW corner.

» For specifics, please refer to the Public Facilities Map (see attachment).

III. HISTORY & BACKGROUND

Earlier History

In 1882, an Albuquerque resident named Elias S. Clark deeded approximately 66 acres to the United States government to operate an industrial school for the Pueblos and other Native Americans. In 1884, President Chester Arthur declared the tract reserved and set apart for "Indian purposes" (known as the "AIS Property"). In 1886, the Federal government assumed full control and operated the Indian school until 1980.

In the 1960s, the Pueblos decided they wanted part of the AIS Property for economic development purposes, including development of a cultural center. In 1984, the Pueblos acquired title to approximately 44 acres from the secretary of the Department of the Interior for Indian Affairs. Then the Pueblos quit claimed the property back to the Federal government and obtained Trust status.

In 1993, the Secretary approved formation of the Indian Pueblo Federal Development Corporation (IPFDC) and gave it responsibility for developing the property. Each of the 19 Pueblos was a member. The IPFDC became the lessee to a perpetual ground lease, approved in 1997 by the Secretary of the Interior. At some point, the IPFDC was disbanded and replaced by the IPMI, which is the applicant for the current request.

Development Review

Planning Department files show that several actions occurred for the subject site. In 1990, the zoning was changed from R-1 to SU-1 for O-1 permissive uses and C-1 permissive uses for an approximately 7.3 acre portion of the subject site (Z-89-99, see attachment).

Staff found a site development plan for building permit, dated June 2000, in Department archives. However, it's not a signed-off copy. The site development plan shows the Federal office buildings (approximately 132,700 sf), the hotel in the same location as today, a museum in the subject site's NW corner and an amphitheater in the middle.

Around August 2000, an application was submitted for a zone change from R-1 to SU-1 for C-2 uses (for approximately 19 acres), a site development plan for subdivision, and a site development plan for building permit for the office buildings. The application was incomplete but apparently was supplemented, though apparently it was considered to have lacked sufficient detail. Neighbors were concerned about the broadness of C-2 zoning, traffic impacts, and delegation to the DRB for such a large project.

In September 2004, the EPC approved a proposal for a zone change and a site development plan for subdivision for the 47 acre subject site (Project #1000649/03EPC-01676 and 01677, see attachment). The zone change was from R-1 to SU-1 for C-2 for approximately 19 acres fronting 12th St. A TIS was required. The Certificate of Zoning on file, dated October 2005, indicates that City Council approved this zone change for approximately 15.7 acres (see attachment), which became known as the Commercial Tract.

Ordinance O-05-98 (Albuquerque Indian School Development Regulations)- In August 2005, City Council approved O-05-98 (Enactment O-2005-056), which included the zone map amendment and site development plan for the subject site. Through this bill, Council approval the 12th & Menaul Study (aka the "HOK/HPE Study" or the "2005 Study"), a land use and transportation study that City Council commissioned to address traffic concerns and the lack of detail in the subject site's site development plan for subdivision. Through O-05-98, Council accepted the 12th & Menaul Study, though it was not adopted as a Plan.

12th & Menaul Study- Prepared for the City and accepted by Council in August 2005, the 12th & Menaul Study focused on an area defined as follows: the right-of-way and properties fronting 12th Street between I-40 and La Poblana Rd, Menaul Blvd. between 12th St. and 8th St., the Menaul Extension from Indian School Rd. to 12th St., and Indian School Rd. from San Isidro St. to 9th St. This study area is a ½ mile radius centered around 12th St. and the Indian Pueblo Cultural Center.

The 2005 Study contains objectives and concepts, as well as an illustrative Plan that shows desired building placements, street locations, intersections, crosswalks and public spaces (p. 17). The Plan envisions a plaza across from the cultural center, streetscape improvements and pedestrian paths. The Plan makes recommendations with respect to a) building frontages, b) building heights, c) use mix, d) street network, e) parking, f) bus routes and g) bike routes.

IV. DEVELOPMENT & LICENSE AGREEMENTS

Note: The development agreements are discussed here in brief for informational purposes only. The EPC does not have a role in them; rather, they are negotiated between the City and the Pueblos and are acted upon by the City Council.

Development Agreements

In order to obtain utility and municipal services, the IPFDC entered into a Development Agreement with the City of Albuquerque in December 2002. The City Council approved it via Resolution R-02-167 (see attachment). The development agreement required that several City ordinances such as the Traffic Code, Health and Sanitation Ordinance, and Zoning, Planning and Building Ordinances, among others, were adopted and applied to the AIS property. The 2002 development agreement was amended in 2002, and the IPFDC and the City entered into a settlement agreement in November 2007. A summary of the development agreement (and early history of the subject site) is included as an attachment to this report.

A revised development agreement (see attachment) is associated with the current request. The purpose of the Revised Development Agreement, which will be between IPMI and the City, is to clarify applicable environmental, health, building, planning, land use, and zoning standards that apply to the Commercial Tract and the Office Tract.

The revised development agreement is necessary to accurately reflect changes that affect the subject site due to the City's planned transportation improvements on 12th St. and Menaul Blvd. NW. Also, the IPMI is requesting that the office tract be an "office complex" and not limited to tenants who are Federal agencies or Native American-related.

License Agreement

Regarding transportation, the City's Department of Municipal Development has entered into a license agreement with the IPMI for transportation related improvements (see attachment). The license agreement will allow the City to construct infrastructure improvements to facilitate vehicular and pedestrian traffic including, but not limited to, traffic signals, curb cuts, sidewalks, landscaping and bus stops.

The revised roadway sections (see Exhibit 1- site plan) now include buffered bicycle lanes on both sides of 12th St. and Menaul Blvd. NW and sidewalks (10' and 8' wide, respectively). The sidewalks will encroach onto IPMI property; this is one item the license agreement addresses. Attachment A of the license agreement shows specific areas along 12th St. and Menaul Blvd. that the transportation improvements will affect. These are reflected in the agreement.

V. ANALYSIS - Albuquerque Comprehensive Zoning Code

Definitions (Zoning Code §14-16-1-5)

Master Development Plan. A plan meeting the requirements for a site development plan for subdivision; showing general building and parking locations; and specifying design requirements for buildings, landscaping, lighting, and signage.

Site Development Plan for Subdivision. An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies the site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses' maximum floor area ratio.

Zoning & Lot Lines

As explained, the subject site is sovereign land and is not required to follow City zoning regulations. Regardless, the subject site is zoned as follows: SU-1 for C-2 for the commercial portion that fronts 12th St. NW; SU-1 for O-1 and C-1 permissive uses for a portion in the southern, middle of the subject site fronting Indian School Rd. NW; and R-1 for the remainder.

Zoning for the approximately 16-acre commercial portion was established upon adoption of O-05-98. The C-2 zone (§14-16-2-17) "provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses." A wide variety of non-residential uses is possible in the C-2 zone. It's unclear when the other SU-1 zoning was established. It appears that R-1 was the subject site's original zoning.

The City's GIS system (AGIS) shows zone lines to divide all three zones; however, the zone lines do not correspond to subdivision lines as they do in most cases. Though commercial uses have developed on the portion zoned SU-1 for C-2, the existing Federal office complex is half in the SU-1 for O-1 and C-1 permissive uses zone and half in the R-1 zoned portion. Pursuant to the development agreement, the "commercial tract") is subject to City regulations and the office tract is not.

Staff's understanding is that the land owners do not want to subdivide the property to make the zone lines correspond to actual tracts. Though not required to do so, it would be cleaner and more transparent to create parcels that correspond to zone lines.

VI. ANALYSIS -APPLICABLE PLANS, GOALS, POLICIES & REGULATIONS

A) Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Central Urban, which is a portion of the Established Urban Area. The Central Urban Area is subject to policies of the Established Urban Area. The goal of the Central Urban Area is "to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City."

The goal of the Established Urban Area is “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.” Applicable policies include:

The request would help promote the portion of the Central Urban area near the subject site as a focus for arts and cultural activities, due to its proximity to the IPCC. Nearby residential neighborhoods are continuing to be recognized as part of the process regarding the site’s development (Central Urban Goal). The design guidelines and standards contribute to creating a quality urban environment that perpetuates the character of the area while creating a visually pleasing built environment (Established Urban Goal). The request generally furthers the Central Urban Goal and the Established Urban Goal.

Policy II.B.6b- Central Urban: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The request would result in development that can be considered an effort to upgrade this portion of the Central Urban Area. Efforts to create linkages between the IPCC, a cultural facility, and associated development on the subject site have continued. The request generally furthers Policy II.B.6b-upgrading efforts/Central Urban Area.

Land Use Policies-

Policy II.B.5a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request will facilitate development of a wide variety of commercial and office uses, though current emphasis is on the commercial portion that fronts 12th. St. NW. Commercial and office uses already exist, however. Though variety in the area would increase, use diversity on the site may not. Though a portion of the subject site is zoned R-1, there is no indication that R-1 uses would develop. The request partially furthers Policy II.B.5a-full range of urban land uses.

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

The office tract is adjacent to existing residences. The design standards for the office tract would provide setbacks and buffering, though the locations of future buildings is now unknown. The Near North Valley NA generally supports the request, but has some specific concerns (see attachment). The request partially furthers Policy II.B.5d-neighborhood values/natural environmental conditions.

Policy II.B.5e: 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 and can be ensured.

The subject site is partially developed and is served by existing urban facilities and services, which new development would also make use of, and which is unlikely to adversely affect neighborhood integrity. The request generally furthers Policy II.B.5e-new growth/urban facilities.

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.

Commercial service uses would continue to be located on the commercial portion of the subject site, which fronts 12th St. NW. The existing office buildings front Indian School Rd. NW. The northern and eastern portions of the subject site, which are closer to residential environments, are not yet developed. Transportation improvements to the streets and streetscape will help provide greater compatibility with the residential areas nearby. However, the location of any future buildings is not shown so it's not possible at this time to ascertain if adverse effects of noise, lighting and pollution would occur. The request partially furthers Policy II.B.5i-employment and service uses location.

Policy II.B.5j: 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 freestanding retailing and contiguous storefronts along streets in older neighborhoods.

The new commercial development that the request would facilitate would be located on land already zoned for commercial uses and within reasonable distance from residential uses. The subject site can be considered a larger area-wide shopping center site by definition and is located at the intersection of two arterial streets (12th St. and Menaul Blvd. NW are designated as Urban Minor Arterials). The request generally furthers Policy II.B.5j-location of new commercial development.

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

A TIS, and an update to the TIS, was completed as was the more recent Alternatives Analysis Report (January 2015) for 12th and Menaul. The updated roadway sections for 12th and Menaul include carriage strip buffers with trees, wide sidewalks, and bicycle lanes, which will help minimize the harmful effects of traffic and protect the livability and safety of the established residential neighborhoods on the north side of Menaul Blvd. The request generally furthers Policy II.B.5k- land/arterial streets/traffic effects.

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

The design standards for the commercial and office tracts would generally result in quality building and site design. High-quality building materials, pedestrian connections, and colors appropriate for the area are required. Therefore, the request furthers Policy II.B.5l-quality design/new development.

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 community.”

The subject site is located in a designated Activity Center, the Indian School Community Activity Center (CAC), as shown in the Comprehensive Plan. In general, the request would contribute to expanding and strengthening concentrations of mixed land use and social/economic activities on the subject site and in the nearby area because it would promote development in accordance with design standards that govern the subject site and ensure quality. Emphasis on walkability, bicycle travel, and transit, in an area already served by infrastructure, would help reduce auto travel needs, urban sprawl and service costs. The request generally furthers the Activity Center Goal.

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

The request would promote walkability between commercial uses and the IPCC and, to an extent, the surrounding area. The design standards require connectivity between uses, but entrances would no longer face 12th St. as they did with the prior streetscape plans. Also, the Federal office complex is a secure site and is fenced, thus precluding pedestrian access near the subject site’s SE corner. The request partially furthers Activity Center Policy II.B.7a.

Community Resource Management-Economic Development

Goal: To achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Any development can be considered economic development, which is generally desirable. The request would result in additional commercial services in the near-term and office uses in the future. It’s unknown how diversified the development would be, though the general intent is to provide services for tourists (who have the cultural goal of visiting the IPCC) and area residents. The request partially furthers the Economic Development Goal.

B) NORTH VALLEY AREA PLAN (NVAP) (RANK II)

The North Valley Area Plan was adopted in 1993. The Plan generally encompasses properties south of the Bernalillo/Sandoval County line, north of Interstate 40, west of Interstate 25 and east of the Rio

Grande. The NVAP addresses an area of 28.5 square miles. Of the total area, 4.01 square miles are within the corporate limits of the Village of Los Ranchos and are not subject to the NVAP. Of the remaining area, 14.38 square miles are within the City of Albuquerque and 10.15 square miles are within unincorporated Bernalillo County. Specific boundaries (as of 1993) are shown on page 24.

The NVAP sets forth goals and policies regarding land use and zoning for the area. Other policies provide guidance on air quality, wastewater, drainage, transportation, housing, village centers, community design, agriculture and rural character and implementation. Applicable policies include:

General Goal 6: To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial/industrial (p. 6).

The subject site is in an area that is already developed and established as a commercial area. The design standards would ensure quality commercial development. The request furthers General Goal #6.

Community Design Policy 9: The City shall undertake a coordinated planning process with the All Indian Pueblo Council and neighborhood representatives for streetscape improvements, land uses, and transportation in the vicinity of the old Albuquerque Indian School site (p. 18).

Though written in the early 1990s, the intent is that coordinated planning efforts continue regarding the subject site between the City, the IPMI, and neighborhood representatives. The request is achieving this intent, so Community Design Policy 9 is furthered.

Zoning & Land Use Policy 3: The City and County shall limit new strip commercial development and associated signage on valley arterials.

A portion of the commercial tract would be developed as a strip, but it would not have entrances on 12th St. The rest is already developed with pad sites and a hotel. The design standards regulate signage and require it to be coordinated, but would allow two 15 foot project signs with 100 sf of digital display on each side. Signage would not be limited to smaller, village and pedestrian-scale signage as envisioned in the NVAP. The request partially furthers Zoning & Land Use Policy 3.

→ For O-05-98 (Enactment O-2005-056, Albuquerque Indian School Development Regulations) and the 12th & Menaul Study (2005), please see the History & Background section of this report.

VII. TRANSPORTATION & ROADWAY ISSUES

Traffic Impact Study (TIS) & TIS Update

The IPFDC Center TIS was completed in June 2004. It considered the nearby big-box home improvement store and retail pharmacy, and included the already-built Federal office buildings. Land uses modeled for the subject site included general office, hotel, fast-food with drive-thru, gas station, high turn-over sit down restaurant and shopping center. A reduction of 30% was taken for pass-by

trips to the commercial uses, meaning there is an expectation that people passing by will stop at the development.

An update to the TIS was required with the request (see attachment). Completed in June 2015, the purpose of the TIS update is to compare trips generated by the currently proposed land uses with the land uses in the original TIS to determine if a new TIS would be required. The TIS update modeled the following new land uses: quality sit-down restaurant and coffee shop without drive-thru, and found a decrease in PM peak trips. The updated, proposed land uses would not change the recommendations in the original TIS, so a new TIS is not needed

Alternatives Analysis Report: 12th St. & Menaul Great Streets Improvements

Completed in January 2015, this report discusses improvements to 12th St., from I-40 to Menaul Blvd., and Menaul Blvd. from 12th St. to Los Tomases Dr. The City's overarching idea is to develop roadway and streetscape improvements that support the ongoing development of the subject site and prioritize walkability, bicycle mobility and safety transit amenities and streetscape enhancements to support non-vehicular travel in and outside of the designated Community Activity Center.

The abovementioned report presents the preferred alternative, which was selected after much analysis and coordination with stakeholders for the study area. The preferred alternative includes the following five major elements:

1. A roundabout at the 12th St./Menaul Blvd. intersection
2. A median, on-street bike lanes and streetscape improvements to 12th St. A traffic signal and wide pedestrian crossing across 12th from the IPCC.
3. Improvements to Menaul Blvd., including additional lanes, a median, on-street bike lanes, and street scape improvements.
4. Traffic calming for Menaul Blvd./10th St. and narrow travel lanes and slow speed adjacent to the subject site.
5. An exclusive westbound right-turn lane on I-40 frontage road at 12th St.

The report also presents the results of a public involvement process, conducted mostly in 2014, which included a series of public meetings and stakeholder meetings. Comments received indicated no clear preference for the roundabout, and that people favor the bike lanes and improved sidewalks.

The selection of the preferred alternative, which includes bike lanes and streetscape improvements on 12th St., is the reason for the current update to the subject site's design standards. The applicant's April 28, 2016 project letter (see attachment) details several impacts that the improvements to 12th St. and Menaul Blvd. will have on the subject site. Some noteworthy impacts are:

- The roundabout
- Addition of on-street bike lanes
- Removal of on-street parking proposed along 12th St.

- Modified street sections that include landscape carriage strips and wide sidewalks encroaching upon the subject site, and
- Re-design of the original plaza area and pedestrian crossing across 12th St. from the IPCC.

VIII. SITE DEVELOPMENT PLAN FOR SUBDIVISION

A Standard SPS vs. the Current Request

Site development plan for subdivision (SPS) is defined in the Zoning Code as plan that specifies the site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses' maximum floor area ratio. Many SPSs contain design standards that future development will be subject to. If the design standards are thorough and create a clear picture of what future development would be like, the EPC may choose to delegate its approval authority for subsequent site development plans for building permit (SPBPs) to the DRB (typical) or to staff (uncommon).

The current request differs from a standard application for a SPS. First, since the subject site is sovereign land, it is not required to comply with City regulations like other properties within City jurisdiction. It is only due to the development agreement with the City, over which the City Council has purview, that the Commercial Tract is subject to City regulations (land use, health and sanitation, etc.). There are design standards for the Office Tract; however, they are private and not the purview of the City.

Second, there is no site development plan that the EPC typically sees; Exhibit A-1, Site Plan is labeled as the IPMI Development Master Plan and is more of an exhibit than a SPS. It shows the site layout, but does not address the other items listed in the definition. Rather, these items are addressed in separate design standards for the Commercial Tract and for the Office Tract (see below).

Design Standards

The purpose of design standards, which are associated with a site development plan for subdivision (SPS), is to create a framework to ensure that a development will further applicable City Plans and policies and contribute to making planning goals a reality. To achieve this, a proposed SPS needs to be an overarching guide for creating a high-quality development. Typically, the EPC considers the specificity and completeness of design standards when deciding the case, and whether or not to delegate its approval authority, if requested.

Changes between HOK/HPE Study (2005) and the 2016 Development Plan

As stated, the applicant proposes to replace the 2005 Study with the 2016 Development Plan (see attachments). Both contain design guidelines and standards that pertain to the approximately 47.3 acre site, though only the Commercial Tract is subject to City regulations pursuant to the Development Agreement.

The 2016 Development Plan addresses changes such as roadway and streetscape design due to the City's plans for 12th St. and Menaul Blvd., and re-design of carriage strips, sidewalks and the plaza area. The 2016 Development Plan separates guidelines and standards by placing them in distinct parts

of the document: Design Guidelines, Design Standards for the Commercial Tract, and Design Standards for the Office Tract.

Some new uses, in addition to those originally authorized through adoption of the 2005 Study, are proposed (see Exhibit C- Authorized Uses): artisanal and craft manufacturing and retail, brewery or distillery, and taproom. These uses are intended to develop on the Commercial Tract, though they would not be precluded from developing elsewhere on the subject site since Zoning doesn't apply to sovereign land.

→ For a detailed list of changes between the *Study Recommendations: 12th and Menaul Study* (the "2005 Study") with the *IPMI Development Plan: Design Guidelines and Standards* (the "2016 Development Plan", please refer to the applicant's April 28, 2016 project letter (see attachment).

Commercial Tract Design Standards

The design standards for the Commercial Tract pertain to the approximately 13 acres that front 12th St. The area has been reduced from approximately 16 acres due to the transportation improvements, but basically remains as the lots fronting 12th St.

The Commercial Tract design standards address elements commonly found in design standards, such as parking, pedestrian issues (Sidewalks, Pedestrian Features, and Pedestrian Space), buildings (Frontage, Major Façades, Materials and Colors), screening, and signage. Drive-up service windows, gas fueling canopies, and wireless facilities are also address. The Process section (see below) is included at the end, which is standard.

These design standards would generally work to ensure quality development due to requirements regarding no franchise architecture, high-quality building materials, building articulation, and integration of wireless facilities.

Though the signage standards would allow two, 15 foot project monument signs and electronic sign faces, they're consistent with what's allowed in the C-2 zone. It would be useful for the signage to comply with the illumination standards in the General Sign Regulations of the Zoning Code (§14-16-3-5), and for Lighting to comply with the illumination standards for lighting in the Lighting Regulations of the Zoning Code (§14-16-3-9).

Office Tract Design Standards

The design standards for the Office Tract are not subject to City land development processes. Rather, they are adopted by IPMI and would function like a private agreement between IPMI and future developers.

The Office Tract design standards address elements commonly found in design standards, such as parking, pedestrian features, outdoor space, architecture, screening, lighting, and signage, etc. They require that wireless facilities be architecturally integrated. Also, these design standards require a building setback of 50 feet from the property lines along the subject site's eastern side and Menaul Blvd. Staff suggests making this a minimum setback of 50 feet, rather than exactly 50 feet, in case a developer wants a greater setback, which will also make the requirement easier to administer.

Process

Bill No. O-05-98 requires that “non-minor changes to the site development plan shall be heard by the City Council for approval.” Anything exceeding the threshold for “non-minor”, the parameters of which are described in 14-16-2-22(A)(6) of the SU-1 zone (see attachment), is considered “major” and must be heard by Council rather than by the EPC, which would be standard procedure. For example, any changes to uses, landscape buffers, the plaza area, and design standards are required to be heard at Council.

The applicant is requesting a procedural change. Rather than having everything considered major heard by the City Council, the applicant requests that the City Council delegate its approval authority for development on the Commercial Tract as follows: to Planning Staff for minor changes to building types and dimensional standards less than or equal to 10%, and to the EPC for deviations to dimensional standards greater than 10% and up to 25%. Deviations would not be heard by the Zoning Hearing Examiner (ZHE).

Deviations are required to be justified by the applicant, who must address consistency with the “goals of the Plan as well as compatibility with surrounding development.” Staff suggests revising the language to make it more effective to analyze and administer when a deviation application is submitted.

For instance, the 2016 Development Plan doesn’t list goals and policies the way a sector or area plan does. The Design Guidelines (see Exhibit B-1) list Goals for Streetscapes, but it’s unclear if the other topics listed in headings (ex. Building Frontages) are also Goals. Staff suggests adding a reference to the process section to state what is meant as Goals. The “surrounding development” referred to could be interpreted to mean the franchise architecture of nearby buildings so, to avoid future confusion, Staff suggests specifying “surrounding development on the IPMI site”.

IX. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

City Departments and other agencies reviewed this application from 05/02/’16 to 05/18/’16. Transportation Development and Water Utility Staff submitted standard comments, such as infrastructure and/or ROW dedications may be required at DRB and the Developer is responsible for improvements, and that an availability statement will be needed. Parks and Recreation Staff note the lack of connectivity and pathways between the subject site and the adjacent park.

Mid-Region Council of Governments (MRCOG) Staff provided detailed comments regarding the bicycle network, sidewalks, street trees and access to the neighborhood. The closure of gaps in the bike and sidewalk network would be an improvement, and 12th St. would be a great location for a bike sharing station (ex. Zagster bikes). They are concerned that a buffer is needed between the sidewalk and the ditch on the north side of Menaul, and that connectivity to the park is poor. Agency comments begin on p. 21 of this report.

Neighborhood/Public

The affected neighborhood organizations are the Near North Valley Neighborhood Association (NNVNA) and the North Valley Coalition of Neighborhood Associations (NAs), which were notified as required (see attachments). Property owners within 100 feet of the subject were also notified as required.

A facilitated meeting was offered, but the NNVNA declined it and the North Valley Coalition deferred to them (see attachments). The NVNA has a long history of working with the subject site's property owners and has continued to do so. City Council Staff has also met with the neighbors. One neighbor, whose backyard faces the ditch and Menaul Blvd. NW, called Planning Staff to inquire about the request.

Planning Staff received written comments from the NNVNA (see attachment), which has been meeting with the applicant. The NNVNA is concerned that the intent of the original plan for the subject site is not fully reflected in the proposed new site plan, standards and guidelines. Specific, major concerns include, but are not limited to, lack of specificity in the site plan, removal of the on-street front entrance requirement, and the lack of clarity regarding the plaza and signage. Another concern is that the subject site is fenced off and there is no access through it to the adjacent City park.

X. CONCLUSION

This request is for a site development plan for subdivision, with design guidelines and standards, for an approximately 47.3 acre site located between Menaul Blvd. NW and Indian School Rd. NW, and fronting 12th St. (the "subject site"). The subject site has often been referred to as the Old Indian School Site, and is now called the IPMI site.

The applicant proposes to replace the *12th and Menaul Study* (the "2005 Study") with the *IPMI Development Plan: Design Guidelines and Standards* (the "2016 Development Plan"). The 2016 Development Plan responds to the City's revised street sections for 12th St. NW and Menaul Blvd., which now include bicycle lanes and no parking on 12th St.

The subject site is in the Central Urban area of the Comprehensive Plan. The North Valley Area Plan (NVAP) also applies. In sum, Staff finds that the request generally furthers applicable Goals and policies.

The affected neighborhood organizations are the Near North Valley Neighborhood Association (NNVNA) and the North Valley Coalition of Neighborhood Associations (NAs), which were notified as required. Property owners within 100 feet of the subject were also notified as required. A facilitated meeting was offered, but declined. The NNVNA has been meeting with the applicant and submitted written comments.

Staff recommends that an approval recommendation, with conditions, be forwarded to the City Council.

FINDINGS -16EPC-40023, June 9, 2016-Site Development Plan for Subdivision

1. The subject request is for a site development plan for subdivision, with design guidelines and standards, for an approximately 47.3 acre site located between Menaul Blvd. NW and Indian School Rd. NW, and fronting 12th St. (the "subject site"). The subject site has often been referred to as the Old Indian School Site, and is now called the IPMI (Indian Pueblo Management, Inc.) site.
2. The applicant proposes to replace the 12th and Menaul Study (the "2005 Study") with the *IPMI Development Plan: Design Guidelines and Standards* (the "2016 Development Plan"). The 2016 Development Plan responds to the City's revised street sections for 12th St. NW and Menaul Blvd., which now include bicycle lanes and no parking on 12th St.
3. The subject site is within the boundaries of the Central Urban Area of the Comprehensive Plan. The North Valley Area Plan (NVAP) also applies.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the NVAP, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request generally furthers the following Comprehensive Plan Goals and associated policy:
 - A. Central Urban Goal. The request would help promote the portion of the Central Urban area near the subject site as a focus for arts and cultural activities, due to its proximity to the IPCC. Nearby residential neighborhoods are continuing to be recognized as part of the process regarding the site's development
 - B. Policy II.B.6b-upgrading efforts/Central Urban Area. The request would result in development that can be considered an effort to upgrade this portion of the Central Urban Area. Efforts to create linkages between the IPCC, a cultural facility, and associated development on the subject site have continued.
 - C. Established Urban Goal. The design guidelines and standards contribute to creating a quality urban environment that perpetuates the character of the area while creating a visually pleasing built environment.
6. The request generally furthers the following Comprehensive Plan Land Use policies:
 - A. Policy II.B.5e-new growth/urban facilities. The subject site is partially developed and is served by existing urban facilities and services, which new development would also make use of, and which is unlikely to adversely affect neighborhood integrity.
 - B. Policy II.B.5j-location of new commercial development. The new commercial development that the request would facilitate would be located on land already zoned for commercial uses and within reasonable distance from residential uses. The subject site can be considered a

-
- larger area-wide shopping center site by definition and is located at the intersection of two arterial streets (12th St. and Menaul Blvd. NW are designated as Urban Minor Arterials).
- C. Policy II.B.5k- land/arterial streets/traffic effects. A TIS, and an update to the TIS, was completed as was the more recent Alternatives Analysis Report. The updated roadway sections for 12th and Menaul include carriage strip buffers with trees, wide sidewalks, and bicycle lanes, which will help minimize the harmful effects of traffic and protect the livability and safety of the established residential neighborhoods on the north side of Menaul Blvd.
- D. Policy II.B.5l-quality design/new development. The design standards for the commercial and office tracts would generally result in quality building and site design. High-quality building materials, pedestrian connections, and colors appropriate for the area are required.
7. The request generally furthers the Activity Center Goal of the Comprehensive Plan. The subject site is located in the Indian School Community Activity Center (CAC), as designated by the Comprehensive Plan. In general, the request would contribute to expanding and strengthening concentrations of mixed land use and social/economic activities on the subject site and in the nearby area because it would promote development in accordance with design standards that govern the subject site and ensure quality. Emphasis on walkability, bicycle travel, and transit, in an area already served by infrastructure, would generally help reduce auto travel needs, urban sprawl and service costs.
8. Regarding the NVAP, the request furthers and partially furthers the following, applicable policies:
- A. General Goal 6: The subject site is in an area that is already developed and established as a commercial area. The design standards would ensure quality commercial development.
- B. Community Design Policy 9: Though written in the early 1990s, the intent is that coordinated planning efforts continue regarding the subject site between the City, the IPMI, and neighborhood representatives. The request achieves this intent.
- C. Zoning & Land Use Policy 3 (partially furthers). A portion of the commercial tract would be developed as a strip, but it would not have entrances on 12th St. The rest is already developed with pad sites and a hotel. The design standards regulate signage and require it to be coordinated, but would allow two 15 foot project signs with 100 sf of digital display on each side, so signage would not be limited to smaller, village and pedestrian-scale signage as envisioned in the NVAP.
9. Conditions of approval are suggested to provide clarification and increase user-friendliness of the document.
10. The affected neighborhood organizations are the Near North Valley Neighborhood Association (NNVNA) and the North Valley Coalition of Neighborhood Associations (NAs), which were notified as required. Property owners within 100 feet of the subject were also notified as required. A facilitated meeting was offered, but the NNVNA declined it and the North Valley Coalition

deferred to them. The NVNA has a long history of working with the subject site's property owners and has continued to do so. City Council Staff has also met with the neighbors.

11. Planning Staff received written comments from the NNVNA, which is concerned that the intent of the original plan for the subject site is not fully reflected in the proposed new site plan, standards and guidelines. Specific, major concerns include, but are not limited to, lack of specificity in the site plan, removal of the on-street front entrance requirement, and the lack of clarity regarding the plaza and signage. Another concern is that the subject site is fenced off and there is no access through it to the adjacent City park. One neighbor, whose backyard faces the ditch and Menaul Blvd. NW, called Planning Staff to inquire about the request.

RECOMMENDATION - 16EPC-40023, June 9, 2016

That a recommendation of conditional APPROVAL of 16EPC-40023, a Site Development Plan for Subdivision for Tract A of the Plat for the United States Bureau of Land Management Survey of Town of Albuquerque Grant, Projected Sections 7 and 8 of Township 10 North, Range 3 East New Mexico Principal Meridian, an approximately 47.3 acre site located between Menaul Blvd. and Indian School Rd. on the eastern side of 12th St., zoned SU-1/C-2, SU-1/O-1 and C-1 Permissive Uses, and R-1, based on the preceding Findings and subject to the following Conditions for Recommendation of Approval.

CONDITIONS –16EPC-40023 – June 9, 2016 – Site Development Plan for Subdivision

1. Background & Documentation:
 - A. Create separate lists of changed conditions, site impacts, and proposed changes to the 2005 Study (based on the project letter) to document these.
 - B. Place the lists of changed conditions, site impacts, and proposed changes to the 2005 Study in Appendix C.
2. Landscaping:
 - A. Remove the landscaping palette from Appendix C and integrate it with the design standards for the Commercial Tract and the Office Tract.
 - B. Broaden the landscape palette to include more plants to choose from and add sections for Grasses and Desert Accents.
 - C. Remove cypress (highly allergenic) and use Afghan pine rather than Austrian pine (hardier).
 - D. Add a design standard to require that landscape beds are depressed below grade for supplemental irrigation purposes.
 - E. Remove the word "suggested" from the plant palette (and index and divider tab).

3. Commercial Tract:

- A. Signage shall comply with the General Sign Regulations of the Zoning Code (§14-16-3-5), especially the illumination standards.
- B. Lighting shall comply with the illumination standards for lighting in the Area Lighting Regulations of the Zoning Code (§14-16-3-9).

4. Office Tract:

Building Setbacks- the 50' setback required along the eastern property line and along Menaul Blvd. shall be listed as a "minimum 50' setback."

5. Process:

- A. Add a reference to explain what Goals (ex. Design Guidelines topics) are to be used to evaluate a deviation application.
- B. Specify surrounding development as "surrounding development on the IPMI site".

6. Organization:

- A. Number design standard categories, and use letters for each design standard underneath each category, for ease of use.
- B. In the legislation section, place the most recently enacted legislation first followed by historical legislation.

7. Clarification:

- A. Add a note to Exhibit A-1 to reference Exhibits B-2 and B-3 (design standards for commercial tract and office tract).
- B. Label the trip generation table in Appendix B, provide a date and explain what it is with a brief note.
- C. Where new text is added, indicate exactly what has changed by adding "new text inserted here", or something similar, on the former exhibit.
- D. Cloud-line only language that has changed, or use strikeout format, to indicate language that is new.
- E. Explain the meaning of the diagonal line in the former Exhibit C.

8. Conditions from the City Engineer:

- A. Infrastructure and/or ROW dedications may be required at DRB.
- B. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB) and included license agreement.

-
- C. A copy of Traffic Impact Study (TIS) must be provided to Planning Department's Traffic Engineer.
 - D. Provide additional detail regarding the access to the site along the southern frontage.
9. Conditions from the Water Utility Authority:
- A. Request an availability statement at the following link for requirements of service: http://www.abcwua.org/Availability_Statements.aspx. Requests shall include fire marshal requirements. Availability statements are required prior to service.
 - B. Onsite fire hydrants shall be private and painted safety orange.
 - C. Provide overall utility plan.
10. Conditions from the Public Service Company of New Mexico (PNM):
- A. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
 - B. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact: Mike Moyer, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107 Phone: (505) 241-3697
 - C. 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.
-

Catalina Lehner

**Catalina Lehner, AICP
Senior Planner**

cc: Indian Pueblos Marketing Inc., 2401 12th St. NW, ABQ, NM 87104-2302
Studio Southwest Architects Inc, Daniel Solares Jr, 2101 Mountain Rd NW, ABQ, NM 87104
Joe Sabatini, Near North Valley NA, 3514 6th St. NW, ABQ, NM 87107-2419
Doyle Kimbrough, Near North Valley NA, 2327 Campbell Rd NW, ABQ, NM 87104-3204
Susan Lester, Near North Valley NA, 435 Phoenix Ave. NW, ABQ, NM 87107-1247
Kyle Silfer, North Valley NA, P.O. Box 70232, ABQ, NM 87197-0232

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No adverse comments.

Office of Neighborhood Coordination

Near North Valley NA, North Valley Coalition

5/4/16 – Proof provided in packet that Agent/Applicant did contact ONC for their Inquiry Letter on 4/19/16 – siw

5/4/16 – Proof provided in packet that Agent/Applicant did send out certified mail to the NAs on 4/22/16 - siw

5/18/16 – Spoke with staff planner and she would like to have a facilitated meeting arranged for this EPC Project - siw

Long Range Planning

Metropolitan Redevelopment

CITY ENGINEER

Transportation Development Services

- A. Infrastructure and/or ROW dedications may be required at DRB.
- B. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB) and included license agreement.
- C. A copy of Traffic Impact Study (TIS) must be provided to Planning Department's Traffic Engineer.
- D. Provide additional detail regarding the access to the site along the southern frontage.

Hydrology

- No comments received.

NEW MEXICO DEPARTMENT of TRANSPORTATION

- NMDOT has no comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations

- No comments received.

Street Maintenance

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Amendment to the Site Development Plan for Subdivision include:

- A. Infrastructure and/or ROW dedications may be required at DRB.
- B. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB) and included license agreement.
- C. A copy of Traffic Impact Study (TIS) must be provided to Planning Department's Traffic Engineer.
- D. Provide additional detail regarding the access to the site along the southern frontage.

WATER UTILITY AUTHORITY

Utility Services

- A. Request an availability statement at the following link for requirements of service: http://www.abcwua.org/Availability_Statements.aspx. Requests shall include fire marshal requirements. Availability statements are required prior to service.
- B. Onsite fire hydrants shall be private and painted safety orange.
- C. Provide overall utility plan.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division – No comments received.

Environmental Services Division – No comments received.

PARKS AND RECREATION

Planning and Design

Reviewed. Proposed project lacks public pedestrian paths, visibility and connectivity to Graves Park adjacent the property.

Open Space Division – No comments received.

City Forester – No comments received.

POLICE DEPARTMENT/Planning- No comments received.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No comments received.

FIRE DEPARTMENT/Planning- No comments received.

TRANSIT DEPARTMENT- No comments received.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY – No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY
Reviewed. No comment.

ALBUQUERQUE PUBLIC SCHOOLS

| | |
|---|---|
| Project #1000649 16EPC-40023 SITE DEVELOPMENT PLAN FOR SUBDIVISION | Town of Albuquerque Grant, Projected Sections 7 and 8 of Township North, Range 3, Tract A, is located on 12 th St NW between Menaul Blvd NW and Indian School Rd NW. The owner of the above property requests approval of a Site Development Plan for Subdivision to allow for a commercial development that will consist of office space and a hotel. This will have no adverse impacts to the APS district. |
|---|---|

MID-REGION COUNCIL OF GOVERNMENTS

- Bicycle Network Gap Closure:** Providing a bicycle lane on 12th St. nearly completely closes a critical gap in the bicycle network, joining the existing bicycle lanes on 12th St. north of Menaul to the shoulders on 12th St. under I-40. This is one of the few connections between Downtown Albuquerque and areas north of Downtown. The proposed 8' dedicated to bicycle lanes and a buffer/carriage strip will provide a comfortable and inviting facility.

The improvements on 12th St greatly increase the feasibility of locating a bike share station in this area. Previously, locating a bike share station at the Indian Pueblo Cultural Center was infeasible due to lack of connections to the existing network supporting bike share.
- Sidewalk Gap Closure:** The addition of sidewalks on the eastside of 12th St. also provides an important gap closure. Given the importance of 12th St connecting communities on either side of I-40 and the intensity of development, sidewalks on both sides of 12th St. are extremely important.
- Public Space:** The café space of 5'6" in addition to a wide 10' sidewalk and landscaped buffer between the sidewalk and street on 12th St provides the opportunity to foster a quality public space.
- Ditch/Sidewalk:** On Menaul, the proposed cross section maintaining the ditch, but including the sidewalk and landscape buffer/carriage strip provides a nice transition between a rural/agricultural environment to an urban environment. Please consider some form of demarcation between the ditch and the sidewalk as final designs are developed.

There does not appear to be clear guidance from AASHTO or NACTO for sidewalks alongside ditches. According to the AASHTO Guide for Bicycle Facilities, trails alongside bodies of water where the slope to the water is 1 unit vertical to 1 unit horizontal or shallower, have a recommended minimum buffer between the trail and ditch of 3' (page 5-5, AASHTO Guide for the Development

of Bicycle Facilities, E4). However, this probably is not necessary since the recommendation takes into consideration that bicyclists will be on the trail and these users need space for recovery if they go off the trail.

5. **Menaul Bicycle Lanes:** Bicycle lanes on Menaul Blvd in this area are part of the Long Range Bikeway System. Menaul section B appears to show a 6' buffered bicycle lane. Six feet might not be wide enough to include a bicycle lane and a buffer. However, the Long Range Transportation System Guide recommends a 5' bicycle lane for roads with posted speeds of 30 mph and a 6' bicycle lane for roads with posted speeds of 35 mph. These bicycle lane widths are not inclusive of the curb and gutter pan.
6. **Street Trees:** Cross-sections show many street trees in sections as narrow as 4' wide. The Institute of Transportation Engineers Designing Walkable Urban Thoroughfares recommends a minimum of 6' width with a preferred width of 7' for small caliper trees. Please consult with an urban forester for the necessary elements to ensure healthy street trees. Studies have shown that street trees significantly improve the pedestrian environment. Please consider allocating additional space to provide for street trees. Although sidewalk widths of 10' and buffered bicycle lane widths of 8' are wonderful, some of this space could be allocated for street trees. The 1'6" shoulder on Menaul does not provide much space, but if it does not serve a specific purpose this small width could be allocated elsewhere. For future cross-sections please indicate space allocated to curb and gutter.
7. **Access to Neighborhood:** Please provide pedestrian/bicycle access to the neighborhood east of the site with some form of path to retail and office destinations on the site. Currently, two informal connections exist: one at the end of Indian School and another at a locked gate at Cutler Ave. Providing access to the neighborhood to the east allows residents to access the site by walking and allows visitors to the hotel access Graves Park.



Current pedestrian/bicycle access at the end of Indian School. Graves Park is around the corner to the left.



Locked gate at Cutler that could provide pedestrian/ bicycle access to neighborhood east of the site.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT – No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

- A. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
- B. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:

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



Figure 1: Looking SSE, across 12th St., at the developed portion of the commercial tract.

Figure 2: Looking SE, across 12th St., at the Federal office complex (developed outside of the commercial tract).



Figure 3: Looking E, from the western side of 12th St., at the main entrance for the commercial tract, which bisects it.

Figure 4: Looking W, at the Indian Pueblo Cultural Center (IPCC).



Figure 5: Looking N, at undeveloped portions of the commercial tract to the W and the office tract to the E.

Figure 6: Looking SE, across the undeveloped office tract, at the adjacent homes and developed Federal office buildings.





Figure 7: Looking SE, closer in, at the homes adjacent to the subject site's eastern boundary.

Figure 8: Looking S at developed portions of the subject site. I-40 is in the background.



Figure 9: Looking SE, at the southwestern corner of the subject site (fenced) and at the City park. Access is blocked from the subject site, but the concrete barriers have been moved apart to create pedestrian access.

ZONING

For specifics of the SU-1, C-2, O-1 and R-1 zones,
please refer to the Zoning Code.

§ 14-16-2-22 SU-1 SPECIAL USE ZONE.

This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

(A) Procedure.

- (1) Development within the SU-1 zone may only occur in conformance with an approved Site Development Plan. An application for a change to SU-1 zoning shall state the proposed use and must be accompanied by a plan including, at a minimum, all the elements of a Site Development Plan for Subdivision Purposes. As part of the zone amendment action, a Site Development Plan may be approved; alternatively a plan may be approved later. If an approved Site Development Plan is a specified condition of zone change approval, such plan must be approved within the time period specified in § 14-16-4-1(C)(11) of this Zoning Code. No building permit shall be approved unless it is consistent with a complete site development plan for building permit and landscaping plan for the lot in question, approved by the Planning Commission or its designee; at the Planning Commission's discretion, approval of detailed plans may be required for the entire SU-1 zone area prior to issuing a building permit.
- (2) A decision implementing a change to the zone map to SU-1 zoning shall designate the specific use permitted, and a building permit shall be issued only for the specific use and in accordance with an approved Site Development Plan. The specific use shall be recorded on the zone map.
- (3) In approving an application, the Planning Commission may impose requirements as may be necessary to implement the purpose of this Zoning Code. However, for an adult amusement establishment or adult store on an SU-1 zoned site, no conditions may be imposed on the adult uses that would prevent them from existing on the site if the uses are allowed under the applicable Zoning Code distance requirements.
- (4) A certified copy of the Site Development Plan shall be kept in the Planning Department records so that it may be reviewed against an application for a building permit for any part or all of a special use.
- (5) The Planning Commission may review the application, plan, and progress of development at least every four years until it is fully implemented to determine if it should be amended.
- (6) The Planning Director may approve minor changes to an approved Site Development Plan or Landscaping Plan if it is consistent with the use and other written requirements approved by the Planning Commission, if the buildings are of the same general configuration, if the total building square footage is not greater than 10% than the approved plan, the vehicular circulation is similar in its effect on adjacent property and streets, and the approving official finds that neither the city nor any person will be substantially aggrieved by the altered plan. If the Planning Director believes there might be a person substantially aggrieved by the altered plan or if the total building square footage would be increased more than 2%, he shall give mailed notice of the proposed change to owners of adjacent property and to neighborhood associations entitled to notice of zone change proposals there.
- (7) The Planning Director or a designee may approve site plans for temporary park-and-ride facilities.

HISTORY

CITY OF ALBUQUERQUE

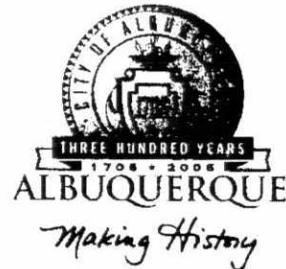
Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW - 3rd Floor

Albuquerque, NM 87102



October 10, 2005

IPDFC
405 Dr. Martin Luther King Jr. Drive
Albuquerque, NM 87102

CERTIFICATE OF ZONING

| | |
|---|--|
| Zone Map Amendment | Date Of Final Action: August 30, 2005 |
| File: 03EPC-01676; 01677 | Project # 1000649 |
| LEGAL DESCRIPTION: for a 15.69-acre portion of Tract A (a 47-acre tract), Indian School Site, located on Indian School Road NW between Menaul and 12 th Street NW | |

P.O. Box 1293

On August 15, 2005, by a vote of 6 for and 0 against, the City Council voted that Ordinance #F/S O-05-98 be adopted.

Albuquerque

It is therefore ordered that the zone map adopted by Section 14-16-1-1 et seq. ROA 1994 is hereby amended, establishing the

New Mexico 87103

From: R-1
To : SU-1 for C-2

www.cabq.gov

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the zoning is secured. Approval of a zone map amendment does not constitute approval of plans for a building permit. Site and building plans need to be reviewed, approved and signed-off by the Environmental Planning Commission, the Development Review Board, the Design Review Committee and/or the Building and Safety Division, as applicable and as required by the site's zoning, before a building permit will be issued.

Sincerely,


For Richard Dineen
Planning Director

cc: DCSW Inc., 320 Central Ave SW, Albuquerque, NM 87102
Ingrid Biel, Near North Valley, 1012 Major NW, Albuquerque, NM 87107

Albuquerque - Making History 1706-2006

Mary Bilan, Near North Valley, 3800 Rio Grande NW, Albuquerque, NM 87107
Fred Sais, Wells Park, 1508 Los Tomases NW, Albuquerque, NM 87102
Mark Clayburgh, Wells Park, 1310 5th St NW, Albuquerque, NM 87102
Claude Morelli, 2236 Dietz Pl NW, Albuquerque, NM 87107
Ian Ford, 3110 9th St NW, Albuquerque, NM 87107
Peter Robinson, 1804 9th St NW, Albuquerque, NM 87107
Marit Tully, 1107 La Poblana NW, Albuquerque, NM 87107
Lynn Buck 3009 9th St NW, Albuquerque, NM 87107
Chairman Bruce Sanchez, 2412 Comanche NE, Albuquerque, NM 87109
Gary Plante, Pres., 1692 Pace, Albuquerque, NM 87114
Bient DePonte, Pres., 101B Sun Ave, Albuquerque, NM 87109
John Myers, 1713 Camino Gallo NW, Albuquerque, NM 87107
EPC File



City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: September 17, 2004

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1000649**
03EPC-01676 EPC Site Development Plan-
Subdivision
03EPC-01677 Zone Map Amendment

IPDFC
405 Dr. Martin Luther King Jr. DR
Albuq. NM 87102

LEGAL DESCRIPTION: for all or a portion of Tract(s) A, **Indian School Site**, zoned R-1, located on INDIAN SCHOOL ROAD NW, between MENAUL NW and 12TH ST. NW, containing approximately 47 acre(s). (H-13) (Deborah Stover, Staff Planner)

On September 16, 2004 the Environmental Planning Commission voted to recommend approval to the City Council of Project 1000649/03EPC 01677, a request for a zone map amendment from R-1 to SU-1 for C-2, for a nineteen acre portion of Tract A, Indian School Site, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a zone map amendment from R-1 to SU-1 for C-2 for a 19-acre portion of a 47-acre tract of land located on 12th Street and Menaul Boulevard NW.
2. This request for zone map amendment complies with the Land Use Policies and Goals of the *Comprehensive Plan* with regard to the Central Urban Area, specifically Policies B.5.d., B.5.e., B.5.i., B.5.j., B.5.k., and B.5.l., because: a zone change to SU-1 for C-2 from R-1 respects neighborhood values and other resources due to the fact that some existing adjacent uses are nonresidential (B.5.d.); this request facilitates development on vacant land adjacent to existing infrastructure facilities which does not interfere with the integrity of existing neighborhoods (B.5.e.); the subject site is within the vicinity of area residences to provide employment and service uses but is not adjacent to any existing residences that would produce adverse effects of noise, lighting, and pollution (B.5.i.); the subject site's size and location lends itself to being both a neighborhood oriented site also accessed by pedestrians and bicyclists as well as an accessory site to the larger shopping center to the west across 12th Street (B.5.j.); the subject site's location and design can be such that livability and safety of surrounding neighborhoods can be ensured (B.5.k.); and, the requested zone change will not discourage innovation in design and quality of the new development on the subject site (B.5.l.).

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3. This request for zone map amendment complies with the policies and goals of the *Comprehensive Plan* that are specific to Activity Centers, Community Identity and Urban Design, and Economic Development, specifically Policies B.7.f., B.7.j., C.9.d., and D.6.g., because: the subject site is not located near any low-density residential concentrations (B.7.f.); the subject site is located near existing infrastructure facilities to promote ongoing public/private cooperation to develop this Activity Center (B.7.j.); the site can be designed to encourage pedestrian walking trips, linkages, and reflect architectural traditions/styles of the surrounding community (C.9.d.); and, a zone change from residential to commercial zoning facilitates the creation and concentration of employment opportunities within this Activity Center (D.6.g.).
4. This request for zone map amendment complies with the policies and goals of the North Valley Area Sector Development Plan, a Rank 2 document, specifically Zoning and Land Use Policies Goal 3 and 3.c. and Community Design Policies Goal 9, because the designation of the old Albuquerque Indian School property as a Community Activity Center, whose purpose is to serve as the focus of the community sub-area with regard to employment and entertainment and wherein should be concentrated nonresidential land uses, and because of the nonresidential uses that have been approved and exist to the west and south of the subject property, mitigate the intent of these policies which call for limiting new commercial development to existing commercially zoned sites.
5. This request complies with the requirements of Resolution 270-1980 by citing "Changed Community Conditions" as a justification as to why this request for zone map amendment is appropriate, because the old Albuquerque Indian School property has been designated a Community Activity Center, whose purpose is to serve as the focus of the community sub-area with regard to employment and entertainment and wherein should be concentrated nonresidential land uses, and because of the nonresidential uses that have been approved and exist to the west and south of the subject site (R-270-1980, Section 1.D.).
6. Neighborhood Associations in the area would like a deferral to allow time for a facilitated meeting and to understand and address concerns regarding the Traffic Impact Study.

CONDITIONS:

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. The site shall be replatted to create definite lot lines for these proposed tracts that reflect zoning boundaries.

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NOTICE OF DECISION

ER 16, 2004

#1000649

7 6

applicant and affected neighborhood associations shall meet and compile a list of excluded uses that can be attached to the zoning description prior to final action by the City Council.

On November 16, 2004 the Environmental Planning Commission voted to recommend approval of the City Council of Project 1000649/03EPC 01676, a request for a site development plan for subdivision of the Indian School Site, based on the following Findings and subject to the following Conditions:

CS:

This is a request for a site development plan for subdivision for a 19-acre portion of a 47-acre parcel of land located on 12th Street and Menaul Boulevard NW.

The request meets the requirements for a site development plan for subdivision, including proposed use, pedestrian and vehicular ingress and egress, internal circulation requirements, maximum building height, minimum building setback, and maximum total dwelling units per residential uses' maximum floor area ratio." (§14-16-1-5 DEFINITIONS)

This request for site development plan for subdivision complies with the Land Use Policy Goals of the *Comprehensive Plan* with regard to the Central Urban Area, specifically Policies B.5.e., B.5.i., B.5.j. and B.5.k., because: this request facilitates development on vacant land adjacent to existing infrastructure facilities which does not interfere with the integrity of surrounding neighborhoods (B.5.e.); the subject site is within the vicinity of area residences to promote employment and service uses but is not adjacent to any existing residences that would have adverse effects of noise, lighting, and pollution (B.5.i.); the subject site's size and location itself to being both a neighborhood oriented site also accessed by pedestrians and bicycles as an accessory site to the larger shopping center to the west across 12th Street (B.5.j.) and the subject site's location and design can be such that livability and safety of surrounding neighborhoods can be ensured (B.5.k).

This request for site development plan for subdivision complies with the policies and provisions of the *Comprehensive Plan* that are specific to Activity Centers, Community Identity and Urban Form and Economic Development, specifically Policies B.7.f., B.7.j., C.9.d., and D.6.g., because: the subject site is not located near any low-density residential concentrations (B.7.f.); the subject site is located near existing infrastructure facilities to promote ongoing public/private cooperation to develop this Activity Center (B.7.j.); and, the site can be designed to encourage pedestrian trips, linkages, and reflect architectural traditions/styles of the surrounding community.

FINAL NOTICE OF DECISION

DECEMBER 16, 2004

PROJECT #1000649

PAGE 4 OF 6

This request for site development plan for subdivision complies with the policies and goals of the North Valley Area Sector Development Plan, a Rank 2 document, specifically Zoning Use Policies Goal 3 and 3.c. and Community Design Policies Goal 9, because the design of the old Albuquerque Indian School property as a Community Activity Center, whose purpose is to serve as the focus of the community sub-area with regard to employment and entertainment, and because the policies therein should be concentrated nonresidential land uses, and because of the nonresidential uses that have been approved in the immediate vicinity of the subject property, mitigate the impacts of these policies which call for limiting new commercial development to existing commercial and office zoned sites.

Neighborhood Associations in the area have requested a deferral to allow time for a fact finding meeting and to understand and address concerns regarding the Traffic Impact Study.

CONDITIONS:

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 final submittal, specifying all modifications that have been made to the site plan since the EPC approval, including how the site plan has been modified to meet each of the EPC conditions. Unapproved changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of all approvals.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT DEPARTMENT, PUBLIC WORKS and NMDOT:

- All the requirements of previous actions taken by the City Council, EPC and the DRB have been completed and /or provided for.
- The Developer is responsible for permanent improvements to the transportation infrastructure adjacent to the proposed site development plan for building permit. Those improvements include any additional right-of-way requirements, paving, curb and gutter, sidewalk and accessible ramps that have not already been provided for. All public infrastructure conditions within public right-of-way or public easements shall be to City Standards. Those conditions will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- A Traffic Impact Study is required, has been submitted but has not been completed.
- Implementation of the recommended improvements in the Traffic Impact Study will mitigate impacts of the proposed development, as required by Council Resolution 00-100. All street improvements recommended in the Traffic Impact Study (TIS) include sidewalk improvements, median improvements, Interstate ramp improvements and proposed deceleration lanes (etc.).

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OFFICIAL NOTICE OF DECISION
SEPTEMBER 16, 2004
PROJECT #1000649
PAGE 5 OF 6

- e. The access points, as shown on the site plan, are in direct conflict with the recommendations in the Traffic Impact Study shall be adjusted accordingly by the Traffic Engineer.
 - f. Provide cross access agreement between tracts.
 - g. Site plan shall comply and be designed per DPM Standards.
 - h. Access coordination with NMDOT required.
 - i. A concurrent platting action is required at DRB.
 - j. Dedication of a *minimum* 62 feet of right-of-way from the centerline of Menaul Boulevard, a principal arterial as designated on the Long Range Roadway System.
 - k. Dedication of an additional 6 feet of right-of-way along Menaul Boulevard as required by the City Engineer to provide for on-street bicycle lanes.
 - l. Dedication of a *minimum* 43 feet of right-of-way from the centerline of 12th Street, a minor arterial as designated on the Long Range Roadway System.
 - m. Dedication of an additional 6 feet of right-of-way along 12th Street as required by the City Engineer to provide for on-street bicycle lanes.
 - n. Construction of the bicycle lanes along Menaul Boulevard and 12th Street adjacent to the subject property as designated on Long Range Bikeways System.
3. The applicant and affected neighborhood associations shall meet and address traffic and related issues, including strategies to creatively design roadways, intersections and off-site mitigation measures. The City's Traffic Engineer shall be available to provide technical and design expertise in this process.
 4. The initial site development plan for building permit shall be reviewed and approved by the EPC. Subsequent site development for building permit may be delegated to the DRB.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **OCTOBER 1, 2004** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. 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.

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

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OFFICIAL NOTICE OF DECISION
SEPTEMBER 16, 2004
PROJECT #1000649
PAGE 6 OF 6

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

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

Sincerely,


for Richard Dineen
Planning Director

RD/DS/ac

cc: DCSW Inc., 320 Central Ave. SW, Albuquerque, NM 87102
Ingrid Biel, Near North Valley, 1012 Major NW, Albuquerque, NM 87107
Mary Bilan, Near North Valley, 3800 Rio Grande NW, Albuquerque, NM 87107
Fred Sais, Wells Park, 1508 Los Tomases NW, Albuquerque, NM 87102
Mark Clayburgh, Wells Park, 1310 5th St. NW, Albuquerque, NM 87102
Claude Morelli, 2236 Dietz Pl. NW, Albuquerque, NM 87107
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Peter Robinson, 1804 9th St. NW, Albuquerque, NM 87107
Marit Tully, 1107 La Poblana NW, Albuquerque, NM 87107
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Gary Plante, Pres., 1692 Pace, Albuquerque, NM 87114
Bient DePonte, Pres, 101B Sun Ave., Albuquerque, NM 87109
John Myers, 1713 Camino Gallo NW, Albuquerque, NM 87107

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CITY OF ALBUQUERQUE
PLANNING DIVISION
P.O. BOX 1293, ALBUQUERQUE, NM 87103

Herman Agoya—Chairman
AII—Indian Pueblo Council
P.O. Box 3256
Albuquerque, NM 87190

Date: February 13, 1990

CERTIFICATION OF ZONING

FILE: Z-89-99 ✓

DATE OF FINAL ACTION: 12/21/89

LEGAL DESCRIPTION: The former Albuquerque Indian School site, located north of Indian School Road NW, between Ninth Street NW and Twelfth Street NW, containing approximately 7.26 acres. (H-13)

The Environmental Planning Commission ruled favorably on your request to amend the zone map as it applies to the above-cited property.

THE POSSIBLE APPEAL PERIOD HAVING EXPIRED, THE ZONING ON THE ABOVE CITED PROPERTY IS NOW CHANGED AS FOLLOWS:

FROM R-1 TO SU-1 FOR O-1 PERMISSIVE USES AND C-1 PERMISSIVE USES

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the zoning is secured. Approval of this case does not constitute approval of plans for a building permit. You should take two copies of your plans to the Building & Inspection Division of the City to initiate a building permit.

Sincerely,


Rex King
City Planner

RK/NR/vb

cc: Thomas W. Merlan, Office of Cultural Affairs, Historic Preservation Division, Villa Rivera, Room 101,
228 East Palace Avenue, Santa Fe, NM 87503

Graphics

Zoning

LUIS

Neal Weinberg/AGIS/Admin.

Z-CERTIFICATION

LEGISLATION

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1 plans for adjacent public rights-of-way, as well as market and tenant changes
2 that have occurred since adoption of F/S O-05-98. These amendments would
3 apply only to development on the next phase of this larger development
4 project, an approximately 3.5-acre portion of the entire Commercial Tract, the
5 boundaries of which are shown in Exhibit A to this Ordinance.

6 (E) Some of the design standards for building facades along 12th Street were
7 based on recommendations in the HOK/HPE study that called for on-street
8 parking on the east side of 12th Street, building entrances facing 12th Street and
9 sidewalk designs appropriate for shop fronts. In the ensuing years, due to
10 right-of-way limitations and other factors, plans to implement on-street parking
11 along 12th Street were dropped in favor of bicycle lanes, which are currently
12 being designed by the Department of Municipal Development as part of a larger
13 set of improvements to the 12th Street and Menaul Boulevard area.

14 (F) IPMI has requested amendments and clarification to the design
15 standards established by F/S O-05-98 affecting sidewalks and building entries
16 to allow for development that is appropriate for this changed design of 12th
17 Street.

18 (G) IPMI has requested amendments to certain design standards relating to
19 the measurement of façade glazing in order to clarify that window glazing as a
20 percentage of a façade is measured based on interior space clear height, rather
21 than exterior height, in order to account for height created by parapets and
22 other features, consistent with similar regulations and policies recently
23 adopted for other areas of the City.

24 (H) IPMI has requested amendments to design standards relating to the size
25 of signs to allow for larger building-mounted logo signs without increasing the
26 overall limitation of 6% of a façade dedicated to signs.

27 (I) IPMI has requested amendments to design standards relating to the
28 placement of freestanding monument signs to allow one such sign per 100 feet
29 of street frontage, as opposed to the current standard, which allows one such
30 sign per premise, in order to allow effective signage along a lengthy street
31 frontage.

32 (J) The Near North Valley Neighborhood Association Board supports the
33 requested amendments, provided that development preserves a comfortable,

1 interesting pedestrian experience along the 12th Street frontage as envisioned
2 by the 2005 HOK/HPE Study.

3 Section 2. The Street Section diagram for 12th Street in Exhibit B-2 F/S O-
4 05-98, "12th Street At Plaza and Indian Pueblo Cultural Center, Proposed,"
5 Page 30, is hereby amended to include the following notation: For
6 development in the approximately 3.5-acre area shown in Exhibit A to this
7 Ordinance, the space between the curb and buildings shall consist of: a
8 minimum 6-foot-wide carriage strip as described in the "Streetscapes" section
9 of this document and as regulated by any other design standards affecting
10 this site, a minimum 10-foot-wide unobstructed sidewalk, and a minimum 5-
11 foot, 6-inch wide (5.5 feet) of café space as described in the "Streetscapes"
12 section of this document and as regulated by any other design standards
13 affecting the site. In addition to the purposes listed in "Streetscapes," this
14 café space serves as a physical and visual buffer or transition between the
15 sidewalk and structures, and may contain landscaping, street furniture,
16 enclosed or unenclosed patios or other similar features. In the event of
17 conflict between this language and any exhibit to F/S O-05-98, or related
18 guidelines and/or standards established by F/S O-05-98, this language shall
19 prevail.

20 Section 3. The Plaza and 12th Street Shops Frontage section of "Building
21 Frontages" in Exhibit B-2 F/S O-05-98 (Page 19) is hereby amended to include
22 the following paragraph at the end of the section: For development in the
23 approximately 3.5-acre area shown in Exhibit A to this Ordinance, primary
24 entries are recommended but not required along 12th Street, provided:

- 25 • All other existing building façade standards affecting the site relevant
26 to 12th Street are substantially met.
- 27 • 12th Street shall continue to be considered a Major Façade as described
28 and regulated in Exhibit B-3 F/S O-05-98 and as otherwise described
29 above.
- 30 • The 12th Street façade shall not be used for building service and loading
31 areas. Any required or necessary utility infrastructure and/or safety
32 features (meters, exit doors, etc.) shall be fully screened and/or

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1 architecturally integrated into the design of the façade to enhance,
2 rather than detract from, the pedestrian experience along 12th Street.

3 Section 4. The second bullet point of the first section of Exhibit B-1 F/S
4 O-05-98, "12th Street, Menaul within Commercial Tract, All Frontages
5 Surrounding Plaza (including the west side of the internal north-south running
6 street.)," is hereby amended to include the following sentence: For
7 development in the approximately 3.5-acre area shown in Exhibit A to this
8 Ordinance, building frontage measurement shall be from interior floor to ceiling
9 height and shall not include the area of the parapet or similar features. Window
10 glass shall be clear with light transmission between exterior and interior as
11 follows: 90% minimum for ground story; and 75% minimum for upper stories.
12 Modifications are permitted as necessary to meet any applicable building and
13 energy code requirements.

14 Section 5. The second bullet point of the Signage section of Exhibit B-3
15 F/S O-05-98 is hereby amended to include the following sentence: For
16 development in the approximately 3.5-acre area shown in Exhibit A to this
17 Ordinance, one Monument-style sign is permitted per 100 feet of street
18 frontage. Monument-style signs are not permitted in the public right-of-way.

19 Section 6. The sixth bullet point of the Signage section of Exhibit B-3 F/S
20 O-05-98 is hereby amended to include the following sentence: For development
21 in the approximately 3.5-acre area shown in Exhibit A to this Ordinance,
22 maximum letter size for any building shall not exceed 2 feet in height, and
23 maximum logo size for any building shall not exceed 5' X 5'.

24 Section 7. The tenth bullet point of the Signage section of Exhibit B-3 F/S
25 O-05-98 is hereby amended to add the following sentence: For development in
26 the approximately 3.5-acre area shown in Exhibit A to this Ordinance, façade-
27 mounted signs are permitted on four sides of a building.

28 Section 8. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
29 clause, word, or phrase of this Ordinance is for any reason held to be invalid or
30 unenforceable by any court of competent jurisdiction, such decision shall not
31 affect the validity of the remaining provisions of this Ordinance. The Council
32 hereby declares that it would have passed this Ordinance and each section,

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1 paragraph, sentence, clause, word, or phrase thereof irrespective of any
2 provision being declared unconstitutional or otherwise invalid.

3 Section 9. EFFECTIVE DATE. This Ordinance shall take effect five (5)
4 days after publication by title and general summary.

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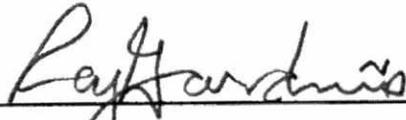
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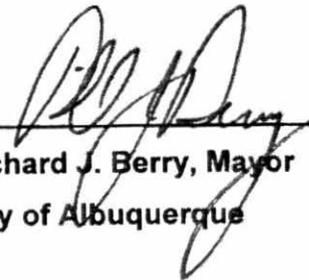
1 PASSED AND ADOPTED THIS 18th DAY OF February, 2015
2 BY A VOTE OF: 8 FOR 0 AGAINST.

3
4 Excused: Lewis

5
6 
7 _____
8 Rey Garduño, President
9 City Council

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11
12
13 APPROVED THIS 4th DAY OF March, 2015

14
15
16
17 Bill No. O-15-39

18 
19 _____
20 Richard J. Berry, Mayor
21 City of Albuquerque

22
23
24 ATTEST:

25 
26 _____
27 Trina M. Gurule, Acting City Clerk

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1 Federal Project number A301181 Paseo and I-25 Interchange Reconstruction.

2 SECTION 4. One Million Five Hundred Thirty Nine Thousand Eight Hundred
3 and Forty (\$1,539,840) in unexpended, unencumbered fund balance within Fund
4 340 is hereby appropriated to plan, design, reconstruct and improve the
5 intersection at 12th and Menaul as specified in O-05-98.

6 SECTION 5. The Administration shall work with the State of New Mexico
7 Department of Transportation to ensure that the Federal funding that had been
8 designated for intersection improvements at 12th and Menaul will be used for
9 improving multi-modal bicycle and pedestrian trail improvements for the Paseo &
10 I-25 project.

11 SECTION 6. The Administration shall work with the State of New Mexico
12 Department of Transportation to expand the scope of the Paseo/I-25 project to
13 include a local connecting road between Jefferson and Tiburon to facilitate local
14 business and improve bicycle/pedestrian connectivity.

15 SECTION 7. The Administration shall work with the State of New Mexico
16 Department of Transportation to review the possibility of providing landscaping
17 on the project.

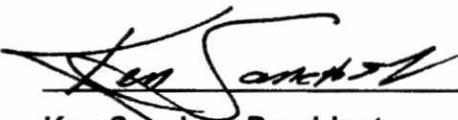
18 SECTION 8. The two existing projects shall remain on the TIP for potential
19 other funds.

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1 PASSED AND ADOPTED THIS 22nd DAY OF January 2014
2 BY A VOTE OF: 9 FOR 0 AGAINST.

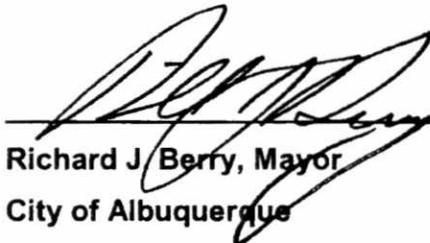
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Ken Sanchez, President
City Council

APPROVED THIS 30th DAY OF January, 2014

Bill No. R-14-17



Richard J. Berry, Mayor
City of Albuquerque

ATTEST:


City Clerk

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1 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
2 OF ALBUQUERQUE:

3 Section 1. That the appropriations are hereby made and/or changed in the
4 Capital Program as specified below:

| 5 | | Increase | |
|---|---|---------------|-------------------|
| 6 | <u>Department</u> | <u>Source</u> | <u>(Decrease)</u> |
| 7 | DMD/Streets | | |
| 8 | Great Streets (Project #7303090) | | (\$1,000,000) |
| 9 | 12 th & Menaul Great Streets | | \$500,000 |

10 The scope of this project is to provide funding for projects for the
11 12th and Menaul Corridor approved in O-05-98, Enactment Number O-2005-056,
12 the Albuquerque Indian School Development Regulations, subject to the
13 approval of the Councilor from District 2.

| | | |
|----|---|-----------|
| 14 | Streetscape Projects (Pedestrian & Bicycle) | \$500,000 |
|----|---|-----------|

15 The scope of this project is to provide funding for either required
16 federal matches for 2008-2013 Transportation Improvement Program
17 pedestrian and bicycle projects or for direct costs for those projects.

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1 (C) Lacking these elements of the plan, it is unclear that one can
2 determine whether the proposed development meets the goals and policies of
3 the City / County Comprehensive Plan, the North Valley Area Plan, and the
4 Planned Growth Strategy.

5 (D) Similar concerns were raised by the North Valley Coalition; namely,
6 that residents of adjoining neighborhoods were unable to determine whether
7 the area would develop as “a genuine “Activity Center” – a pleasant and
8 inviting place that draws people to park and walk and sit”.

9 (E) It is possible that the original design for the 12th and Menaul
10 intersection in the Corporation’s Traffic Impact Study (TIS) was based
11 inadvertently on estimated traffic utilization from the 4th and Menaul
12 intersection and resulted in a larger intersection than necessary.

13 (F) In order to address the lack of detail within the Corporation’s site
14 development plan for subdivision as reviewed by the Environmental Planning
15 Commission and transmitted to the Council and in order to address concerns
16 about the TIS, the City commissioned the Hellmuth, Obata + Kassabaum, Inc –
17 the HOK Planning Group and Hall Planning & Engineering, Inc. (HPE) to
18 conduct a land use and transportation planning study.

19 (G) The planning effort consisted of stakeholder “Listening Sessions”, a
20 design workshop focused on the site plan, and a transportation planning
21 workshop in which alternative street and intersection designs were evaluated.
22 There were more than 200 people attending these sessions and about 500
23 person contacts.

24 (H) The draft plan resulting from these activities was placed on the City
25 Council website and comments and suggestions were solicited and obtained.

26 (I) The HOK / HPE plan was reviewed by officials of the Corporation and
27 their planning firm and agreement in almost all details of the plan was
28 secured. These plan elements are incorporated into the site development plan
29 and related materials attached to this legislation. The HOK / HPE plan is
30 incorporated as part of Exhibit B of this legislation and is herein referred to as
31 the “HOK / HPE plan”.

32 Section 2. ZONE MAP AMENDED. The establishment of SU-1/C-2 zoning
33 as specified herein for the Commercial Tract, with associated site

1 development plan, design standards including street and streetscape design,
2 and specification of permissive and conditional uses , is appropriate because
3 it is complementary to surrounding zoning and densities and will provide
4 stability to the area. The owners of the area hereby presented a properly
5 signed application to amend the zoning for the following territory, 15.69 acres,
6 more or less, located on Indian School Road NW between Menaul and 12th
7 Street; and more particularly described as follows:

8 A. A 15.69 acre portion of Tract A, Indian School Site, as
9 illustrated by the accompanying Site Development Plan (Exhibit A), called the
10 “Commercial Tract”.

11 Section 3. Therefore, the zone map adopted by Section 14-16-1-1 et. seq.
12 R.O.A. 1994 is hereby amended, establishing SU-1/C-2 zoning as specified
13 herein for the area specified in Section 2 above. This approval extends to and
14 includes the Site Development Plan contained in Exhibit A, the Design
15 Standards and supplemental Design Standards included in Exhibit B that are
16 consistent with the Site Development Plan in Exhibit A, and the specification
17 of Permissive and Conditional Uses allowed or excluded contained in Exhibit
18 C.

19 Section 4. **FINDINGS AND CONDITIONS ACCEPTED.** The Council has
20 reviewed carefully the findings and conditions recommended by the
21 Environmental Planning Commission on 16 September 2004 and adopts the
22 following amended zone map amendment, findings and conditions:

23 A. This is a request for a zone map amendment from R-1 to SU-1 for C-2
24 for a 15.69-acre portion of a 47-acre tract of land located on 12th Street and
25 Menaul Boulevard NW.

26 B. This request for zone map amendment complies with the Land Use
27 Policies and Goals of the *Comprehensive Plan* with regard to the Central
28 Urban Area, specifically Policies B.5.d., B.5.e., B.5.i., B.5.j., B.5.k., and B.5.l.,
29 because: a zone change to SU-1 for C-2 as specified herein from R-1 respects
30 neighborhood values and other resources due to the fact that some existing
31 adjacent uses are nonresidential (B.5.d.); this request facilitates development
32 on vacant land adjacent to existing infrastructure facilities which does not
33 interfere with the integrity of existing neighborhoods (B.5.e.); the subject site

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1 is within the vicinity of area residences to provide employment and service
2 uses and is buffered at the edges adjoining existing residences through height
3 standards and landscaping that mitigates adverse effects of noise, lighting,
4 and pollution (B.5.i.); the subject site's size, location, Site Development Plan,
5 and street / streetscape design lend themselves to being both a neighborhood
6 oriented site also accessed by pedestrians and bicyclists as well as an
7 accessory site to the larger shopping center to the west across 12th Street
8 (B.5.j.); the subject site's location and design can be such that livability and
9 safety of surrounding neighborhoods can be ensured (B.5.k.); and, the
10 requested zone change will not discourage innovation in design and quality of
11 the new development on the subject site (B.5.l.).

12 C. This request for zone map amendment complies with the policies
13 and goals of the *Comprehensive Plan* that are specific to Activity Centers,
14 Community Identity and Urban Design, and Economic Development,
15 specifically Policies B.7.j., C.9.d., and D.6.g., because: the subject site is
16 located near existing infrastructure facilities to promote ongoing
17 public/private cooperation to develop this Activity Center (B.7.j.); the Site
18 Development Plan is designed to encourage pedestrian walking trips,
19 linkages, and to reflect architectural traditions/styles of the surrounding
20 community (C.9.d.); and, a zone change from residential to commercial zoning
21 facilitates the creation and concentration of employment opportunities within
22 this Activity Center (D.6.g.).

23 D. This request for zone map amendment complies with the policies
24 and goals of the North Valley Area Plan, a Rank 2 document, specifically
25 Zoning and Land Use Policies Goal 3 and 3.c. and Community Design Policies
26 Goal 9, because the designation of the former Albuquerque Indian School
27 property as a Community Activity Center, whose purpose is to serve as the
28 focus of the community sub-area with regard to employment and
29 entertainment and wherein should be concentrated nonresidential land uses,
30 and because of the nonresidential uses that have been approved and exist to
31 the west and south of the subject property, mitigate the intent of these policies
32 which call for limiting new commercial development to existing commercially
33 zoned sites.

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1 E. This request complies with the requirements of Resolution 270-1980
2 by citing "Changed Community Conditions" as a justification as to why this
3 request for zone map amendment is appropriate, because the old
4 Albuquerque Indian School property has been designated a Community
5 Activity Center, whose purpose is to serve as the focus of the community
6 sub-area with regard to employment and entertainment and wherein should
7 be concentrated nonresidential land uses, and because of the nonresidential
8 uses that have been approved and exist to the west and south of the subject
9 site (R-270-1980, Section 1.D.).

10 Section 5. SITE DEVELOPMENT PLAN. The establishment of SU-1/C-2
11 zoning as specified herein for the Commercial Tract is accompanied by a Site
12 Development Plan, Design Standards and supplemental Design Standards,
13 and the specification of Permissive and Conditional Uses as consistent with
14 the Zoning Code and the Development Agreement. This Site Development
15 Plan is appropriate because it specifies a regulatory framework for future
16 development that will complement surrounding zoning and densities and will
17 provide stability to the area. The owners of the area hereby presented a
18 properly signed application for a Site Development Plan for the following
19 territory, 15.69 acres, more or less, located on Indian School Road NW
20 between Menaul and 12th Street; and more particularly described as follows:

21 A. A 15.69 acre portion of Tract A, Indian School Site, called the
22 Commercial Tract, as illustrated by the accompanying Site Development Plan
23 contained in Exhibit A, the Design Standards and supplemental Design
24 Standards included in Exhibit B that are consistent with the Site Development
25 Plan in Exhibit A, and the specification of Permissive and Conditional Uses
26 allowed or excluded contained in Exhibit C.

27 Section 6. Therefore, the Site Development Plan, Design Standards,
28 supplemental Design Standards, and specification of Permissive and
29 Conditional Uses are hereby approved for the area specified in Section 5
30 above.

31 Section 7. FINDINGS AND CONDITIONS ACCEPTED. The Council shall
32 adopt the following site development plan for subdivision findings and has
33 carefully reviewed and amended the findings and conditions recommended by

1 the Environmental Planning Commission on 16 September 2004, and adopts
2 the following Site Development Plan, findings, and conditions:

3 A. This is a request for a Site Development Plan, Design Standards and
4 supplemental Design Standards, and specification of Permissive and
5 Conditional Uses for a 15.69-acre portion of a 47-acre tract of land located on
6 12th Street and Menaul Boulevard NW.

7 B. The request meets the requirements for a Site Development Plan,
8 including the proposed use, pedestrian and vehicular ingress and egress,
9 internal circulation requirements and maximum building height, minimum
10 building setback, and maximum total dwelling units and/or nonresidential
11 uses' maximum floor area ratio. (§14-16-1-5 DEFINITIONS)

12 C. This request for site development plan for subdivision complies with
13 the Land Use Policies and Goals of the *Comprehensive Plan* with regard to the
14 Central Urban Area, specifically Policies B.5.e., B.5.i., B.5.j. and B.5.k.,
15 because: this request facilitates development on vacant land adjacent to
16 existing infrastructure facilities which does not interfere with the integrity of
17 existing neighborhoods (B.5.e.); the subject site is within the vicinity of area
18 residences to provide employment and service uses and is buffered at the
19 edges adjoining existing residences through height standards and
20 landscaping that mitigates adverse effects of noise, lighting, and pollution
21 (B.5.i.); the subject site's size, location, Site Development Plan, and street /
22 streetscape design lend themselves to being both a neighborhood oriented
23 site also accessed by pedestrians and bicyclists as well as an accessory site
24 to the larger shopping center to the west across 12th Street (B.5.j.); and, the
25 subject site's location and design can be such that livability and safety of
26 surrounding neighborhoods can be ensured (B.5.k).

27 D. This request for site development plan for subdivision complies with
28 the policies and goals of the *Comprehensive Plan* that are specific to Activity
29 Centers, Community Identity and Urban Design, and Economic Development,
30 specifically Policies B.7.j., and C.9.d., because: the subject site is located near
31 existing infrastructure facilities to promote ongoing public/private cooperation
32 to develop this Activity Center (B.7.j.); and, the Site Development Plan is

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1 designed to encourage pedestrian walking trips, linkages, and to reflect
2 architectural traditions/styles of the surrounding community (C.9.d).

3 E. This request for Site Development Plan, Design Standards and
4 supplemental Design Standards, and specification of Permissive and
5 Conditional Uses complies with the policies and goals of the North Valley Area
6 Plan, a Rank 2 document, specifically Zoning and Land Use Policies Goal 3
7 and 3.c. and Community Design Policies Goal 9, because the designation of
8 the former Albuquerque Indian School property as a Community Activity
9 Center, whose purpose is to serve as the focus of the community sub-area
10 with regard to employment and entertainment and wherein should be
11 concentrated nonresidential land uses, and because of the nonresidential
12 uses that have been approved in the immediate vicinity of the subject
13 property, mitigate the intent of these policies which call for limiting new
14 commercial development to existing commercially zoned sites.

15 F. The City Council delegates final sign-off authority of this Site
16 Development Plan and associated documents to the Development Review
17 Board (DRB). The DRB is responsible for ensuring that all City Council
18 Conditions have been satisfied and that other applicable City requirements
19 have been met. Unauthorized changes to this Site Development Plan, Design
20 Standards and supplemental Design Standards, and specification of
21 Permissive and Conditional Uses including before or after DRB final sign-off,
22 may result in forfeiture of approvals.

23 G. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL
24 DEVELOPMENT, PUBLIC WORKS and NMDOT:

25 1. All the requirements of actions taken previous to this
26 request by the City Council, EPC, and the DRB must be completed and/or
27 provided for.

28 2. The access points, as shown on the Site Development Plan,
29 shall coincide with the recommendations of the HOK / HPE plan.

30 3. Access coordination with NMDOT is required.

31 4. A concurrent platting action is required at DRB.

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1 5. Construction of the bicycle lanes along Menaul Boulevard
2 adjacent to the subject property as designated on Long Range Bikeways
3 System is required.

4 6. In the event that development on this parcel following funds
5 being made available through the City's Capital Improvement Program to
6 implement the street and streetscape design recommendations within the
7 HOK / HPE plan with regard to 12th Street, Menaul, Menaul Extension, and
8 Indian School west of 12th Street, the following requirements are established:

9 A. The developer is responsible for permanent
10 improvements to the transportation facilities only on the proposed Site
11 Development Plan and subsequent site plans for building permit. Those
12 improvements will include bus stops, on-site paving, curb and gutter, and
13 ADA accessible ramps that have not already been provided for. All public
14 infrastructure constructed shall be to City Standards not inconsistent with the
15 standards of the HOK / HPE plan. Those Standards will follow the
16 recommended practices of the AASHTO Guide for the Planning, Design, and
17 Operation of Pedestrian Facilities. Chapter 3.

18 B. The developer is responsible for Implementation of the
19 recommended improvements in the HOK / HPE plan to mitigate impacts of the
20 proposed development (i.e. all on-site street improvements recommended in
21 the HOK / HPE plan that are on the proposed Site Development Plan including
22 proposed roadway improvements and deceleration lanes, etc., and
23 improvements on 12th Street and Menaul that are on the site such as bus
24 stops are the responsibility of Corporation. The Corporation is not
25 responsible for off site traffic signals, median improvements, or other traffic
26 devices on City streets or other off-site improvements, which shall be the
27 responsibility of the City.

28 H. The site development plans for building permit shall be reviewed and
29 approved by the DRB. Without limiting current notice requirements, the DRB
30 shall provide notification to the public of these hearings including by letter to
31 surrounding neighborhood associations.

32 I. Rights of way shall be as provided in the Right-of-Way Agreement
33 executed on October 9, 2003 by the City and the Corporation and as provided

1 for in the Grant of Easement for Roadways approved by the Bureau of Indian
2 Affairs on February 5, 2004.

3 Section 8. The City Council hereby adopts the HOK / HPE plan
4 recommendations, design standards, streetscape design standards as
5 specified in Exhibit B for application in the Commercial Tract. The HOK / HPE
6 plan design standards are to be integrated into the Supplemental Design
7 Standards and IPFDC Design Standards (also included in Exhibit B) in the
8 manner specified in those documents.

9 Section 9. NEIGHBORHOOD TRAFFIC CALMING – 10TH AND MENAUL.

10 The City shall implement the traffic calming measures on Menaul and 10th
11 Street proposed in the HOK / HPE plan that protect the neighborhood to the
12 north from the disruptive effects of cut-through traffic. These include: median
13 design on Menaul that allows a left turn from west-bound Menaul into the site
14 but prevents vehicles exiting north-bound from the site to cross Menaul into
15 the neighborhood, and bulb-outs at the intersection of 10th Street and Menaul
16 which act to slow traffic. The City shall monitor cut through traffic into this
17 neighborhood from the 10th Street and Menaul intersection and implement
18 other traffic mitigation measures at the intersection and elsewhere in the
19 neighborhood in cooperation with the neighborhood should cut-through traffic
20 continue to be a serious concern after the improvements described above
21 have been implemented.

22 Section 10. FUNDING FOR STREET AND STREETScape IMPROVEMENTS.
23 Consistent with Policy B.7.j of the City / County Comprehensive Plan that calls
24 for the City to structure capital expenditures in support of multi-use Activity
25 Centers such as the former Albuquerque Indian School development, the City
26 shall prioritize its Capital Improvement Program to design and build the street
27 and streetscape improvements in the public right-of-way called for in the HOK
28 / HPE plan. The City shall seek other sources of funding to support this effort
29 including the State of New Mexico and the Federal government. This project
30 shall be included in the City of Albuquerque legislative program to seek State
31 of New Mexico funding and in the City's legislative priorities to obtain Federal
32 funding. The City shall also make it a priority to add this project to the
33 MRCOG MTP and TIP programs. In addition, the City will make it a priority to

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1 work with the Corporation to effectuate the connection between the I-40
2 access road and Indian School Road, as indicated in the HOK / HPE plan.

3 **Section 11. HOTEL / RETAIL LAND USE ON SITE DEVELOPMENT PLAN.**

4 The Corporation as applicant proposes the “Hotel/Retail” use, shown in the
5 southwest corner of the Site Development Plan (at the northeast corner of the
6 Indian School Road and 12th Street intersection), as the most desirable
7 development in that location. The Corporation has expressed the desire to
8 convert this use to a service station if the hotel / retail use is not feasible. In
9 that event, the City Council shall consider this change as an amendment to the
10 Site Development Plan contained in Exhibit A.

11 **Section 12. ADDITIONAL ACCESS POINTS, SITE ENTRANCES AND CURB**
12 **CUTS.** The access points, street entrances and curb cuts onto 12th Street and
13 Menaul as expressed on the Site Development Plan are important elements of
14 the plan. The determination to approve any non-minor redesign of the internal
15 street system and any additional curb cuts that may be proposed by the
16 Corporation is not delegated by the City Council and shall be reviewed by the
17 City Council as an amendment to the Site Development Plan contained in
18 Exhibit A.

19 **Section 13. AMENDMENTS TO THE SITE DEVELOPMENT PLAN TO COME**
20 **BEFORE CITY COUNCIL.** Non-minor changes to the Site Development Plan
21 shall be heard by the City Council for approval. “Non-minor changes” is
22 defined by Section 14-16-2-22 ROA 1994. The Planning Director shall review
23 the proposed change and provide an interpretation of the suggested change
24 to the DRB, which shall make the determination as to the extensiveness of the
25 proposed change. The Planning Director and DRB shall follow the public
26 notice requirements of the Section 14-16-2-22 ROA 1994 and as specified
27 within this legislation. Notwithstanding other changes that would be
28 presented to Council for consideration, the following requested changes must
29 be presented to the City Council for review and determination:

- 30 A. Uses.
- 31 B. Landscaped Buffer (Grove/Bosque).
- 32 C. Plaza.
- 33 D. Design Standards including Streetscapes.

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1 Section 14. TRANSIT SYSTEM IMPROVEMENTS. Transit system route
2 system changes of the type contained in the HOK / HPE plan are endorsed by
3 the City and the Transit Department is directed to begin the process of
4 implementing these changes.

5 Section 15. PARKING REQUIREMENTS FOR COMMERCIAL TRACT. A 25%
6 mixed-use district reduction in required parking will be taken for all properties
7 within the Commercial Tract. On-street parking spaces abutting the
8 Commercial Tract shall be used in calculating parking requirements.

9 Section 16. IMPLEMENTATION OF LANDSCAPING REQUIREMENTS. The
10 Corporation shall carry out the landscaping requirements associated with the
11 construction of buildings on the Office Tract. The Planning Department shall
12 review the status of complying with the landscaping requirements of City
13 Ordinance and the Development Agreements related to existing buildings on
14 the Office Tract and take steps to insure compliance.

15 Section 17. Section 10, Paragraph A of the Development Agreement is
16 hereby stricken in its entirety and the following is substituted in lieu thereof:

17 "A. OFFICE TRACT. The parties stipulate and agree that
18 part of the Property will be used for construction of an office complex
19 to be leased and occupied by Federal Agencies, Native American
20 related tenants, and the Corporation. ("Office Tract"). The Office Tract
21 is an 18.1 acre section in the southeast corner of the Property, which
22 by agreement of the parties is hereby increased by 13.59 acres to
23 31.69 acres for the purpose of constructing federal office buildings.
24 The Corporation represents that federal building codes and
25 developmental processes are at least as strict as or stricter than local
26 government counter parts. City developmental process will not apply
27 to the Office Tract. Specifically, the Zoning Planning and Building
28 Ordinances, [citation], the Uniform Building Code 1997, NM Building
29 Code 1999, Uniform Plumbing Code-IAPMO 1997, Uniform Mechanical
30 Code-IAPMO 1997, Uniform Administrative Code 1999, and Nation [sic]
31 Electrical Code 1999 will not apply to the Office Tract unless any of the
32 laws or codes mentioned in this sentence are part of federal
33 development rules in which case they will apply to the Office Tract.

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1 With the exception of the laws and codes mentioned in the preceding
2 sentence, the Albuquerque City Ordinances in Paragraph 5 above will
3 apply as Pueblo AIS Ordinances to the Office Tract. The Mitigation
4 Measures listed in Paragraph 8 above apply to the Office Tract. The
5 schematic, which contains the Site Development Plan for the Office
6 Tract is attached hereto as Exhibit A.”

7 Section 18. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
8 clause, word or phrase of this ordinance is for any reason held to be invalid or
9 unenforceable by any court of competent jurisdiction, such decision shall not
10 affect the validity of the remaining provisions of this ordinance. The Council
11 hereby declares that it would have passed this ordinance and each section,
12 paragraph, sentence, clause, word or phrase thereof irrespective of any
13 provisions being declared unconstitutional or otherwise invalid.

14 Section 19. EFFECTIVE DATE AND PUBLICATION. This ordinance shall
15 take effect five days after publication by title and general.

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Exhibit B

Former Albuquerque Indian School Design Standards Supplemental

12th Street, Menaul within Commercial Tract, All Frontages Surrounding Plaza (including the west side of the internal north-south running street.

- Applicable Standards. Both the HOK / HPE plan standards and the IPFDC standards apply within this area. When the HOK / HPE standards address an issue that is not covered by the IPFDC standards or when both sets of standards apply to the same matter, the HOK / HPE plan standards regarding Streetscapes, Building Frontages, Street Network and Intersection Improvements, Parking, Bus Routes, and Bike Routes are the applicable design standards and take precedence over others.
- Openings and Glazing. The ground floor frontage shall be designed with 40% to 70% of the building frontage glazed, which can include windows and doors. The glazing shall be completely transparent. Openings shall be 30' or less on center.
- Portals, Awning, Shade Trees. The entire ground floor frontage shall include either portals, awnings, or shade trees (within the Café Space).
- Service Areas. All service areas shall be located behind these frontages.
- Retail Use on Plaza. The service area for this structure should be especially well screened with compatible architecturally designed materials. The façade on the west side of this structure, when it does not face the service area shall comply with the Openings, Glazing, Portals, Awnings, Shade Trees standards above.
- First Floor Clear Heights. It is recommended that the ground stories in this area have clear heights of 15' to 25' from the floor.

Central Plaza

- The Plaza shall be shade covered in summer by awnings, canopies, or trees within 5 years of the development of the Plaza.

Gateway Entrance to Drive-Throughs South of Central Plaza

- These shall be architecturally compatible with adjacent buildings entrance ways spanning above the entrance and exit on the north and south sides of the street / drive-way access to and from the drive through in the block south of the Plaza. These architectural features shall continue the wall line across the entrance / exit. The height of these entrance ways shall be at an height allowed by City, utility, and other relevant regulations.

Commercial Tract as a Whole

- Applicable Standards. Both the HOK / HPE plan standards and the IPFDC standards apply within this area. When the HOK / HPE standards address an issue that is not covered by the IPFDC standards or when both sets of standards apply to the same matter, the HOK / HPE plan standards regarding

CITY of ALBUQUERQUE

FIFTEENTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. R-02-167

SPONSORED BY:

1 RESOLUTION
2 REPEALING BILL NO. F/S R-01-380 (ENACTMENT No. 4-2002); ADOPTING AND
3 APPROVING A REVISED DEVELOPMENT AGREEMENT FOR THE
4 ALBUQUERQUE INDIAN SCHOOL PROPERTY; AND ADOPTING A POLICY
5 RELATED TO THE CLOSURE OF NINTH STREET SOUTH OF CUTLER.

6 WHEREAS, in 1993 the United States Secretary of the Interior executed a Trust
7 Deed which placed the former Albuquerque Indian School Property (the "Property")
8 in trust for the 19 Pueblos of New Mexico ("Pueblos"); and

9 WHEREAS the Indian Pueblos Federal Development Corporation was
10 established by the Secretary of Interior as a federally chartered corporation to
11 manage and control the property; and

12 WHEREAS, the Indian Pueblos Federal Development Corporation (the
13 "Corporation") entered into a Perpetual Lease of the Property with the Pueblos; and

14 WHEREAS, the Pueblos, the Corporation and the City of Albuquerque ("City")
15 desire that the Property be developed as an asset to the owners, the surrounding
16 neighborhoods and the community; and

17 WHEREAS, the Corporation and the Pueblos want the City to provide municipal
18 services to the property including, but not limited to, law enforcement, fire protection,
19 water and sewer, solid waste, code administration, and environmental health; and

20 WHEREAS, the Property is located on all sides by and entirely within the city
21 limits of the City of Albuquerque; and

22 WHEREAS, residents of the neighborhoods surrounding the Property are
23 rightfully concerned about the potential impacts of the development, which concerns
24 are shared by the Corporation, the Pueblos and the City; and

25 WHEREAS, the City wishes that development of the Property conform to
26 applicable sections of the City Ordinances and other regulations; and

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1 WHEREAS, since the adoption of Bill No. F/S R-01-380 (Enactment No. 4-2002),
2 there have been a series of meetings with representatives of the Corporation,
3 Neighbors for Rational Development, Department of the Interior, Bureau of Indian
4 Affairs, and others regarding the terms of the Development Agreement; and

5 WHEREAS, some modification of the original Development Agreement appears
6 to be necessary to reach a workable agreement; and

7 WHEREAS, in the Albuquerque Indian School Property Application for Trust
8 Status, dated January 7, 1993, the applicants stated that they "will enter into
9 agreements with the City of Albuquerque . . . concerning payments equivalent to all
10 local and state taxes applicable to similarly situation office buildings and compliance
11 with land use requirements and such matters as police protection, fire safety,
12 building code requirements, health provisions, parking areas, and similar issues";
13 and

14 WHEREAS, the Corporation has been in negotiations for some time with the
15 Bureau of Indian Affairs for an office complex on the Property and unnecessary
16 delay of this project should be avoided while preserving the rights and interest of
17 others.

18 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
19 ALBUQUERQUE:

20 Section 1. The Development Agreement as attached in Exhibit 1 shall constitute
21 the policy of the City.

22 Section 2. The Development Agreement shall be the condition for the City
23 providing services to the Property as stated in the Agreement and including, but not
24 limited to, police and fire protection, water, wastewater, health and safety services.

25 Section 3. The Development Agreement shall be, in part, the benefit
26 (consideration) to the City.

27 Section 4. At or before the first substantial development on the Property, a cul-
28 de-sac shall be created on 9th Street, south of Cutler, to provide access to the park
29 but close off access to Indian School Road. The Public Works Department shall
30 investigate providing parking for park users in the former 9th Street right of way as
31 part of this project. No access to the Albuquerque Indian School property shall be
32 provided from the east side of the property.

1 Section 5. As indicated by the letter from the local Bureau of Indian Affairs,
2 which letter is attached hereto as Exhibit 2, approval of the agreement by the
3 Secretary of Interior is not required.

4 Section 6. Bill No. F/S R-01-380 (Enactment No. 4-2002) is hereby repealed and
5 replaced by this legislation.

6

7

8 Leg\3OIS.repealr01380.doc

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File #: R-01-380

Type: Resolution Status: Enacted and Published

File created: 11/19/2001 In control: [City Council](#)

Final action: 1/23/2002

Enactment date: Enactment #: R-2002-004

Title: Repealing Bill No. F/S R-165 (2) (Enactment No. 57-2001), Adopting A Revised Development Agreement For The Albuquerque Indian School Property As The Policy Of The City Of Albuquerque And The City's Offer To The Indian Pueblos Federal Development Corporation And The 19 New Mexico Pueblos With Regard To The Development Of The Property, Adopting Policy Related To The Closure Of Ninth Street South Of Cutler, Declaring The Policy Of The City Of Albuquerque Concerning Entering Into Litigation Regarding The Trust Status Of The Former Albuquerque Indian School Property.

Sponsors: Vincent Griego

[History \(11\)](#) [Text](#)

CITY of ALBUQUERQUE
FOURTEENTH COUNCIL

COUNCIL BILL NO. F/S R-01-380 ENACTMENT NO.

SPONSORED BY: Vincent E. Griego

RESOLUTION

title

Repealing Bill No. F/S R-165 (2) (Enactment No. 57-2001), Adopting A Revised Development Agreement For The Albuquerque Indian School Property As The Policy Of The City Of Albuquerque And The City's Offer To The Indian Pueblos Federal Development Corporation And The 19 New Mexico Pueblos With Regard To The Development Of The Property, Adopting Policy Related To The Closure Of Ninth Street South Of Cutler, Declaring The Policy Of The City Of Albuquerque Concerning Entering Into Litigation Regarding The Trust Status Of The Former Albuquerque Indian School Property.

body

WHEREAS, in 1993 the United States Secretary of the Interior executed a Trust Deed which placed the former Albuquerque Indian School Property (the "Property") in trust for the Pueblos; and

WHEREAS, the Indian Pueblos Federal Development Corporation (the "Corporation") entered into a Perpetual Lease of the Property with the Pueblos; and

WHEREAS, the Pueblos and the City of Albuquerque desire that the Property be developed as an asset to the owners, the surrounding neighborhoods and the community; and

WHEREAS, the Corporation and the City wish to obtain municipal services to the property including, but not limited to, law enforcement, fire protection, water and sewer, solid waste, code administration, and environmental health; and

WHEREAS, the Property is located on all sides by and entirely within the city limits of the City of Albuquerque; and

WHEREAS, residents of the neighborhoods surrounding the Property are rightfully concerned about the potential impacts of the development, which concerns are shared by the Pueblos and the City of Albuquerque; and

WHEREAS, the City wishes that development of the Property conform to applicable sections of the City Ordinances and other regulations; and

WHEREAS, the trust status of the Property for the Pueblos by the U.S. Department of the Interior results in a special legal standing of the Property that necessitates creating a contractual basis for jurisdiction of the municipal agencies and special provisions for conflict resolution and the enforcement of the agreement; and

WHEREAS, since the adoption of Bill No. F/S R-165 (2) (Enactment No. 57-2001) in March 2001, there have been a number of meetings with representatives of the Indian Pueblos Federal Development Corporation, Neighbors for Rational Development, Department of the Interior, Bureau of Indian Affairs, the U.S. Attorney's office, and many others regarding the terms of the Development Agreement; and

WHEREAS, some modification of the original Development Agreement appears to be necessary to obtain the agreement of the 19 Pueblos that are tenants-in-common of the property and the Department of the Interior; and

WHEREAS, the Corporation has been in negotiations for some time with the Bureau of Indian Affairs for an office complex on the Property and unnecessary delay of this project should be avoided while preserving the City's legal rights; and

WHEREAS, the City of Albuquerque's policy for development of the Property may change if the Property is deemed to not be held in trust and the conditions of the land being held in trust are pertinent to the question of the rules and procedures that will be followed in the Property's development; and

WHEREAS, in the Albuquerque Indian School Property Application for Trust Status, dated January 7, 1993, the applicants stated that they "will enter into agreements with the City of Albuquerque . . . concerning payments equivalent to all local and state taxes applicable to similarly situated office buildings and compliance with land use requirements and such matters as police protection, fire safety, building code requirements, health provisions, parking areas, and similar issues"; and

WHEREAS, it is appropriate for the Council to authorize legal action to clarify the City's rights in this matter if the attached Development Agreement is not fully executed within a reasonable period of time.

THEREFORE, BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY FOR THE CITY OF ALBUQUERQUE THAT:

Section 1. The Development Agreement attached shall constitute the policy of the City.

Section 2. The Development Agreement must be agreed to and signed by the appropriate agent or representative of the Indian Pueblos Federal Development Corporation and each of the 19 Pueblos in order to take effect.

Section 3. The execution of the Development Agreement shall be the condition for providing City Services for the Property including, but not limited to, police and fire protection, water, wastewater, health and safety services.

Section 4. At or before the first substantial development on the Property, a cul-de-sac shall be created on 9th Street, south of Cutler, to provide access to the park but close off access to Indian School Road. The Public Works Department shall investigate providing parking for park users in the former 9th Street right of way as part of this project. No access to the Albuquerque Indian School property shall be provided from the east side of the property.

Section 5. The City of Albuquerque shall inform the U.S. Department of Interior, pursuant to the participation of the local government in the decision to transfer the Property into trust, that the support of the City of Albuquerque for trust status of the Property is contingent upon execution of the Development Agreement.

Section 6. The City reserves its ability to pursue full legal action for the protection of its rights with regard to the development the Property. Portions of these rights involve the trust status of the land and the conditions of the trust status. The City will forego any legal action related to the Development Agreement or the trust status of the Property for a period of six months from the enactment date of this Resolution to obtain execution of this agreement by Indian Pueblos Federal Development Corporation and each of the 19 Pueblos and subsequent approval of same by the Secretary of Interior. Council authorizes and directs that legal action be initiated by the City of Albuquerque to defend and clarify its rights with regard to the trust status of the Property and its development if the execution of this agreement by Indian Pueblos Federal Development Corporation and each of the 19 Pueblos and subsequent approval of same by the Secretary of Interior has not been completed within this 6 month period.

Section 7. Bill No. F/S R-165 (2) (Enactment No. 57-2001) hereby is repealed and replaced by this legislation.

DEVELOPMENT AGREEMENTS*

**for informational purposes only*

DRAFT

REVISED DEVELOPMENT AGREEMENT

THIS REVISED DEVELOPMENT AGREEMENT (hereafter the "Revised Agreement") is entered into by and between Indian Pueblos Marketing, Inc. ("IPMI"), a corporation organized under 25 U.S.C. § 477 and wholly owned by the 19 New Mexico Pueblos ("19 Pueblos") who have sovereign control of lands held in trust for the 19 Pueblos by the United States of America, and the City of Albuquerque, a municipal home rule corporation organized under the laws of the State of New Mexico ("City"), as of the Effective Date in Albuquerque, New Mexico (collectively, "the Parties").

RECITALS

WHEREAS, the City entered into a Development Agreement (hereafter "2002 Development Agreement") with an Effective Date of December 9, 2002 with Indian Pueblos Federal Development Corporation (hereafter "IPFDC"), a corporation organized under 25 U.S.C. § 477 and wholly owned by the Pueblos, relating to development of 46.11 acres of land held in trust for the 19 Pueblos ("hereinafter and as defined below, the "Property"); and

WHEREAS, the 2002 Development Agreement was amended by "Amendment No. 1 to the Development Agreement"; and

WHEREAS, the City and IPFDC entered into a Settlement Agreement dated November 20, 2007 addressing certain matters; and

WHEREAS, the 19 Pueblos have created the Albuquerque Indian School District ("hereafter AISD") as a political subdivision with governmental authority over the Property subject to the 2002 Development Agreement and with authority previously exercised by the Albuquerque Indian School Governing Board; and

WHEREAS, AISD has government authority over the Property and is entering a Memorandum of Agreement with the City addressing governmental matters originally addressed in the 2002 Development Agreement (hereafter "MOA"); and

WHEREAS, the 19 Pueblos granted IPMI responsibility for the development and management of the Property and IPMI has been assigned the Property development interests of Indian Pueblos Federal Development Corporation. The Indian Pueblos Federal Development Corporation no longer has an active role in the development or management of the land subject to the 2002 Development Agreement and IPMI holds the leasehold interest in the Property; and

WHEREAS the Property consists of two tracts of land, a Commercial Tract (hereafter "Commercial Tract") and an Office Tract ("Office Tract") to which different ordinances and development rules apply as set forth herein; and

WHEREAS, pursuant to the 2002 Development Agreement, the City agreed to provide municipal water and wastewater services, which services are now provided by the Albuquerque Bernalillo County Water Utility Authority (hereafter "ABCWUA"); and

WHEREAS, some of the development ordinances adopted by the 19 Pueblos pursuant to the 2002 Development Agreement are no longer relevant to the City-Pueblo relationship because of the creation of the ABCWUA, Amendment No 1 to the Development Agreement, and other intervening events; and

WHEREAS, the Development Agreement permits adjustment of the boundaries of the Office Tract by agreement and IMPI wishes to adjust the boundaries of the Office Tract by the addition of a small portion of the Commercial Tract; and

WHEREAS, the City and IPMI agree that the 2002 Development Agreement should be replaced by this Revised Development Agreement to better address the development of the Property and issues of concern to the parties and agree that this Revised Development Agreement shall replace the portions of the 2002 Development Agreement and Amendment No 1 related to development of the Property, as of the Effective Date of this Agreement; and

WHEREAS, it is the purpose of this Revised Development Agreement to clarify the applicable environmental, health, building, planning, land use and zoning standards and procedures which will apply to the Commercial Tract and to the Office Tract and to their development and to adjust the boundary of the tracts as permitted by Amendment No 1 to the 2002 Development Agreement; and

WHEREAS, the City and IPMI desire to ensure that impacts of the development of the Property on surrounding neighborhoods are mitigated in a similar fashion as in other parts of the City; and

WHEREAS, by this Revised Development Agreement, IPMI and the City agree to work together on a developer-to-government basis, to support development of the Property consistent with an intent to mitigate impacts on surrounding residential neighborhoods.

NOW, THEREFORE, IPMI and the City for, and in consideration of, the terms stated herein mutually agree as follows:

1. DEFINITIONS. The following definitions shall apply:
 - A. "To conform" means "to meet, follow and abide by" the appropriate standard or requirement in effect at the time.
 - B. "AISD Ordinances" for purposes of this Revised Agreement, means the Albuquerque Ordinances enacted by the Albuquerque Indian School District and applicable as a matter of law to the specific tracts of the Property as stated herein. AISD Ordinances does not include IPMI Development Plans and modifications thereto submitted to the City Council and adopted as Ordinances consistent with City practice (including, but not limited to F/S O-05-98 and F/S _____) , nor does it include general AISD Ordinances that are adopted outside of the MOA.
 - C. "Albuquerque Ordinances" means the substantive provisions of the ordinances of general applicability (which are listed in Paragraph 6 for each tract) enacted by the City as of the Effective Date of this Revised Agreement and all then existing codes, policies, regulations, and procedures promulgated pursuant to authority provided by the Albuquerque City Ordinances affecting the developer-to-government relationship as identified in Paragraph 5. The City will notify IPMI of substantive changes to "Albuquerque Ordinances" affecting the development of Property as identified in Paragraph 6 made after the Effective Date. Albuquerque Ordinances does not include approvals by the City Council of the IPMI Development Plan and any modifications thereto which are adopted as Ordinances consistent with City practice.

- D. "IPMI Development Plan" means the IPMI Development Plan, Design Guidelines and Standards, dated November 2015, including such modifications and amendments to the Plan as are approved by the City Council.
- E. "Substantive" as it refers to provisions of the Albuquerque City Ordinances means provisions that are essential to give effect to the Ordinance as written, including but not limited to standards, performance and design criteria, and procedural requirements where such procedural requirements are not inconsistent with this Agreement.
- F. "Property" means approximately 46.11 acres of land held in trust for the 19 Pueblos located on the southeast corner of 12th Street and Menaul as shown on Exhibit A.
2. TERM. The term of this Revised Development Agreement begins on the Effective Date thereof and shall terminate on December 09, 2032 (which is thirty (30) years from the Effective date of the original Development Agreement). This Agreement may be renewed upon concurrence of the parties.
3. APPLICABILITY. The Property to which this Revised Development Agreement applies contains approximately 46.11 acres and consists of two tracts of land, the "Commercial Tract" and the "Office Tract" which are held in trust by the United States Government for the Pueblos. The Commercial Tract of the Property to which this agreement applies is more particularly described in Exhibit B attached hereto and incorporated by reference. The Office Tract of the Property to which this agreement applies is more particularly described in Exhibit C attached hereto and incorporated by reference.
4. SETTLEMENT AGREEMENT. The terms of the Settlement Agreement of November 20, 2007 attached hereto as Exhibit E remain in force and are incorporated herein by reference except that if the two parcels comprising Indian School Road are put in trust for the 19 New Mexico Pueblos, the provisions of Paragraph 3 of the Settlement Agreement shall be terminated including, without limitation, discharge of the City's obligation to maintain Indian School Road as outlined in the Development Agreement and discharge of the City's obligation to construct a right in and right out connection between Indian School Road and the adjacent I-40 frontage road. Pursuant to the Settlement Agreement the City agreed to reimburse the Corporation for certain costs, including but not limited to reimbursement for

infrastructure costs, "UEC" charges, and water and sewer connection fees. IPMI is the successor of the Corporation concerning this City obligation.

5. CITY SERVICES. For the Commercial Tract, the City agrees to provide to IPMI and others, applicable code administrative review and environmental health enforcement. Garbage or trash services will be provided to IPMI or their tenants on both the Office Tract and Commercial Tract for the same user fees charged by the City of Albuquerque to its citizens. IPMI may provide notice to the City that they will contract with another governmental authority or private entity for garbage or trash services upon thirty (30) days notice in lieu of contracting with the City.
6. ALBUQUERQUE ORDINANCES. The following Albuquerque Ordinances have been adopted by AISD and are applicable as a matter of law to the tracts specified below. IPMI acknowledges and agrees that it will comply with these Albuquerque Ordinances given their adoption by AISD.
 - 6.1. Commercial Tract. The Parties agree that the following development ordinances are applicable to the Commercial Tract: the Zoning Planning and Building Ordinances, § 14-1-1 through 14-1-8 ROA 1994 (insofar as applicable under the AISD Ordinance); together with the applicable policies, regulations and Administrative Procedures promulgated pursuant to the above cited ordinances including but not limited to the Development Process Manual, the Comprehensive Plan, the North Valley Area Plan, and other ranked plans which address the area in which the Commercial Tract is located. The Development Review Board (DRB) shall review site development plans for building permits for the Commercial Tract. If not required by current DRB policies, then DRB shall provide written notification of the aforementioned site development plan reviews to surrounding neighborhood associations (those neighborhood associations that would be notified pursuant to City notification policies).
 - 6.2. Permits. As provided in the 2007 Settlement Agreement, when a city permit is required on the Commercial Tract the business requiring a permit shall apply to the City. The City agrees to notify IPMI of the application and the City's decision on the application. If IPMI disagrees with the City's decision IPMI will inform the City and state the basis for its disagreement. The City and IPMI will thereafter

confer and in the event they do not agree, the matter will be submitted to arbitration pursuant to Section 15 of this agreement.

- 6.3. Administrative Enforcement. The City may conduct random or periodic inspections of non-tribally owned businesses on the Commercial Tract and tribally owned businesses that have granted an appropriate waiver of sovereign immunity. If requested by IPMI, inspections will occur as soon as reasonable possible. The City will notify IPMI, and copy AISD, prior to revoking or suspending any permit. IPMI may appear, but not intervene in any Administrative hearing. If IPMI disagrees with any proposed administrative action, they shall notify the City in writing stating the basis for the objection. If the parties are not able to agree the matter will be submitted to dispute resolution pursuant to Section 15 of this Agreement.
- 6.4. Office Tract. As provided in Amendment No 1 to the 2002 Development Agreement, federal building codes and the federal developmental process are applicable to the Office Tract. None of the Zoning Planning and Building Ordinances, § 14-1-1 et seq. ROA 1994 apply to the Office Tract.
7. ENCROACHMENT AND ACCESS. The City will cooperate with IPMI to coordinate access between any rights-of-way or public streets and the Property, and with regards to utilities, transportation facilities, etc. and hydrology infrastructure, which will serve the Property. The City has not satisfied its obligation to pay for encroachment as provided in the Settlement Agreement Paragraph 5 and commits to making payment for this obligation to IPMI. IPMI will provide an accounting to the City within 90 days of execution of the Revised Agreement of the amounts owed IPMI. The City will have 90 days within which to provide payment or contest any portion of the payment obligation. If the Parties cannot agree on the amount due from the City within 180 days, the Parties agree to submit the matter for resolution under Paragraph 15.
8. MUNICIPAL COMPENSATION. As provided by the Settlement Agreement, the City will not charge IPMI for any assessments, taxes or fees for improvements on the Property, including without limitation for building permit fees, inspection fees, plan review fees or impact fees. Development Review Board fees will be the same as those charged to others in the City.

9. MITIGATION MEASURES. The Parties agree that mitigation measures concerning lighting, signage, building location and density, buffering and land use are required for the Property under the AISD Ordinances. The parties agree that appropriate mitigation measures will be incorporated into IPMI's site plans and development of the Property as follows:
- A. Traffic. A traffic impact and air quality study was performed and provided to the City. The results of the study are addressed in the IPMI Development Plan. Any major changes regarding land use at the Property or trip generation volumes or patterns will require a new traffic and air quality impact studies.
 - B. Lighting, Signage and Noise. IMPI agrees that activities on the Commercial and Office Tracts will conform to the City's Lighting, Signage and Noise Ordinances. Area lighting fixtures will be shielded to reduce transient light impacts on surrounding neighborhoods.
 - C. Air Quality. Air quality at the Property will conform to all regulations, standards, and State Implementation Plans adopted by the Albuquerque/Bernalillo County Air Quality Control Board, whose regulations, standards, and State Implementation Plans are reviewed and approved by the United States Environmental Protection Agency. IPMI agrees to work with the City to install an air monitoring station in the vicinity of the Property at the City's expense.
 - D. Building Location and Density. Development at the Property will conform to the IPMI Development Plan. A substantial landscaped buffer will be developed along the northern and eastern edges of the Property as required by the IPMI Development Plan. There will be no ingress, egress, or other access from the Property to 9th Street on the eastern portion of the Property.
 - E. Land Use. Development of the Property shall conform to the IPMI Development Plan as approved by the City Council. Licensing and permitting of liquor sales on Property shall be subject to the requirements of 18 U.S.C. §1161, applicable New Mexico Statutes and the AISD Ordinances regarding the provision of liquor on the Property.

- F. Drainage. Drainage and run-off at the Property will conform to all City drainage design and performance criteria and standards.
- G. Environmental Health. All activities on the Commercial Tract related to food service, pool and spa operations, insect and rodent control, and animal control, shall be conducted in conformance with Albuquerque City Ordinances. The City will perform inspection and licensing services, required by said Ordinances at the request of IPMI.

10. LAND USE LAWS.

- A. Office Tract. The parties stipulate and agree that the Office Tract will be used for construction of an office complex. The area of the Office Tract as provided by Amendment No. 1 to the 2002 Development Agreement is enlarged through the addition of a strip of land from the Commercial Tract to the centerline of Eagle Way as shown on Exhibit D. The parties stipulate that IPMI may propose through amendment of this Agreement to further enlarge the Office Tract. As provided herein, the City's development process does not apply to the Office Tract. The applicable Mitigation Measures listed in Paragraph 9 do apply to the Office Tract.
- B. Commercial Tract. The City's Development Review Board ("DRB") process applies to this parcel (see Exhibit D) as set forth more specifically in the IPMI Development Plan and Paragraph 6 of this Agreement. IPMI for itself and its successors and lessees agrees to be contractually bound to the approval and hearing requirements of the City as provided herein and in the IPMI Development Plan. IPMI and its successor agree that they shall not allow or engage in any land use that is not approved for the Commercial Tract. All decisions made by the DRB concerning the Commercial Tract are final unless appealed to the City Council. If appealed, the City Council shall give final approval to all such decisions subsequent to a public hearing. A final decision of the City Council may be appealed by IPMI pursuant to the Dispute Resolution process described in paragraph 15. IPMI shall be responsible for obtaining all information, applications and other materials needed from parties necessary to comply with the provisions of this Paragraph.

The rights of regulatory review are contractually created and implement a review process which closely parallels the City DRB review procedure, except as modified herein. These contractual review rights do not create or abridge any cause of action to third parties. Only signatory parties to this Agreement may appeal City Council decisions pursuant to the Dispute Resolution set out in Paragraph 15 below.

11. STRICT ACCOUNTABILITY. There shall be strict accountability for all City funds expended and collected pursuant to this Agreement. All accounting records related to City funds expended or collected under this Agreement shall be subject to annual audit and inspection by IPMI; the Department of Finance, and Administration, and the State Auditor.
12. FINAL APPROVAL AND AMENDMENT. This Agreement shall be approved and not be altered, changed or amended except by written instrument executed by the parties hereto.
13. REPRESENTATIONS OF IPMI. IPMI represents and warrants that:
 - A. IPMI has the full power and authority to execute and deliver this Agreement and to perform all of the covenants and obligations provided in this Agreement. IPMI has taken all steps necessary to carry out all transactions and functions owed by IPMI pursuant to the terms of this Revised Agreement. This Revised Agreement is a valid and legally binding agreement for IPMI and is enforceable in accordance with its terms.
 - B. The execution and delivery of this Revised Agreement and performance by IPMI of its obligations and covenants hereunder will not violate other laws, covenants or agreements by which IPMI is bound.
 - C. All required filings, authorizations, consents and approvals in connection with the execution of this Agreement have been fully and validly received by IPMI.
 - D. The 19 Pueblos have the authority to dissolve IPMI only as provided in its federal charter and with the consent of Congress.
14. REPRESENTATIONS OF THE CITY. The City represents and warrants that:
 - A. The City has full power and authority to enter into this Agreement, this Agreement has been duly authorized by all necessary processes within the City, and the individuals signing on behalf of the City have the authority to sign on behalf of the City.

- B. This Agreement is a valid and legally binding agreement of the City, enforceable against the City in accordance with its terms.
- C. By entering into this Agreement and taking the actions contemplated under this Agreement, the City is not in violation of any existing contracts, the governing documents of the City, or any court orders or existing laws.

15. DISPUTE RESOLUTION.

- A. The parties hereby agree that any disputes or matters of enforcement, and all other actions, claims, and controversies between the parties and arising under or related to this Agreement shall be resolved by binding arbitration pursuant to this section.
- B. Any party may commence arbitration by serving upon the other party a written demand for arbitration sent by certified mail, return receipt requested, to the address stated herein governing the giving of notices.
- C. IPMI for itself and its successors, waive and relinquish any defense of or claim of sovereign immunity for claims brought by the City on its own behalf pursuant to this Agreement and such waiver shall be limited to the dispute resolution processes contained herein. IPMI and the City stipulate and agree that arbitration as provided herein shall be the exclusive means for resolving all disputes between the parties arising under or related to this Agreement. Except as otherwise expressly provided by this Agreement, nothing herein is intended to inure to the benefit of any third party or class of persons. IPMI does not waive sovereign immunity for any claims brought by a third party or related to any matters not contained in this Agreement.
- D. The provisions of the Uniform Arbitration Act §§ 44-7-1 to 44-7-22 NMSA 1978, as amended from time to time and in effect on the date such arbitration is commenced shall govern any such arbitration; provided, however, that (a) any provision contained in this section shall control over any conflicting provisions the Uniform Arbitration Act and (b) the enforcement of the provisions of this section and of any order or award issued by the arbitration panel (an "Arbitration Decision") shall be enforced by the Federal District Court for the District of New Mexico or any other court of competent jurisdiction.

- E. The panel of arbitrators shall be chosen in the following manner: Each party shall choose one arbitrator and the first two arbitrators shall choose the third arbitrator. All arbitrators shall be free of any bias or conflict of interest. A minimum of one arbitrator selected shall be an attorney licensed to practice in the State of New Mexico or in the United States District Court for the District of New Mexico with more than ten (10) years of professional legal experience in land use law. At least one arbitrator selected shall be an attorney licensed to practice in New Mexico, or any other state, with more than ten (10) years of professional legal experience in Indian law.
- F. The arbitrators shall be empowered to act in all decisions by majority vote of all three members (i.e. 2 of 3 members), and shall apply the Uniform Arbitration Act provisions to the resolution of all disputes.
- G. Each decision of the arbitrators in each dispute or issue brought to arbitration, whether an interlocutory order, a final award, or otherwise, shall be a final, binding and an unappealable resolution of the issue or matter in dispute, except as provided by the Uniform Arbitration Act. Each Arbitration Decision rendered against any party shall be reduced to a court order or judgment, if required, enforced by the Federal District Court for the District of New Mexico or any other court of competent jurisdiction.
- H. The arbitration costs and expenses of each party shall be borne by that party and all arbitrators' fees and other expenses shall be borne equally by both parties.
- I. The arbitrators shall have no jurisdiction to award monetary damages of any kind, and relief shall be confined to declaratory and/or injunctive relief.
- J. The arbitration panel shall appoint a time for the hearing, provided, however, that the hearing shall commence within sixty (60) days after the notice of arbitration unless good cause is shown and shall be in a neutral location. The arbitration panel shall send notice to the parties not less than twenty (20) days before the hearing. Either party has the right to be represented by an attorney at the hearing and may submit any evidence or raise any issue. The arbitrators may hear and determine the dispute or request for order or award upon the evidence produced

notwithstanding the failure of a party duly notified to appear or present evidence. The parties and their counsel have the right to be heard and cross-examine witnesses appearing at the hearing. The arbitration panel may permit depositions to be taken for use as evidence and may cause subpoenas to be issued for attendance of witnesses or production of documents by application to any court empowered to issue subpoenas for arbitrators and having jurisdiction as provided herein. If, during the course of the hearing, an arbitrator for any reason ceases to act, the remaining arbitrators may continue with the hearing and determination of the matter.

- K. The arbitrators shall be required to act on and issue their decision, order, or award not more than twenty (20) days following the conclusion of the hearing. All decisions of the panel must be made by a majority of the panel members. The award of the arbitration panel shall be in writing and signed by arbitrators joining the award.
 - L. The parties hereby agree that service of process by certified or registered United States mail to the addresses shown in Paragraph 20 of this Agreement governing the giving of notices shall be effective notice of the arbitration hearing, any other order, action, or proceeding of the arbitration, or any court order, action, or proceeding for provisional remedy or the confirmation and execution of the award of the arbitration panel, seventy-two (72) hours after the same are deposited, postage prepaid, in the U.S. Mail.
16. SUCCESSORS IN INTEREST. The provisions of this Revised Agreement are binding on and shall inure to the benefit of the parties, their successors in interest, assignees and other transferees of the parties. The requirements contained in this Revised Agreement are binding on and inure to the benefit of all successors in interest, assigns, and other transferees of the parties.
17. GOVERNING LAW. The law governing this Agreement shall be the laws of the United States, but if no federal law exists, then the laws of the State of New Mexico shall be looked to for guidance.

18. CONDITIONS SUBSEQUENT. As a condition subsequent to this Revised Agreement, the City will obtain approval of the City pursuant to the regular procedures that apply to new legislation at the City.
19. TRUST STATUS. This Revised Agreement is conditioned on continuance of the Property in federal Indian trust status. The parties acknowledge that even though the Property is held in federal Indian trust status, the Property is not currently qualified for Class III gaming under the Indian Gaming Regulatory Act.
20. INCLUSION OF TERMS IN CONTRACTS. The parties agree to include in any contract, subcontract, lease or sublease regarding the Property or activities thereon provisions which incorporate the terms of this Agreement.
21. NOTICES. Any and all notices required under the terms of this Agreement shall be mailed by certified mail, return receipt requested, to IPMI at 2401 12th Street, NW, Albuquerque, NM 87104 and to the City of Albuquerque c/o City Legal Department (City Attorney) P.O. Box 2248, Albuquerque N.M. 87103. The operative date of any such notice will be three days after the mailing date. If notice to AISD is required, then to this address: 2401 12th Street NW, Suite 210, Albuquerque, NM 87104.
22. SEVERABILITY. If any court shall deem any part of this Agreement illegal or unenforceable, the remainder of this Agreement shall remain in full force and effect.
23. EFFECTIVE DATE: The Effective Date of this Agreement is _____.

INDIAN PUEBLOS MARKETING, Inc.

By: _____

Date: _____

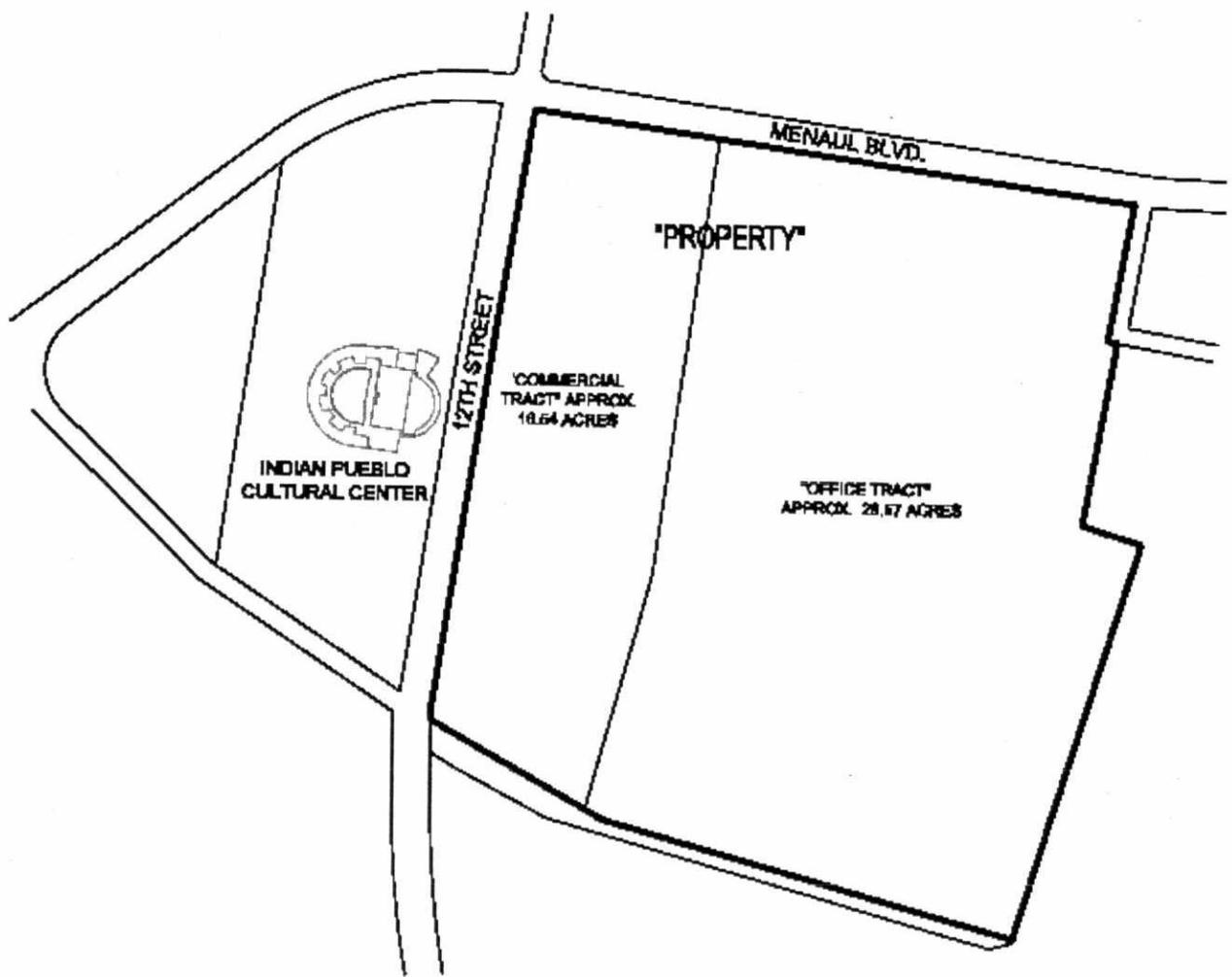
CITY OF ALBUQUERQUE

By: _____

Date: _____

REVISED DEVELOPMENT AGREEMENT ALBUQUERQUE INDIAN SCHOOL SITE

APPROX 46.11 ACRES



**SUMMARY OF
THE DEVELOPMENT AGREEMENT
BETWEEN THE
INDIAN PUEBLOS FEDERAL DEVELOPMENT CORPORATION
AND CITY OF ALBUQUERQUE**

October 1, 2003

History of the AIS Property and Perpetual Ground Lease

On June 7, 1882, Elias S. Clark, an Albuquerque resident, deeded 65.79 acres located in downtown Albuquerque to the United States to operate an Industrial School for the Pueblos and other Indians. On October 3, 1884, President Chester A. Arthur declared the tract reserved and set apart for Indian purposes (hereinafter the "AIS Property"). Other parcels of land were added later. The Presbyterian Church operated a school for Indian students on the AIS Property under a contract with the federal government from 1884 to 1886. In 1886, the United States assumed full control and operated the Indian school until 1980.

In the 1960's, the Pueblo Indians decided they wanted a portion of the AIS Property deeded to them for economic development purposes, including the development and operation of a cultural center. On June 17, 1969, Theodore W. Taylor, Acting Commissioner of Indian Affairs, under authority of 25 U.S.C. § 293(a), signed a quitclaim deed on behalf of the United States, conveying approximately 11 acres of the AIS Property to the 19 Pueblos of New Mexico as tenants in common. The 11+ acre site was deeded back to the United States, under Public Law 95-232 (1978), 92 Stat. 30, to be held in trust jointly for the Pueblo Indians.

In 1981, the Pueblos formally petitioned the United States for the transfer of the remaining AIS Property to themselves. On July 5, 1984, Ken Smith, Assistant Secretary of the Interior for Indian Affairs, signed a deed conveying the 44.255 of the AIS Property to the 19 Pueblos under the authority of 25 U.S.C. § 293(a), which the Pueblos held in fee simple as tenants in common. Soon after the Pueblos acquired title to the 44.205 acres, they began exploring the possibility of placing the parcel under the trust of the United States. Then, the Pueblos quit claimed the same 44.255 (later corrected by survey to 44.201) acres back to the United States and applied for trust status of the property, which the Secretary accepted in trust for the 19 Pueblos on January 15, 1993. The 1.9592 acres on which Indian Health Service ("IHS") operated was placed in trust by Section 531 of the Treasury, Postal Service, and General Government Appropriations Act, 1994, Public Law 103-123 (October 28, 1993).

The land within the AIS Property sat idle for many years. Consequently, the 19 Pueblos formed the Indian Pueblos Federal Development Corporation ("IPFDC") as a federally chartered Section 17 corporation and charged it with the primary responsibility of developing the AIS Property. The Secretary approved the federal charter for the corporation on January 15, 1993. Each of the 19 Pueblos is a member of the corporation and such membership is non-transferable. The 19 Pueblos,

as lessor, and IPFDC, as lessee, entered into a Perpetual Ground Lease, which was approved by the Secretary of the Interior on June 18, 1997 for approximately 46 acres of the AIS Property. The Perpetual Ground Lease consists of the 44.201-acre tract and the 1.9592-acre tract.

Development Agreement

The AIS Property sits in the middle of the City of Albuquerque ("City"). In order to obtain utility services to the property and to resolve trespass, zoning and law enforcement issues, IPFDC negotiated a Development Agreement with the City. The agreement was approved by the City Council pursuant to Resolution No. R-02-167 and executed by the parties on December 9, 2002.

Under the Development Agreement, the City and IPFDC agreed to do certain things, including the following:

1. The City will provide water, sewer and other municipal services (law enforcement, fire protection, emergency medical and rescue services, etc.) to the property at rates and costs established by the Albuquerque City Ordinances (see Sections 4 and 7 of DA).
2. IPFDC, as agent for the 19 Pueblos, will appoint a Governing Board to act on governmental related matters affecting the AIS Property (see Section 1(b) of the DA).

IPFDC established the Governing Board by resolution on October 10, 2002. Then, on April 2, 2003, the Governing Board adopted by resolution the substantive provisions of certain ordinances of the City of Albuquerque, as required by the Development Agreement (see Sections 1(b), 1(c) and 5 of DA). Copies of these resolutions are attached.

In particular, the substantive provisions of the following City ordinances were adopted by the Governing Board (referred to as the "AIS Ordinances" in the Development Agreement):

- a. Water, Sewer and Street Ordinances;
- b. Transportation, Vehicles and Traffic Ordinances;
- c. Traffic Code;
- d. Health and Sanitation Ordinances;
- e. Morals and Conduct Ordinances;
- f. Criminal Code;
- g. Business and Operations Ordinances;
- h. Zoning Planning and Building Ordinances;
- i. Uniform Building, Plumbing and Mechanical Codes and NM Building Code;
- j. Uniform Administrative Code; and
- k. National Electrical Code.

3. Jurisdiction within Perpetual Ground Lease Area (see Section 5 of DA):
 - a. Civil Jurisdiction:
 - i. Office Building Carve Out: The Governing Board has complete jurisdiction and the City has no approval authority over construction or other activity within this area, although IPFDC has indicated that it will use City and federal construction standards as guidelines in building the office building(s). The Governing Board issues permits and approvals for construction activity within this tract.
 - ii. Commercial Tract: The Governing Board will execute agreements, including cross deputization agreements, to provide the District Attorney and the City with jurisdiction to act as agents of the Pueblos in enforcing the AIS Ordinances in state court within this area. The City, as agent for the Governing Board, issues permits and approvals for construction activity within this area.
 - b. Criminal Jurisdiction:
 - i. Offenses by Indians: The United States Attorney or the Governing Board will prosecute criminal offenses by or against Indians committed on the property. The Governing Board will establish or make arrangements to use the BIA CFR Court for misdemeanor offenses committed by or against Indians on the property.
 - ii. Offenses by Non-Indians: The District Attorney and/or City will prosecute criminal violations committed by non-Indians on the property in Bernalillo County or New Mexico District Court.
4. Disputes between IPFDC and the City concerning the agreement are to be resolved through arbitration (see Sections 5 and 15 of DA).
5. IPFDC and the City will seek NM Legislative approval to share any gross receipts and property taxes applicable to non-Indian businesses (see Section 5 of DA). All taxes collected on Indian owned businesses will accrue to the Governing Board.
6. IPFDC will grant to the City easements for public utilities and access to the site and the streets surrounding the Perpetual Ground Lease area (9th Street, 12th Street and Menaul) (see Section 6 of DA).

IPFDC and the City have reached agreement regarding the easements for the streets and utilities. The parties will enter into a Right-of-Way Agreement, under which the Utility Expansion Charges ("UEC") charges, tie-in fees and meter installation fees (for a 6" sanitary sewer line, 2" domestic water line and 1½" irrigation line) for up to five pads of development

sites within the Perpetual Ground Lease area, totaling approximately \$325,000, are considered paid, and the City will reimburse IPFDC \$95,000 for installation of the waterline.

In exchange for City services and agreements, the Pueblos will waive all past trespass claims against the City related to the overlaps of the streets surrounding the Perpetual Ground Lease area. In addition, the Pueblos will consent to the easements to be issued by the BIA in perpetuity at no charge, procure design approval from the City's Design Review Committee for the construction of the water and sewer lines, and conform with all City requirements for work order approvals for construction of the water and sewer lines.

The Right-of-Way Agreement and Easements are pending the signature of the authorized representatives of IPFDC, the City and BIA. Copies of the unexecuted documents are attached.

7. The parties agree that certain issues will be addressed and appropriate mitigation measures would be incorporated into the site development plan to be submitted to the City (see Section 8 of DA).

The mitigation measures to be addressed include: traffic, lighting, signage, air quality, noise, building locations and density, land use, drainage, and environmental health. For example, all signage constructed on the property will conform to standards required by the City Ordinances, except that existing signage shall conform to such standards no later than 20 years from the execution date of the Development Agreement.

Licensing and permitting of liquor sales, if any, on the property will be subject to federal law, 18 U.S.C. § 1161, which is at least as stringent as New Mexico law, New Mexico law, and laws adopted by the Governing Board (see Section 8(G)).

8. The parties agree that the Perpetual Ground Lease area will be divided into two tracts – an "Office Tract" and the "Remainder of the Property" (which is referred to as the "Commercial Tract" herein and in the cover letter) (see Section 10 of DA).

The Office Tract currently consists of 11.1 acres located in the southeast corner of the Perpetual Ground Lease area. IPFDC can request the enlargement of the Office Tract through the "ordinary established City process."

The City developmental process and the Zoning Planning and Building Ordinances, Uniform Building, Plumbing and Mechanical Codes and NM Building Code, Uniform Administrative Code, National Electrical Code do not apply to the Office Tract, if the federal building codes and developmental process are at least as strict or stricter than the City counterparts. Other ordinances mentioned above in Section 2(a) through (g) above and as adopted by the Governing Board apply to the Office Tract.

With respect to the Commercial Tract, all the approval and hearing requirements of the City Planning Department, EPC and City Council apply on the same basis as other developments

within the city limits. However, any matter that can be appealed to state or federal court will instead be subject to the dispute resolution provision of the Development Agreement.

IPFDC can submit a site development plan or a sector development plan concurrently with the application for a zoning designation of SU-1 or SU-2 for the Commercial Tract. No zoning designation is required for the Office Tract or expanded Office Tract since it is not subject to the Zoning Planning and Building Ordinances.

9. All disputes arising under or related to the Development Agreement are subject to arbitration (see Section 15 of the DA).
10. The law governing the Development Agreement shall be federal law, but if no federal law exists, then New Mexico law shall apply (see Section 16 of the DA).

APPLICATION INFORMATION



Supplemental Form (SF)

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

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): DANIEL SOLARES JR. (STUDIO SOUTHWEST ARCHITECTS INC) PHONE: 505-843-9639

ADDRESS: 2101 MOUNTAIN ROAD NW FAX: 505-843-9683

CITY: ALBUQUERQUE STATE NM ZIP 87104 E-MAIL: dsolares@studioswarch.com

APPLICANT: INDIAN PUEBLOS MARKETING INC. PHONE: 505-724-3518

ADDRESS: 2401 12TH STREET NW FAX: _____

CITY: ALBUQUERQUE STATE NM ZIP 87104-2302 E-MAIL: _____

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: Supplanting the existing STUDY RECOMMENDATIONS / 12th Menaul Study with the IPMI Development Plan.

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

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

Lot or Tract No. SEE ATTACHED LEGAL DESCRIPTION Block: _____ Unit: _____

Subdiv/Addn/TBKA: _____

Existing Zoning: SU-1 Proposed zoning: _____ MRGCD Map No _____

Zone Atlas page(s): H-13-Z & H-14-Z UPC Code: 101405901329320113

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): _____

DRB PROJECT # 1000649 - APPROVED 3 ACRE SITE PLAN. 12TH STREET C.O.A. PROJECT # 7186.92

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill? X _____

No. of existing lots: _____ No. of proposed lots: _____ Total site area (acres): 46.11 ACRES

LOCATION OF PROPERTY BY STREETS: On or Near: 12th Street NW

Between: Menaul Boulevard NW and INDIAN SCHOOL ROAD

Check if project was previously reviewed by: Sketch Plan/Plan or Pre-application Review Team(PRT) Review Date: 4/21/16

SIGNATURE [Signature] DATE 4/28/16

(Print Name) DANIEL SOLARES JR. Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

| | | | | |
|--|--------------------------|--------|------|-----------|
| <input type="checkbox"/> INTERNAL ROUTING | Application case numbers | Action | S.F. | Fees |
| <input checked="" type="checkbox"/> All checklists are complete | 10EPC - 40023 | SPS | ___ | \$ 385.00 |
| <input checked="" type="checkbox"/> All fees have been collected | ___ | ADV | ___ | \$ 75.00 |
| <input checked="" type="checkbox"/> All case #s are assigned | ___ | CMF | ___ | \$ 50.00 |
| <input checked="" type="checkbox"/> AGIS copy has been sent | ___ | ___ | ___ | \$ _____ |
| <input checked="" 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 |
| | June 9, 2016 | | | \$ 510.00 |

[Signature] 4-28-16 Project # 1000649

Staff signature & Date

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**

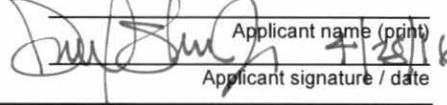
EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

- 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.

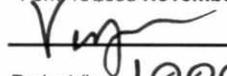
DANIEL SOLARES JR.

 Applicant name (print)
 Applicant signature / date 7/28/16



Form revised November 2010

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

Application case numbers
 1/EPC - 40023


 Planner signature / date 4/28/16
 Project #: 1000649



INDIAN PUEBLOS MARKETING, INC.

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay
Owingeh

Picuris

Pojoaque

Sandia

San
Felipe

San
Ildefonso

Santa
Ana

Santa
Clara

Santo
Domingo

Taos

Tesuque

Zia

Zuni

April 20, 2016

City of Albuquerque
Planning Department
600 2nd Street NW
Albuquerque, New Mexico 87102

To Whom It May Concern,

Indian Pueblos Marketing Inc. (IPMI) authorizes Studio Southwest Architects to act as an agent for the proposed Site Development Plan for Subdivision, design guidelines and design standards for the IPMI 46 acre master planned site located at the southeast corner of 12th Street and Menaul Boulevard NW. The revisions will be submitted to the Environmental Planning Commission for review and recommendations and then submitted to the City Council for review and approval.

Sincerely,

Michael Canfield
President/CEO
Indian Pueblos Marketing
Indian Pueblo Cultural Center

Public Law 95-232
95th Congress

An Act

Feb. 17, 1978
[S. 1509]Indians.
Certain pueblos.
N. Mex.
Lands in trust.

To provide for the return to the United States of title to certain lands conveyed to certain Indian pueblos of New Mexico and for such land to be held in trust by the United States for such tribes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duly authorized officials of each of the Indian pueblos of New Mexico are hereby authorized to convey to the United States all the right, title, and interest of such pueblos in the land located in Albuquerque, County of Bernalillo, State of New Mexico, which was conveyed to such pueblos on behalf of the United States and the Secretary of the Interior by the quitclaim deed executed on June 17, 1969, by the Acting Commissioner of Indian Affairs, and by the correction quitclaim deed executed July 30, 1970, by the Commissioner of Indian Affairs, and which is described as follows:

Tract "C"

A tract of land lying and being situated in section 7, township 10 north, range 3 east of the New Mexico principal meridian, within the city of Albuquerque, County of Bernalillo, State of New Mexico, said tract being more particularly described as follows:

Beginning at a point on the west right-of-way line for 12th Street and the north right-of-way line for Indian School Road, said point also being corner No. 2 of tract herein described and from whence the New Mexico Highway Department Triangulation Station 1-40-15 having established coordinates of Y-1494103.76, X-378204.72 of the New Mexico coordinate system, central zone, bears S. 16 degrees 02 minutes 03 seconds E., 989.43 feet.

Thence north 39 degrees 58 minutes 22 seconds west, 281.29 feet along the north right-of-way of Indian School Road to the point of curvature and corner No. 3 of said tract.

Thence in a northwesterly direction 212.69 feet along the range, west curve concave to the northeast having a radius of 1,393.27 feet to corner No. 4.

Thence north 8 degree- 49 minutes 05 seconds east, 865.60 feet to corner No. 5, a point on the south right-of-way of Menaul Boulevard extension.

Thence in a northeasterly direction 493.42 feet along the range, west curve concave of the south having a radius of 716.20 feet to corner No. 1, a point on the west range/west line for 12th Street.

Thence south 8 degrees 16 minutes west, 1,255.45 feet along said range/west to corner No. 2, the point and place of beginning, said tract containing 11.2857 acres, more or less.

Corner Coordinates of Tract "C"

| Corner: | Y— Coordinate | X— Coordinate |
|---------|------------------|------------------|
| 1..... | 1496295.97 | 378116.08 |
| 2..... | 1495054.70 | 377931.43 |
| 3..... | 1495196.41 | 377688.55 |
| 4..... | 1495316.87 | 377513.58 |
| 5..... | 1496171.41 | 377649.72 |

(b) Upon approval by the Secretary of the Interior, the Secretary shall accept such conveyances on behalf of the United States. Such land shall be held in trust jointly for such Indian pueblos and shall enjoy the tax-exempt status of other trust lands, including exemption from State taxation and regulation. However, such property shall not be "Indian country" as defined in section 1151 of title 18, United States Code. The Secretary shall cause a description of such trust land to be published in the Federal Register.

(c) Nothing in this Act shall terminate or diminish the rights or interests of the Indian Pueblo Cultural Center, Inc., as an assignee or subleasee of the lease of such land to the All Indian Pueblo Council, Inc., approved on August 27, 1974, by the Bureau of Indian Affairs.

(d) Nothing in this Act shall alter the rights or interests, if any, in the adjacent lands previously conveyed to the County of Bernalillo for Four-H Club use by deed dated March 22, 1980.

Approved February 17, 1978.

Secretary of the
Interior,
acceptance of
conveyances.

Publication in
Federal Register.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-846 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-445 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 123 (1977): Sept. 29, considered and passed Senate.

Vol. 124 (1978): Feb. 6, considered and passed House.

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: INDIANAS RUEBLOS DATE OF REQUEST: 4/26/16 ZONE ATLAS PAGE(S): H-13-28, H-14-7

CURRENT: MARKETING INC. LEGAL DESCRIPTION: VPC 1014059013293 20113

ZONING SU-1 LOT OR TRACT # A BLOCK # _____

PARCEL SIZE (AC/SQ. FT.) 46.1 SUBDIVISION NAME _____

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: TBD (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 4/26/16

(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: DMD has an updated study.

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

4/26/16
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 _____

April 26, 2016

Traffic Impact study – Legal description clarification

TRACT "A", OF THE PLAT FOR THE UNITED STATES BUREAU OF LAND MANAGEMENT SURVEY OF TOWN OF ALBUQUERQUE GRANT, PROJECTED SECTIONS 7 AND 8 OF TOWNSHIP 10 NORTH, RANGE 3 EAST NEW MEXICO PRINCIPAL MERIDIAN, DATED AUGUST 12, 2011, BEING MORE PARTICULARLY DESCRIBED AS;

BEGINNING AT FOUND BLM BRASS CAP BEING CORNER #6 OF SAID SURVEY ON THE EAST LINE OF SAID TRACT "A"; WHENCE CITY OF ALBUQUERQUE CONTROL MONUMENT A-438 WHICH BEARS SOUTH 87°50'65" EAST A DISTANCE OF 3445.65 FEET RUNNING;

THENCE, NORTH 09°43'07" EAST A DISTANCE OF 283.65 FEET TO A FOUND #4 REBAR WITH CAP LS8489 FOR A CORNER;

THENCE, ALONG A CURVE TO THE LEFT, HAVING A CHORD BEARING NORTH 37°02'17" WEST AND A CHORD DISTANCE OF 36.63 FEET, WITH A RADIUS OF 25.00 FEET TO A FOUND #4 REBAR WITH CAP LS8489 FOR A CORNER;

THENCE, ALONG A CURVE TO THE RIGHT, HAVING A CHORD BEARING NORTH 83°29'05" WEST A DISTANCE OF 201.54 FEET, WITH A RADIUS OF 5771.30 TO A SET #4 REBAR WITH CAP LS11463;

THENCE, NORTH 82°31'03" WEST A DISTANCE OF 1087.30 FEET TO A FOUND #4 REBAR WITH CAP LS8489 FOR A CORNER;

THENCE, SOUTH 08°13'00" WEST A DISTANCE OF 1296.51 FEET TO A SET #4 REBAR WITH CAP LS11463 FOR A CORNER;

THENCE, SOUTH 61°26'34" EAST A DISTANCE OF 419.65 FEET TO A FOUND PK NAIL WITH WASHER MARKED BLM FOR A CORNER;

THENCE, SOUTH 75°09'10" EAST A DISTANCE OF 931.90 FEET TO A SET #4 REBAR WITH CAP LS 11463 FOR A CORNER;

THENCE, NORTH 18°13'31" EAST A DISTANCE OF 921.84 FEET TO A SET #4 REBAR WITH CAP LS11463 FOR A CORNER;

THENCE, NORTH 76°27'47" WEST A DISTANCE OF 159.22 FEET TO SE #4 REBAR WITH CAP LS11463 FOR A CORNER;

THENCE, NORTH 09°22'25" EAST A DISTANCE OF 337.65 FEET TO A SET #4 REBAR WITH CAP LS11463 FOR A CORNER;

THENCE, NORTH 80°39'51" WEST A DISTANCE OF 20.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 46.1107 ACRES MORE OR LESS. PER ATTACHED PLAT MADE APART OF HEREIN.



April 28, 2016

KAREN HUDSON, CHAIR
ALBUQUERQUE ENVIRONMENTAL PLANNING COMMISSION
600 2ND ST NW
ALBUQUERQUE NM 87102

Studio Southwest
Architects Inc.

Re: IPMI Development Plan – Design Guidelines and Standards
Site Plan for Subdivision

Dear Chairperson Hudson:

INTRODUCTION

On behalf of the Indian Pueblos Marketing, Inc. (IPMI), Studio Southwest Architects (Studio SW) is requesting a hearing for the review of an application for a Site Plan for Subdivision for the IPMI site, an approximately 46-acre site located at the southeast side of the intersection of 12th and Menaul NW on pages H-13-Z and H-14-Z of the Zoning Atlas. The proposed new plan shall be called IPMI Development Plan - Design Guidelines and Standards.

The Albuquerque City Council approved the Study Recommendations 12th and Menaul Study as Council Bill F/S O-05-98 Enactment No. O-2005-056 in 2005 and subsequently approved Council Bill No. O-15-39 Enactment O-2015-005, an amendment to the original Bill, in 2015. The approved Study Recommendations 12th and Menaul Study (2005 Study) by the City of Albuquerque (COA) and HOK Architects has been the governing plan for the IPMI site since 2005. The 46-acre site is a sovereign holding managed by IPMI on behalf of the AISD and the 19 Pueblos. The COA and the 19 Pueblos and their authorized representatives entered into a Development Agreement in 2002 and the proposed revision to Development Agreement is an attachment to this application for review.

Since the enactment of the Bill and the 2005 Study, the city and consulting engineers have proposed numerous design proposals for the 12th and Menaul intersection, roadway, and streetscape. The most recent design proposal by the city constitutes changed conditions to the IPMI site and justifies consideration and the change to the requirements set forth in the 2005 Study. After meeting with city staff, a consensus that the best approach to revising the 2005 Study would be to craft a new document for the IPMI that includes the design changes in response to the roadway design, goals, recommendations, and standards of the approved 2005 Study specifically for the 46-acre IPMI site and submit it for review as a Site Plan for Subdivision. Note that the 2005 Study is an unusual document approved by City Council; there is no other existing plan in the city quite like it. The complexity of issues related to the sovereign status of the land, the Development Agreement, and the 2005 Study makes this a very unique property surrounded by the City of Albuquerque and has prompted the IPMI to request that the IPMI Development Plan – Design Guidelines and Standards supplant the 2005 Study as the governing plan for the IPMI Development to facilitate and provide clarity of the development and respond to the impact of changed conditions to the development as a result of the 12th and Menaul intersection, roadway, and streetscape design by the City of Albuquerque.

The review and approval process for the IPMI Development Plan to replace the 2005 Study, specifically for the IPMI 46-acre site and as recommended by city staff, is as follows:

- A public hearing review by the EPC
- A public hearing by the LUPZ committee and approval by the City Council.

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2101 Mountain Road NW
Albuquerque, NM 87104
T 505.843.9639
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mail@studioswarch.com

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IMPACT OF THE 12TH AND MENAUL STREET DESIGN ON THE IPMI SITE

The city and its consulting engineers have proposed numerous design alternatives over the last 10 years for the 12th and Menaul intersection, roadway, and streetscape. The designs have been presented to the IPMI, the neighborhood representatives, and the general public for consideration and comment.

The 2016 context for the 12th and Menaul intersection, roadway, and streetscape design as proposed by the COA and its current consultant engineers present a significantly changed roadway and streetscape design than what had been anticipated in the 2005 Study by HOK Architects and directly impacts the IPMI site, justifying changed conditions and include the following:

- A restrictive Right of Way (ROW) condition on both 12th Street and Menaul impacting traffic flow, safety, and pedestrian way engineering requirements.
- Newly surveyed built conditions of adjacent properties and features along the ROW of 12th and Menaul that restrict roadway design.
- The recognized sovereign status of the IPMI 46-acre site and the restrictions that the sovereign status presents.
- A roundabout design that significantly impacts the IPMI site at 12th and Menaul, as opposed to the impact of the original HOK Architects roundabout design and other investigated roadway designs alternatives.
- The decision to provide buffered bike lanes on 12th and Menaul adjacent to the IPMI site in lieu of on-street parking.

The proposed impact on the IPMI site includes, but is not limited to, the following:

- A modification of all street sections along 12th and Menaul adjacent to the IPMI site.
- The encroachment of the landscaped carriage strip and public sidewalk on to the IPMI site.
- The requirement for IPMI to engage in a license agreement with the city to allow for the city sidewalk and other improvements on sovereign land.
- The significant reduction of developable land along the street frontages of 12th and Menaul.
- The elimination of all street parking on both sides of 12th and Menaul in proximity to the IPMI site.
- An engineered traffic cuing distance of over 600 feet in the northbound 12th Street lanes from the approved plaza to the roundabout at 12th and Menaul. The cuing distance would eliminate the two 2005 Study east-west streets between the anticipated IPMI Plaza and the roundabout.
- The redesign of the proposed plaza on the IPMI site across from the Indian Pueblo Cultural Center.
- The redesign of the pedestrian crossing at 12th Street and the Plaza.
- The relocation of bus stops along 12th and Menaul.
- The redesign of the main entry drive to the IPMI site at the Plaza.
- The modification to the east entry drive and access to the IPMI Office site along Menaul.

Below is a highlight of proposed changes to the October 2005 Study Recommendations 12th & Menaul Study.

- Reconfiguration of the site plan in Exhibit A to reflect street layout changes as a result of the COA's design for 12th and Menaul.
- Site access from 12th and Menaul has been redesigned.
- Designated bike lanes on 12th and Menaul have been added
- Two streets have been eliminated north of the proposed plaza.
- Parking has been taken off of 12th Street
- The COA and IPMI have negotiated license agreements for carriage strips, sidewalks, and café space along 12th Street and carriage strips and sidewalks along Menaul on the IPMI property to accommodate the COA streetscape design.
- The 50' building setback along Menaul will remain; however, the COA-designed carriage stripe and sidewalk will be within the setback and the trees will be planted in an orchard-like setting.
- The main plaza across from the Indian Pueblo Cultural Center has been redesigned and moved to the north, the street will be eliminated to the north of the plaza, and new retail/restaurants will front the plaza. The size of the plaza will remain the same.
- All street sections on Exhibit A-1 have been revised to meet the COA streetscape design.

SITE PLAN CHANGES TO EXHIBIT A-1 AND A-2

The IPMI proposes to modify Exhibits A-1 and A-2 to conform to COA's preferred format for a Site Plan for Subdivision and will include changes required by the roadway design.

Additionally, the IPMI is proposing three additional changes as follows:

- Internal IPMI streets have been named.
- Existing and approved buildings and associated site improvements are shown in Exhibit A-1. Future buildings and site improvements are not shown.
- The Commercial Tract/Office Tract Line has been moved to the centerline of Eagle Way, slightly increasing the Office Tract acreage.

The IPMI proposes the relocation of the line that defines the Commercial Site and the Office Site to the centerline of Eagle Way. The existing line is in the centerline at the south end of Eagle Way and offset approximately 60 feet on the north end of Eagle Way. The proposed relocation would make a slight reduction in acreage, 2.10 acres at 90' wide, of the Commercial Site and remove the narrow strip of commercial land from the east side of Eagle Way and adding the acreage to the Office Tract.

DESIGN STANDARDS

The Design Recommendations, as conceived by HOK, are guidelines and goals for the entire study area of 12th and Menaul. The design standards and regulations by HOK are specifically for the IPMI site. While well intended, the 2005 Study, as written and approved, mixes guidelines and regulations throughout the Study, creating inconsistencies and difficulty in interpreting the 2005 Study for the IPMI, city staff, and the neighborhood representatives for any proposed development on the IPMI site. The IPMI proposes the IPMI Development Plan that specifically governs the 46-acre IPMI site.

The scope for the 2005 Study Recommendations includes:

- Land Use.
- Public Spaces & Streetscapes.
- Building Placement and Form.

- Transportation and Transit.

The IPMI Development Plan submitted for your review organizes the new document to include the majority of the content of the 2005 Study. The specific design changes of the 2015 Council Bill amendment, revised street and streetscape design, revised exhibits and a new appendix, a redline guide of the 2005 Study exhibits to identify the proposed changes, and a copy of the approved 2005 12th and Menaul Study are also included.

DESIGN GUIDELINES AND DESIGN STANDARDS

The proposed IPMI Development Plan – Design Guidelines and Standards are reorganized into Exhibits B-1 Design Guidelines, B-2 Design Standards – Commercial Tract, and B-3 Design Standards – Office Tract.

Exhibit B-1 Design Guidelines is a non-regulatory of goals and design guidelines, with the exception of criteria in the COA street sections included in the exhibit. Regulatory standards that were included in the guidelines in the 2005 Study have been included in the appropriate Design Standards exhibits.

Exhibit B-2 Design Standards – Commercial Tract is a regulatory exhibit for the proposed 12.57-acre commercial tract and approved development on the tract. The Design Standards for the Commercial Tract, Exhibit B-2, and Site Plan Exhibits A-1 and A-2, will be the component of the IPMI Development Plan that the DRB will utilize as the regulatory authority for the development of the Commercial Tract. In accordance with F/S O-05-98, page 8 of 57, "the site development plans for building permit shall be reviewed and approved by DRB" for the commercial tract.

Exhibit B-3 is Design Standards – Office Tract is a regulatory exhibit. The proposed 33.54-acre Office Tract is not under the jurisdiction of the DRB and the IPMI will enforce the provisions of the Design Standards Exhibit B-3 and Exhibits A-1 and A-2. The IPMI will provide an internal review and approval of any proposed development on the Office Tract.

The proposed IPMI Development Plan contains corrections of errors and redundancies, and reorganizes the content of the 2005 Study. Some content has been replaced with new content provided by the IPMI. The redline provides a guide to the proposed changes of the 2005 Study to create the IPMI Development Guide.

- Design Guidelines and Standards are separately identified to eliminate redundancies and conflicts.
- Design Guidelines for the site are contained in Exhibit B-1.
- Design Standards have been separated into Exhibit B-2 – Commercial Tract and B-3 – Office Tract
- Design Standards previously approved by city council for the 3-acre retail site have been included.
- References to "public" spaces have been changed to "pedestrian" spaces.
- Future minor changes to the plan will not require city council approval. Minor changes are defined in the new plan and the process for changed is described.
- Appendix A contains the original Study Recommendations 12th & Menaul Study dated October 2005.
- Appendix B contains the 2005 Trip Generation traffic data.
- Appendix C contains the 2005 recommended plant list.

USES

REQUEST OF ADDITIONAL USE

The IPMI proposes a change to the existing 2005 Study Exhibit C, the C-2 Authorized Permitted and Conditional Uses, to request the additional use of Artisanal and Craft Manufacturing and Retail. The proposed change would allow a brew pub use and other uses described in the use description. The requested new use did not exist in the zoning code in 2005 and is compatible with the approved uses designated in Exhibit C.

- Exhibit C, Authorized Permissive and Conditional Uses, has been modified to allow for a brew pub.

OFFICE TRACT USE

As shown in the attached Revised Development Agreement draft, the use of the Office Tract is an Office Complex. The applicant requests that the City Council staff not include the restrictive language "office complex to be leased and occupied by Federal Agencies, Native American related tenants and the Corporation" in the new IMPI Development Plan Ordinance. The above language was included in F/S O-05-98.

SUMMARY

The IPMI and its consultants have frequently met with city council representatives, city planning and engineering staff, city consultants, and the neighborhood representatives since the enactment of the 2005 Study. The IPMI team distributed copies of the proposed IPMI Development Plan (November 2015 Draft) to the city staff and the neighborhood representatives in early January of 2016 for their review and comment. The IPMI provided the revised Development Agreement drafts to the neighborhood representatives for review and comment. The IPMI team will continue to meet with council and planning staff, city consultants, and the neighborhood representatives to provide clarity of content and address concerns that might arise in respect to this request.

IPMI respectfully requests that the EPC review this application as a first step in the public process for an eventual approval by City Council. The submitted Site Development Plan for Subdivision responds to changed conditions, and provides to the 19 Pueblos a site specific IPMI Development Plan including Design Guidelines and Standards for the 46-acre site.

The proposed IPMI Development Plan reorganizes the content of the 2005 Study to clearly identify specific guidelines and regulations for the IPMI site. Included in the submittal are Site Plan Exhibits A-1 and A-2, Design Guidelines Exhibit B-1, Design Standards – Commercial Tract Exhibit B-2, Design Standards – Office Tract Exhibit B-3, Authorized Uses Exhibit C, Appendix A the 2005 Study Recommendations and Appendix B and C with supplemental information and supplants the 2005 Study for the IPMI site.

Thank you for your consideration and review of the IPMI Development Plan.

Sincerely,


cc: IPMI
Enclosure: The Revised Development Agreement

CITY INFORMATION



CITY OF ALBUQUERQUE

City Council

P.O. Box 1293
Albuquerque, NM 87103
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District 5

Vice President Klarissa J. Peña
District 3

Jon K. Zaman
Council Director

Ken Sanchez
District 1

Isaac Benton
District 2

Brad Winter
District 4

Patrick Davis
District 6

Diane G. Gibson
District 7

Trudy E. Jones
District 8

Don Harris
District 9

April 11, 2016

Dear Mr. Silbert and Mr. Heiser --

Thanks for your inquiry and ongoing dialogue regarding updates to the Site Development Plan for the Albuquerque Indian School Site in light of changed market conditions, the engagement by the 19 Pueblos of a new developer for the site and adjustments made by the City to plans for 12th Street.

As discussed at our meeting on April 5, Councilor Isaac Benton will consider sponsoring your requested amendments to the Site Development Plan and Development Standards. However, he requests that you begin the process by applying to the Planning Department for a Site Plan Amendment requiring a public hearing, as described in the Comprehensive Zoning Code, Sec. 14-16-4-1 (B) (3) (c), so that the Council will have the benefit of a recommendation from the Environmental Planning Commission regarding these amendments as it considers final adoption. This is the standard process for a project of this nature.

Following Environmental Planning Commission review, the amendments would then be transmitted to the Council, which would refer it to the Land Use, Planning and Zoning Committee for its consideration of any EPC recommendations and conditions. The LUPZ Committee would then make a final recommendation to the full Council, which has the authority to amend O-05-98 or repeal it and adopt another ordinance in its place.

I researched the history of the current regulations for the site and it appears that the former developer for the site, IPFDC, did originally take a set of site plan amendments through EPC, but the Council ultimately deemed them unsatisfactory and commissioned the HOK and Hall Planning and Engineering studies that later became design guidelines. In hopes of precluding such a protracted process this time around, I am committed to working with you, Planning Dept. staff and neighborhood stakeholders prior to and during the adoption process to ensure that everyone understands the proposed amendments.

Sincerely,

Andrew Webb
Policy Analyst/Planning
Albuquerque City Council Services
505-768-3161

CITY OF ALBUQUERQUE



Richard J. Berry, Mayor

Environmental Planning Commission
Ms. Karen Hudson, Chair
509 Cardenas Drive Southeast
Albuquerque, New Mexico 87108

RE: IPMI Development Plan Design Guidelines and Standards

Dear Chair Hudson:

In accordance with a series of agreements dated between December 2002, and November 2007, the City of Albuquerque Department of Municipal Development Engineering Division has been participating in developing a street project that addresses the future public and commercial development needs within the public rights of way along 12th Street, north of Interstate 40, and Menaul, east of Indian School.

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

The IPMI group has been working to address the needs and desires of the neighboring area while addressing the development needs that were coordinated with the City of Albuquerque through the HOK Study from 2005 that was adopted by the City. Since that time, there have been many changes to the public and private improvement concepts. We have developed a License Agreement that identifies several of the changes as well as the shared infrastructure and general timeframes for the improvements.

For more information, please see the enclosure for the license agreement as well as the project website (www.12thandmenaul.org) where public involvement documentation, traffic simulations, and the Design Analysis Report for the project are available for public viewing. Please also reference project files for City Project Number 718692.

Sincerely,

Kellie R. Shaw, P.E.
Senior Engineer
Department of Municipal Development

October 22, 2015

**LICENSE AND USE AGREEMENT FOR TRANSPORTATION RELATED
IMPROVEMENTS**

This License and Use Agreement for Transportation Related Improvements (“License”) is hereby granted by Indian Pueblos Marketing, Inc. (“IPMI”), a federally chartered corporation wholly owned by the 19 Pueblos of New Mexico (“19 Pueblos”), to the City of Albuquerque (“Licensee”), a New Mexico municipal corporation, on the terms and conditions stated herein.

RECITALS

IPMI has been assigned the perpetual lease to a tract of land that was formerly used for the Albuquerque Indian School and includes the land in the East Half of Section 7 and the West Half of Section 8, T. 10N., R. 3 E., New Mexico Principal Meridian, in Bernalillo County, State of New Mexico which land is held by the United States in trust for the 19 Pueblos of New Mexico pursuant to a 1993 Trust Deed and lands taken into trust under Public Law 110-453 (the “Leased Land”).

Under the Lease, IPMI has the authority to develop, manage and use the lands including leasing the lands without further approval of the Secretary of Interior or the 19 Pueblos.

Because the Leased Land is held in trust, it cannot be condemned, nor utilized by any person or entity other than IPMI without the agreement of IPMI.

The Leased Land borders the following City of Albuquerque roads, 12th Street NW, Indian School Road NW (under a right of way granted by the United States), and Menaul Boulevard NW (“City Roads”).

Licensee wishes to make improvements to these City Roads which would utilize portions of the Licensed Premises for ancillary transportation improvements (e.g. landscaped carriage lanes, sidewalks and curb cuts), but not for roadways.

IPMI is willing to grant Licensee a right to utilize portions of the Leased Land for the transportation improvements on the conditions set forth in this License.

NOW, THEREFORE, IPMI hereby issues and Licensee hereby accepts this License on the terms stated below:

1. LICENSED PREMISES.

Subject to the terms and conditions of this License, IPMI hereby grants to Licensee a non-transferable, revocable license to use the lands described in Attachment A ["Licensed Premises"] for the Uses described in Section 2 and the License Periods described in Section 3. Attachment A shows the location of the Licensed Premises and the specific placement of improvements and uses for the premises.

2. USES.

A. Licensee shall have the right to construct infrastructure improvements on the Licensed Premises that will facilitate vehicular and pedestrian traffic in a safe and aesthetically appropriate manner which may include curb cuts, traffic signals and equipment, storm drainage pipes and inlets, header walls, curb returns, traffic signs, sidewalks, landscaping, bus stops and associated amenities, underground communication utilities, and appropriate lighting, including fixtures and furniture owned by Licensee and used to facilitate the uses. The Licensed Premises may not be used for roads but may include temporary construction detours, subject to Licensee obtaining written permission from IPMI. The Licensed Premises will be open to and used by the public similar to all other public sidewalks and pathways owned and maintained by Licensee, with the exception that sidewalk or mobile vending on or adjacent to the Licensed Premises, which would require use of the Licensed Premises to access a vendor, shall not be authorized except as agreed upon by IPMI. The specific improvements and use of the Licensed Premises shall be agreed upon by IPMI consistent with this License. Such use shall include reasonable routine and emergency maintenance of the Licensed Premises and the fixtures and furniture placed thereon. Construction Documents ("CDs") when prepared shall be submitted to IPMI for its review and approval prior to commencement of any work.

B. Any amendment to the approved CDs shall be in writing and agreed to by IPMI. If Licensee uses the Licensed Premises for any purpose not set forth in this agreement and the approved CDs without the prior written consent of IPMI, such use shall constitute an Event of Default under Section 12 and the License may be terminated. IPMI shall have no obligation to consent to any proposed use of the Licensed Premises for any purpose not set forth in this Section.

Reserved Uses by IPMI. IPMI reserves the right to utilize the Licensed Premises for occasional festivals and sidewalk vending and to grant permits for such sidewalk vending or festival use directly without regard to Licensee's permitting process for similar activities. IPMI shall provide two weeks advance notice to Licensee of such intended use.

3. LICENSE PERIODS.

A. The period of this License shall be 25 years, with the right to renew the License period for a second 25 year period. The first License period shall begin to run on

October 1, 2015 and end on September 30, 2040, subject to earlier termination as provided in Sections 13 or 14 (whichever occurs first, the "Termination Date.").

- B. The License may be renewed by Licensee by providing a Notice of Intent to Renew License no later than six (6) months prior to the License period expiration. IPMI shall have 60 days to review the Notice of Intent to Renew.
- C. If IPMI determines that Licensee is in breach of any term of the License, it shall so notify Licensee and grant Licensee 30 days to come into compliance. If Licensee comes into compliance within the 30 days, IPMI shall provide notice that the License will renew upon the expiration of the first term for a second period.
- D. If IPMI determines that Licensee is in compliance with all terms of the License, then IPMI shall so notify Licensee and the License shall renew for the second license period.
- E. IPMI and Licensee agree to commence good faith negotiations no later than July 1, 2065 concerning a new License beyond the initial two terms (assuming for purposes of this provision that the License shall have been renewed for a second 25 year period), provided that the failure to initiate or participate in such negotiations shall not constitute an Event of Default.

4. ACCESS TO LICENSED PREMISES.

During the term of this License, Licensee shall have access for reasonable ingress to and egress from the Licensed Premises only through the use of City Roads contiguous to Licensed Premises. For purposes of planned maintenance, when Licensee requires access in addition to access via the City Roads then Licensee shall coordinate with IPMI concerning the scope, schedule and access routes. For emergency maintenance or repairs, Licensee shall notify IPMI as soon as practicable prior to commencement of the maintenance or repair.

5. INSURANCE, PERFORMANCE AND SURETY BONDS.

Licensee (a self-insured entity) shall ensure that contractors carry sufficient performance, and material and labor payment, bonds, as well as liability insurance for the project and include IPMI as an additional insured in all bonds and insurance contracts taken out by contractors performing the work.

6. RESERVATION OF SOVEREIGN POWERS.

- A. Nothing in this License shall be construed to affect or diminish in any respect the civil or criminal jurisdiction of the 19 Pueblos as sovereign governments acting through the Albuquerque Indian School District ("AISD") or its successor (including without limitation its taxation power) or their authority to exercise

dominion and control over the Licensed Premises or over the conduct or property of any person, whether a member or non-member of the Pueblo, occurring within or located on the Licensed Premises; and the 19 Pueblos expressly reserve all such jurisdiction and authority.

- B. This License authorizes Licensee, its employees, agents, contractors, and subcontractors, to use the Licensed Premises exclusively for the purposes stated in Section 2. Nothing in this License shall be construed to grant any right of access to any other Leased Lands for any other purpose, or to the general public for any purpose that is not consistent with the Uses as set forth in Section 2.

7. OWNERSHIP OF IMPROVEMENTS.

- A. All permanent improvements, structures, furniture, fencing, removable personal property, and trade fixtures (collectively the "Improvements") placed on the Licensed Premises by Licensee shall be the property of Licensee during the term of this License and following expiration or termination of this License shall become the property of IPMI, with the exception of traffic signals, communication utility infrastructure, street lights, and traffic control devices.
- B. Licensee hereby agrees that at the expiration or termination of this License or any renewal or modification of this License, by normal expiration or otherwise, if a renewal or extension of this License cannot be mutually agreed upon by the parties, Licensee will peaceably and without legal process, deliver up the possession of the Licensed Premises. Licensee agrees that, if this License is not renewed or extended for an additional term, it will ensure that all transportation improvements are in good condition and repair prior to the Termination Date. Licensee shall make any such repairs as are necessary within 60 days of receiving notice from IPMI. If Licensee fails to make the necessary repairs before the expiration of the license, IPMI may exercise any remedies allowed by Sections 12 and/or 13 herein.

8. CONSTRUCTION, MAINTENANCE AND REPAIRS.

- A. Licensee shall begin construction of the improvements within 52 weeks of the issuance of this License and complete construction within 60 months consistent with a construction schedule. The construction schedule shall minimize disruption to IPMI, its customers, tenants and guests and will be agreed upon in writing by Licensee and IPMI. Any changes to the construction schedule must be set out in writing and agreed to by Licensee and IPMI. The fact that improvements permitted pursuant to this License have not been constructed or completed by Licensee shall not be a basis for the City to deny a building permit, occupancy permit or any other approval required for improvements on IPMI property.

- B. Licensee shall be responsible for acquiring and maintaining all governmental approvals, permits, and licenses required for the improvements and activities on the Licensed Premises. The improvements to the Licensed Premises shall be constructed in a good workmanlike manner, maintained and operated in accordance with the practices, methods and acts which are in compliance with applicable laws, building codes and regulatory requirements. The Licensee shall, at all times during the term of this License and at no cost to IPMI, cause the Licensed Premises and all Improvements thereon to be properly maintained and perform all necessary repairs so that all equipment functions properly and there is no deferred maintenance, subject to subsection 8.C. below.
- C. Licensee has agreed to construct landscaping and irrigation infrastructure, including water and electrical services, within carriage strips along 12th Street and Menaul Boulevard. All carriage strip landscaping adjacent to IPMI property will be constructed with a two-year maintenance warranty. Upon completion of the two-year term, IPMI will assume all maintenance responsibilities regarding the landscape and will be held to the same maintenance standard described in subsection 8.B above.
- D. Licensee has agreed to construct sidewalk, storm drain pipes and inlets, bus stops, street lights, traffic signal equipment, and pedestrian and bicycle access amenities along 12th Street and Menaul Boulevard. Underground communication utilities will be relocated within the Licensed Premises. Infrastructure and underground communication utilities located outside of public right of way and within the Licensed Premises will be maintained as described in subsection 8.B above.
- E. Licensee has agreed to remove and dispose of, or deliver existing fencing posts and pilasters along 12th Street and Menaul Boulevard. Licensee has agreed to remove and salvage wrought iron fencing sections along Menaul Boulevard with iron materials being delivered to IPMI in good condition for storage and future use.
- F. Licensee has agreed to remove, reconstruct, and/or replace existing access points on 12th Street and Menaul Boulevard. Licensee and IPMI will coordinate and cooperate to facilitate with the sequencing of construction for appropriate and timely implementation of driveways and curb returns within the Licensed Premises.
- G. Licensee has agreed to remove and box up for future use or replanting on IPMI property, up to eight existing trees along 12th Street in a workmanlike manner for storage on IPMI property. Licensee does not guarantee survival of the trees. Licensee has also agreed to attempt to preserve large cottonwood trees adjacent to Harvest Café patio, if possible.

- H. Licensee shall clear and keep clear the Licensed Premises to the extent compatible with the purpose of this License. General maintenance such as snow removal and minor litter clean up shall be scheduled consistent with Licensee's general treatment of City of Albuquerque sidewalks. Defacement of the Licensed Premises, including graffiti or large pick-up items, is the responsibility of the Licensee.

If Licensee fails to maintain the Licensed Premises or keep the Licensed Premises clear of large trash material, and defacement, and Licensee fails to correct this condition within thirty (30) days of the date of written notice, then IPMI may perform the necessary maintenance or contact the Engineering Division, Department of Municipal Development, to schedule the requested repairs and maintenance needs.

9. LIENS AND TAXES.

- A. Mechanic's and Materialmen's Liens. Licensee shall not permit to be enforced against the Licensed Premises any liens arising from any work performed, materials furnished or obligations incurred by Licensee.

- B. Taxes and Fees. During the term of this License, although the parties do not anticipate that Licensee (as a governmental entity within the State of NM) will properly be the subject of any taxes, Licensee shall pay, when and as the same become due and payable, all applicable taxes, assessments, licenses, fees and other like charges levied or imposed by any governmental entity, including AISD, upon or against the Licensed Premises and all interests therein and property thereon for which Licensee may become liable, provided that Licensee shall be entitled to challenge any such taxes in accordance with Licensee's status as a governmental entity.

- C.

Gross Receipts Taxes. Licensee acknowledges that AISD has entered into a cooperative agreement with the New Mexico Department of Taxation and Revenue pursuant to NMSA 1978, § 9-11-12.1 relating to gross receipts taxes of the 19 Pueblos and the State and providing for administration of the reciprocal gross receipts tax credits described in NMSA 1978, § 7-9-88.1. For so long as that cooperative agreement is in effect, Licensee shall include in all contracts entered into after the effective date of this License with any entity that sells goods or services to Licensee within the Licensed Premises (hereinafter referred to as a "Vendor") the requirement that the Vendor will comply with applicable state and tribal laws governing the reporting and payment of gross receipts taxes. Vendors must report their gross receipts tax using the CRS Location Code for the "AISD Property/Nineteen Pueblos of NM" (currently 02-901 or 02-906)

10. LIABILITY.

- A. Liability. Licensee shall be responsible, for any liability for acts or omissions, only in accordance with any applicable tort claims acts or other governmental immunity laws. Nothing herein shall be construed to waive or limit any legal defense, immunity or other legal protection conferred upon Licensee by virtue of common law or any applicable tort claims act or other applicable governmental immunity laws, whether arising from federal or state law. Nothing in this License shall be deemed to make IPMI or the 19 Pueblos subject to suit for any loss of life, personal injury or property damage claimed by Licensee or any other person, caused by the construction, maintenance, occupancy or use of the Licensed Premises by Licensee, its employees, contractors and their employees, or subcontractors or their employees. The parties agree to cooperate in good faith in the defense of any lawsuit as applicable.
- B. Licensee's Duty Regarding Hazardous Materials. Licensee shall not permit any Hazardous Materials (to include asbestos, fuel, batteries or any hazardous substance, waste or materials as defined in any federal, state or tribal environmental or safety law) to be brought onto, stored in, used in, or disposed of in, on, under or about the Licensed Premises except in such quantities as are found in materials used in connection with the operation of Licensee's permitted use of the Licensed Premises and which comply with and are handled, used and disposed of in compliance with all applicable federal, state and tribal laws, statutes, regulations, rules and ordinances, as amended from time to time including but not limited to all applicable environmental, health and safety, cultural preservation and natural resource management laws, statutes, regulations, rules and ordinances, as amended from time to time ("Applicable Environmental Laws").

11. ASSIGNMENTS.

Licensee shall not assign this License in whole or in part, without the prior written consent of IPMI.

12. EVENTS OF DEFAULT; CURE.

- A. Events of Default. Any one or more of the following events shall constitute an Event of Default under this License:
- i. If Licensee fails to perform or observe any material term or condition of this License;
 - ii. If any execution, levy or attachment shall occur upon the Licensed Premises;

iii. If Licensee uses the Licensed Premises for any purpose not authorized by this License without the prior written consent of IPMI; or

iv. If Licensee abandons the Licensed Premises.

B. Opportunity to Cure Default. If an Event of Default by Licensee occurs, IPMI shall send written notice of the Event of Default to Licensee, and Licensee shall have the opportunity to cure the Event of Default as described in the next Section.

13. DEFAULT; REMEDIES.

In the event Licensee fails to comply with any condition of this License, IPMI shall provide written notice of such default to Licensee. Licensee shall have 30 days to cure the default. IPMI may, at its discretion, extend the time within which Licensee has to cure the default if Licensee provides IPMI with a plan, acceptable to IPMI to cure the default. If Licensee does not cure the default within 30 days (or any applicable extension), IPMI may terminate this License. Licensee's obligations to pay for any required repairs shall not terminate.

14. REVOCATION.

Either party may terminate this License with one year advance written notice. Termination shall be effective three hundred sixty five days (365 days) from the date of written notice.

15. NOTICE.

A. All notices or other communications required or permitted by this License shall be in writing and personally delivered, delivered by reputable overnight courier, or sent by registered or certified mail, return receipt requested, and postage prepaid, addressed to the parties at the addresses set forth below (or any other address that the party to be notified may have designated to the sender by like notice). Notices personally delivered shall be deemed given the day so delivered. Notices given by overnight courier shall be deemed given on the first business day following the mailing date. Notices mailed as provided herein shall be deemed given on the third business day following the mailing date. Notice of change of address shall be given by written notice in the manner detailed in this Section.

If to IPMI, to:

Chief Executive Officer (Mike Canfield) and
Chief Operating Officer (Dwayne Virgint)
2401 12th Street, NW
Albuquerque, NM 87104
Telephone: (505) 724-3518

With a copy to:

Leger Law & Strategy, LLC
Attention: Teresa Leger de Fernandez
414 Old Taos Highway
Santa Fe, NM 87501
Telephone: (505) 982-3622

If to Licensee, to:

Deputy Director (Melissa Lozoya)
Department of Municipal Development
PO Box 1293
Albuquerque, NM 87103

With a copy to:

City Attorney
P.O. Box 2248
Albuquerque, NM 87103

Nothing herein shall be construed to prevent routine communication by electronic mail.

16. INSPECTION.

IPMI, or their authorized representatives, shall have the right, at any reasonable time during the term of this License, to enter upon the Licensed Premises to inspect the same and all structures and other Improvements during construction or after improvements have been constructed, or placed upon the Licensed Premises.

17. DISPUTE RESOLUTION.

- A. No State Jurisdiction. IPMI and Licensee acknowledge, stipulate, and agree that, the State of New Mexico has no jurisdiction over IPMI, this License, or the Licensed Premises, except where such jurisdiction is required by federal law.
- B. Mediation. In the event that any dispute arises under this License between IPMI and Licensee which cannot be resolved by and between them, then the party making the claim of non-compliance shall submit the dispute to mediation. IPMI and Licensee shall make a good-faith effort to resolve the dispute through mediation.
- C. If a dispute cannot be resolved through mediation, and the dispute is such that would warrant a revocation of the License, IPMI shall provide Licensee with 60 days advance notice of the date of revocation.

18. NO WAIVER OF SOVEREIGN IMMUNITY.

Nothing in this License shall be construed as waiving IPMI's sovereign immunity from suit or as subjecting IPMI to the jurisdiction of any court.

19. MISCELLANEOUS

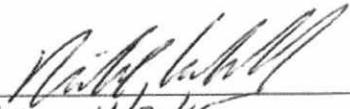
- A. Unlawful Conduct. Licensee agrees that it shall not use or cause to be used any part of the Licensed Premises for any unlawful or illegal conduct or purpose, create any nuisance, or cause any negligent use or waste of the Licensed Premises.
- B. Compliance with Laws. Licensee agrees to comply with all applicable 19 Pueblo's, federal, or state laws, ordinances, rules, regulations and other legal requirements. Licensee agrees to obtain and maintain any permits and licenses required to operate its businesses.
- C. Costs and Attorneys' Fees. If any action is brought to enforce performance of, or for damages for breach of, any of the terms and conditions of this License, each party shall bear its own costs and attorneys' fees.
- D. Governing Law. This License shall be construed in accordance with the applicable federal laws and laws of the 19 Pueblos, acting through AISD, and where applicable, the laws of the State of New Mexico, provided that, nothing stated herein, shall subject IPMI, AISD or the 19 Pueblos to the jurisdiction of the state courts of New Mexico or to the taxing or regulatory jurisdiction of the State of New Mexico, except where such jurisdiction is required by federal law.
- E. Third Party Agreements. The Parties recognize and agree that nothing in this License shall prevent Licensee from agreeing with third party contractors, subcontractors, and service providers to the application of New Mexico law, and the jurisdiction and/or venue of New Mexico courts, to agreements and conduct relating to services on the Licensed Premises.
- F. Severability. If any term of this License is found be void or invalid, such invalidity shall not affect the remaining terms of this License, which shall continue in full force and effect.
- G. No Third Party Beneficiaries. Nothing contained in this License shall entitle any person or entity other than the parties hereto or their successors and assigns to any claim, cause of action, remedy, right, benefit or immunity of any kind whatsoever. Without limiting the generality of the foregoing sentence, the parties hereto agree that no person or entity, including any department or agency of the City of Albuquerque, shall have the right to claim that this License has diminished in any respect the sovereign powers of the 19 Pueblos over any person within the Licensed Premises, including non-members of the 19 Pueblos.

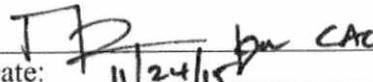
- H. No Interest in Land. Licensee acknowledges that this License does not convey to Licensee any interest in any leasehold interest held by IPMI, other than a license and privilege to use the Licensed Premises for the purposes specified in this License.
- I. DISCLAIMER OF WARRANTY. IPMI GRANTS THIS LICENSE TO LICENSEE WITHOUT ANY EXPRESS, STATUTORY OR IMPLIED WARRANTY OR REPRESENTATION OF ANY KIND, INCLUDING WARRANTIES RELATING TO (i) THE CONDITION OR MERCHANTABILITY OF THE PROPERTY, (ii) THE FITNESS OF THE PROPERTY FOR A PARTICULAR PURPOSE, OR (iii) CONFORMITY TO MODELS OR SAMPLES OF MATERIALS. LICENSEE HAS INSPECTED THE LICENSED PREMISES AND IS SATISFIED AS TO THE PHYSICAL, OPERATING, REGULATORY COMPLIANCE, SAFETY, AND ENVIRONMENTAL CONDITION OF THE LICENSED PREMISES AND ACCEPTS THEM "AS IS," "WHERE IS," AND "WITH ALL FAULTS" AND IN THEIR PRESENT CONDITION AND STATE OF REPAIR.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals on the dates indicated below.

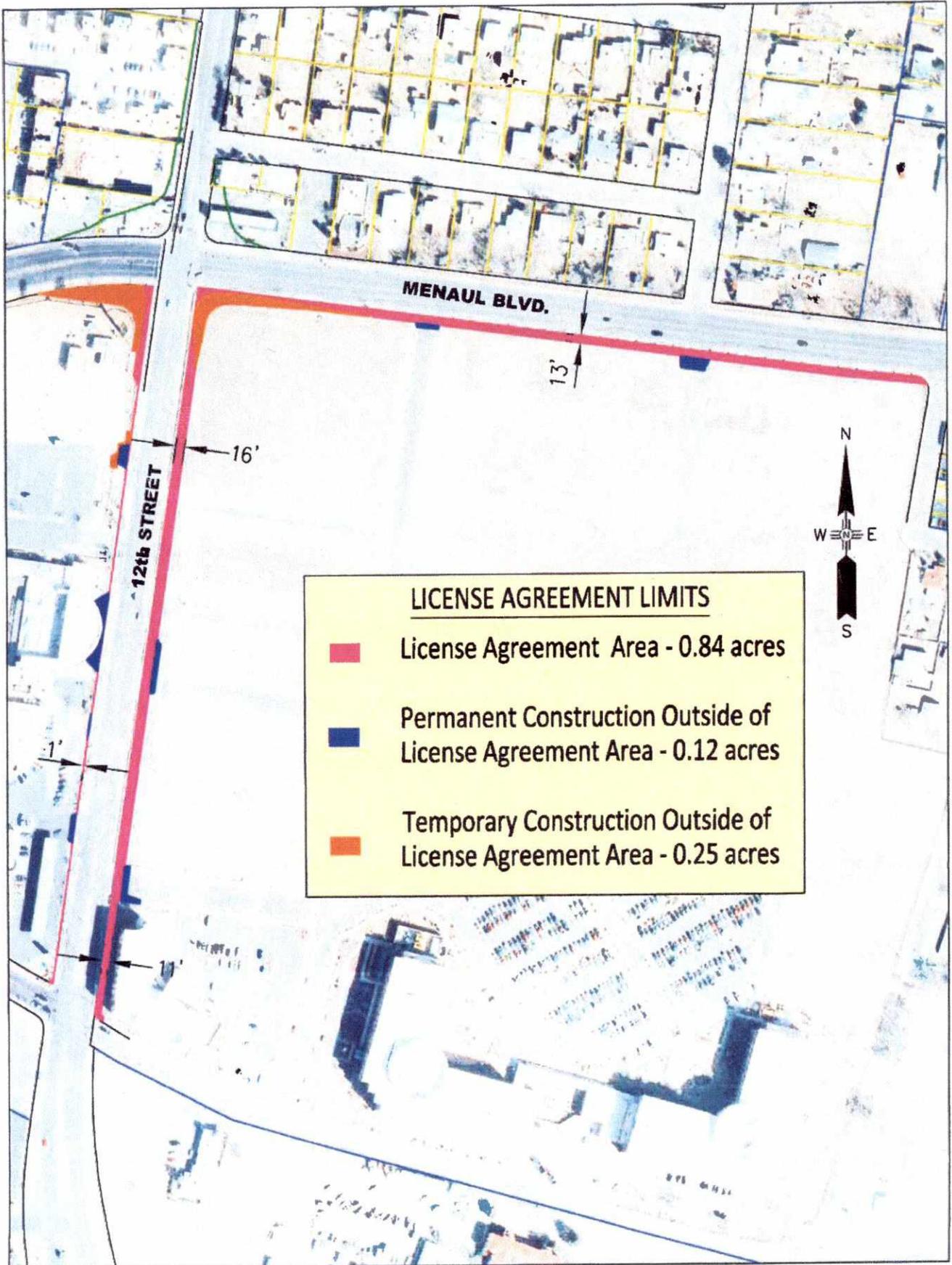
INDIAN PUEBLOS MARKETING, INC.

CITY OF ALBUQUERQUE


 Date: 11/30/15


 Date: 11/24/15 *per CAO*

*KS
JMT*



NOTIFICATION &
NEIGHBORHOOD INFORMATION



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office.

April 19, 2016

Daniel Solares Jr.
Studio Southwest Architects
2101 Mountain Road NW/87104
Phone: 505-843-9639/Fax: 505-843-9683
E-mail: DSolares@studioswarch.com

Dear Daniel:

Thank you for your inquiry of **April 19, 2016** requesting the names of **ALL Neighborhood and/or Homeowner Associations and Coalitions** who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed project at **(EPC SUBMITTAL) - TRACT A OF THE PLAT US BLM SURVEY OF TOWN ALBUQUERQUE, SEC 7&8 T10N R3E, LOCATED ON 12TH STREET NW BETWEEN INDIAN SCHOOL ROAD NW AND MENAUL BOULEVARD NW** zone map **H-13**.

Our records indicate that the **Neighborhood and/or Homeowner Associations and Coalitions** affected by this submittal and the contact names are as follows:

NEAR NORTH VALLEY N.A. "R"

Joe Sabatini, 3514 6th St. NW/87107 344-9212 (h)
Susan Lester, 435 Phoenix NW/87107 266-8129 (h)

NORTH VALLEY COALITION

Kyle Silfer, P.O. Box 70232/87197 918-0978 (c)
Doyle Kimbrough, 2327 Campbell Rd. NW/87104 249-0938 (h)

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing (**PLEASE ATTACH: 1) Copy of this letter; 2) Copy of letters sent to NA/HOA's and 3) Copy of White Receipts showing proof that you sent certified mail w/stamp from the U.S.P.S. showing date.**) If you have any questions about the information provided please contact me at (505) 924-3914 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

Letters must be sent to BOTH contacts of each NA/HOA's for this Planning Submittal

planningrnaform(04/19/16)

!!!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 neighborhood and/or homeowner 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 describes 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 and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners 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 Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: **04/19/16** Time Entered: **2:20 p.m.** ONC Rep. Initials: **siw**

7016 0340 0000 2134 6489

| | |
|---|------------------|
| U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i> | |
| For delivery information, visit our website at www.usps.com ®. | |
| OFFICIAL USE | |
| Certified Mail Fee \$ _____ | Postmark Here |
| Extra Services & Fees (check box, add fee as appropriate) | |
| <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ | |
| <input type="checkbox"/> Return Receipt (electronic) \$ _____ | |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ | |
| Postage \$ _____ | |
| Total Postage and Fees \$ _____ | |
| Sent To <u>J. SABATINI</u> | |
| Street and Apt. No., or PO Box No. <u>3514 6th St NW</u> | |
| City, State, ZIP+4® <u>ABQ 87107</u> | |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions | |

7016 0340 0000 2134 6496

| | |
|---|------------------|
| U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i> | |
| For delivery information, visit our website at www.usps.com ®. | |
| OFFICIAL USE | |
| Certified Mail Fee \$ _____ | Postmark Here |
| Extra Services & Fees (check box, add fee as appropriate) | |
| <input checked="" type="checkbox"/> Return Receipt (hardcopy) \$ _____ | |
| <input type="checkbox"/> Return Receipt (electronic) \$ _____ | |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ | |
| Postage \$ _____ | |
| Total Postage and Fees \$ _____ | |
| Sent To <u>S. LESTER</u> | |
| Street and Apt. No., or PO Box No. <u>435 PHOENIX AVE NW</u> | |
| City, State, ZIP+4® <u>ABQ 87107</u> | |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions | |

7016 0340 0000 2134 6472

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|---|------------------|
| U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i> | |
| For delivery information, visit our website at www.usps.com ®. | |
| OFFICIAL USE | |
| Certified Mail Fee \$ _____ | Postmark Here |
| Extra Services & Fees (check box, add fee as appropriate) | |
| <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ | |
| <input type="checkbox"/> Return Receipt (electronic) \$ _____ | |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ | |
| Postage \$ _____ | |
| Total Postage and Fees \$ _____ | |
| Sent To <u>D. KIMBROUGH</u> | |
| Street and Apt. No., or PO Box No. <u>2327 Campbell Rd NW</u> | |
| City, State, ZIP+4® <u>ABQ 87104</u> | |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions | |

7016 0340 0000 2134 6465

| | |
|---|------------------|
| U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i> | |
| For delivery information, visit our website at www.usps.com ®. | |
| OFFICIAL USE | |
| Certified Mail Fee \$ _____ | Postmark Here |
| Extra Services & Fees (check box, add fee as appropriate) | |
| <input checked="" type="checkbox"/> Return Receipt (hardcopy) \$ _____ | |
| <input type="checkbox"/> Return Receipt (electronic) \$ _____ | |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ | |
| Postage \$ _____ | |
| Total Postage and Fees \$ _____ | |
| Sent To <u>K. SILVER</u> | |
| Street and Apt. No., or PO Box No. <u>PO BOX 70232</u> | |
| City, State, ZIP+4® <u>ABQ 87197 0232</u> | |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions | |

- typical -

April 22, 2016

ATTN: JOE SABATINI
NEAR NORTH VALLEY N.A. (NNV) "R"
3514 6TH ST NW
ALBUQUERQUE NM 87107-2419

Indian Pueblo Marketing Inc. is seeking the following at the proposed EPC hearing on JUNE 9, 2015, at 8:30 am, for the property known as Albuquerque Indian School located at the Southeast corner of 12th Street NW and Menaul Boulevard NW, also identified as TRACT "A", OF THE PLAT FOR THE UNITED STATES BUREAU OF LAND MANAGEMENT SURVEY OF TOWN OF ALBUQUERQUE GRANT, PROJECTED SECTIONS 7 AND 8 OF TOWNSHIP 10 NORTH, RANGE 3 EAST NEW MEXICO PRINCIPAL MERIDIAN, DATED AUGUST 12, 2011.

We are requesting the following for review:

Site Development Plan for Subdivision.

The site is located on page H-13-Z & H-14-Z of the Zoning Atlas.

Please do not hesitate to contact Studio Southwest Architects for any additional information.

Contact Information:
Daniel Solares, Project Manager
Studio Southwest Architects, Inc.
2101 Mountain Road NW
Albuquerque, NM 87104
505 843-9639

Thank you,

Daniel Solares Jr.
Studio Southwest Architects
Agent for Indian Pueblos Marketing Inc.

Attachment:

Exhibit showing locations: Zone Map H-13-Z & H-14-Z.



NEAR NORTH VALLEY NEIGHBORHOOD ASSOCIATION

VOLUNTEERS WORKING INCLUSIVELY TO PROTECT,
PRESERVE, AND ENHANCE THE COMMUNITY

P.O. BOX 6953
ALBUQUERQUE, NM
87197

RICHARD SANDOVAL,
PRESIDENT, 345-4371

JOE SABATINI,
SECRETARY, 344-9212

MAIL@NNVNA.ORG
WWW.NNVNA.ORG

May 23, 2016

David R. Gold
Facilitator/Mediator

Sent via e-mail to dave@nets.com

Re: Project 1000649; 16EPC-40023 Site Development Plan for Subdivision

Dear Mr. Gold:

Thank you for your offer of facilitation. The Near North Valley Neighborhood Association has a long-standing policy of working with developers through committees or at our board meetings without City facilitation. In this case, we continue to work actively and positively with IPMI and the City to review and address issues of neighborhood concern, which makes formal facilitation unnecessary. So we respectfully decline your offer.

Cordially,

Joe Sabatini, Secretary
Near North Valley Neighborhood Association

Copies: "Hummell, Tyson" <thummell@cabq.gov>,
Winklepleck, "Stephani I." <SWinklepleck@cabq.gov>,
"Lehner, Catalina L." <CLehner@cabq.gov>,
"Triplett, Shannon" <striplett@cabq.gov>,
"Dicome, Kym" <kdicome@cabq.gov>,
"Henry, Dora L." <DHenry@cabq.gov>
Doyle Kimbrough <newmexmba@aol.com>,
North Valley Coalition <nvcabq@gmail.com>,
Daniel Solares <dsolares@studioswarch.com>
NNVNA Board



NNVNA
PO Box 6953
ALBUQUERQUE, NM
87197

RICHARD A. SANDOVAL
PRESIDENT, 345-4371

JOE SABATINI
SECRETARY, 344-9212

MAIL@NNVNA.ORG
WWW.NNVNA.ORG

NEAR NORTH VALLEY NEIGHBORHOOD ASSOCIATION

**VOLUNTEERS WORKING INCLUSIVELY TO PROTECT,
PRESERVE, AND ENHANCE THE COMMUNITY**

May 31, 2016

Karen Hudson, Chair
Environmental Planning Commission
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

Sent via e-mail to Catalina Lehner, Staff Planner

Re: Project #1000649; Proposed revisions to 2005 site plan, development standards and guidelines, uses, etc., for Albuquerque Indian School site

Dear Chairwoman Hudson,

On behalf of the Near North Valley Neighborhood Association board and NNVNA's 12th and Menaul Committee, we are writing to provide the EPC with a list of concerns we have regarding the proposed IPMI Development Plan. This letter is not meant as an exhaustive look at these concerns. We have a positive relationship with IPMI (CEO Mike Canfield sits on NNVNA's board) and have been working constructively with IPMI, its architects and other consultants toward resolving concerns. We plan to continue our discussions this week and next, and expect to submit some agreed-upon changes to the EPC for consideration.

In general, we are concerned that the intent and spirit of the original plan for the site are not fully reflected in the proposed new site plan, standards and guidelines. We have listed our major concerns below.

Some history from the community's perspective may be helpful to understanding these concerns. In the late 1990s, when the federal government approved the conversion of the 46-acre Indian School site from ordinary fee land to federal Indian trust land, the City of Albuquerque lost its regulatory and taxing jurisdiction over the land. However, in a caveat to the conversion, a "Development Agreement" between the City and Pueblos, addressing land use and environmental issues, was required.

It was pursuant to that 2002 contractual agreement that the Pueblos' plans for the site were first reviewed by the EPC and approved by the City Council, and that the

Copy:

City Councilor Isaac Benton

Mike Canfield, President &
CEO, Indian Pueblos
Marketing Inc., & Indian
Pueblo Cultural Center

community was allowed to provide input. The result was passage of F/S O-05-98, which amended the Development Agreement and adopted the 2005 site plan, development standards and guidelines, and permissive and conditional uses. The Development Agreement itself established two tracts for the site—a commercial tract and an office tract for federal and other government offices not subject to City development process; details for the federal office tract were incorporated in the 2005 site plan, and included access gates allowing continued passage from the north through to Graves Park and from the east through to retail businesses, and significant landscape buffering of the residential areas. (Significant median landscaping was included in the Study.) Both the Development Agreement and the ordinance established a public process for the expression and consideration of community views.

It was during the 2005 public review process that the City engaged consultants to conduct public charrettes looking at the broader 12th and Menaul area, beyond the Indian School site, resulting in the City's 12th and Menaul Study. (There was significant redevelopment occurring elsewhere in the area.) On one hand, community members had concerns common to any major development, e.g., traffic, noise and other impacts; on the other, there was strong community support for economic revitalization that would benefit property owners as well as nearby residents and create a sense of place. Over 150 people—property owners, residents, City staff and elected officials—participated in the charrettes.

The Study set a "new urbanist" vision for the Indian School site and the entire area: it was to be a commercial and cultural destination—eminently walkable, active and inviting—with retail and other commercial buildings in the commercial tract opening onto 12th Street and Menaul Boulevard and onto a grid of streets interior to the Indian School site. There was to be a Plaza across from the Indian Pueblo Cultural Center. The Study laid the groundwork for publicly-funded improvements to the roadways and streetscapes. Relevant sections of the Study were applied to the Indian School site through F/S O-05-98, as one of three sets of standards/guidelines applied to the site. The Indian Pueblo Cultural Center's remodeled east entrance was designed in keeping with this vision.

Over the years since, key elements of the plan have proved unworkable to the Pueblos, City and/or community, including: on-street parking (abandoned in favor of bike lanes); front doors of retail businesses onto the main streets (to be abandoned via the current revisions in deference to potential tenant concerns); and the interior street grid (to be abandoned via the current revisions to allow more flexibility and line up with the City's current roadway plans). After successfully building the Menaul Extension/Indian School Road roundabout and

streetscape pursuant to the Study, the City changed contractors; for the remaining roadway/streetscape work, both the Pueblos and City revisited traffic and other projections. This resulted in a wider street profile and a larger Menaul/12th Street roundabout pushed to the north.

The community's interest in a walkable and vibrant area with buffering for the residential areas to the north and east has not changed. This interest has guided our review of the proposed revisions and our efforts to provide constructive criticism.

Here is our list of major concerns and suggested approaches:

1. **Coordination between City/Parsons Brinckerhoff roadway and streetscape design, and IPMI plan.** Add clarifying notes to the site plan.
2. **Lack of specificity in the Site Plan.** Strengthen and clarify standards; add back in statements of intent that were in the original standards.
3. **Turquoise Road, internal roundabout and sidewalks.** Design to be more walkable and slow down vehicular traffic; provide safe pedestrian crossings/refuges at the internal roundabout.
4. **Removal of on-street front entrance requirement.** Strengthen and clarify standards to insure "360 degree" buildings are still required.
5. **Setbacks along Menaul in the commercial tract.** Add "café" or buffer space between the sidewalk and the building.
6. **Plaza.** Define minimum size, design and purpose.
7. **Service Station.** Correct the proposed uses document to indicate this is a prohibited use.
8. **Drive-throughs.** Strengthen and clarify site plan/standards to insure location, purpose and design requirements do not change.
9. **Entry signage.** Clarify size, location, and the use of digital messaging.
10. **Fencing along Menaul, in the office tract.** Provide that fencing may be eliminated or moved back (south) from the sidewalk, depending upon tenant needs.

11. **Realignment and repurposing of federal office tract to a general office tract not subject to City process.** Clarify when/how incidental retail/commercial uses will be permitted within this tract.

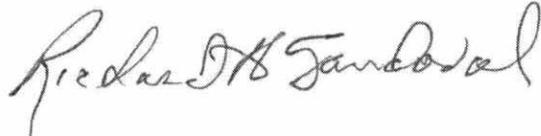
12. **Community access gates and connecting pedestrian paths.** Address design, use, and closure on site plan and in standards.

13. **Public Process Provisions.** Strengthen and clarify; include notice and opportunity to be heard.

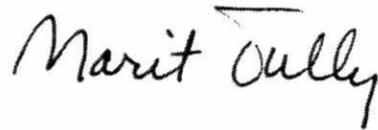
As previously noted, we are working productively to resolve these concerns. The Committee and IPMI have both taken responsibility for drafting various amendments for the EPC's consideration. We would appreciate guidance from Ms. Lehner as we continue to meet with IPMI throughout this public review process.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Richard Sandoval". The signature is written in a cursive style with a large, prominent "R" at the beginning.

Richard Sandoval, President

A handwritten signature in black ink that reads "Marit Tully". The signature is written in a cursive style with a large, prominent "M" at the beginning.

Marit Tully, 12th and Menaul Committee

Lehner, Catalina L.

From: David Gold <dave@nets.com>
Sent: Wednesday, May 25, 2016 7:07 AM
To: Peggy Norton; Joe Sabatini
Cc: NA E-mail; Doyle Kimbrough; E-mail; Daniel Solores; Hummell, Tyson; Winklepleck, Stephani I.; Lehner, Catalina L.; Triplett, Shannon; Dicome, Kym; Henry, Dora L.; Charlie Kenesson; Dan Kutvirt; David Lynch; Maggie Castillo; Marit Tully; Mary Mickler; Mike Canfield; Randy Cole; Vi Guerra; Wynona Sexson; Yasmeen Najmi; Kyle Silber
Subject: Re: Facilitated Meeting for Project #1000649

Thanks Peggy and Joe.

At 08:10 AM 5/24/2016, Peggy Norton wrote:

Dear David,

The North Valley Coalition recognizes that the Near North Valley Neighborhood Association has been very active in working with involved parties on the development of this site. We therefore defer to their decision to decline facilitation.

Peggy Norton, President
North Valley Coalition

On Monday, May 23, 2016 8:43 PM, David Gold <dave@nets.com> wrote:

Doyle,

How about the North Valley Coalition?

Thanks,

+++ Dave

At 05:53 PM 5/23/2016, David Gold wrote:

At 12:14 PM 5/23/2016, Joe Sabatini wrote:

Hello:

See attached letter declining the facilitation process.Ã,

Joe Sabatini, Secretary
Near North Valley Neighborhood Association

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: Thursday, June 9, 2016
Zone Atlas Page: H-13-Z and H-14-Z
Notification Radius: Neighborhood Associations
100ft plus r.o.w

1000649

Cross Reference and Location: 12th Street NW Between
Menaul Blvd NW & Indian School Road

Applicant: Indian Pueblos Marketing INC.
2401 12th Street NW
Albuquerque, NM 87107-2302

Agent: Studio Southwest Architects, INC.
2101 Mountain Rd NW
Albuquerque, NM 87104

Special Instructions:

**Notice must be mailed from the
City 15 days prior to the meeting.**

Date Mailed:
Signature:

5-17-16
bcj

PROJECT #1000649

Owner
ABRUMS BARON & SUSAN
ACABAL MARCO A & BLANCA M
ANGLADA BONIFACIO JR
ARCHULETA SELINA B & ARLEEN MARIE TRUJILLO
BACA LORI V & ROBERT A BACA JR
BLACKBURN MELVIN M & ELIZABETH A TRUSTEES BLACKBURN FAMILY TRUST
BLEND BENAY D
CARR TED P & PHYLLIS N
CHACON THOMAS R
CHAVEZ FREDDIE & BERNADETTE
CLARK MARK THOMAS & ROBERTSON MARY R
D A FIVE LLC C/O WALGREEN CO. RE PROPERTY TAX DEPT
ESPINOSA DAVID L & RUPPERT- ESPINOSA CINDY L
GONZALES ESTEVAN ANDRES
GUTIERREZ STEVE D & MARIA A
HERRERA ELOISA C TRUSTEE HERRERA RVT
HUMBLE BRADLEY S & ANTIONETTE R
INDIAN PUEBLO CULTURAL CENTER
JARAMILLO KATHERINE
JORDI MEGAN E
KIEFFER JANET S
LEGER ERNEST H & GLORIA I CO-TRUSTEES THE 2005 RESTATED LEGER FAMILY TRUST
LEVINE INVESTMENTS LIMITED PARTNERSHIP
MAESTAS JAMES & VIOLA
MALLORY KEITH & SANDRA
MARTINEZ NANCY B
MAYFIELD SANDRA
MONTIEL LOUIE S & DOLORES
N M DIS COUNCIL ASSEMB OF GOD
NETSIE LAND LLC
NM DIS COUNCIL ASSMLY OF GOD
PEREA ROBERT L
RIOS RAFAEL BARRAZA
ROBBINS RUTHIE HORN
SANDIA PSYCHIATRIC SERVICES P C
U S INDIAN SCHOOL
US INDIAN SERVICE AND BUREAU OF INDIAN AFFAIRS
VENER FARLEY H
VIDAURRI YVONNE
ZUNIGA MICHAEL P
Daniel Solares Jr.
Indian Pueblos Marketing, Inc
Joe Sabatini
Susan Lester
Kyle Silfer
Doyle Kimbrough

Owner Address
2600 8TH ST NW
PO BOX 80157
831 PROSPECT AVE NW
847 APACHE AVE NW
1000 WOODLAND AVE NW
7400 VICKREY DR NE
1100 WOODLAND AVE NW
2808 10TH ST NW
830 TOWNER AVE NW
1020 WOODLAND AVE NW
2220 9TH ST NW
PO BOX 1159
817 TULANE DR NE
1561 14TH AVE SE
826 TOWNER AVE NW
818 PROSPECT AVE NW
1008 WOODLAND AVE NW
2401 12TH ST NW
2103 ALHAMBRA AVE SW
1012 WOODLAND AVE NW
1016 WOODLAND AVE NW
3207 MANCHESTER CT NW
1702 E HIGHLAND AVE 310
1321 LA POBLANA RD NW
1708 CHACOMA PL SW
2300 9TH ST NW
829 PROSPECT NW
2200 9TH ST NW
1119 MENAUL BLVD NW
PO BOX 70010
1119 MENAUL BLVD NW
1104 WOODLAND AVE NW
820 TOWNER AVE NW
634 GRACELAND DR SE
2124 CAMPBELL RD NW
PO BOX 26567
1001 INDIAN SCHOOL RD NW
2500 9TH ST NW
830 APACHE AVE NW
1030 WOODLAND AVE NW
Studio Southwest Architects, Inc.
Near North Valley N.A.
Near North Valley N.A.
North Valley Coalition
North Valley Coalition

Owner Address 2
ALBUQUERQUE NM 87107
ALBUQUERQUE NM 87198
ALBUQUERQUE NM 87102
ALBUQUERQUE NM 87107
ALBUQUERQUE NM 87107-1155
ALBUQUERQUE NM 87109
ALBUQUERQUE NM 87107-1157
ALBUQUERQUE NM 87107
ALBUQUERQUE NM 87102
ALBUQUERQUE NM 87107
ALBUQUERQUE NM 87102
ALBUQUERQUE NM 87102
DEERFIELD IL 60015
ALBUQUERQUE NM 87106-1932
RIO RANCHO NM 87124
ALBUQUERQUE NM 87102-1079
ALBUQUERQUE NM 87102-1067
ALBUQUERQUE NM 87107-1155
ALBUQUERQUE NM 87104
ALBUQUERQUE NM 87104-1601
ALBUQUERQUE NM 87107-1155
ALBUQUERQUE NM 87107-1155
ALBUQUERQUE NM 87107-3016
PHOENIX AZ 85016
ALBUQUERQUE NM 87107-1007
ALBUQUERQUE NM 87104-1109
ALBUQUERQUE NM 87102
ALBUQUERQUE NM 87107
ALBUQUERQUE NM 87107
ALBUQUERQUE NM 87107
ALBUQUERQUE NM 87197
ALBUQUERQUE NM 87107
ALBUQUERQUE NM 87107
ALBUQUERQUE NM 87102
ALBUQUERQUE NM 87108-3335
ALBUQUERQUE NM 87104
ALBUQUERQUE NM 87125-6567
ALBUQUERQUE NM 87104
ALBUQUERQUE NM 87102
ALBUQUERQUE NM 87102
ALBUQUERQUE NM 87107-1155
2101 Mountain Rd NW
2401 12th Street NW
3514 6th Street NW
435 Phoenix NW
PO BOX 70232
2327 Campbell Rd NW

Albuquerque, NM 87 104
Albuquerque, NM 87 104-2302
Albuquerque, NM 87 107
Albuquerque, NM 87 107
Albuquerque, NM 87 197
Albuquerque, NM 87 104



12th Street NW Between Menaul Blvd NW & Indian School Road



Legend

- Bernalillo County Parcels
- Design Overlay Zones
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map

Notes

Distance: 182.81

1000649

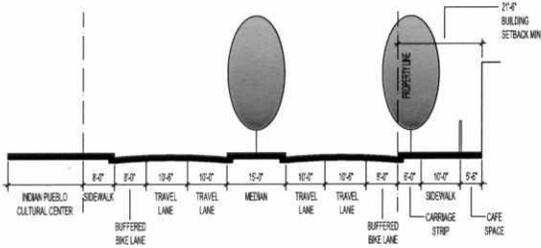
0.1 0 0.06 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
5/5/2016 © City of Albuquerque

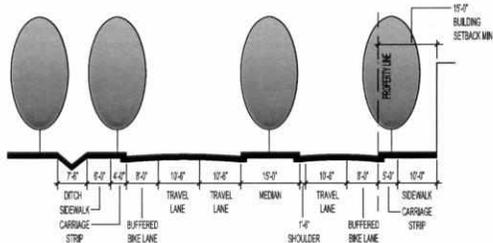
This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

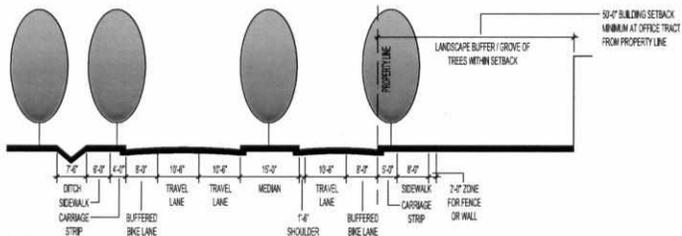
SITE DEVELOPMENT PLAN REDUCTIONS



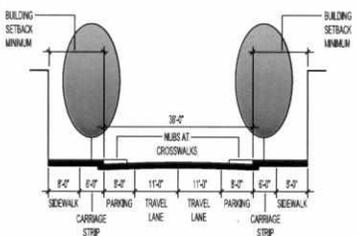
SECTION "A"
12TH STREET AT PLAZA AND INDIAN PUEBLO CULTURAL CENTER



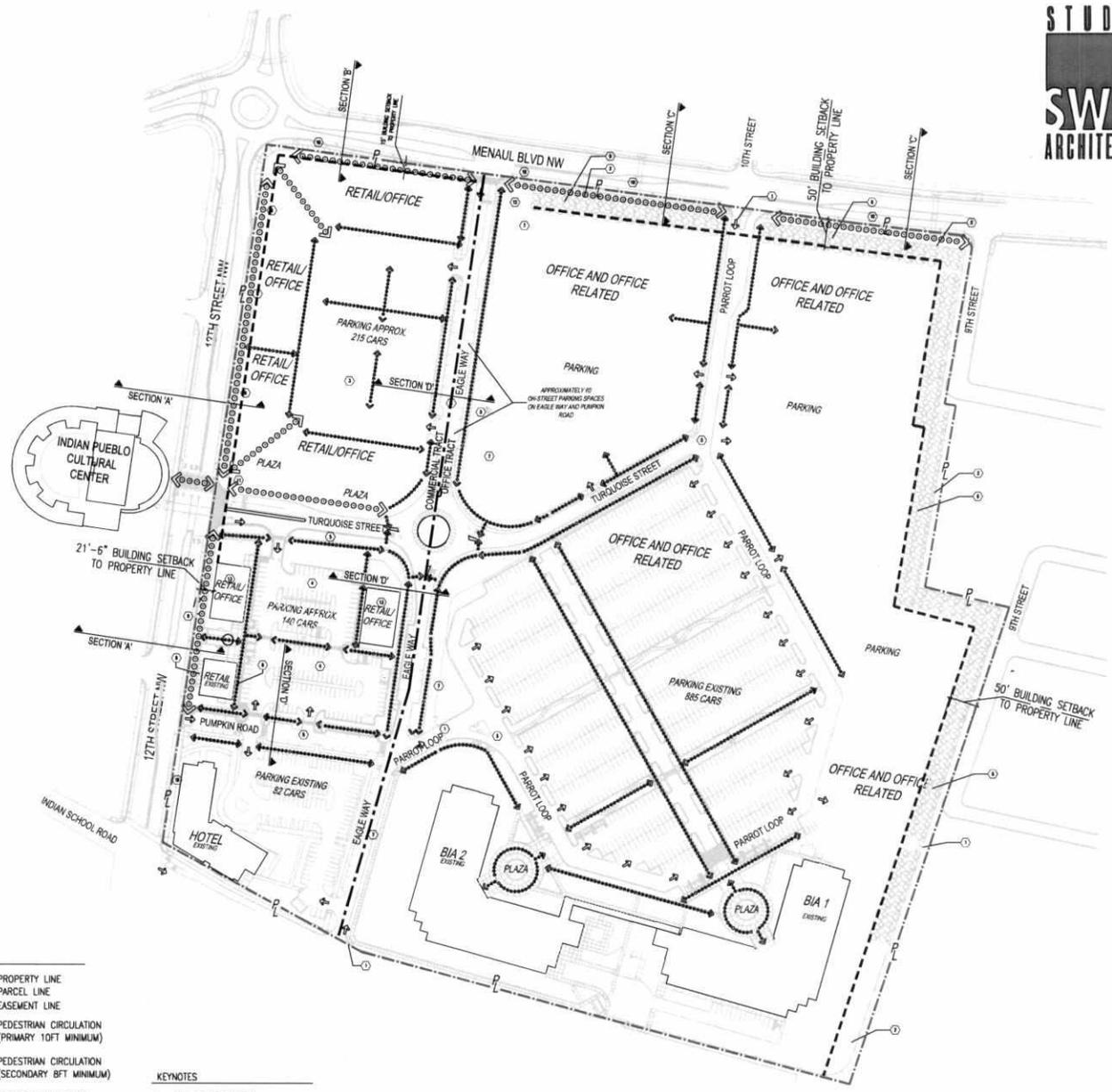
SECTION "B"
MENAUL BLVD FROM 12TH STREET TO OFFICE TRACT



SECTION "C"
MENAUL BLVD AT OFFICE TRACT



SECTION "D"
TYPICAL INTERNAL STREET



- LEGEND**
- — — — — PROPERTY LINE
 - — — — — PARCEL LINE
 - - - - - EASEMENT LINE
 - ⋄⋄⋄⋄⋄⋄ PEDESTRIAN CIRCULATION (PRIMARY 10FT MINIMUM)
 - ⋄⋄⋄⋄⋄⋄ PEDESTRIAN CIRCULATION (SECONDARY 8FT MINIMUM)
 - VEHICLE CIRCULATION

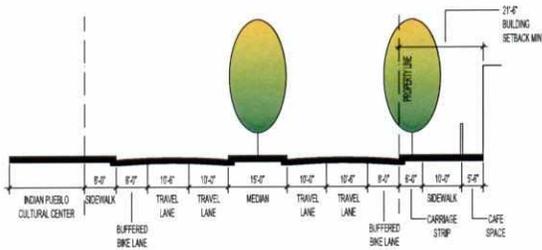
| |
|-------------------------|
| COMMERCIAL TRACT |
| 12.57 ACRES |
| OFFICE TRACT |
| 33.54 ACRES |
| TOTAL AREAS |
| 46.11 ACRES |

- KEYNOTES**
1. IPMI SECURITY GATE
 2. SECURITY PERIMETER FENCE
 3. DRIVE THRU ALLOWED - BANK
 4. DRIVE THRU ALLOWED - RESTAURANT
 5. INTERNAL STREET
 6. LANDSCAPE BUFFER - ORCHARD LINE
 7. COMMERCIAL/OFFICE TRACT LINE
 8. PORTAL, TRELIS OR TREES
 9. CARRIAGE STRIP, SIDEWALK AND CAFE SPACE
 10. CARRIAGE STRIP AND SIDEWALK
 11. PROJECT ENTRY MONUMENT SIGN
 12. PROJECT MONUMENT SIGN
 13. APPROVED RETAIL FOOTPRINT

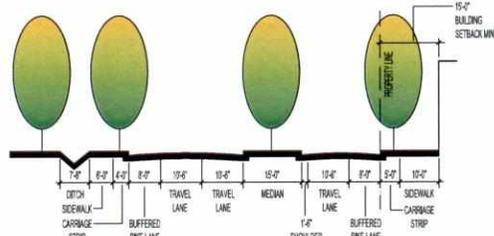
IPMI DEVELOPMENT MASTER PLAN



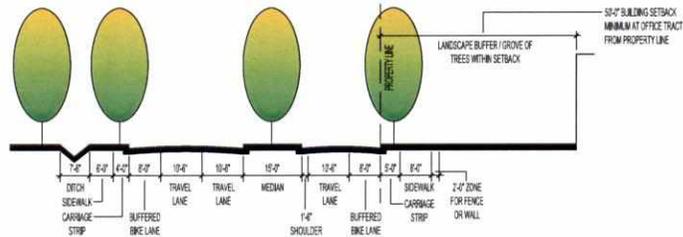
EXHIBIT A-1



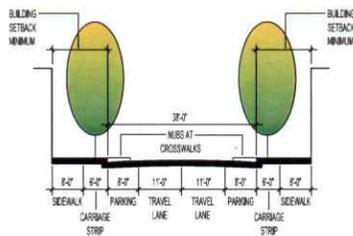
SECTION "A"
12TH STREET AT PLAZA AND INDIAN PUEBLO CULTURAL CENTER



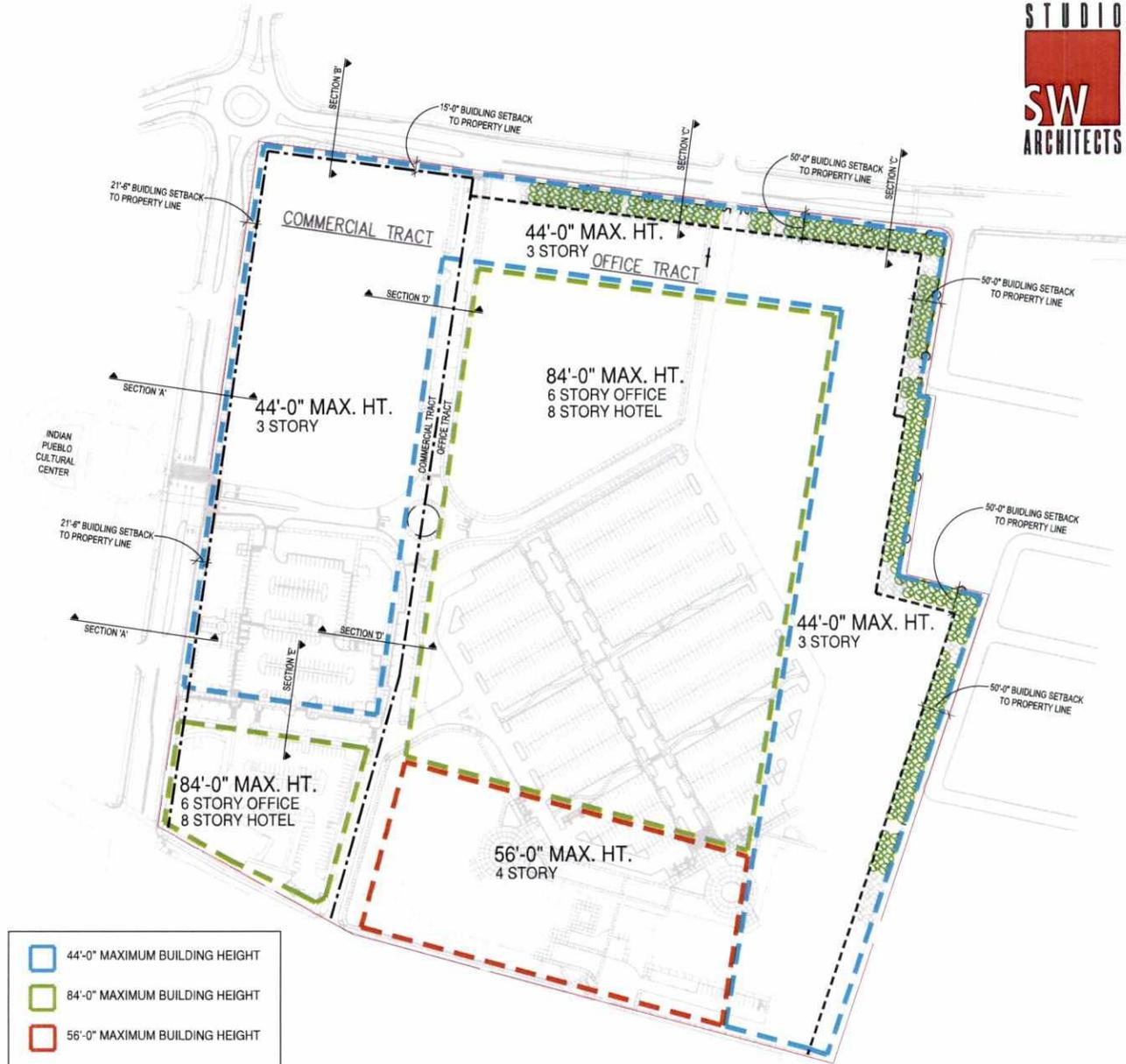
SECTION "B"
MENAUL BLVD FROM 12TH STREET TO OFFICE TRACT



SECTION "C"
MENAUL BLVD AT OFFICE TRACT



SECTION "D"
TYPICAL INTERNAL STREET



- 44'-0" MAXIMUM BUILDING HEIGHT
 - 84'-0" MAXIMUM BUILDING HEIGHT
 - 56'-0" MAXIMUM BUILDING HEIGHT
- *NOTE - THE MAXIMUM BUILDING HEIGHT IS MEASURED TO THE TOP OF THE ROOF DECK. PARAPET WALLS AND MECHANICAL/HVAC ENCLOSURES ARE NOT INCLUDED IN AND MAY EXCEED THE MAXIMUM HEIGHT.

- PROPERTY LINE
- COMMERCIAL TRACT / OFFICE TRACT
- BUILDING SETBACK LINE FROM IMPJI PROPERTY LINE