



**Environmental  
Planning  
Commission**

*Agenda Number: 04  
Project Number: 1010332  
Case #: 15EPC-40001  
March 12, 2015*

**Supplemental Staff Report**

<b>Agent</b>	Myers, McCreedy & Myers
<b>Applicant</b>	98 <sup>th</sup> Street, LLC
<b>Request</b>	<b>Site Development Plan for Subdivision</b>
<b>Legal Description</b>	Tract 34D-1-A Bulk Land Plat, Tract 31A-1-A Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company & Falba Hannett, and Tracts 4-A-1 and 32H-1-A
<b>Location</b>	The SW corner of the intersection of Gibson Blvd. SW and 98 <sup>th</sup> St. SW
<b>Size</b>	Approximately 25.5 acres
<b>Existing Zoning</b>	SU-1 for Mixed Use
<b>Proposed Zoning</b>	No Change

**Staff Recommendation**

*APPROVAL of 15EPC-40001, based on the findings beginning on Page 5 and subject to the conditions of approval beginning on Page 8.*

**Staff Planner**  
*Catalina Lehner-AICP, Senior Planner*

**Summary of Analysis**

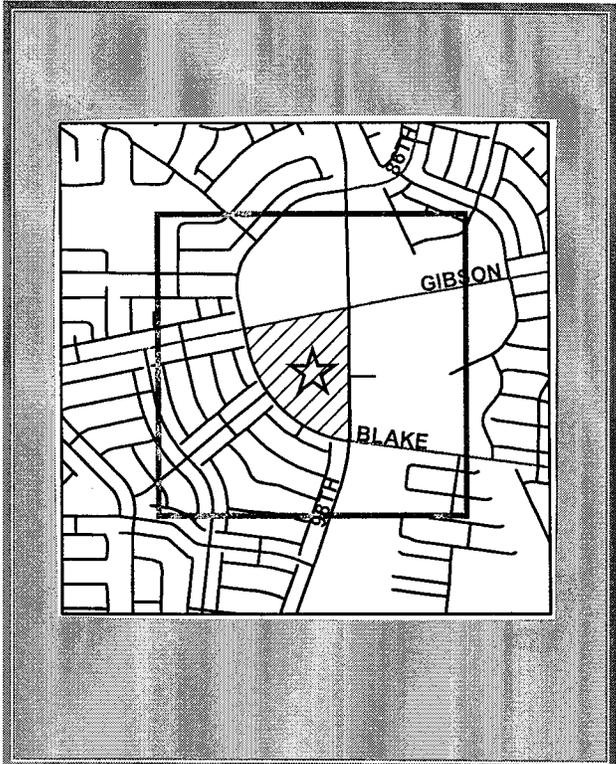
The request, for a site development plan for subdivision (SPS) for an approximately 25.5 acre, vacant site zoned SU-1 Mixed Use, was deferred at the February 12, 2015 EPC hearing.

Single-family homes are proposed for approximately 14 acres and future commercial uses for approximately 5 acres. Residential and commercial design standards are proposed. The SPS would create 80 residential lots.

The subject site is in the Developing Urban area of the Comprehensive Plan and in a designated Community Activity Center. The Westside Strategic Plan, the SW Abq. Strategic Action Plan and the Rio Bravo Sector Development Plan (RBSDP) also apply. The RBSDP contains language stating that activity center zoning is voluntary and that single-family homes are not prohibited in activity centers.

Neighbors and property owners were notified. There is no known opposition as of this writing.

Overall, the subject site's zoning allows the proposed uses and that revisions have improved the submittal. Staff recommends approval subject to remaining conditions.

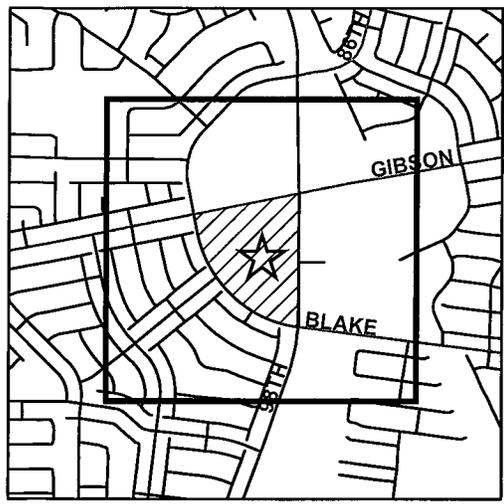


City Departments and other interested agencies reviewed this application from 1/5/15 to 1/10/15. Agency comments used in the preparation of this report begin on Page 29 of the original Staff report.

Project #1010332







# LAND USE MAP

Note: Grey shading indicates County.

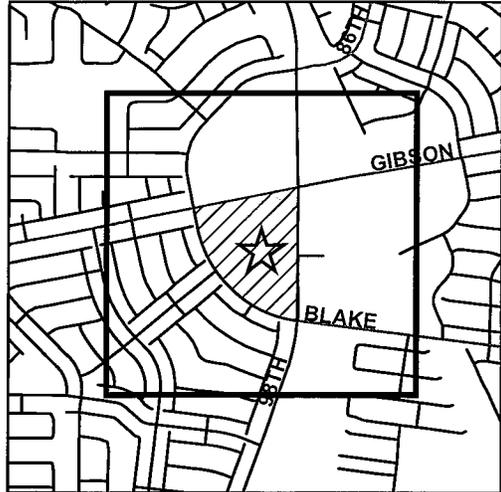
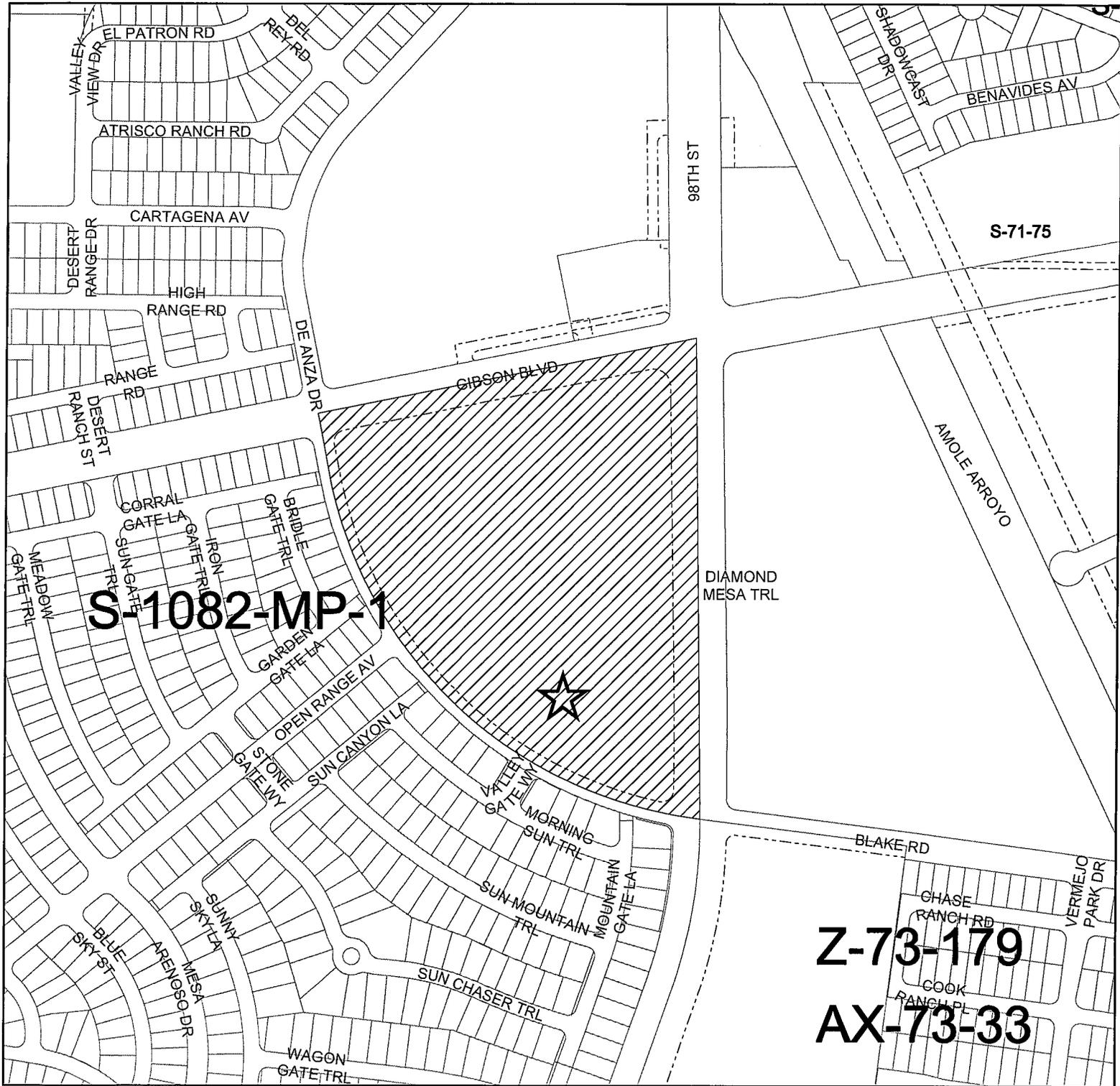
## KEY to Land Use Abbreviations

- 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 = 400 feet

Project Number:  
**1010332**  
 Hearing Date:  
**02/12/2015**  
 Zone Map Page: N-09  
 Additional Case Numbers:  
**14EPC-70428**



### HISTORY MAP

Note: Grey shading indicates County.



1 inch = 400 feet

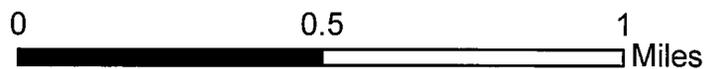
Project Number:  
1010332  
Hearing Date:  
02/12/2015  
Zone Map Page: N-09  
Additional Case Numbers:  
14EPC-70428



## 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 |                          | Developed City Park         |
|                      |                         |                          | Undeveloped City Park       |

Project Number: 1010332



## **I. OVERVIEW**

### ***Deferral***

This request was deferred for 30 days at the February 12, 2015 Environmental Planning Commission (EPC) hearing. Staff received a letter from the applicant (see attachment) fewer than 48 hours prior to the hearing, which meant that it could not be accepted under the “48 hour rule” and instead would have to be introduced at the hearing.

At the hearing, the applicant asked to be allowed to read the letter into the record. The EPC declined. Instead, the EPC voted to defer the case for 30 days to allow time to read the letter and attachments and obtain any clarification needed.

During the deferral period, Staff met with the applicant and provided a list of requested revisions that could become conditions for approval. Revisions to improve the extent to which policies were furthered and clarification of the site development plan, including the design standards, were requested. The current version of the site development plan (version 3, dated February 20, 2015) demonstrates that the majority of conditions was addressed (see Section IV of this report).

### ***Request***

The request is for a site development plan for subdivision, with design standards, for an approximately 25.2 acre vacant site that comprises the SW corner of the intersection of 98<sup>th</sup> St. and Gibson Blvd. SW. Single-family homes are proposed on approximately 14 acres and future commercial uses on approximately 5.7 acres. About 5.3 acres would be dedicated as right-of-way. The residential density would be 5.7 DU/ac.

Delegation of review authority to the Development Review Board (DRB) is requested for the residential portion; the DRB would review the site development plan for building permit at a public hearing. The future commercial development, for which there are currently no defined plans, would return to the EPC for review.

### ***For EPC Role, Context, History & Background, Long Range Roadway/Transportation System, and Public Facilities/ Community Services and Design Standards (intro):***

» Please refer to p. 3-4 of the original Staff report (see attachment).

## **II. ZONING**

» Please also refer to p. 1-3 of the original Staff report, Albuquerque Comprehensive Zoning Code (Definitions and Zoning) (see attachment).

### ***SU-1 Zoning and Proposed Uses***

The subject site is zoned SU-1 Mixed Use pursuant to the Rio Bravo Sector Development Plan (RBSDP). The “Mixed Use” is pursuant to the RBSDP, which states:

“Within the SU-1 zone, properties will have allowances for C-1, C-2, O-1, O-2 and IP zoning subject to individual review procedures. The mixed-use can be applied to include R-LT zoning and other high-density

residential uses. Community Activity Center (CAC) and Neighborhood Activity Center (NAC) mixed-use zoning should be applied to the designated activity centers within the RBSDP boundaries. These zoning districts will create development mixtures that include retail shops, public, service and institutions, residential units, and other community uses in a pedestrian-oriented format.”

The “mixed use can be applied to include R-LT zoning” as proposed. R-LT (in itself or by referring to the R-1 zone) results in low densities. 6 DU/ac, typical in R-LT, is less than the R-2 (up to 20 DU/ac) apartment density typically desired in Activity Centers. In this regard, the RBSDP contradicts the higher-ranking plans and does not conform with them because it does not prohibit single-family homes in Activity Centers. The proposed use is allowed under the subject site’s zoning (see also Section III of the original report).

The SU-1 Special Use Zone “provides suitable sites for uses which are special....and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design”. An associated site development plan is required. When the SU-1 zone references another zone, for example C-2, the requirements of the C-2 zone apply. When the SU-1 zone does not reference another zone, like with “SU-1 Mixed Use” zoning, the site development plan defines the zoning category. Therefore, it is up to the EPC to determine the appropriateness of the use to the subject site, based on the character of the site design as stated above.

Any future commercial development is intended to correspond to the C-2 zone (§14-16-2-17), which “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.

### **III. SUMMARY OF RE-ANALYSIS**

Four adopted Plans apply to the subject site: the Comprehensive Plan, the West Side Strategic Plan (WSSP), the Southwest Area Strategic Action Plan (SWASAP, contained in the WSSP) and the Rio Bravo sector Development Plan (RBSDP).

A revised site development plan (dated February 20, 2015) was submitted (see Section IV of this report). The revised site development plan includes five non-vehicular access points, clarified acreages and clarified design standards. Staff finds the following regarding applicable Goals and policies.

RBSDP— The intent of the RBSDP is to concentrate a mixture of land uses in activity centers and to be consistent with the higher-ranking plans. However, the 2009 amendments included specific language that contradicts this intent (Bill No. R-08-170): “the mixed-use can be applied to include R-LT zoning and other high-density residential uses.” The R-LT zone references the R-1 zone, and single-family homes are not prohibited in activity centers. The subject site’s zoning is SU-1 Mixed Use; however, mixed use is undefined in the context of the RBSDP. Although the 2009 amendments state that they intend to support Activity Center concepts, a phrase was added that states that activity center zoning designations and mixed use zoning “may be applied voluntarily to designated community and neighborhood activity centers.” The 2009 amendments also intended to “limit the geographic coverage of repetitions of one housing type” (single-family or multi-family), but did not provide a regulatory mechanism to accomplish this.

SWASAP—The SWASAP contains five Goals, statements of overarching intent, but no specific policies. The idea is to transform isolated subdivisions into a well-rounded community. The proposed, non-vehicular access points would help improve walkability and access to Transit and ≈ 5.6 acres would be available for future commercial and retail uses. The commercial design standards would help ensure future connectivity.

WSSP— The WSSP contains “shall” policies, specific to subdivision design, 4.6a, 4.6b, 4.6c, 4.6e, 4.10, which call for circulation patterns to support transit, efficient circulation for pedestrians, openings through perimeter walls, avoiding rear walls facing public streets, and providing multiple vehicular and pedestrian access points. The revised site development plan addresses these policies by providing 3 non-vehicular access points and 2 vehicular/pedestrian access points, which are gated, at appropriate intervals.

The policies unaddressed are those pertaining to Activity Centers (see above for an explanation of the conflict created in the RBSDP by R-08-170) and school capacity, which is considered advisory.

Comprehensive Plan— The subject site is located in the 98<sup>th</sup>/Gibson Community Activity Center. The intent is to concentrate interrelated activities, promote non-vehicular transportation, and maximize cost-effectiveness of City services. An approximately 5.6 acre portion of the subject site is intended for a future neighborhood center and, provided the commercial design standards are followed in the future, non-vehicular access and circulation would be functional.

The policies unaddressed are those pertaining to Activity Centers that have to do with concentrations of moderate and high-density land uses and higher density housing. See above for an explanation of the conflict created in the RBSDP by R-08-170.

#### ***For IV. ADDITIONAL ISSUES***

» Please refer to p. 15 of the original Staff report (see attachment).

#### ***IV. SITE DEVELOPMENT PLAN FOR SUBDIVISION (Sheets 1 and 2)***

» Please also refer to p. 15-16 of the original Staff report (see attachment).

The site development plan for subdivision (Sheet 1) now contains information regarding the number of lots, tracts and acreages proposed. Five pedestrian access points were added; 3 are exclusively non-vehicular. The narrative, which tracks the Zoning Code definition of site development plan for subdivision, was clarified.

The landscaping plan for the residential subdivision (Sheet 2) was updated to show additional landscaping, comply with the Street Tree ordinance, and include plant totals.

#### ***V. SITE DEVELOPMENT PLAN FOR SUBDIVISION, DESIGN STANDARDS***

» Please refer to p. 16-20 of the original Staff report (see attachment).

Design standards create a framework to ensure that a development will further applicable City goals and policies and establish parameters used to review future site development plan(s) for building permit. Two types of design standards are proposed, residential (Sheets 3 and 4) and commercial (Sheets 5 and 6).

The updated version (Version 3) of the site development plan incorporates the majority of revisions that Staff requested, most of which were for clarification. Noteworthy revisions to the residential design standards include mentioning pedestrian access points, adding a landscape legend, and clarifying calculation of off-street parking and open space requirements. Noteworthy revisions to the commercial design standards include clarification regarding building height and setback, colors, and adding a section on pedestrian and site amenities.

***For VII. AGENCY & NEIGHBORHOOD CONCERNS***

» Please refer to p. 20 of the original Staff report (see attachment).

***VI. CONCLUSION***

This request is for a site development plan for subdivision, with design standards, for an approximately 25.2 acre site that comprises the SW corner of the intersection of Gibson Blvd. and 98<sup>th</sup> St. SW. The subject site is vacant.

The applicant proposes to create five tracts and 80 individual lots in order to develop a residential subdivision on approximately 14 acres. Residential design standards are proposed and delegation of approval authority to the DRB is requested. Commercial design standards are also proposed, though currently no development is planned. The approximately 5 acre commercial tract would return to the EPC for review.

The subject site is in the Developing Urban area of the Comprehensive Plan. The West Side Strategic Plan (WSSP), the Southwest Area Strategic Action Plan (SWASAP, contained in the WSSP) and the Rio Bravo sector Development Plan (RBSDP) apply. Overall, Staff finds that the subject site's SU-1 Mixed Use zoning allows the proposed uses, and that revisions have improved the extent to which applicable policies are furthered.

Though the intent is to not conflict with higher ranking Plans, the 2009 amendments added language to the RBSDP that states that activity center zoning is voluntary and that single-family housing is not prohibited in activity centers. The applicant has incorporated the majority of Staff's requested revisions. Staff recommends approval subject to a few, remaining conditions.

***FINDINGS -15EPC-40001, March 12, 2015-Site Development Plan for Subdivision***

1. The subject request is for a site development plan for subdivision for Tract 34D-1-A Bulk Land Plat, Tract 31A-1-A Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company & Falba Hannett, and Tracts 4-A-1 and 32H-1-A, an approximately 25.5 acre site consisting of the SW corner of the intersection of Gibson Blvd. SW and 98<sup>th</sup> St. SW, zoned SU-1 for Mixed Use.
2. The applicant proposes to create three tracts and to subdivide an approximately 20 acre portion of the subject site into 80 individual lots. Design standards are proposed for the residential portion and for the future, approximately 5 acre commercial portion. Delegation of approval authority to the Development Review Board (DRB) is requested for the residential portion. The commercial portion would return to the EPC.
3. The subject site is within the boundaries of the Developing Urban Area of the Comprehensive Plan. The West Side Strategic Plan (WSSP), the Southwest Area Action Plan (SWAAP, contained in the WSSP) and the Rio Bravo sector Development Plan (RBSDP) apply.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the WSSP, the SWASAP and the RBSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. If developed as proposed, the commercial portion of the subject site is greater than 5 acres in size, making it a Shopping Center (SC) site by definition and subject to the regulations of Zoning Code §14-16-3-2. Future commercial portion will also be subject to the commercial design standards.
6. The request generally furthers the following Comprehensive Plan Goals:
  - A. Established Urban Goal. The request would result in two different types of uses: a single-family subdivision on approximately 20 acres and various, future commercial uses on approximately 5 acres. Though the uses would not be mixed together, they could contribute to an urban environment that perpetuates the tradition of subdivisions that characterizes the area. The design standards would help create a visually pleasing built environment.
  - B. Community Identity and Urban Design Goal. The request would generally contribute toward preserving the built characteristics that identify the southwest sub-area as a distinct community because it would continue the development pattern in the area, which is characterized by single-family subdivisions and a little bit of commercial development.
7. The request generally furthers the following Comprehensive Plan policies:
  - A. Policy II.B.5d-neighborhood values/natural environmental conditions. The proposed subdivision is like the ones around it and therefore is unlikely to cause neighborhood concern.

There are no known comments or concerns regarding the request. The proposed non-vehicular access points would help facilitate the use of alternative transportation modes (walking, biking) that are related to recreational and social concerns.

- B. Policy II.B.5e- new growth/urban facilities. The subject site is vacant and contiguous to a developed area that has existing urban facilities and services, and the use of such would not affect neighborhood integrity.
  - C. Policy II.B.5j- location of new commercial development. Future commercial development would be located on land already zoned for commercial uses and within reasonable distance from residential uses. The subject site is located at the intersection of arterial streets, and the approximately 5.6 acre commercial portion could function as a neighborhood center.
  - D. Policy II.B.5k- land/arterial streets/traffic effects. The subject site is adjacent to two arterial streets: 98<sup>th</sup> St. and Gibson Blvd. Transportation Staff provided comments that, when addressed, will help minimize the effects of traffic. An access point is shown on 98<sup>th</sup> St. for the residential portion; no access is indicated for the future commercial. The access on Blake Rd. aligns with that of the existing subdivision.
  - E. Policy II.B.5l-quality design/new development. The architectural standards for the commercial portion would require quality features. Though the residential standards would benefit from clarification, they would result in a similar subdivision, in terms of layout and design, to those that characterize the area.
8. The subject site is located in a designated Activity Center, the 98<sup>th</sup>/Gibson Community Activity Center (CAC), designated in the Comprehensive Plan and shown in the WSSP. The request would reduce the acreage available for the desired Activity Center uses, thus the functionality would change from a CAC (typically 15 – 60 acres, see Table 22 of the Comprehensive Plan) to a Neighborhood Activity Center (typically 5 – 15 acres), but the CAC designation would remain.
9. The subject site is zoned SU-1 Mixed Use pursuant to the RBSDP, which states:
- “Within the SU-1 zone, properties will have allowances for C-1, C-2, O-1, O-2 and IP zoning subject to individual review procedures. The mixed-use can be applied to include R-LT zoning and other high-density residential uses. Community Activity Center (CAC) and Neighborhood Activity Center (NAC) mixed-use zoning should be applied to the designated activity centers within the RBSDP boundaries.”
- The single-family residential use is not prohibited by the subject site’s zoning. It is consistent with R-LT zoning (typically 6 DU/ac) because the R-LT zone references the R-1 zone and R-1 densities can be lower than the “other high-density residential uses” mentioned.
10. The 2009 amendments to the RBSDP intend to “limit the geographic coverage of repetitions of one housing type” (single-family or multi-family). Though single-family homes are not prohibited

on the subject site, development to the NW, SW and SE of the subject site consists of single-family homes with similar site layouts. The request would repeat the same, predominant housing type and layout, and precludes opportunities to provide a variety of housing types.

11. The subject site is zoned SU-1 Mixed Use. The purpose of the SU-1 zone is to “provide suitable sites for uses which are special...and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.” Unlike other zones, SU-1 zoning and its required, associated site development plan are interdependent. Therefore, because the site’s specific location is subject to applicable policies in the Comprehensive Plan, WSSP and SWASAP regarding site design, these policies should be applied to improve the appropriateness of the design relative to the location. It is the EPC’s task to determine the appropriateness of the uses to the subject site, based on the character of the site design as stated above.
12. A Traffic Impact Study (TIS) was not required at this time because the 80 proposed homes do not meet the threshold. However, a TIS will be required for the future commercial development.
13. The City Archaeologist issued a provisional certificate of no effect to allow the process to continue. However, an archaeological survey is required prior to issuance of a building permit. Additional coordination with the City Archaeologist is needed.
14. Conditions of approval are needed to help ensure that the request comes closer to furthering applicable Goals and policies in the Comprehensive Plan, particularly with respect to Activity Centers. The conditions would also begin to address conflicts with applicable policies in the WSSP and SWASAP with respect to subdivision and site design and creating land use patterns to support alternative transportation modes.
15. The affected neighborhood organizations are the Sungate Estates Homeowners Association (HOA), the South Valley Coalition of Neighborhood Associations (NAs), the SW Alliance of Neighbors (SWAN), and the Westside Coalition. The applicant notified them as required. As of this writing, there is no known opposition to the request.

***RECOMMENDATION - 15EPC-40001, March 12, 2015***

***APPROVAL of 15EPC-40001, a Site Development Plan for Subdivision for Tract 34D-1-A Bulk Land Plat, Tract 31A-1-A Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company & Falba Hannett, and Tracts 4-A-1 and 32H-1-A, an approximately 25.2 acre site consisting of the SW corner of the intersection of Gibson Blvd. SW and 98<sup>th</sup> St. SW, zoned SU-1 for Mixed Use, based on the preceding Findings and subject to the following Conditions of Approval.***

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***CONDITIONS OF APPROVAL -15EPC-40001, March 12, 2015, Site Development Plan for Subdivision***

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the Staff planner to ensure that all conditions of approval are met.
3. The site development plan for building permit for the residential portion, which will be submitted to the DRB for review, shall comply with the residential design standards.
4. Site Development Plan for Subdivision:
  - A. The locations of the perimeter wall and the retaining walls shall be clarified.
  - B. The height of the walls on Tract B shall be clarified. One wall shall be significantly lower than that other, so that visibility and safety of pedestrians can be ensured.
5. Landscaping Plan for Subdivision:
  - A. The site layout on the landscaping plan shall match the site layout on Sheet 1.
  - B. Notes 4 & 5 from v.1 of the site development plan, regarding installation of landscaping based on the landscaping plan, shall be re-instated.

**RESIDENTIAL DESIGN STANDARDS**

**6. Pedestrian Amenities:**

Drive-aisle crossings internal to the subdivision shall be clearly demarcated and labeled.

**COMMERCIAL DESIGN STANDARDS**

**7. Parking & Circulation Standards:**

- A. This section shall address how bicycles will be accommodated.
- B. An explanation of the intent for pedestrian and bicycle (non-vehicular) circulation shall be added.

8. Minor Revisions:

Introductory Language: refer to Design Standards.

9. The following conditions from Transportation Planning Staff shall be met:

- A. Label all existing facilities within public right-of-way on site plan including the existing curb, sidewalk, and sidewalk widths immediately adjacent to the site. Also, show the existing wheelchair ramps and the existing transit stop.
- B. Show the existing medians within Gibson Blvd. and 98<sup>th</sup> Street. Also, show existing bike lanes and bike lane widths on surrounding streets.
- C. Label Orange Range Avenue and its roadway width at its intersection with Blake Road to show its proximity relative to the new intersection. It is preferable to align the new road with Orange Range Avenue.
- D. Internally, within the site, label all new curb and curb ramps, and provide curb ramp details. Label all new sidewalk and sidewalk widths within the subdivision, and provide a minimum sidewalk width of 4 feet. Show typical section for all internal roads.
- E. Label all internal curb radii for the private roads on-site. All internal curb radii at the intersections should be a minimum of 20 feet.
- F. Provide a separate plan showing the route for a garbage truck and emergency vehicle.
- G. Provide a detail of the curb radii configuration for the new access from 98<sup>th</sup> Street and Blake Road.
- H. Label length of stub street.
- I. 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).

10. The following condition from Hydrology Staff shall be met:

The site plan will have to comply with the Drainage Ordinance, Subdivision Ordinance and DPM when submitted for DRB approval.

11. The following condition from the City Transit Department shall be met:

Transit requests the applicant to install a Type C bus shelter as per the COA Design standard COA 2355, and associated bench and trash can at the existing bus stop located adjacent to the property on 98<sup>th</sup> Street. Please provide access to the bus stop from the property.

12. The following condition from the City Archaeologist shall be met:

The applicant shall coordinate with the City Archaeologist. An archaeological survey is required prior to issuance of a building permit.

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13. The following conditions from PNM shall be met:

- 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. An existing overhead electric distribution line is located along the northern boundary of the subject property along Gibson Boulevard SW and an underground distribution line is located along the eastern boundary of the site along 98th Street SW. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service for this project and for any modifications to the existing electric distribution facilities. Any relocation, changes or realignment regarding existing electric utilities will be the developer's expense. In some cases, relocation or changes to existing facilities may not be feasible due to safety clearances or other physical constraints. The applicant is responsible to abide by any conditions or terms for those distribution easements. PNM will review all technical needs, issues and safety clearances for its electric power systems. Contact:  
PNM – New Service Delivery, 4201 Edith Boulevard NE, Albuquerque, NM 87107  
Phone: (505) 241-3425
- 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](http://www.pnm.com) for specifications.
- D. Coordination with PNM will be necessary for this project regarding proposed tree species, the height at maturity and tree placement, sign location and height, and lighting height in order to ensure sufficient safety clearances to avoid interference with the existing electric distribution facilities along the eastern and northern boundaries of the subject site.

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*Catalina Lehner*

**Catalina Lehner, AICP  
Senior Planner**

cc: Myers, McCready & Myers, Attn: Matt Myers, 1401 Central Ave. NW, Suite B, Albuquerque, NM 87104  
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Rod Mahoney, South Valley Coalition of NAs, 1838 Sadora Rd. SW, Albuquerque, NM 87105  
Marcia Fernandez, South Valley Coalition of NAs, 2401 Violet SW, Albuquerque, NM 87105  
Johnny Pena, SW Alliance of Neighbors (SWAN), 6525 Sunset Gardens SW, Albuquerque, NM 87121  
Jerry Gallegos, SW Alliance of Neighbors (SWAN), 417 65<sup>th</sup> St. SW, Albuquerque, NM 87121  
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February 11, 2015

**SENT VIA EMAIL [clehner@cabq.gov](mailto:clehner@cabq.gov)**

Environmental Planning Commission  
c/o Catalina Lehner  
600 Second Street NW  
Albuquerque, NM 87103

RE: Site Development Plan for Subdivision for SW Corner of 98<sup>th</sup> St. & Gibson -  
Project No. 1010332, Case #15EPC-40001

Dear Commissioners:

This firm is the agent of record for 98<sup>th</sup> Street, LLC, who is the applicant in regards to the above referenced request for a site development plan for subdivision (the "Request") for the ~25.5 acre parcel of land located at the SW corner of 98<sup>th</sup> Street & Gibson (the "Property"). This letter is in response to the staff report prepared by Ms. Catalina Lehner (the "Staff Report"). I have already discussed my concerns with the Staff Report with Ms. Lehner. She has been very helpful throughout this process.

In the Staff Report, Ms. Lehner recommends that you deny my client's Request. As detailed in the Request, my client is requesting that the Property be subdivided into a ~5 acre commercial tract and a ~20 acre residential tract. As shown on the site plan submitted with the Request, my client intends to develop the residential portion of the Property into 80 single family homes, on individual lots.

The current zoning of the Property, SU-1 for Mixed Use, specifically allows the Property to be developed into single family homes, one per lot. Prior to submitting the Request I requested, and obtained, a declaratory ruling from Brennon Williams, the City's Code Enforcement Manager, wherein he verified that the Property's zoning allows single family homes, one per lot, as a permissive use. A copy of the declaratory ruling from Brennon Williams was included in the Request. In the declaratory ruling, Mr. Williams stated:

Future use of the property for both commercial and residential activities – **including single-family dwelling units on individual lots – is allowed in this zone.**

(emphasis added).

In the Summary of Analysis section of the Staff Report, Catalina states:

Though not prohibited by the site's zoning, the request conflicts significantly with adopted Goals and policies. Therefore, Staff recommends denial.

It is clear that Catalina is recommending denial of the Request based on the fact that my client intends to develop the residential portion of the Property into single family homes, one per lot. Catalina takes the position that the Property cannot be developed with single family homes because there are "goals and policies" found in the applicable planning documents, including the West Side Strategic Plan (the "WSSP"), the Rio Bravo Sector Development Plan (the "RBSDP") and the SW Albuquerque Strategic Area Plan ("SW Area Plan"), which indicate that the Property should be developed at a higher density.

It is our position, which position is supported by New Mexico case law, that the City cannot prohibit my client from developing the Property with a permitted use simply because there are some "goals and policies" which demonstrate a preference for higher density residential uses in this area of the City.

The City cannot prohibit my client from developing the Property as allowed by the Property's zoning. It would be a different story if my client were requesting a zone change to allow single family homes; however, that is not the case. My client is only requesting approval of a site development plan for subdivision. Basically, the City cannot use the goals and policies found in its planning documents to prohibit permissive uses of the Property.

There is a New Mexico case, *West Bluff Neighborhood Ass'n v. City of Albuquerque*, wherein the New Mexico Court of Appeals addressed the issue of whether the City can rely on general goals and policies found in planning documents to prohibit the development of property as allowed by its zoning. I've enclosed a copy of the *West Bluff* case. In its opinion, the *West Bluff* court stated:

The legislature has assigned to the master plan the role of guide, enabling municipal planning commissions to use reasonable discretion in applying its provisions to the actual decision-making processes involved in municipal development; the plan does not carry the weight of law, as do ordinances, and has not regulatory effect. *West Bluff Neighborhood Ass'n v. City of Albuquerque*, 2002-NMCA-075, 132 N.M. 433, 50 P.3d 182, cert. denied, 132 N.M. 484, 51 P.3d 527 (2002), overruled, *Rio Grande Chapter of Sierra Club v. N.M. Mining Comm'n*, 2003-NMSC-005, 133 N.M. 97, 61 P.3d 806.

The *West Bluff* case is analogous to the pending request by my client in that Catalina's Staff Report uses the goals and policies found in the WSSP, the RBSDP and the SW Area Plan to attempt to trump the actual zoning of the Property, which zoning specifically allows the Property to be developed into single family lots. The *West Bluff* court also stated:

We noted that city planning documents are typically adopted by resolution, which do not carry the weight of law, as do ordinances for municipalities". *West Bluff Neighborhood Ass'n v. City of Albuquerque*, 2002-NMCA-075, Paragraph 13 (internal citations and quotes omitted).

The Property's zoning, as acknowledged by the City's Code Enforcement Manager, allows, as a permissive use, single family homes on individual lots. The City cannot prohibit my client from developing the Property with an allowed use based on various goals and policies found in the City's planning documents.

To be clear, my client certainly recognizes that the EPC has the authority to determine whether the subdivision is adequate based on certain criteria, as set out in Chapter 3 of the City's Development Process Manual, as well as Sec. 14-14-4-1 and Sec. 14-16-3-11 of the City's Zoning Ordinance, which regulations govern approval of a site development plan for subdivision. Accordingly, the EPC can evaluate a request based on many things, including: vehicular and pedestrian ingress and egress, internal circulation considerations, site layout, design standards, and grading and drainage issues; however, it does not have the authority to deny the Request based on its dislike of an allowed use.

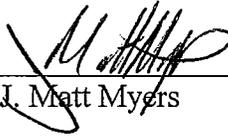
I would again like to say that Ms. Lehner has been a pleasure to deal with on this project, and, as I've indicated to her, my client is certainly willing to condition approval of the Request on making certain changes suggested by Catalina in her Staff Report.

I look forward to answering any questions you may have at Thursday's hearing.

Sincerely,

MYERS, MCCREADY & MYERS, P.C.

By: \_\_\_\_\_

  
J. Matt Myers

Cc: Blake Whitcomb, via email  
Nataley I. Quintana, via email  
Rhett Waterman, via email  
Mark Goodwin, via email

**WEST BLUFF NEIGHBORHOOD ASS'N V. CITY OF ALBUQUERQUE,  
2002-NMCA-075, 132 N.M. 433, 50 P.3d 182  
CASE HISTORY ALERT: affected by 2003-NMSC-005**

**WEST BLUFF NEIGHBORHOOD ASSOCIATION, GRANDE HEIGHTS  
NEIGHBORHOOD ASSOCIATION, and WEST AREA RESIDENTS FOR  
AESTHETIC AND RESPONSIBLE EXPANSION, New Mexico  
corporations, Petitioners-Appellants,**

vs.

**CITY OF ALBUQUERQUE, a municipal corporation,  
Respondent-Appellee, and, GELTMORE, INC., a New Mexico  
corporation, Interested Party, WAL-MART STORES EAST, INC.;  
COORS LIMITED, RRG; RICHARD B. SAYLOR; SUSAN J. SCARBOROUGH  
SAYLOR; MAUREEN REPETTO, Trustee of the Maureen Repetto  
Revocable Living Trust; SUSAN FAYETTE HUTCHINSON,  
Co-Executor of the Estate of Barbara Novak; DENNIS NOVAK,  
Co-Executor of the Estate of Barbara Novak; and HOME DEPOT,  
INC., Intervenors.**

Docket No. 21,743  
COURT OF APPEALS OF NEW MEXICO  
2002-NMCA-075, 132 N.M. 433, 50 P.3d 182  
May 15, 2002, Filed

CERTIORARI TO THE DISTRICT COURT OF BERNALILLO COUNTY. Robert L. Thompson, District Judge.

Released for Publication July 17, 2002. Certiorari Denied, No. 27,553, July 9, 2002.

**COUNSEL**

Ann Berkley Rodgers, Peter C. Chestnut, Chestnut Law Offices, Albuquerque, NM, Charles G. Berry, Charles G. Berry & Assoc., PA, Albuquerque, NM, for Appellants.

Robert M. White, City Attorney, David Suffling, Assistant City Attorney, Albuquerque, NM, for Appellee.

Victor R. Marshall, L. Helen Bennett, Victor R. Marshall & Associates, P.C., Albuquerque, NM, for Interested Party, Geltmore, Inc.

Richard Leverick, Leverick and Musselman, LLC, Albuquerque, NM, for Intervenor, Wal-Mart Stores East, Inc.

Catherine F. Davis, Julie J. Vargas, Hunt & Davis, P.C., Albuquerque, NM, for Intervenor, Home Depot, Inc.

**JUDGES**

RICHARD C. BOSSON, Chief Judge. WE CONCUR: LYNN PICKARD, Judge, MICHAEL D.

BUSTAMANTE, Judge.

AUTHOR: RICHARD C. BOSSON

## OPINION

{\*436}

### BOSSON, Chief Judge.

{1} Three Albuquerque neighborhood associations (referred to collectively as West Bluff) oppose a retail shopping center in their neighborhood. The site development plan for the shopping center was approved by the City of Albuquerque and subsequently affirmed by the district court. This Court granted West Bluff's petition for a writ of certiorari challenging the site development plan approval. West Bluff raises issues of law related to the approval of the site plan which are appropriate for our limited review on certiorari.

{2} Pursuant to Rule 12-505 NMRA 2002, we determine whether the City's decision approving the site development plan conflicts with any "statutory provision, ordinance or agency regulation," which is, in part, how our review is defined by that rule. It is also alleged that the decision to approve the site development plan conflicts with the City master plan and its various sub-plans, and we determine whether those conflicts are justiciable under the limitations placed on certiorari by Rule 12-505. We also determine whether the actions of the City and its agencies denied West Bluff minimum requirements of due process of law. We affirm the decision of the district court.

### BACKGROUND

{3} On September 16, 1999, the City of Albuquerque Environmental Planning Commission (EPC) approved a site development plan, for subdivision and building permit, for a 34-acre retail shopping center near the northeast corner of Coors Boulevard and Interstate 40 in Albuquerque. The proposed site plan is characterized by two large buildings (a Home Depot and a Wal-Mart), as well as a few smaller businesses, on two separate parcels of land. This site plan is a scaled-down version of an earlier, 65-acre plan that was initially approved by the EPC, but ultimately rejected by the City Council at West Bluff's urging. Thereafter, the developer submitted the amended site plan application, which downsized the project in an effort to conform with existing zoning.

{4} The EPC found that the revised site development plan for the 34-acre shopping center (hereafter Site Plan) conformed generally with the City's comprehensive plan and its constituent parts (hereafter the master plan) and with applicable City ordinances. Following the EPC's approval of the Site {\*437} Plan, West Bluff filed an appeal with the City Council. On November 10, 1999, the City Council's Land Use, Planning and Zoning Committee (LUPZ) reviewed the matter. The LUPZ determined that the EPC had not erred and found the Site Plan to be in substantial compliance with the relevant City zoning ordinances, and with the City's master

plan. The LUPZ recommended that the appeal not be heard by the full City Council. The City Council subsequently adopted the LUPZ findings and recommendations and filed its final decision on November 23, 1999, affirming the Site Plan approval.

{5} West Bluff filed a statutory appeal to the district court, pursuant to NMSA 1978, § 39-3-1.1 (1999) and Rule 1-074 NMRA 2002. On August 7, 2000, the district court affirmed the City's approval of the Site Plan. After applying unsuccessfully for extraordinary writ review from the Supreme Court, West Bluff successfully petitioned this Court for a writ of certiorari pursuant to Rule 12-505.

## DISCUSSION

{6} After the parties in this case completed their appellate briefs, this Court clarified the scope of our review in certiorari cases. See **C.F.T. Dev., LLC v. Bd. of County Comm'rs**, 2001-NMCA-69, 130 N.M. 775, 32 P.3d 784 (hereafter **C.F.T.**). In **C.F.T.**, we held that "Rule 12-505 limits both the grounds on which we will issue a writ of certiorari and the review we will thereafter conduct of a district court decision in an administrative appeal." **Id.** 2001-NMCA-69 at P11. We will review a decision below if it is in conflict with a New Mexico appellate opinion, or with "any statutory provision, ordinance or agency regulation." Rule 12-505(D)(5)(a), (b). We will also review significant questions of constitutional law and issues of substantial public interest. Rule 12-505(D)(5)(c), (d).

{7} We will not, however, review a decision below for an abuse of discretion, nor will we determine whether a decision was supported by substantial evidence. **C.F.T.**, 2001-NMCA-69, PP9-11. These tasks are solely for the district court sitting in its appellate capacity. **Id.** 2001-NMCA-69 at P9. In the case before us, the district court examined the factual record compiled below, and determined that the City's decision to affirm the Site Plan was supported by substantial evidence. We do not review that decision on certiorari.

{8} West Bluff does raise certain questions of law that are appropriate for our review on certiorari. Specifically, West Bluff alleges that the City's approval of the Site Plan conflicted with City ordinances, which we will discuss in due course. West Bluff also implicates rights set forth in New Mexico appellate decisions, as well as the due process clause of the federal constitution. We review these questions under Rule 12-505(D)(5)(a)-(c). West Bluff did not persuade us that any of its issues on appeal are matters of "substantial public interest" which is an alternative ground for our review under Rule 12-505(D)(5)(d). See... **C.F.T.**, 2001-NMCA-69, P12 (declining to define the "seemingly rare instances" when a petitioner could successfully fashion a substantial public interest argument).

{9} The principal thrust of this appeal, however, is West Bluff's claim that the City violated its own master plan when it approved the Site Plan. For us to review such a claim on certiorari, we must determine whether, as West Bluff argues, the master plan has a force of law similar to that of a "statutory provision, ordinance or agency regulation," such that it would be appropriate

for our review under Rule 12-505(D)(5)(b).

## CONFLICT WITH THE MASTER PLAN

### Statutory Provisions

{10} We look first to New Mexico statutes to examine the legal effect the legislature has envisioned for master plans in general. Our goal in interpreting a statute is to give effect to the intent of the legislature. **In re Extradition of Martinez**, 2001-NMSC-9, P14, 130 N.M. 144, 20 P.3d 126.

{11} In Chapter 3, Article 19 of the New Mexico statutes, entitled "Planning and Platting," the legislature empowered municipalities to establish planning commissions and to delegate to these planning commissions the authority to "adopt, amend, extend and carry out a general municipal or master plan." {<sup>\*438</sup>} NMSA 1978, § 3-19-1(D) (1965); **see also** NMSA 1978, § 3-19-4 (1965) (describing powers accorded to a municipal planning commission). Most germane to our inquiry is NMSA 1978, § 3-19-9(A) (1970), which provides for the creation of city master plans:

The planning commission **shall** prepare and adopt a master plan for the physical development of the municipality and the area within the planning and platting jurisdiction of the municipality. . . . The planning commission may amend, extend or add to the plan or carry any part or subject matter into greater detail. . . . **The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality** which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development.

(Emphasis added.)

{12} The master plan is to contain "recommendations of the planning commission for the physical development of the municipality," including "the general location, character, layout and extent of community centers and neighborhood units." Section 3-19-9(B)(4). Thus, the legislature has assigned to the master plan the role of guide, enabling municipal planning commissions to use reasonable discretion in applying its provisions to the actual decision-making processes involved in municipal development.

{13} The role of guide for master plans is also evident in New Mexico case law. In **Dugger v. City of Santa Fe**, 114 N.M. 47, 55, 834 P.2d 424, 432, this Court discussed the legal effect of a municipal master plan, construing Section 3-19-9(A). In **Dugger**, we determined that the legislature intended master plans to be advisory in nature. **Id.** We also examined the particular city master plan in question and found that it set out broad priorities, provided guidelines, and

made recommendations regarding factors that "should" be considered. *Id.* We held that such a plan was advisory, had no regulatory effect, and did not interfere with the City's final decision-making authority in regard to annexation or bind the City to any specific procedures. *Id.* Although *Dugger* involved a city's refusal to enact an ordinance granting annexation by petition, our discussion of the master plan was not strictly limited to that context. *Id.* We noted that city planning documents are typically adopted by resolution, which "do[] not carry the weight of law, as do ordinances for municipalities." *Id.* (citing *Williams v. City of Tucumcari*, 31 N.M. 533, 249 P. 106 (1926)). But see *W. Old Town Neighborhood Ass'n v. City of Albuquerque*, 1996-NMCA-107, P12, 122 N.M. 495, 927 P.2d 529 (clarifying that the difference between an ordinance and a resolution "depends less on what it is called, and more on what it seeks to accomplish," and holding that a sector plan, which was expressly imbued with the ability to create zoning changes, could create zoning changes having the force of law), **superseded by statute on other grounds as stated in** C.F.T., 2001-NMCA-69, PP6-15.

{14} West Bluff responds with statutory language found in Chapter 3, Article 21, entitled "Zoning Regulations," to support its argument that the City's master plan has the weight of law. In Article 21, the legislature provided that "the regulations and restrictions of the county or municipal zoning authority are to be **in accordance with** a comprehensive plan." NMSA 1978, § 3-21-5(A) (1970) (emphasis added). West Bluff suggests that this language incorporates the comprehensive plan by reference, giving it a legal stature on a par with zoning ordinances, regulations, and other such restrictions that do have the force of law.

{15} In our view, West Bluff reads too much into the Section 3-21-5 reference. We understand the "in accordance with" language of Section 3-21-5(A) to require that land use planning regulations and decisions be guided by a city master plan and generally be consistent with a city master plan. However, we do not infer from that one phrase that the legislature intended master plans to be strictly adhered to in the same manner as a statute, ordinance, or agency regulation. See, e.g., Stuart Meck, *Evolving Voices in Land Use Law*, 3 Wash. U. J.L. & {439} Pol'y 295, 297-306 (2000) (noting that despite the widespread adoption of the "in accordance with" model statutory language, states vary widely in their approaches to land use planning, with many states treating comprehensive land use plans as advisory and others revising their legislation to clarify the relationship between zoning and planning).

{16} West Bluff also argues that NMSA 1978, § 3-21-11 (1965) gives the City's master plan the force of law. That statute, entitled "Conflicts between zoning regulations and other statutes and ordinances," provides:

If any other statute or regulation **or other local ordinance, resolution or regulation adopted under authority of Sections 3-21-1 through 3-21-14** NMSA 1978 [Article 21: Zoning Regulations] is applicable to the same premises, the provision shall govern which requires:

- A. the greater width or size of yards, courts or other open spaces;
- B. the lower height of building or a less number of stories;
- C. the greater percentage of lot or land to be left unoccupied;
- D. or imposes, other higher standards.

**Id.** (emphasis added). Generally speaking, Section 3-21-11 indicates a legislative choice that, in the event of conflict, the more restrictive zoning provision will trump the less restrictive zoning provision. West Bluff argues that the use of the word "resolution" in the statute incorporates into this hierarchical scheme master plans which are promulgated by resolution. Thus, in the event of conflict, West Bluff's interpretation of Section 3-21-11 would have master plans supersede less restrictive provisions in the zoning ordinances. Relying on its interpretation of Section 3-21-11, West Bluff claims that just such a conflict occurred in this case: a conflict between the more restrictive master plan provisions and a less restrictive zoning ordinance. West Bluff asks us to review that conflict on certiorari.

{17} However, we are not persuaded by West Bluff's interpretation of Section 3-21-11. The phrase "adopted under authority of Sections 3-21-1 through 3-21-14" modifies the phrase "ordinance, resolution or regulation." See ... **State ex rel. Dep't of Pub. Safety v. One 1990 Chevrolet Pickup**, 115 N.M. 644, 648, 857 P.2d 44, 48 ("Where the context requires that a qualifying word or phrase apply to several preceding phrases, the qualifying word or phrase will not be restricted to its immediate antecedent.").

{18} Only those resolutions adopted under the authority of Chapter 3, Article 21, which pertain to "Zoning Regulations," will supersede less restrictive zoning. Notably, the City's master plan was adopted under the authority of Chapter 3, Article 19, "Planning and Platting," rather than Article 21. See § 3-19-9. The master plan is not a zoning document within the meaning of Section 3-21-11, and therefore, the master plan does not trump less restrictive zoning ordinances pursuant to that statute.

{19} Having considered each of West Bluff's statutory references to Articles 19 and 21 of Chapter 3, we are not persuaded that the legislature has intended to imbue master plans with a force of law equal to statutes or ordinances for purposes of our review on certiorari. Although municipal planning commissions are required to create master plans, and zoning regulations and decisions are to be "in accordance with" those master plans, the legislature has assigned them a

different role from that of statute or ordinance. What the legislature has elected not to do, we cannot change by judicial fiat.

### City Ordinances

{20} Having determined that the New Mexico statutory scheme does not give master plans the force of law equivalent to a statute or ordinance, we turn next to the City of Albuquerque ordinances. West Bluff correctly argues that, **regardless of state statute, the City may elect to incorporate its master plan into an ordinance, thereby giving it the same legal effect. As with statutory construction, the fundamental principle of construction for city ordinances is to determine and carry out the intent of the legislative body, in this case the Albuquerque City Council. See, e.g., W. Old Town Neighborhood Ass'n, 1996-NMCA-107, P14, 122 N.M. 495, 927 P.2d 529.**

{21} {~~40~~} West Bluff relies on **Atlixco Coalition v. County of Bernalillo**, 1999-NMCA-88, P1, 127 N.M. 549, 984 P.2d 796, in which we reversed the county commission's approval of an amendment to a special use permit that would have allowed a landfill operator to expand its construction debris landfill into a municipal waste landfill. At issue in **Atlixco** was the legal effect of the county's Ground-Water Protection Policy and Action Plan. **Id.** 1999-NMCA-88 at PP4-7. That Plan expressly prohibited the expansion or creation of new municipal or privately owned landfills in areas designated for water protection. **Id.** 1999-NMCA-88 at PP13-16. Although the Ground-Water Protection Policy and Action Plan was initially adopted by resolution, it was subsequently incorporated by reference into a formally adopted county ordinance. **Id.** 1999-NMCA-88 at P16. Because the ordinance required "compliance with" the Plan in the disposal of solid wastes, we concluded that the county commission erred when it approved a permit amendment that conflicted with the Plan. **Id.** 1999-NMCA-88 at PP17-22.

{22} West Bluff argues that the City did the same thing with its master plan. Accordingly, we must determine whether, as in **Atlixco**, the City intended to bind itself by ordinance to strict adherence to the master plan. To answer that question, we must examine in more detail the City ordinances that refer to the master plan and its component parts.

{23} The City's planning code provides for a three-tiered approach to land use. See City of Albuquerque Code of Ordinances § 14-13-1-2. The City's master plan is comprised of a hierarchy of increasingly specific planning documents. The Rank One Plan, which is called the Albuquerque/Bernalillo County Comprehensive Plan (ABCCP), is the "basic long range city policy for the development and conservation of the entire metropolitan area." Section 14-13-1-2(A). Rank Two plans may be either Facility Plans or Area Plans that typically cover "15 or more square miles, and specify important development standards." Section 14-13-1-2(B). The West Side Strategic Plan (WSSP) is a Rank Two Area Plan that covers the location of the proposed development. Finally, Rank Three plans cover a much smaller area with the greatest level of specificity. Section 14-13-1-2(C). The Coors Corridor Plan (CCP), a Rank Three Sector

and Neighborhood Development Plan, covers the location of the Site Plan. These planning documents operate together to form the City's master plan.

{24} Unlike Rank One and Two plans, Rank Three plans can, but are not required to, "create special zoning regulations for the area covered, and may also specify other fairly detailed development parameters." City of Albuquerque Code of Ordinances § 14-13-1-2(C)(1); **see also W. Old Town Neighborhood Ass'n**, 1996-NMCA-107, P22 (holding that the city had expressly intended to give Rank Three Sector Plan zoning changes the force of law, where the resolution establishing a Sector Plan was passed with all the formalities of a zoning ordinance and explicitly enabled the Sector Plan to create zoning changes). The force of law given to an explicit Rank Three zoning change is not in dispute in this appeal. **See** City of Albuquerque Code of Ordinances § 14-13-1-2. West Bluff does not contend that the zoning in force at the development site is superseded by a more restrictive Rank Three zoning change. Rather, West Bluff relies on other, more general provisions of the City's master plan documents.

{25} Like the New Mexico statutes discussed earlier in this opinion, City ordinances refer to the master plan in general advisory terms. For example, one of the Subdivision Regulations, Section 14-14-1-3(A), says that land development should be coordinated "in accordance with" the master plan. **See also** § 3-21-5(A) (stating similarly that zoning regulations should be "in accordance with" a comprehensive plan). Elsewhere, the City provides that the "**general nature and extent of the lots and uses proposed shall conform to**" the plan and that plat approval must not "contain[] elements **clearly and significantly inconsistent** with the adopted plans." City of Albuquerque Code of Ordinances § 14-14-2-2(A) (emphasis added). This choice of language in the subdivision ordinances indicates that the City must not approve development that is clearly offensive to the master plan, but it does not import that the plan is to be *{\*441}* strictly applied, provision by provision, in the same manner as an ordinance.

{26} Similarly, the City Zoning Code states that "this article is intended to **help achieve** . . . the city's master plan." Comprehensive City Zoning Code § 14-16-1-3 (emphasis added). The Zoning Code also provides that "site development plans are expected to meet the requirements of adopted city policies and procedures." Comprehensive City Zoning Code § 14-16-3-11(B). This City ordinance language indicates that the master plan sets goals and community objectives that should guide decision makers as they apply the plan to a proposed development. But, again, there is no indication that the City has tried to transform the legal effect of its master plan beyond the advisory document described in state statute.

{27} Finally, West Bluff points out that the City Zoning Code also states:

Where the provisions of any other ordinance, **resolution**, or covenant impose greater restrictions than those of this article, the provisions of such other ordinance, resolution, or covenant shall prevail.

Comprehensive City Zoning Code § 14-16-1-4 (emphasis added). Because the City's planning documents were passed by resolution, West Bluff construes this ordinance as providing that zoning will be trumped by any master plan language that is more restrictive. However, in considering the language of all the relevant ordinances, we are not persuaded of any such intent on the part of the City Council. Although a specific zoning change proposed by a Rank Three Sector Development Plan would prevail over pre-existing zoning, this does not extend to the more general policy language contained in the master plan. See City of Albuquerque Code of Ordinances § 14-13-1-2(C).

{28} In contrast to **Atlixco**, the City has not incorporated its master plan specifically and unambiguously by ordinance, and therefore, we do not accord the master plan the same weight as the specific plan at issue in **Atlixco**. See **Atlixco Coalition**, 1999-NMCA-88, PP16, 23.

#### The Master Plan

{29} The master plan itself also indicates that the City did not intend these land use planning documents to be strictly applied in the same manner as ordinances. City Resolution 103-88 states that the ABCCP's goals and policies "shall serve as **general guidelines** for land use, environmental, and resource management decisions." (Emphasis added.) The resolution also states that city regulations "shall conform to the **general policies of the Comprehensive Plan.**" (Emphasis added.) The ABCCP, the Rank One Plan, is a 207-page document, which identifies numerous goals, proposing policies for each goal listed, and offering "possible techniques" related to each policy.

{30} The WSSP, the relevant Rank Two Plan, states that its policies are intended to guide "growth and development on the West Side." The WSSP explicitly notes that it does not create zoning changes. It provides community descriptions, but notes that these descriptions are "approximate." The WSSP is a 272-page planning document, identifying a great number of policies and possible techniques for addressing the many goals listed. City Resolution 35-1997 states that the WSSP "provides a framework . . . , proposed design and development policies . . . , [and was] adopted as [a] general guide to growth and development for the west side."

{31} The CCP is the applicable Rank Three Sector and Neighborhood Development Plan. Although the CCP does make several zoning changes which have the force of law, it does not alter the zoning for the area encompassed within the Site Plan. See City of Albuquerque Code of Ordinances § 14-13-1-2(C)(1). The CCP also "provides policy and design guidelines" for development within the Coors Corridor area, which "shall be guided by this plan."

{32} When viewing the master plan as a whole, we note that these planning documents contain numerous, sometimes conflicting policies and recommendations, generally presented in broad, advisory language. By their own terms, the components of the master plan are policy and planning documents. Because of the many policies addressed, it might be difficult to create a project that {442} strictly met every guideline or policy set forth in the master plan. To

illustrate the point, both West Bluff and the City are able to find language in the master plan documents in support of their differing positions.

{33} In the process of considering a proposed site plan, a municipality must apply its expertise in weighing and balancing many factors and policy concerns, a practice which necessitates an exercise of discretion. Because the needs of a municipality do not remain static, planning goals and policies must be flexible in order to adapt to fluctuating community needs and growth patterns. See, e.g., **State ex rel. Village of Los Ranchos de Albuquerque v. City of Albuquerque**, 119 N.M. 150, 157, 889 P.2d 185, 192 (1994) (stating that a "municipality is most qualified to evaluate engineering problems, traffic patterns, and all the other subtleties involved" in a building project). The master plan appears to anticipate and accommodate this need for flexibility, while outlining the relevant policy considerations. Based on our review of the planning documents, we are not persuaded that the City intended to bind itself to them in the same manner, and to the same degree, that it does with city ordinances. However, we emphasize that City officials are not free to ignore the master plan, but must utilize the master plan as a policy guide in the decision-making process.

{34} The record indicates that both the EPC and the LUPZ appropriately considered the master plan in a manner consistent with both state statute and municipal ordinance. The EPC findings discuss provisions of the three relevant planning documents in some detail, before finding that the Site Plan was in general compliance with the master plan. In addition, the EPC imposed upon the developer a number of conditions that addressed policy concerns arising from the master plan. Upon review of the EPC's decision, the LUPZ explicitly found the Site Plan to be in "substantial compliance" with the master plan, and found that the EPC did not abuse its discretion or act arbitrarily and capriciously in its approval of the Site Plan. On direct statutory appeal, the district court agreed.

{35} Because we conclude that the City master plan is not the equivalent of a "statutory provision, ordinance or agency regulation" within the meaning of our rule on certiorari, we will not review the question of the City's compliance with its master plan or the district court decision on that issue. That question presents a non-justiciable issue under Rule 12-505(D)(5)(b). See ... **C.F.T.**, 2001-NMCA-69, PP9-15; cf. **Bennett v. City Council**, 1999-NMCA-15, PP30-36, 126 N.M. 619, 973 P.2d 871 (reviewing, pre-**C.F.T.**, proposed zoning changes in terms of their compliance with a comprehensive plan under the whole record standard of review).

### **CONFLICT WITH CITY ORDINANCES AND REGULATIONS**

{36} Aside from alleging conflict with the master plan, West Bluff argues that the City's Site Plan approval was contrary to specific City ordinances. This presents a justiciable question on certiorari pursuant to Rule 12-505(D)(5)(b). See **C.F.T.**, 2001-NMCA-69, P8.

### **Community Commercial Zoning**

{37} West Bluff argues that the proposed development is inappropriately large for a C-2

Community Commercial zone in violation of the City zoning ordinances. C-2 or Community Commercial zoning "provides suitable sites for offices, **for most service and commercial** activities, and for certain specified institutional uses." Comprehensive City Zoning Code § 14-16-2-17 (emphasis added); see, e.g., **Embudo Canyon Neighborhood Ass'n v. City of Albuquerque**, 1998-NMCA-171, P9, 126 N.M. 327, 968 P.2d 1190 (describing C-2 commercial activities as, " for example, a McDonald's, Wal-Mart, Home Base, or a full-service liquor establishment"), superseded by statute on other grounds as stated in **C.F.T.**, 2001-NMCA-69, PP6-15.

{38} West Bluff points out that the proposed development meets the glossary definition of a "regional scale shopping center," rather than that of a "community scale shopping center," as set forth in the City's Rank One Plan, the ABCCP. Based on that definition, West Bluff argues that such a large {443} development would only be appropriate in a C-3 or Heavy Commercial Zone. See Comprehensive City Zoning Code § 14-16-2-18 (describing uses permitted in Heavy Commercial Zone).

{39} We are not persuaded by West Bluff's efforts to apply the ABCCP glossary terms to the Zoning Code. The Zoning Code contains its own glossary, defines its own terms, and does not classify land usage by the same categories as the ABCCP. More importantly, the Zoning Code clearly contemplates that C-2 usage may include shopping centers. See Comprehensive City Zoning Code §§ 14-16-2-17(A)(12), (G); 14-16-1-5(B). We conclude that the City's approval of the Site Plan complied with C-2 zoning requirements.

### **Contiguity**

{40} West Bluff also argues that the City violated its Zoning Code by considering a site plan that consists of two non-contiguous lots. Lying between the two parcels is a 380-foot strip of land that was originally a part of the larger, previously rejected, site plan application. However, this parcel is under different ownership and is not a part of the Site Plan that is at issue in this appeal. West Bluff relies on the City Zoning Code's definition section to support the notion that the City can not legally consider a site plan consisting of two, non-contiguous parcels. The Zoning Code defines "premises" as "any lot **or combination of contiguous lots** held in single ownership, together with the development thereon." Comprehensive City Zoning Code § 14-16-1-5 (emphasis added). Additionally, the Code defines a "shopping center site" as "[a] **premises** containing five or more acres." **Id.** (emphasis added). West Bluff reads these definitions together as an overt prohibition against a Site Plan made up of non-contiguous lots.

{41} We are not persuaded. Nowhere does the Zoning Code expressly require contiguity for site plan approval. See Comprehensive City Zoning Code § 14-16-3-11 (describing site plan approval requirements). The glossary definition of "premises," absent a specific provision in the site plan approval requirements, does not convince us that the City intended to disallow the consideration of a site plan consisting of two non-contiguous, but closely related, lots. The glossary reference to contiguous lots is, at best, ambiguous. In the face of ambiguity in a code,

we ordinarily defer to how the city council, as its author, interprets that code. See ... **High Ridge Hinkle Joint Venture v. City of Albuquerque**, 119 N.M. 29, 38, 888 P.2d 475, 484 (indicating deference is given to an agency's interpretation of its own regulations). We accord such deference to the City in this instance.

{42} The EPC consulted with the City attorney's office and the zoning manager, who advised the EPC that there was no regulatory reason, in this case, to require separate applications for each tract of land. The EPC determined that a unified Site Plan would allow a more comprehensive review of cumulative air and traffic impact, as well as give it an opportunity to address other factors, such as architectural continuity. The City Council's LUPZ committee affirmed the approval of the Site Plan, although it consisted of two non-contiguous lots.

{43} Even if we were to assume that the City erred by accepting a site plan application that consisted of two non-contiguous tracts of land, West Bluff has not explained how it was injured by the simultaneous consideration of both parcels. Nor has West Bluff explained to us how the submission of two separate site plan applications would have been to its advantage or made the ultimate approval of the shopping center any less likely. See ... **In re Estate of Heeter**, 113 N.M. 691, 695, 831 P.2d 990, 994 ("On appeal, error will not be corrected if it will not change the result."). The consolidation of the two related parcels, rather than a more piecemeal approach, allowed the EPC to consider the cumulative impact of the proposed development. This is not an unreasonable application by the City of its own code.

### **Air Quality Study**

{44} West Bluff also contends that approval of the Site Plan was unlawful because the air quality analysis submitted by {444} the developer failed to comply with the recommendations of the City Environmental Health Department (EHD). Despite the EHD's recommendations, the City did not require the developer to submit a twenty-year horizon study, which would have required air quality projections twenty years into the future. West Bluff argues that City ordinance does not contemplate approval of a site plan, if the developer fails to provide the air quality studies requested by the EHD.

{45} We disagree. The Comprehensive City Zoning Code, Section 14-16-3-14(E), states that "acceptance of Environmental Health Director's findings and recommendations will be at the discretion of the decision making body." The report listing the EHD's findings and recommendations expressly stated that acceptance of the recommendations were "at the discretion of the Planning Commission." Based on the record provided to us, we determine that the EPC complied with City ordinances when it chose not to adopt the EHD's recommendation for an additional air quality study. See ... **High Ridge Hinkle Joint Venture**, 119 N.M. at 38, 888 P.2d at 484 (indicating deference is given to an agency's interpretation of its own regulations).

### **QUESTIONS OF DUE PROCESS**

{46} West Bluff contends that the City's decision-making process violated its procedural due process rights of the protestants. See generally ... **Mathews v. Eldridge**, 424 U.S. 319, 333, 47 L. Ed. 2d 18, 96 S. Ct. 893 (1976); see also Rule 12-505(D)(5)(c) (providing that significant constitutional questions are appropriate for our review on certiorari). We note, at the outset, that the City is not required to conduct its public, quasi-judicial hearings following the same evidentiary and procedural standards applicable to a court of law, although it must adhere to fundamental principles of justice and procedural due process. See ... **State ex rel. Battershell v. City of Albuquerque**, 108 N.M. 658, 662, 777 P.2d 386, 390 . "In administrative proceedings due process is flexible in nature and may adhere to such requisite procedural protections as the particular situation demands." **Id.**

{47} At the September 1999 EPC hearing, after the developer spoke in support of the Site Plan application, the EPC decided to use a sign-up sheet and allotted five minutes to each speaker because so many concerned citizens wanted to speak. Some of the additional speakers were in favor of the Site Plan and some were opposed. West Bluff argues that those opposing the Site Plan were given less total time than proponents of the project. Our review of the record indicates that the EPC made efforts to be fair to all parties. Furthermore, both sides were allowed to submit their written comments into the record. The City did not violate West Bluff's due process rights by imposing reasonable limitations on speaking. See ... **Bennett**, 1999-NMCA-15, P16 (holding imposition of reasonable time limits did not violate due process where all parties in attendance who wanted to make a statement did so and where the city council had the record of statements both for and against a proposed zoning change).

{48} Several advertised public hearings were held leading up to the EPC's approval of the revised Site Plan. Formal notice was mailed to all registered neighborhood associations. Furthermore, site plan applications are matters of public record. West Bluff was allowed to present its arguments throughout this process. Notably, West Bluff was successful in defeating the much larger development originally proposed. West Bluff was also allowed to submit many letters, petitions, and hundreds of pages of documentation in support of its position. Upon appeal of the EPC decision, West Bluff was allowed to argue further in support of its position before the LUPZ. Ultimately, the district court, after hearing the arguments of all parties, affirmed the City's decision, despite West Bluff's argument, that its due process rights had been violated. Our review of the record leads us to conclude that West Bluff had ample notice and a meaningful opportunity to be heard with regard to its position opposing this development.

{49} West Bluff also contends that its due process rights were violated by the lack of a disinterested decision maker. It {445} argues that one of the EPC commissioners should have recused himself due to a potential conflict of interest. Early in 1999, a member of one of the protesting neighborhood associations intervened in a private, unrelated quiet title action, in which one of the EPC commissioners was a party. The issue of a potential conflict was raised at the EPC hearing, and the commissioner stated for the record that the situation did not present a conflict for him. West Bluff nonetheless argues that there may have been an appearance of

impropriety.

{50} On May 18, 2000, the district court issued a letter ruling reversing the City's approval of the Site Plan because the court initially concluded that the EPC commissioner in question should not have heard the matter when it was before the EPC. The developer asked the court to reconsider, arguing that West Bluff had waived any right to request recusal by failing to raise the issue until it was apparent that the commissioner was in favor of the Site Plan approval. The district court subsequently agreed with the developer, changed its position, and affirmed the City's approval of the Site Plan.

{51} West Bluff does not allege any actual bias on the part of the commissioner. We also note that the EPC approved the Site Plan by a vote of six-to-one. **See ... Heeter**, 113 N.M. at 695, 831 P.2d at 994 (declining to correct error where result would not be changed). Even if we were to assume that the district court erred in finding that West Bluff waived the right to request a recusal, the facts do not suggest that West Bluff was prejudiced by the commissioner's involvement in these proceedings.

{52} We recognize that agency decision makers are held to ethical standards. **See ... In re Comm'n Investigation**, 1999-NMSC-16, P42, 127 N.M. 254, 980 P.2d 37 (describing objective standard where the impartiality of a judge might reasonably be questioned); **High Ridge Hinkle Joint Venture**, 119 N.M. at 40, 888 P.2d at 486 (holding where a court defers to an agency's interpretation of an enactment, a decision maker should be disqualified where an objective observer would entertain reasonable questions about the decision maker's impartiality). However, we have also recognized that "not all allegations of bias or prejudice are of the type that render a proceeding fundamentally unfair or require the disqualification of a decisionmaker." **In re Comm'n Investigation**, 1999-NMSC-16, P41; **see also Siesta Hills Neighborhood Ass'n v. City of Albuquerque**, 1998-NMCA-28, P20, 124 N.M. 670, 954 P.2d 102 (stating that city council members are not expected to be "so insulated from their community as to require them to be detached from all issues coming before them"). West Bluff is correct that city officials should avoid acting on matters where they have a conflict of interest, or where their actions give rise to an appearance of impropriety. However, we are not persuaded that, under the circumstances of this particular case, West Bluff's allegations rise to the level of a violation of due process of law that would invalidate the entire proceeding below.

#### CONCLUSION

{53} For the foregoing reasons, we affirm the decision of the district court.

{54} IT IS SO ORDERED.

RICHARD C. BOSSON, Chief Judge

WE CONCUR:

LYNN PICKARD, Judge

MICHAEL D. BUSTAMANTE, Judge

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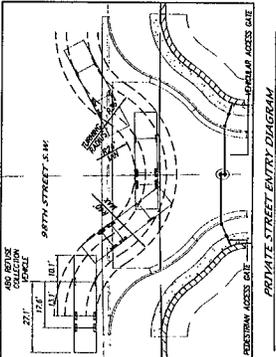
RESIDENTIAL DESIGN STANDARDS - (CONT.)

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- XI WALLS AND SCREENING**
- A. Perimeter walls around the property shall be designed in accordance with Section 14-143.18 of the City Zoning Code. The minimum design regulations in (a) Layout and (b) Location shall be met.
  - B. Perimeter walls shall be colored or consist of a colored scheme and constructed of a substance compatible with the surrounding area.
  - C. Unfinished gray block, barbed wire, chain-link, and vinyl fencing are prohibited.
  - D. Maximum wall height shall be 6 feet, unless they are retaining walls.
  - E. Walls shall not be allowed within the clear sight triangle.
  - F. Openings through perimeter walls shall be provided at least every 600 feet.
- [Comp Plan Policy II.D.4g, Comp Plan Policy I.B.12f, Transportation & Transit Code, WSP Policy 4.6b, WSP Policy 4.6c, WSP Policy 4.6d, WSP Policy 4.6e and WSP Policy 4.10].

**XII PROCESS**

Upon approval of this SITE PLAN FOR SUBDIVISION, the residential component approval shall conform to the design standards presented herein and be delegated to the Development Review Board (DRB) for final approval. The site plan for building permit for the commercial component will be submitted to the DRB for approval.



LOS DIAMANTES SUBDIVISION  
SITE DEVELOPMENT PLAN  
FOR SUBDIVISION  
RESIDENTIAL DESIGN STANDARDS



MARK GOODWIN  
CONSULTING ENGINEERS, P.A.  
P.O. BOX 38808  
ALBUQUERQUE, NEW MEXICO 87199  
(505)928-2280, FAX (505)917-5539

Drawn: [ ] Date: [ ]  
Checked: [ ] Date: [ ]  
Scale: 1" = 20' (Site) 1" = 40' (Plan)













## Environmental Planning Commission

Agenda Number: 05  
Project Number: 1010332  
Case #: 15EPC-40001  
February 12, 2015

### Staff Report

<b>Agent</b>	Myers, McCready & Myers
<b>Applicant</b>	98 <sup>th</sup> Street, LLC
<b>Request</b>	<b>Site Development Plan for Subdivision</b>
<b>Legal Description</b>	Tract 34D-1-A Bulk Land Plat, Tract 31A-1-A Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company & Falba Hannett, and Tracts 4-A-1 and 32H-1-A
<b>Location</b>	The SW corner of the intersection of Gibson Blvd. SW and 98 <sup>th</sup> St. SW
<b>Size</b>	Approximately 25.5 acres
<b>Existing Zoning</b>	SU-1 for Mixed Use
<b>Proposed Zoning</b>	No Change

### Staff Recommendation

**DENIAL** of 15EPC-40001, based on the findings beginning on Page 22.

*Staff Planner*

*Catalina Lehner-AICP, Senior Planner*

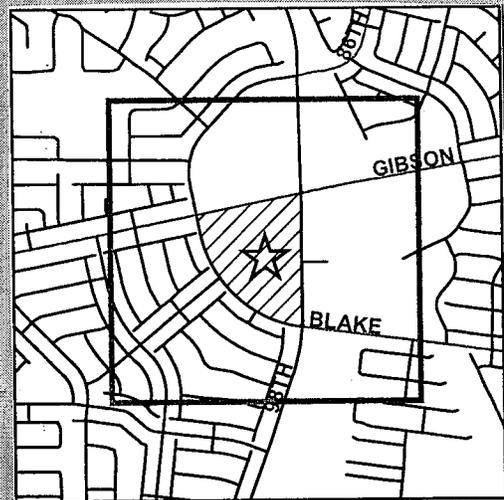
### Summary of Analysis

The request is for a site development plan for subdivision (SPS) for an ≈25.5 acre, vacant site zoned SU-1 Mixed Use. Single-family homes are proposed on ≈20 acres and future commercial uses are envisioned for the remaining, ≈5 acres. Residential and commercial design standards are proposed. The SPS shows creation of 80 residential lots but no commercial lots at this time.

The subject site is in the Developing Urban area of the Comprehensive Plan and in a designated Community Activity Center. The Westside Strategic Plan, the SW Abq. Strategic Action Plan and the Rio Bravo Sector Development Plan also apply. Overall, Staff finds that the request does not further most applicable Goals and policies.

Neighbors and property owners were notified as required. Staff has not received any inquiries or comments as of this writing.

Though not prohibited by the site's zoning, the request conflicts significantly with adopted Goals and policies. Therefore, Staff recommends denial.



City Departments and other interested agencies reviewed this application from 1/5/'15 to 1/10/'15.  
Agency comments used in the preparation of this report begin on Page 29.

**I. AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding zoning, plan designations, and land uses:**

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU-1 for Mixed Use	Developing Urban West Side Strategic Plan (including the SW Abq. Strategic Action Plan) Rio Bravo Sector Development Plan	Vacant
<i>North</i>	C-2	Developing Urban West Side Strategic Plan (including the SW Abq. Strategic Action Plan) Rio Bravo Sector Development Plan	Vacant, pharmacy/retail
<i>South</i>	R-LT, R-2	Developing Urban West Side Strategic Plan (including the SW Abq. Strategic Action Plan) Rio Bravo Sector Development Plan	Single-family homes
<i>East</i>	SU-1 for R-2 & R-T	Developing Urban West Side Strategic Plan (including the SW Abq. Strategic Action Plan) Rio Bravo Sector Development Plan	Townhomes & detached Homes
<i>West</i>	R-LT	Developing Urban West Side Strategic Plan (including the SW Abq. Strategic Action Plan) Rio Bravo Sector Development Plan	Single-family homes

**II. INTRODUCTION**

**Request**

The request is for a site development plan for subdivision, with design standards, for Tract 34D-1-A Bulk Land Plat, Tract 31A-1-A Lands of Salazar Family Trust et. al, and Tracts 4-A-1 and 32H-1-A, approximately 25.5 acres (the “subject site”). The subject site, which is vacant and has a large drainage pond in its NW corner, comprises the SW corner of the intersection of 98<sup>th</sup> Street and Gibson Blvd. and is about 25.5 acres in size.

The applicant proposes to develop single-family homes on approximately 20 acres and envisions future commercial uses on the remaining, approximately 5.5 acres. The proposed site development plan for subdivision would subdivide the subject site into 80 residential lots. Residential design standards and commercial design standards are proposed, though no subdivision of commercial lots is proposed at this time. The subject site is zoned SU-1 for Mixed Use pursuant to the Rio Bravo Sector Development Plan (RBSDP).

The applicant is requesting ddelegation of review authority for future development to the Development Review Board (DRB) for the residential portion, which means that the DRB would review the site development plan for building permit. The future commercial development, for which there are currently no defined plans, would return to the EPC for review. No site development plans for building permit are proposed at this time.

### ***Environmental Planning Commission (EPC) Role***

The EPC is hearing this case because the EPC is required to hear site development plans for subdivision cases for sites that are zoned SU-1 and/or 5 acres or larger in size. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, an appeal would be heard by the Land Use Hearing Officer (LUHO), though the City Council would make the final decision. The request is a quasi-judicial matter.

### ***Context***

The subject site, which is vacant, is located on Albuquerque's SW mesa. The area is characterized by predominantly single-family homes on small lots, with a large apartment complex to the east and one commercial use (pharmacy/retail) to the north. To the west and to the south are subdivisions of single-family homes. Also to the north is a large, vacant tract. Further north are more single-family homes. Just east of the apartment complex is the Amole Arroyo.

### ***History***

In May 1960, the City Planning Commission (CPC) approved a request for a master plan for "Hoffman City" (S-1082-MP-1), which included a lot of SW mesa land that was originally part of the Atrisco land grant. The original request was for 3,800 acres, but the acreage was reduced to 2,500. The applicant was Hoffman Homes. The master plan included homes, churches and schools and created the "donut" platting configuration that still exists today. At that time, a high school was envisioned on the subject site. It appears that the master plan approval occurred prior to annexation of the portion of the area that includes the subject site, though records aren't entirely clear (there is a reference to Hoffman City from 1959).

The subject site was annexed in 1960 as part of a larger, approx. 75 acre annexation (AX-29/Z-986, see attachments). The CPC heard the request in September and the City Council subsequently approved it. A variety of zoning was established: R-1, O-1, C-1, C-2 and M-2. The 75 acre area was referred to as the "Snow Vista Master Plan". The Snow Construction Company had purchased the land and intended to develop a variety of uses and a street network to serve the area. Interestingly, the case planner noted that the Snow Vista Master Plan showed more commercial uses than suggested by 1950s land use practice.

Since then, the SW mesa area has continued to develop and has become one of the fastest growing parts of the City. The majority of development consists of subdivisions of single-family homes on small lots and of the same type. A few commercial uses have developed to the north: two supermarkets, large-box retail and small food markets, at the intersection of 98<sup>th</sup> St./DeVargas-Sage Rds. SW. A pharmacy/retail use developed across Gibson Blvd. from the subject site, and went to building permit since the NW corner of the 98<sup>th</sup> St./Gibson Blvd. intersection is zoned C-2.

In 2001, the EPC approved a site development plan for subdivision with design standards (Project #1001450) for an 81-lot development on the NE portion of the circular-shaped area around 98<sup>th</sup> St./Gibson Blvd. that includes the subject site. The area was not a designated Community Activity Center at that time. The Comprehensive Plan map (Figure 30, January 2002) shows a proposed Community Activity Center. A map in the Westside Strategic Plan shows a designated Activity Center in this location (map p. 112, January 2003).

### ***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. 98<sup>th</sup> St. is designated as an Urban Principal Arterial. Gibson Blvd. and Blake Rd. are Urban Collectors.

A bicycle lane exists along both Gibson Blvd. and 98<sup>th</sup> St. There is a multi-purpose trail along the Amole Arroyo. ABQ Ride Route 198, 98<sup>th</sup>/Dennis Chavez, runs from Central Ave., down 98<sup>th</sup> St. and along Dennis Chavez Blvd. It offers service from the morning into the night on weekdays and on Saturdays and Sundays.

### ***Public Facilities/Community Services***

Public facilities, such as a library and community center, are located within a mile of the subject site. There are also parks and schools (middle and elementary).

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

### ***Design Standards***

The purpose of design standards, which are associated with a site development plan for subdivision, 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 site development plan for subdivision needs to be an overarching guide for creating a high-quality development (see also Section VI of this report).

Typically, the EPC considers the specificity and completeness of design standards when contemplating whether or not to delegate its approval authority for future development to the Development Review Board (DRB).

## ***III. ANALYSIS - Albuquerque Comprehensive Zoning Code***

### ***Definitions (Zoning Code §14-16-1-5)***

*Shopping Center Site.* A premises containing five or more acres; zoned P, C-1, C-2, C-3, M-1, M-2, or a combination thereof; or a large retail facility; but excluding premises used and proposed to be used only for manufacturing, assembling, treating, repairing, rebuilding, wholesaling, and warehousing. Shopping center sites are subject to the shopping center regulations of the Zoning Code, § 14-16-3-2.

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*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.

*Townhouse or Town House.* One of a group of two to eight attached dwelling units divided from each other by common walls, each having a separate entrance leading directly to the outdoors at ground level, and each having at least one-fourth of its heated and unheated floor area approximately at grade. A townhouse building is one type of an apartment.

### **Zoning**

The subject site is zoned SU-1 for Mixed Use pursuant to the Rio Bravo Sector Development Plan (RBSDP). The SU-1 Special Use 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" (emphasis mine). An associated site development plan is required in the SU-1 zone. The "Mixed Use" is pursuant to the RBSDP, which states:

"Within the SU-1 zone, properties will have allowances for C-1, C-2, O-1, O-2 and IP zoning subject to individual review procedures. The mixed-use can be applied to include R-LT zoning and other high-density residential uses. Community Activity Center (CAC) and Neighborhood Activity Center (NAC) mixed-use zoning should be applied to the designated activity centers within the RBSDP boundaries. These zoning districts will create development mixtures that include retail shops, public, service and institutions, residential units, and other community uses in a pedestrian-oriented format."

The residential development is proposed to reference the R-LT zone (§14-16-2-8). The R-LT zone allows uses permissive in the R-1 zone and townhomes- one dwelling per lot. Some of the proposed lots are too small to meet the R-1 minimum requirement of 5,000 sf and/or are less than the minimum 50 feet wide.

Regarding residential uses, the "mixed use can be applied to include R-LT zoning" as proposed. However, R-LT (in itself or as it refers to the R-1 zone) results in relatively low densities, such as the 4 DU/ac proposed. However, the mixed use also "can be applied to include...other high-density residential uses." According to the RBSDP, R-LT zoning is considered lower density and is associated with 6 DU/ac. R-2 density (up to 20 DU/ac), apartment density, is the highest allowed in the Plan area. The "mixed use" designation can also include R-2 zoning, which is more common to see mixed with commercial, office and IP uses. It's common practice to consider non-residential uses to be more compatible with higher-density residential uses (ex. apartments) than with single-family homes.

The future commercial development is intended to correspond to the C-2 zone (§14-16-2-17), which "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.

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#### IV. 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 Developing Urban. The Goal of Developing and Established Urban Areas 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.”

*The request would result in a use, a single-family subdivision, platted to be identical to the other single-family subdivisions surrounding it. There is an opportunity to create a different type of housing option to offer variety and maximum choice, especially since the subject site is in a designated Activity Center, but this is not proposed. The proposed subdivision is laid out to not provide choice in transportation modes and would not facilitate use of transit, walking or biking. Walled-off subdivisions do not contribute to integrated communities. There are few details about the potential, future commercial uses. The request generally does not further the Established Urban Goal.*

Applicable policies include:

##### *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 would allow for development of the same type of single-family homes that already characterize the area, which would not increase variety. It would also preclude other types of uses, such as more commercial, services, institutional and entertainment, in an area where there is little land use variety. The effect of the request upon overall gross density in the entire area, however, is not possible to measure. The request generally does not further 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 proposed subdivision is like the ones around it and Staff has received no comments as of this writing. However, the proposed subdivision’s design, walled-in and gated, would not help facilitate use of alternative transportation modes (walking, biking) that are related to recreational and social concerns. No pathways or parks are proposed. 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.

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*The subject site is vacant and contiguous to a developed area that has existing urban facilities. However, it's unclear at this time how drainage would be handled and the 2014 aerial photo shows the subdivision to the south draining onto the subject site. Drainage improvements may be needed. The request partially furthers Policy II.B.5e-new growth/urban facilities.*

Policy II.B.5f: Clustering of homes to provide larger shared open areas and houses oriented towards pedestrian or bikeways shall be encouraged.

*The subject site offers an opportunity to provide a different type of product, such as higher density, clustered housing, with open areas as amenities for the residents. While the townhomes to the east across 98<sup>th</sup> St. are higher density, they offer very little open space (a small area by the pool in the middle of the complex). The request does not meet the intent of Policy II.B.5f- clustering homes/open areas.*

Policy II.B.5h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

*The subject site is an appropriate location for higher density housing because it is located in a designated Activity Center, the 98<sup>th</sup>/Gibson Community Activity Center. However, low density (4 DU/ac) housing is proposed in an Activity Center, on the side of 98<sup>th</sup> St. where there is no mixed density pattern. The proposed residential development would not function as a transition, either. The request does not further Policy II.B.5h- higher density housing 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.

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*The potential, future commercial development would be located on land already zoned for commercial uses and within reasonable distance from residential uses. The subject site could be considered a larger area-wide shopping center site by definition and is located at the intersection of arterial streets, though using 4/5 of the site for low-density residential precludes development of an area-wide shopping center. Though the remaining ≈5 acre commercial portion could be a smaller neighborhood center, walking and bicycling distances would be longer than need be for most because no pedestrian access is proposed and there are only two ways to get in and out of the proposed subdivision. The request partially 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.

*The subject site is adjacent to two arterial streets: 98<sup>th</sup> St. and Gibson Blvd. Transportation Staff provided comments that, when addressed, would help minimize harmful effects of traffic. An access point is shown on 98<sup>th</sup> St. for the residential portion; no access is indicated for the future commercial. The access on Blake Rd. aligns with that of the existing subdivision. Additional traffic would have some impact on the existing neighborhood, but it's not quantified since a TIS wasn't required at this time. The request partially 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 proposed architectural standards are specific for the commercial portion and require quality features. The residential standards would benefit from clarification. Also, they would result in the same kind of subdivision, in terms of layout and design, which characterizes the area. The request partially 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.”

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 subject site is located in a designated Activity Center, the 98<sup>th</sup>/Gibson Community Activity Center (CAC). It is shown as a proposed Activity Center in the January 2002 map in the Comprehensive Plan. In January 2003, the West Side Strategic Plan designed the 98<sup>th</sup>/Gibson CAC to serve the Bridge/Westgate and Gun Club Communities. Note that the existing*

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*subdivision in the NE corner of the Activity Center was approved in 2001, prior to the CAC designation (see also History section of this report).*

*The request would not promote transit usage or pedestrianism because the subdivision would be walled in and no pathways or pedestrian gates are shown. Due to its relatively low density (4 DU/ac), the request would not maximize cost-effectiveness of services. For these reasons, it does not further Activity Center Policy II.B.7a.*

Policy II.B.7i: Multi-unit housing is an appropriate use in Neighborhood, Community and Major Activity Centers.

*The idea behind Activity Centers is to concentrate residential density, commercial and service uses so that there are enough people to make transit feasible, support commercial uses and use existing infrastructure in an efficient manner. Single-family homes at a relatively low density (4DU/ac) are intended to be located outside of Activity Center rather than in them. The request does not further Activity Center Policy II.B.7i.*

#### *Community Identity & Urban Design*

Policy II.B.9d: Development projects within Community Activity Centers should contribute the following:

1. Related land uses that effectively encourage walking trips from one destination to another within the center, including shopping, schools, parks or plazas, employment, entertainment, and civic uses such as public libraries, recreation or senior centers, post office or fire station.
2. Pedestrian linkages among uses in the Activity Center and connecting to surrounding neighborhoods.
3. Buildings designed and arranged to reflect local architectural traditions, scale, height, massing and setbacks appropriate to the community served by the Activity Center and that support public transit and pedestrian activity.
4. Landscaping, street furniture, public art, colored or textured paving and other improvements to the public realm that reinforce the cultural, social and design traditions of the community served by the Activity Center.

*The request would result in a walled subdivision and potential, future commercial uses. These would be separated by a wall with no pedestrian linkages between them (2), which would discourage walking trips from the neighborhood to the non-residential uses. Connectivity between uses would not be provided (1). Though the buildings may reflect some local architectural traditions, the site layout would generally not support public transit and pedestrian activity (3). Landscaping (residential and commercial design standards) and colored, textured paving and architecture (commercial design standards) would help improve the public realm, though the result would be a divided activity center with no interconnection between residential and non-residential uses (4). The request does not further Policy II.B.9d-development projects within Community Activity Centers.*

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*Community Resource Management-Transportation and Transit*

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

*There have been efforts to develop 98<sup>th</sup> St. as a transportation corridor; there are bus shelters in close proximity and some density is developing (ex. townhomes/apartments in the SE portion of the Activity Center). The request would not encourage bicycling, walking or other alternatives to automobile travel because the residential uses would be walled in (with only two access points) and the residential and non-residential uses would be not connected at all. Both complicate non-vehicle circulation. Walls, gates and relatively low-density development do not support efforts to develop 98<sup>th</sup> St. as a transit corridor. Therefore, the Transportation and Transit Goal is not furthered.*

Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

*Walls, gates, limited access points and long expanses of perimeter walls preclude pedestrian opportunities and make it difficult for people who want to (or have to) use alternative modes of transportation. Transit Policy 4g is not furthered.*

*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 mostly single-family residential, which does not generate jobs, with some commercial. The commercial portion is likely to provide mostly service jobs. However, more jobs would result if the subject site were to be developed as an activity center, which higher-density residential development would support. Jobs are needed on the Westside and, as this area develops with more low-density residential, opportunities to provide jobs become more and more limited. The request partially furthers the Economic Development Goal.*

Policy II.C.6g: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

*One of the main ideas behind Activity Centers is to concentrate employment and non-residential uses in designated locations, so that the surrounding single-family residential areas have services in close proximity and don't have to travel so far. Also, the jobs-housing balance on the Westside remains heavily skewed toward housing; developing activity centers as stated in the Plans would help provide much-needed jobs. The request does not further Policy II.C.6g.*

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**B) WEST SIDE STRATEGIC PLAN (WSSP) (RANK II)**

The West Side Strategic Plan (WSSP) was first adopted in 1997 and amended several times since then (2002, 2005, 2008, 2009 and 2011). The WSSP area encompasses over 96,000 acres of land, or approximately 150 square miles. Specific boundaries are shown on p.2 of the Plan.

The first amendments, in 2002, included changes to policies and activity center boundaries. The 98<sup>th</sup>/Gibson Community Activity Center is shown on p. 112 (map printed in 2003). The *Southwest Albuquerque Strategic Action Plan (SWASAP)*, revised from the 1999 version, became part of the WSSP in 2009 (Enactment R-2009-035).

The WSSP identifies 13 communities in established areas of the West Side, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is located in the Bridge/Westgate community, which lies within the following boundaries: Central Ave. on the north, Coors Blvd. on the east, the 118<sup>th</sup> St. corridor on the west, and Blake Rd. on the south (see p. 70).

*Community Concept Policies*

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

***The subject site is located in the 98<sup>th</sup>/Gibson Community Activity Center (WSSP, page 112). The proposed residential development is 4 DU/ac, and the WSSP states that "low density residential development (typical 3-5 du/acre subdivisions) shall not be approved within the Centers." The request does not further WSSP Policy 1.1.***

WSSP Policy 2.5: When considering approval of subdivisions or site development plans for residential development or zone changes to residential or higher density residential, the City Planning Department shall consider whether local public schools have sufficient capacity to support the increased number of homes. If area schools are at or over their designed capacity, then the requested action should be denied unless the applicant demonstrates that the proposed action will create no net increase in enrollment for area schools (e.g. senior housing.)

***The Planning Department is considering school capacity. The request would result in 80 new households. APS comments that any residential development in this area will impact Rudolfo Anaya Elementary School, Truman Middle School, and Atrisco Heritage Academy High School. Currently, all three schools are over capacity. The applicant has not demonstrated that the request would not create a net increase in school enrollment, so the request should be denied and does not further WSSP Policy 2.5-school capacity/residential development.***

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WSSP Policy 3.42: Support the location of mixed-use higher density development within this Community in the Activity Centers internal to the Community.

*The subject site is located in the 98<sup>th</sup>/Gibson Community Activity Center (see map p. 112), which is internal to the Bridge/Westgate Community. The intent of the WSSP is to support mixed-use higher density development in this location. The request, however, would result in a subdivision with a density of 4 DU/ac, which is relatively low and therefore does not further WSSP Policy 3.42.*

WSSP Policy 3.46: Promote densities consistent with those found in the Sector Development Plans for the Bridge/Westgate Community, with densities as high as 30 DU/ac within the designated Community Activity Centers and adjacent areas.

*The Rio Bravo Sector Development Plan (RBSDP) specifies a residential density of up to 20 DU/ac (which used to be 30 DU/ac, but that was changed with the 2009 amendments). The subject site is in a designated Community Activity Center, but has a density of 4 DU/ac. This is inconsistent with the intent of the WSSP and does not further WSSP Policy 3.46.*

WSSP Policy 4.6.a: Design subdivisions to provide an efficient circulation pattern for transit service.

WSSP Policy 4.6.b: Design subdivisions to provide safe, attractive and efficient patterns for pedestrians. Walking distances from residences within subdivisions to arterials, collectors, or streets with existing or proposed transit service should be kept to ¼ mile or less whenever possible.

*Neither do the proposed design standards address, nor does the site development plan show, any connectivity between commercial and residential tracts. The proposed subdivision would be gated and separated from the roadway by long expanses of walls, which would not provide efficient patterns for pedestrians, make walking distances too long for many people and would make it difficult overall to access transit service (a & b). Most future residents would be over ¼ mile from Transit service (b). The request does not further WSSP Policies 4.6.a and b.*

WSSP Policy 4.6.c: Gated and/or walled communities and cul-de-sacs are strongly discouraged on the West Side. In rare instances when these design features are permitted, openings through perimeter walls and cul-de-sacs shall be provided every 600 feet so that pedestrians and bicyclists are provided direct access to transit service and other destinations.

*The proposed subdivision would be both gated and walled, and would not provide openings through perimeter walls every 600 feet. The request does not further WSSP Policy 4.6.c.*

WSSP Policy 4.6.d: Subdivisions shall be designed to avoid rear yard walls facing public streets.

*The proposed subdivision has lots with rear yards facing Blake Rd., Gibson Blvd. and 98<sup>th</sup> St. and therefore does not further WSSP Policy 4.6.d.*

WSSP Policy 4.6.e: Subdivisions shall be designed to provide multiple vehicular and pedestrian access points.

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*The proposed subdivision would be gated and have two access points. Openings through perimeter walls are neither shown on the site development plan nor addressed in the design standards. The lack of convenient access to 98<sup>th</sup> St. could make transit less desirable for most residents. The commercial design standards do not address connectivity with the residential use. The request does not further WSSP Policy 4.6.e.*

WSSP Policy 4.10: It is important to promote and establish land uses and urban patterns whose design support bicycle and pedestrian travel, and public transportation, encourage ridership, enhance public mobility and promote alternatives to single occupant vehicle use.

*As proposed, the request would not create land use patterns that support bicycle and pedestrian travel and promote alternatives to single occupancy vehicle usage. The design standards do not address openings through perimeter walls and would preclude direct access to transit service for pedestrians and bicyclists. The request does not further WSSP Policy 4.10.*

**C) SOUTHWEST ALBUQUERQUE STRATEGIC ACTION PLAN (SWASAP) (RANK II)**

In March 2009, the City Council adopted the Southwest Albuquerque Strategic Action Plan (SWASAP) and made it a new chapter of the West Side Strategic Plan (WSSP), which was correspondingly amended (Bill No. R-08-169). The WSSP, which contains the SWASAP, applies to land within municipal boundaries. Bernalillo County did not adopt the SWASAP, so it does not apply to unincorporated lands.

The SWASAP replaced the Southwest Area Plan (SAP), first adopted in 1988 and subsequently amended in 1999, 2002 and 2009. Boundaries of the SWASAP are Paseo del Volcan on the west, Coors Blvd. on the east, Central Ave. on the north, and Dennis Chavez (Rio Bravo) Blvd. on the south.

The primary Goal of the SWASAP is for SW Albuquerque to become a complete community. The SWASAP contains projects and programs to help achieve this based on five interconnected goals (see below); each goal contains a subset of strategies to support and implement it. For example, the strategy of designating activity centers in key locations will help implement the goal of complete communities by providing convenient commercial and retail services to residents, who would then have the option to use alternative modes of transportation.

*Community Activity Center*

The SWASAP added a description of the 98<sup>th</sup>/Gibson Blvd. Community Activity Center, in which the subject site is located, to the WSSP (see SWASAP, p. 367). The Community Activity Center is envisioned to contain a circulation network of streets and trails, non-retail uses such as office and multi-family housing in or nearby, possible collocation of City services with commercial and residential uses.

*Residential Subdivisions*

The SWASAP states that, since 2000, development in SW Albuquerque has created “a patchwork of walled-in subdivisions, incomplete streets that are overloaded at commuting times, and limited parks,

trails, public buildings and shopping areas” (WSSP, p. 314). The SWASAP further states that “This monotonous SW Albuquerque development pattern is not prohibited by current development regulations” (p. 325), and that “continuing the existing, dominant SW Albuquerque development pattern will not result in a sustainable community...” (p. 325). “A mixture of uses is required to transform this area of isolated residential subdivisions into a well-rounded community” (p. 326).

The five SWASAP goals are:

- Goal 1: Build complete neighborhoods and a network of activity centers to serve them
- Goal 2: Provide convenient public services
- Goal 3: Plan and build a complete interconnected system of public parks, trails and major public open space
- Goal 4: Increase and improve retail and commercial services, and
- Goal 5: Develop a complete multi-modal transportation network.

Goals 1, 4 and 5 apply to the request. Staff finds the following:

Goal 1: Build complete neighborhoods and a network of activity centers to serve them (p. 321).

*The idea is that the Community Activity Center include clusters of stores, offices, medical services, day care, entertainment, multi-family residences and/or public facilities such schools, libraries, etc. Neighborhood and Community Activity Centers are intended to be pedestrian-friendly, accessible but not dominated by vehicles, and contain a mixture of uses and housing opportunities different from those in the interior of neighborhoods (i.e.- different than the typical single-family residential).*

*The request would help preclude this part of SW Albuquerque from becoming a complete neighborhood. Approx. 1/5 of the subject site would be left for non-residential uses; non-residential uses can provide jobs, which are needed on the Westside. More jobs would result if the subject site were to be developed with a mix of commercial and retail uses. Adding low-density residential in this location means that residents of this area would continue to live far from their jobs and most shopping opportunities. The request generally does not further Goal 1.*

Goal 4: Increase and improve retail and commercial services (p. 347).

*Although commercial design standards are proposed, there are no concrete plans for commercial development at this time. 4/5 of the subject site is proposed to be developed as single-family homes, which remove the possibility of providing more non-residential uses in the Activity Center. 5 acres would remain for future retail and commercial services, which is less than the size of a Neighborhood Center as mentioned in the SWAAP- approx. 10-15 acres (p. 322). The request does not further Goal 4.*

Goal 5: Develop a complete multi-modal transportation network (p. 353).

*One applicable objective is to have a well-connected network that allows people to easily walk, bicycle, drive or take a bus. The proposed subdivision layout would not help facilitate creation*

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*of a complete transportation network because it would be gated, have long expanses of walls, long block lengths, and dead-end streets. Connectivity would be limited and access to transit complicated by few access points. The request does not further Goal 5.*

**D) RIO BRAVO SECTOR DEVELOPMENT PLAN (RBSDP) (RANK III)**

The Rio Bravo Sector Development Plan (RBSDP) was first adopted in 1989 (Enactment No. 215-1988) and consisted of approximately 1,289 acres of land owned by the Bellamah Community Development Corporation, which went bankrupt. Boundaries of the RBSDP are Paseo del Volcan on the west, Coors Blvd. on the east, Central Ave. on the north, and Dennis Chavez (Rio Bravo) Blvd. on the south. The subject site is in the Gun Club Community Service area (see Illustration 6, p. 20).

In 1999, RBSDP Amendment No. 1 was adopted and became effective in 2000 (Bill No. R-280). The purpose of the amendment was to recognize major changes such as land ownership and revise related plans. A comparison of the original and amended RBSDP begins on p. 43. Illustration 4 shows that the majority of the Plan area is intended for single-family homes (R-LT). The only areas envisioned for commercial development are the Community Activity Center at the intersection of 98<sup>th</sup> St./Gibson Blvd. and two small pocket commercial centers in the far southern portion of the Plan area. Illustration 7 shows that the subject site, part of the Community Activity Center, was originally zoned O-1 and C-2 and SU-3 O-1 and C-2. The zoning was changed to SU-1 Mixed Use upon adoption of the RBSDP.

In March 2009, the City Council adopted revisions to the RBSDP to “bring it into conformance with the SWASAP and the WSSP policies, priorities, and suggestions” (Bill No. R-08-170). The revisions consisted of adding activity center zoning designations, allowing cross-streets in Activity Centers, limiting the geographic coverage of repetitions of one housing type, and improving pedestrian and bicyclist safety. The intent of these revisions was to:

“help concentrate moderate-density mixed land use and social and economic activities to reduce urban sprawl, auto travel needs, and service costs and enhance the identity of Albuquerque and the SW Albuquerque community and support Albuquerque/Bernalillo County Comprehensive Plan policies in Section II.B.7 concerning Activity Centers.”

The intent of the RBSDP is to concentrate a mixture of land uses in activity centers. Residential uses can be included, but they are intended to be at least “moderate-density” and not the low-density (4 DU/ac) development proposed. Policies in the Comprehensive Plan, WSSP and SWASAP support higher density residential (ex. apartments) in activity centers along with non-residential uses; pretty much any land use except single-family homes (and usually manufacturing). The intent of the 2009 amendments is to be consistent with the higher-ranking plans.

However, language in the 2009 amendments is written with internal contradictions, such as “the mixed use can be applied to include R-LT zoning and other high-density residential uses.” The use of “other” makes it sound like the R-LT zone produces high-density residential; it does not. The plan states that the typical R-LT density is 6 DU/ac. The request proposes a density of 4 DU/ac, which is lower.

Although the 2009 amendments state that they intend to support Activity Center concepts, a phrase was added that states that activity center zoning designations and mixed use zoning “may be applied voluntarily to designated community and neighborhood activity centers”. Therefore, though the subject site’s zoning is SU-1 Mixed Use, and mixed use is not defined in the RBSDP, there is no prohibition on single-family homes in activity centers. However, the 2009 amendments intend to “limit the geographic coverage of repetitions of one housing type” (single-family or multi-family).

This lack of specificity does not negate applicable Goals and policies in the Comprehensive Plan, the WSSP and the SWASAP, which are mutually reinforcing and support the key concept of multi-family residential, commercial, office and service uses inside of Activity Centers and single-family homes outside of them. This development pattern would result in less travel time to services, improved access to transit, better conditions for pedestrians and bicyclists and jobs.

#### **IV. ADDITIONAL ISSUES**

##### ***Traffic Impact Study (TIS)***

A TIS was not required at this time because the 80 proposed homes do not meet the threshold. However, a TIS will be required for the future commercial development.

##### ***Archaeology***

The City Archaeologist issued a provisional certificate of no effect to allow the platting process to continue. However, an archaeological survey is required prior to issuance of a building permit. The acreage listed is 19.87, so perhaps the entire subject site was not considered. Additional coordination with the City Archaeologist is needed.

#### **V. SITE DEVELOPMENT PLAN FOR SUBDIVISION (Sheet 1)**

The site development plan for subdivision (Sheet 1) is confusing regarding the number of lots and tracts proposed. It states that 3 tracts and 80 lots would be created. Tracts A, B and C need to be clearly labeled and their acreage indicated in the narrative. Tract C is listed as 0.023 acre; this is too small to contain the individual lots. Tract C (or an unlabeled Tract D?) is supposed to be approx. 20 ac. It needs to be clear that the 80 lots would be individually platted if they’re intended for individual ownership. The proposed residential design standards (See Section VI of this report) would apply to all but Tract A, the commercial tract.

The proposed commercial tract (Tract A) is greater than 5 acres and commercially zoned, so it’s a shopping center (SC) site by definition. No platting is proposed at this time. The proposed commercial design standards (See Section VI of this report) would apply to only Tract A.

Zoning Code §14-16-1-5 defines a site development plan for subdivision as follows:

“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."

The proposed site development plan for subdivision complies with this definition, though clarification is needed in places. The proposed uses need to be a category and off-street parking, as a category, can be removed. The building setback and open space categories refer to the R-LT zone. To eliminate cross-referencing and meet the definition, the setbacks and the open space requirements of the R-LT zone need to be stated.

#### ***Grading & Drainage Plan***

The subject site's topography varies. It slopes generally downward from 98<sup>th</sup> St. toward the middle of the site. From Blake Rd., the site slopes upward and then downward again. There is a large drainage pond in the site's NW corner. It's unclear if that is proposed to remain. A new drainage pond (Tract B) is proposed in the site's SE corner. Retaining walls are proposed at various locations throughout and around the subdivision. Staff suggests labeling the easements that were keynoted.

#### ***Utility Plan***

Sewer lines run along 98<sup>th</sup> St. and Blake Rd. There are water lines along these streets and Gibson Blvd. The proposed development would connect to the water lines on all three streets, and would connect to the sewer line along 98<sup>th</sup> St.

### ***VI. SITE DEVELOPMENT PLAN FOR SUBDIVISION, DESIGN STANDARDS***

Design standards create a framework to ensure that a development will further applicable City policies and contribute to making planning goals a reality. Design standards establish parameters used to review future site development plan(s) for building permit. It is important to ensure that the design standards are clear, well-defined and free of internal inconsistencies. They typically contain the following sections: Overall Goal/Theme, Site Elements, Pedestrianism, Parking, Setbacks, Landscape, Lighting, Walls/Fences, Utilities, Signage, Architecture and Process.

Two types of design standards are proposed, residential and commercial, and they are handled separately. There are a few organizational issues. The proposed, commercial design standards must comply with Zoning Code §14-16-3-2, the shopping center (SC) regulations. The proposed design standards (see Sheets 3 - 5) are discussed below in the order presented, except for Sheet 2. Staff will not discuss them in detail, but rather will point out opportunities for improvement.

#### ***RESIDENTIAL DESIGN STANDARDS (Sheet 3)***

##### ***Introduction:***

The primary goal is to achieve a mixed use. The design standards are intended to help facilitate design of buildings that respect the site's natural conditions. Staff suggests removal of both phrases, because the design standards would not achieve these things unless the site layout was significantly altered. Paragraph 3 should be moved to the Process section.

*I. Pedestrian Amenities:*

The phrase about pedestrian-friendly environment being a “primary design objective” either needs to be removed or pedestrian access and amenities need to be added. The subdivision is proposed to be gated and there are no wall openings. Staff suggests adding a pedestrian connection, which can be gated, to Gibson Blvd. so that the future commercial uses can be accessed from both sides of the subdivision. Drive-aisle crossings internal to the subdivision need to be clearly demarcated.

*II. Building Standards:*

Information about colors, materials, finishes and building styles belongs in the Architecture section, alongside the typical elevation photos. Subsequent renumbering of sections will be needed. The statement about asphalt shingles being prohibited should be re-instated.

*III. Setbacks:*

The project would use setbacks from the R-LT zone, as indicated on Sheet 1. The R-LT zone needs to be mentioned here and the setbacks listed consistently. The diagram can be made smaller.

*IV. Landscape:*

Sheet 2 is a proposed landscaping plan that shows street trees and some landscaping near the entrances. Street trees are required along all Major Streets. The Street Tree Ordinance defines major streets as principal arterial, minor arterial or collector. Therefore, street trees are required along all three streets, including Gibson Blvd. where none are proposed, and extending from the subdivision to the intersection. Shorter species can be used under the electric lines.

Street tree calculations need to be provided and sidewalk shown. Street trees “shall be placed between the curb and the public sidewalk.” The public sidewalk, curb and walls need to be shown. Staff suggests that the ash species be replaced (see the City Forester’s article at <http://www.cabq.gov/council/councilors/district-2/news/feet-firmly-on-the-ground-looking-up>). The legend can remain on Sheet 2, these plants should also be included on the landscape palette in the design standards.

The landscape section of the design standards (Sheet 3) needs to include a landscape palette and mention at least one tree per lot. It’s unclear what private commons area refers to since no park or outdoor space is provided.

*V. Lighting:*

Light poles should be referred to as “fully-shielded” in Standard B, which is about dark skies.

*VI. Signage:*

The signage detail needs to be on Sheet 3. Standard 3, regarding free-standing signage and bracing, can be removed.

*VII. Architecture:*

The building standards (see above) need to be re-incorporated into the architectural standards.

*VIII. Utilities:* ok. No changes recommended at this time.

*IX. Off-Street Parking:*

Explain how the parking would be calculated and provided, rather than reference the Zoning Code (design standards should be a self-contained document). Correct the reference to (24)(d) by adding an (A) in front of it.

*X. Open Space:*

An explanation of how the Open Space requirement would be met is needed, rather than a cross reference.

*XI. Walls & Screening:*

The language "for height and setbacks" needs to be removed. Compliance with the Regulations for Walls and Fences (14-16-3-18) is required, and not just with respect to height and setbacks. Regarding the Zoning Code's minimum design regulations for walls, (a)-Layout, must be met. The proposed design standards would comply with just (b)-Façade, and both (a) and (b) are required.

To re-inforce the statements regarding pedestrian amenities, language should be added to this section to provide for wall openings, which can be keyed, so residents have better access to walking, biking, transit and the future commercial development nearby.

*XII. Process:*

Staff recommends strengthening and clarifying the design standards to give the DRB clear parameters to work with when reviewing the site development plan for building permit. Otherwise, delegation to the DRB is not warranted.

**COMMERCIAL DESIGN STANDARDS (Sheets 4 & 5)**

*Introduction:*

The objective is to create a high-quality neighborhood commercial tract. The standards are a supplement to the Zoning Code and other City ordinances.

*I. Parking & Circulation Standards:*

These provide for demarcated pedestrian connections, 8 foot sidewalks and breaking-up parking areas with landscaping and/or non-vehicular connections. Standard C, regarding pedestrian connections, needs to be moved into a new section called, for example, Pedestrian and Site Amenities.

This new section can address pedestrian (and bicycle) circulation, pedestrian connections and site amenities such as seating, plaza areas, and other amenities that would help define the site and re-

inforce the quality provided by the landscaping and architectural standards. Another way to do it would be to add just a Site Amenities section. Either way, the topics are standard in design standards so they need to be called-out and addressed.

*II. Building Heights & Setbacks:*

The standard says "per the C-2 zone". The height and setback requirements need to be stated so the design standards can be a functional, stand-alone document.

*III. Landscaping Standards:*

The proposed landscaping standards are detailed and would provide a varied palette, more than minimum ground coverage, and meet Zoning Code requirements. Water conserving turf is allowed.

*IV. Architectural Standards:*

The objective is to create a visually integrated site. A variety of architectural styles, such as Pueblo, Territorial, or NM Traditional (Northern NM?) and Southwestern Contemporary, are permitted. Quality on all buildings sides (common in design standards) is required. Values for the "middle range of reflectance" need to be specified and/or the objective of avoiding very light or very dark colors needs to be stated. "Earth tone" colors include all colors on earth; specificity is needed. Staff suggests stating, for example, browns, tans, grey-greens.

*V. Screening, Walls & Fencing Standards:*

These would provide for sufficient screening of parking and refuse. Staff suggests clarifying "masonry" in Standard C (stucco-finish or split-face block) regarding the refuse enclosure. This would also further define Standard D regarding compatibility with the buildings.

*VI. Lighting Standards:* The section needs to be numbered.

*VII. Signage Standards:*

Building-mounted and wall signs are allowed and are required to be consistent with the architectural style of the buildings. Off-premise signs are prohibited, which is common in design standards. Some standards are Zoning Code requirements, such as not allowing signs to extend above rooflines, on natural features, or that have moving parts. Staff suggests at least 70% contrast between the lettering and the background; 50% contrast is proposed. This would improve readability, as would limiting colors and materials to 3 different types.

*VIII. Utility Standards:* ok. No proposed changes at this time.

*Pedestrian & Bicycle Connections:*

These topics are common in design standards and need to be addressed. Staff suggests a new section II, with renumbering of subsequent sections. The pedestrian standards listed under parking can be moved here for the sake of clarity. An explanation of the concept for pedestrian and bicycle (non-vehicular) circulation would be helpful.

*Site Amenities:*

This section can be added and/or combined with the Pedestrian section. Topics commonly addressed include outdoor space, seating and shading.

*IX. Approval Process: ok*

Future site development plans for building permit would return to the EPC for review, which is consistent with the practice that the EPC reviews shopping center sites.

**VII. AGENCY & NEIGHBORHOOD CONCERNS**

***Reviewing Agencies/Pre-Hearing Discussion***

City Departments and other agencies reviewed this application from 1/5/15 to 1/10/15. Long Range Planning Staff commented that, though the proposed development is allowed by the site's zoning, it is substantially inconsistent with the policies and goals cited in the application letter. All of the cited policies and goals would support a higher density, mixed-use development; a single family residential subdivision would have no direct connections to the future commercial development. Having a range of housing options (some townhouse, some single family detached, some range in sizes & products) would also help meet Plan goals/policies.

Transportation Staff's comments request additional details and clarification. Hydrology Staff note that the site plan will have to comply with the Drainage Ordinance, Subdivision Ordinance and DPM when submitted for DRB approval. Albuquerque Public Schools (APS) notes that all three area schools (elementary, junior high and senior high) are all over-capacity. Agency comments begin on p. 29.

***Neighborhood/Public***

Four neighborhood organizations were required to be notified: the Sungate Estates Homeowners Association (HOA), the South Valley Coalition of Neighborhood Associations (NAs), the SW Alliance of Neighbors (SWAN), and the Westside Coalition. The applicant notified them as required (see attachments). As of this writing, Staff has not received any comments or inquiries.

**VIII. CONCLUSION**

This request is for a site development plan for subdivision, with design standards, for an approx. 25.5 acre site that comprises the SW corner of the intersection of Gibson Blvd. and 98<sup>th</sup> St. SW. The subject site is vacant.

The applicant proposes to create three tracts and 80 individual lots in order to develop a residential subdivision. Residential design standards are proposed and delegation of approval authority to the DRB is requested. Commercial design standards are also proposed, though currently no development is planned. The approximately 5 acre commercial tract would return to the EPC for review.

The subject site is in the Developing Urban area of the Comprehensive Plan. The West Side Strategic Plan (WSSP), the Southwest Area Action Plan (SWAAP, contained in the WSSP) and

the Rio Bravo sector Development Plan (RBSDP) apply. Overall, Staff finds that the request mostly does not further applicable Goals and policies.

Although it has been determined that the site's SU-1 Mixed Use zoning does not prohibit single-family homes, the request is in conflict with a preponderance of Goals and policies that apply to the subject site and is contrary to the overarching intent of Activity Centers as stated in the Comprehensive Plan, the WSSP and the SWAAP. For these reasons, Staff recommends denial of the request. Should the EPC disagree, Staff recommends conditions to bring the request closer to meeting applicable policy objectives and clarification of the proposed design standards to provide the DRB with clear parameters. Otherwise, delegation to the DRB is not warranted at this time.

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**FINDINGS -15EPC-40001, February 12, 2015-Site Development Plan for Subdivision**

1. The subject request is for a site development plan for subdivision for Tract 34D-1-A Bulk Land Plat, Tract 31A-1-A Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company & Falba Hannett, and Tracts 4-A-1 and 32H-1-A, an approximately 25.5 acre site consisting of the SW corner of the intersection of Gibson Blvd. SW and 98<sup>th</sup> St. SW, zoned SU-1 for Mixed Use.
2. The applicant proposes to create three tracts and to subdivide an approximately 20 acre portion of the subject site into 80 individual lots. Design standards are proposed for the residential portion and for the future, approximately 5 acre commercial portion. Delegation of approval authority to the Development Review Board (DRB) is requested for the residential portion. The commercial portion would return to the EPC.
3. The subject site is within the boundaries of the Developing Urban Area of the Comprehensive Plan. The West Side Strategic Plan (WSSP), the Southwest Area Action Plan (SWAAP, contained in the WSSP) and the Rio Bravo sector Development Plan (RBSDP) apply.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the WSSP, the SWAAP and the RBSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. Because the commercial portion of the subject site is greater than 5 acres in size, it is a Shopping Center (SC) site by definition and is subject to the regulations of Zoning Code §14-16-3-2.
6. The request does not further the following Comprehensive Plan Goals:
  - A. Established Urban Goal. The request would result in a use, a single-family subdivision, platted to be identical to the other single-family subdivisions surrounding it. There is an opportunity to create a different type of housing option to offer variety and maximum choice, especially since the subject site is in a designated Activity Center, but this is not proposed. The proposed subdivision is laid out to not provide choice in transportation modes and would not facilitate use of transit, walking or biking. Walled-off subdivisions do not contribute to integrated communities. There are few details about the potential, future commercial uses.
  - B. Transportation and Transit Goal. There have been efforts to develop 98<sup>th</sup> St. as a transportation corridor; there are bus shelters in close proximity and some density is developing (ex. townhomes/apartments in the SE portion of the Activity Center). The request would not encourage bicycling, walking or other alternatives to automobile travel because the residential uses would be walled in (with only two access points) and the residential and non-residential uses would be not connected at all. Both complicate non-vehicle circulation. Walls, gates and

relatively low- density development do not support efforts to develop 98<sup>th</sup> St. as a transit corridor.

7. The request does not further the following Comprehensive Plan policies:

- A. Policy II.B.5a-full range of urban land uses. Office and retail uses would bring more variety to the area's land use mix. The request would allow for development of the same type of single-family homes that already characterize the area, which would not increase variety. It would also preclude other types of uses, such as more commercial, services, institutional and entertainment, in an area where there is little land use variety.
- B. Policy II.B.5f- clustering homes/open areas. The subject site offers an opportunity to provide a different type of product, such as higher density, clustered housing, with open areas as amenities for the residents. The townhomes to the east are higher density, but they offer very little open space.
- C. Policy II.B.5h- higher density housing location. The subject site is an appropriate location for higher density housing because it is located in a designated Activity Center, the 98<sup>th</sup>/Gibson Community Activity Center. However, low density (4 DU/ac) housing is proposed in an Activity Center, on the side of 98<sup>th</sup> St. where there is no mixed density pattern. The proposed residential development would not function as a transition, either.
- E. Policy II.D.4g- Pedestrian opportunities/safe, pleasant non-motorized travel. Walls, gates, limited access points and long expanses of perimeter walls preclude pedestrian opportunities and make it difficult for people who want to (or have to) use alternative modes of transportation.

8. The request does not further the following Comprehensive Plan Goal and policies regarding Activity Centers:

- A. Goal- The subject site is located in a designated Activity Center, the 98<sup>th</sup>/Gibson Community Activity Center (CAC). It is shown as a proposed Activity Center in the January 2002 map in the Comprehensive Plan. In January 2003, the West Side Strategic Plan designed the 98<sup>th</sup>/Gibson CAC to serve the Bridge/Westgate and Gun Club Communities. Note that the existing subdivision in the NE corner of the Activity Center was approved in 2001, prior to the CAC designation (see also History section of this report). 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
- B. Policy II.B.7a- mixed-use concentrations/promote transit and pedestrian access/maximize cost-effectiveness of services. The request would not promote transit usage or pedestrianism because the subdivision would be walled in and no pathways or pedestrian gates are shown.

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Due to its relatively low density (4 DU/ac), the request would not maximize cost-effectiveness of services.

- C. Policy II.B.7i- multi-unit housing/Activity Centers. The idea behind Activity Centers is to concentrate residential density, commercial and service uses so that there are enough people to make transit feasible, support commercial uses and use existing infrastructure in an efficient manner. Single-family homes at a relatively low density (4DU/ac) are intended to be located outside of Activity Center rather than in them.
  - D. Policy II.B.9d- development projects in Community Activity Centers. The request would result in a walled subdivision and potential, future commercial uses. These would be separated by a wall with no pedestrian linkages between them (2), which would discourage walking trips from the neighborhood to the non-residential uses. Connectivity between uses would not be provided (1). Though the buildings may reflect some local architectural traditions, the site layout would generally not support public transit and pedestrian activity (3). Landscaping (residential and commercial design standards) and colored, textured paving and architecture (commercial design standards) would help improve the public realm, though the result would be a divided activity center with no interconnection between residential and non-residential uses (4).
  - E. Policy II.C.6g-concentrations of employment in Activity Centers/balance jobs with housing. One of the main ideas behind Activity Centers is to concentrate employment and non-residential uses in designated locations, so that the surrounding single-family residential areas have services in close proximity and don't have to travel so far. Also, the jobs-housing balance on the Westside remains heavily skewed toward housing; developing activity centers as stated in the Plans would help provide much-needed jobs.
9. Regarding the WSSP, the request does not further the following, applicable policies:
- A. WSSP Policy 1.1- communities shall develop with areas of higher density (in Community and Neighborhood Centers) surrounded by areas of lower density. Low density residential development (typical 3-5 du/acre subdivisions) shall not be approved within the Centers. The subject site is located in the 98<sup>th</sup>/Gibson Community Activity Center (WSSP, page 112). The proposed residential development is 4 DU/ac, and the WSSP states that "low density residential development (typical 3-5 DU/acre subdivisions) shall not be approved within the Centers."
  - B. WSSP Policy 2.5- Subdivisions/local public school capacity. If area schools are at or over capacity, then the requested action should be denied unless the applicant demonstrates that the proposed action will create no net increase in enrollment for area schools (e.g. senior housing.) The request would result in 80 new households. APS comments that any residential development in this area will impact Rudolfo Anaya Elementary School, Truman Middle School, and Atrisco Heritage Academy High School. Currently, all three schools are over

capacity. The applicant has not demonstrated that the request would not create a net increase in school enrollment, so the request should be denied.

- C. WSSP Policy 3.42- support location of mixed-use higher density development in this Community in the Activity Centers internal to the Community. The subject site is located in the 98<sup>th</sup>/Gibson Community Activity Center (see map p. 112), which is internal to the Bridge/Westgate Community. The intent of the WSSP is to support mixed-use higher density development in this location. The request, however, would result in a subdivision with a density of 4 DU/ac, which is relatively low.
- D. WSSP Policy 3.46- promote densities consistent with those in Sector Development Plans for the Bridge/Westgate Community, with densities as high as 30 DU/ac within the designated Community Activity Centers and adjacent areas. The Rio Bravo Sector Development Plan (RBSDP) specifies a residential density of up to 20 DU/ac (which used to be 30 DU/ac, but that was changed with the 2009 amendments). The subject site is in a designated Community Activity Center, but has a density of 4 DU/ac. This is inconsistent with the intent of the WSSP.
- E. WSSP Policy 4.6.a- design subdivisions to provide an efficient circulation pattern for transit service, and WSSP Policy 4.6.b- design subdivisions to provide safe, attractive and efficient patterns for pedestrians. Walking distances from residences to transit service should be kept to ¼ mile or less. The proposed design standards provide no connectivity between commercial and residential tracts. The proposed subdivision would be gated and separated from the roadway by long expanses of walls, which would not provide efficient patterns for pedestrians, make walking distances too long for many people and would make it difficult overall to access transit service (a & b). Most future residents would be over ¼ mile from Transit service (b).
- F. WSSP Policy 4.6.c- gated and/or walled communities and cul-de-sacs are strongly discouraged on the West Side. The proposed subdivision would be both gated and walled, and would not provide openings through perimeter walls every 600 feet.
- G. WSSP Policy 4.6.d- subdivisions shall be designed to avoid rear yard walls facing public streets. The proposed subdivision has lots with rear yards facing Blake Rd., Gibson Blvd. and 98<sup>th</sup> St.
- H. WSSP Policy 4.6.e- subdivisions shall be designed to provide multiple vehicular and pedestrian access points. The proposed subdivision would be gated and have two access points. Openings through perimeter walls are neither shown on the site development plan nor addressed in the design standards. The lack of convenient access to 98<sup>th</sup> St. could make transit less desirable for most residents. The commercial design standards do not address connectivity with the residential use.

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- I. WSSP Policy 4.10- promote and establish land uses and urban patterns whose design support bicycle and pedestrian travel, and public transportation, encourage ridership, enhance public mobility and promote alternatives to single occupant vehicle use. As proposed, the request would not create land use patterns that support bicycle and pedestrian travel and promote alternatives to single occupancy vehicle usage. The design standards do not address openings through perimeter walls and would preclude direct access to transit service for pedestrians and bicyclists.
10. The request is inconsistent with the following, applicable Goals of the SWASAP (a chapter of the WSSP):
    - A. Goal 1- build complete neighborhoods and a network of activity centers to serve them. The idea is that the Community Activity Center include clusters of stores, offices, medical services, day care, entertainment, multi-family residences and/or public facilities such schools, libraries, etc. Neighborhood and Community Activity Centers are intended to be pedestrian-friendly, accessible but not dominated by vehicles, and contain a mixture of uses and housing opportunities different from those in the interior of neighborhoods (i.e.- different than the typical single-family residential).

The request would help preclude this part of SW Albuquerque from becoming a complete neighborhood. Approx. 1/5 of the subject site would be left for non-residential uses; non-residential uses can provide jobs, which are needed on the Westside. More jobs would result if the subject site were to be developed with a mix of commercial and retail uses. Adding low-density residential in this location means that residents of this area would continue to live far from their jobs and most shopping opportunities.
    - B. Goal 4- increase and improve retail and commercial services. Although commercial design standards are proposed, there are no concrete plans for commercial development at this time. 4/5 of the subject site is proposed to be developed as single-family homes, which remove the possibility of providing more non-residential uses in the Activity Center. 5 acres would remain for future retail and commercial services, which is less than the size of a Neighborhood Center as mentioned in the SWAAP- approx. 10-15 acres.
    - C. Goal 5- develop a complete multi-modal transportation network. One applicable objective is to have a well-connected network that allows people to easily walk, bicycle, drive or take a bus. The proposed subdivision layout would not help facilitate creation of a complete transportation network because it would be gated, have long expanses of walls, long block lengths, and dead-end streets. Connectivity would be limited and access to transit complicated by few access points.
  11. Though single-family residential is not prohibited by the subject site's zoning, the request is inconsistent with the intent of the RBSDP in the following ways:

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- A. The majority of the RBSDP area is intended for single-family homes (R-LT). The only areas envisioned for commercial development are the Community Activity Center at the intersection of 98<sup>th</sup> St./Gibson Blvd. and two small pocket commercial centers in the far southern portion of the Plan area. The request would remove the possibility of developing commercial, service, office, institutional and multi-family uses on approximately 20 acres in the 98<sup>th</sup> St./Gibson Blvd. Community Activity Center.
- B. The intent of the 2009 amendments to the RBSDP was to: “help concentrate moderate-density mixed land use and social and economic activities to reduce urban sprawl, auto travel needs, and service costs and enhance the identity of Albuquerque and the SW Albuquerque community and support Albuquerque/Bernalillo County Comprehensive Plan policies in Section II.B.7 concerning Activity Centers.”

The intent is to concentrate a mixture of land uses in activity centers. Residential uses can be included, but they are intended to be at least “moderate-density” and not the low-density (4 DU/ac) development proposed. Policies in the Comprehensive Plan, WSSP and SWASAP support higher density residential uses (ex. apartments) in activity centers along with non-residential uses. The intent of the 2009 amendments is to be consistent with the higher-ranking plans. Because low-density (4 DU/ac) single-family homes are proposed on 4/5 of the subject site, the request is inconsistent with the intent of the RBSDP.

- C. Although it has been determined that the subject site’s SU-1 Mixed Use zoning does not prohibit single-family homes, the request is in conflict with a preponderance of Goals and policies that apply to the subject site and is contrary to the overarching intent of Activity Centers as stated in the Comprehensive Plan, the WSSP and the SWAAP. The Goals and policies contained in these plans are mutually reinforcing and support the key concept of multi-family residential, commercial, office and service uses inside of Activity Centers and single-family homes outside of them. This development pattern would result in less travel time to services, improved access to transit, better conditions for pedestrians and bicyclists and improvement of the jobs/housing imbalance on the Westside.
- D. The 2009 amendments intend to “limit the geographic coverage of repetitions of one housing type” (single-family or multi-family). Though single-family homes are not prohibited on the subject site, development to the NW, SW and SE of the subject site consists of single-family homes with similar site layouts. The request would repeat the same, predominant housing type and layout, and would preclude opportunities to provide a variety of housing types.
12. The affected neighborhood organizations are the Sungate Estates Homeowners Association (HOA), the South Valley Coalition of Neighborhood Associations (NAs), the SW Alliance of Neighbors (SWAN), and the Westside Coalition. The applicant notified them as required. As of this writing, Staff has not received any comments or inquiries.

***RECOMMENDATION - 15EPC-40001, February 12, 2015***

***DENIAL of 15EPC-40001, a Site Development Plan for Subdivision for Tract 34D-1-A Bulk Land Plat, Tract 31A-1-A Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company & Falba Hannett, and Tracts 4-A-1 and 32H-1-A, an approximately 25.5 acre site consisting of the SW corner of the intersection of Gibson Blvd. SW and 98<sup>th</sup> St. SW, zoned SU-1 for Mixed Use, based on the preceding Findings.***

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*Catalina Lehner*

***Catalina Lehner, AICP  
Senior Planner***

cc: Myers, McCready & Myers, Attn: Matt Myers, 1401 Central Ave. NW, Suite B, Albuquerque, NM 87104  
Mike Smith, Sun Gate Estates HOA, 2612 Mountain Gate SW, Albuquerque, NM 87121  
Robert Maldonado, Sun Gate Estates HOA, 2716 Mountain Gate SW, Albuquerque, NM 87121  
Rod Mahoney, South Valley Coalition of NAs, 1838 Sadora Rd. SW, Albuquerque, NM 87105  
Marcia Fernandez, South Valley Coalition of NAs, 2401 Violet SW, Albuquerque, NM 87105  
Johnny Pena, SW Alliance of Neighbors (SWAN), 6525 Sunset Gardens SW, Albuquerque, NM 87121  
Jerry Gallegos, SW Alliance of Neighbors (SWAN), 417 65<sup>th</sup> St. SW, Albuquerque, NM 87121  
Jerry Worrall, Westside Coalition, 1039 Pinatubo Pl. NW, Albuquerque, NM 87120  
Harry Hendriksen, Westside Coalition, 10592 Rio del Sol Ct. NW, Albuquerque, NM 87114-2701

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

No adverse comments.

#### ***Office of Neighborhood Coordination***

SunGate Estates HOA, South Valley Coalition of NAs, South West Alliance of Neighbors (SWAN)  
Westside Coalition of NAs.

#### ***Long Range Planning***

The request is for a Site Development Plan for Subdivision. The site is within the Rio Bravo Sector Development Plan boundaries. The site is zoned SU-1 for Mixed Uses. The request is for approval of 80 residential lots (at R-1 densities); 5.6 acres of the site remain for future commercial development. The requested development is allowed by the site's zoning, but it is substantially inconsistent with the policies and goals cited in the application letter. The zone is for mixed uses, "to include RLT zoning and other high-density residential uses." The West Side Strategic Plan policy states that development within Community Activity Centers "provides the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses...the most intense land uses within the community." All of the policies and goals cited in the letter would support a higher density, mixed-use development; a single family residential subdivision is proposed that would have no direct connections to the future commercial development parcel.

The Rio Bravo SDP amendment R-08-70 further limits repetition of one housing type (single-family detached house, single-family attached, or multiple-family) in II.D.1, Land Use, Parcelization and Development. The SU-1 for Mixed Use Zone description indicates that "R-LT zoning and other high-density residential uses" are allowed, which permits low-density single-family residential, even while the intent is clearly for R-LT and above densities. Having a range of housing options (some townhouse, some single family detached, some range in sizes & products) would also help meet Plan goals/policies.

### ***CITY ENGINEER***

#### ***Transportation Development Services***

##### **Transportation Development (City Engineer/Planning Department):**

- A. Label all existing facilities within public right-of-way on site plan including the existing curb, sidewalk, and sidewalk widths immediately adjacent to the site. Also, show the existing wheelchair ramps and the existing transit stop.
- B. Show the existing medians within Gibson Blvd. and 98<sup>th</sup> Street. Also, show existing bike lanes and bike lane widths on surrounding streets.

- 
- C. Label Orange Range Avenue and its roadway width at its intersection with Blake Road to show its proximity relative to the new intersection. It is preferable to align the new road with Orange Range Avenue.
  - D. Internally, within the site, label all new curb and curb ramps, and provide curb ramp details. Label all new sidewalk and sidewalk widths within the subdivision, and provide a minimum sidewalk width of 4 feet. Show typical section for all internal roads.
  - E. Label all internal curb radii for the private roads on-site. All internal curb radii at the intersections should be a minimum of 20 feet.
  - F. Provide a separate plan showing the route for a garbage truck and emergency vehicle.
  - G. Provide a detail of the curb radii configuration for the new access from 98<sup>th</sup> Street and Blake Road.
  - H. Label length of stub street.
  - I. 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).

**Traffic Engineering Operations**

**Hydrology**

The site plan will have to comply with the Drainage Ordinance, Subdivision Ordinance and DPM when submitted for DRB approval.

**DEPARTMENT of MUNICIPAL DEVELOPMENT**

**Transportation Planning**

Per the Interim Long Range Roadway System map, both Gibson Blvd. and 98<sup>th</sup> St. are both Principal Arterials. Gibson Blvd. is planned to contain 124 feet of R/W, whereas 98 St. is to be 156 feet wide. Both Gibson Blvd. and 98<sup>th</sup> St. currently contain bicycle lanes, which is consistent with the Long Range Bikeway System map.

**Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

**Street Maintenance (Department of Municipal Development):**

- No comments received.

**New Mexico Department of Transportation (NMDOT):**

- NM DOT has no comments.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT  
and NMDOT:**

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

- A. Label all existing facilities within public right-of-way on site plan including the existing curb, sidewalk, and sidewalk widths immediately adjacent to the site. Also, show the existing wheelchair ramps and the existing transit stop.
- B. Show the existing medians within Gibson Blvd. and 98<sup>th</sup> Street. Also, show existing bike lanes and bike lane widths on surrounding streets.
- C. Label Orange Range Avenue and its roadway width at its intersection with Blake Road to show its proximity relative to the new intersection. It is preferable to align the new road with Orange Range Avenue.
- D. Internally, within the site, label all new curb and curb ramps, and provide curb ramp details. Label all new sidewalk and sidewalk widths within the subdivision, and provide a minimum sidewalk width of 4 feet. Show typical section for all internal roads.
- E. Label all internal curb radii for the private roads on-site. All internal curb radii at the intersections should be a minimum of 20 feet.
- F. Provide a separate plan showing the route for a garbage truck and emergency vehicle.
- G. Provide a detail of the curb radii configuration for the new access from 98<sup>th</sup> Street and Blake Road.
- H. Label length of stub street.
- I. 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).

***WATER UTILITY AUTHORITY***

**Utility Services**- No Comment

***ENVIRONMENTAL HEALTH DEPARTMENT***

**Air Quality Division**

**Environmental Services Division**

There is the potential for above-named project to be impacted by the presence of landfill gas generated by a former City owned/operated landfill (Coronado Landfill). The developers of this site are required to follow the most current version of the *City of Albuquerque Interim Guidelines for Development within City Designated Landfill Buffer Zones*. A landfill gas assessment must be completed for this development. A review and approval of the Site Plan(s), the proposed construction, design drawings, and a certification of construction will be required by the Environmental Health Department (EHD), Environmental Services Division.

**PARKS AND RECREATION**

**Planning and Design**

No comments.

**Open Space Division**

OSD has reviewed and has no comments.

**City Forester**

**POLICE DEPARTMENT/Planning**

This project is in the Southwest Area Command. No Crime Prevention or CPTED comments concerning the proposed Site Development Plan for Subdivision request at this time.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

Approved. Must follow SWMD ordinances for enclosure access and location.

**FIRE DEPARTMENT/Planning**

All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for an official review and approval.

- 1) Required Hydrants (DPM Ch 25 Sec 8 and Sec 7): Fire Hydrants locations appear to meet standards. Please submit plans for an official approval.
- 2) Apparatus Access (IFC 503 and Appendix D): Fire Department access appears to meet standards. Please submit plans for an official approval.

**TRANSIT DEPARTMENT**

<b>Project # 1010332                  14EPC-70428 SITE DEVELOPMENT                  FOR SUBDIVISION</b>  TRACTS 34D-1-A, LANDS OF SALAZAR FAIMLY TRUST ET AL., LOCATED ON 98 <sup>TH</sup> STREEET SW BETWEEN GIBSON BLVD. SW AND BLAKE RD, SW, (APPROX 19.867 AC) INTO 80 SINGLE FAMILY DU AND ONE 5 ACRE COMMERCIAL TRACT. (N-9)	Adjacent and nearby routes	Route #198, 98 <sup>th</sup> Street route, passes the site on 98 <sup>th</sup> Street.
	Adjacent bus stops	There is an existing bus stop on 98 street adjacent to the property, serving the above-mentioned route on 98 street in southbound direction, approx..60' north from the south east corner of the property.
	Site plan requirements	Transit requests the applicant to install a Type C bus shelter as per the COA Design standard COA 2355, and associated bench and trash can at the existing bus stop located adjacent to the property on 98 <sup>th</sup> Street. Please provide access to the bus stop from the property.
	Large site TDM suggestions	None.
	Other information	None

## **COMMENTS FROM OTHER AGENCIES**

### **BERNALILLO COUNTY**

#### **ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comments.

#### **ALBUQUERQUE PUBLIC SCHOOLS**

**Project #1010332  
 14EPC-70428 SITE  
 DEVELOPMENT  
 PLAN FOR  
 SUBDIVISION**

**Lands of Salazar Family Trust**, Tract 34D-1-A, is located on 98<sup>th</sup> St SW between Gibson Blvd SW and Blake Rd SW. The owner of the above property requests approval of a Site Development Plan for Subdivision for a development that will consist of 80 single family units and a 5 acres commercial development. Any residential development in this area will impact Rudolfo Anaya Elementary School, Truman Middle School, and Atrisco Heritage Academy High School. Currently, all three schools are over capacity.

<b>Loc No</b>	<b>School</b>	<b>2014-15 40th Day</b>	<b>Capacity</b>	<b>Space Available</b>
392	Rudolfo Anaya ES	928	560	-368
475	Truman MS	1352	950	-402
576	Atrisco Heritage	2420	2300	-120

**Residential Units: 80**

**Est. Elementary School Students: 21**

**Est. Middle School Students: 9**

**Est. High School Students: 9**

**Est. Total # of Students from Project: 39**

\*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
  - Construct new schools or additions
  - Add portables
  - Use of non-classroom spaces for temporary classrooms
  - Lease facilities
  - Use other public facilities
- Improve facility efficiency (short term solution)
  - Schedule Changes
    - Double sessions
    - Multi-track year-round
  - Other

	<ul style="list-style-type: none"><li>▪ Float teachers (flex schedule)</li><li>• Shift students to Schools with Capacity (short term solution)<ul style="list-style-type: none"><li>○ Boundary Adjustments / Busing</li><li>○ Grade reconfiguration</li></ul></li><li>• Combination of above strategies</li></ul> <p><b>All planned additions to existing educational facilities are contingent upon taxpayer approval.</b></p>
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**MID-REGION COUNCIL OF GOVERNMENTS**

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**PUBLIC SERVICE COMPANY OF NEW MEXICO**

1. 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.
2. An existing overhead electric distribution line is located along the northern boundary of the subject property along Gibson Boulevard SW and an underground distribution line is located along the eastern boundary of the site along 98th Street SW. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service for this project and for any modifications to the existing electric distribution facilities. Any relocation, changes or realignment regarding existing electric utilities will be the developer's expense. In some cases, relocation or changes to existing facilities may not be feasible due to safety clearances or other physical constraints. The applicant is responsible to abide by any conditions or terms for those distribution easements. PNM will review all technical needs, issues and safety clearances for its electric power systems. Contact:  
PNM – New Service Delivery, 4201 Edith Boulevard NE, Albuquerque, NM 87107  
Phone: (505) 241-3425
3. 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](http://www.pnm.com) for specifications.
4. Coordination with PNM will be necessary for this project regarding proposed tree species, the height at maturity and tree placement, sign location and height, and lighting height in order to ensure sufficient safety clearances to avoid interference with the existing electric distribution facilities along the eastern and northern boundaries of the subject site.

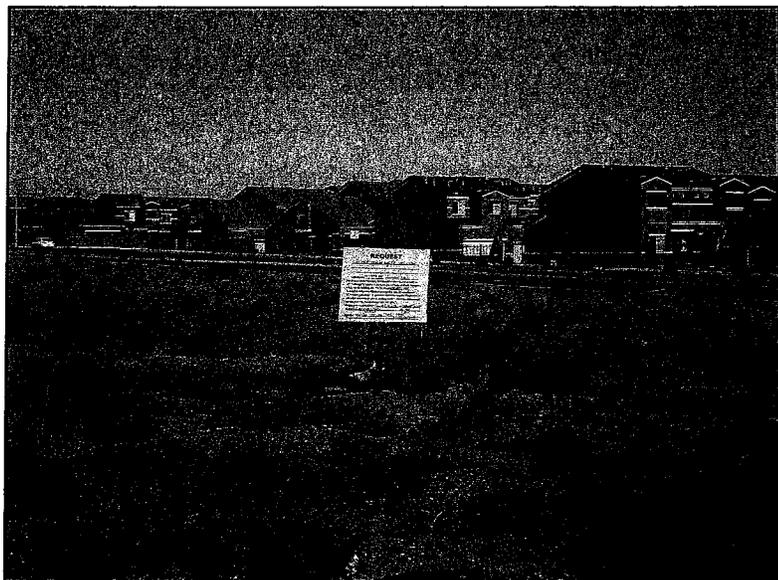


**Figure 1:** The 98<sup>th</sup> St./Gibson Blvd. intersection, from the NE corner of the subject site.

**Figure 2:** Looking W, across the subject site, from 98<sup>th</sup> St.

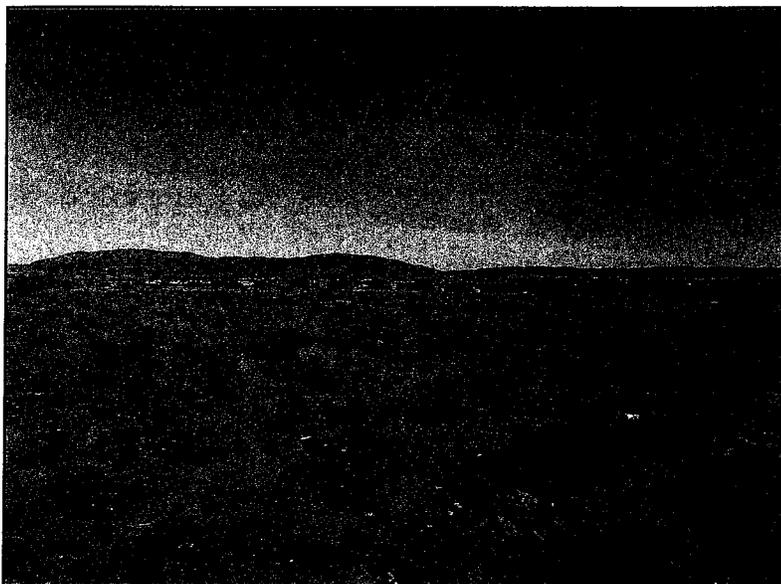
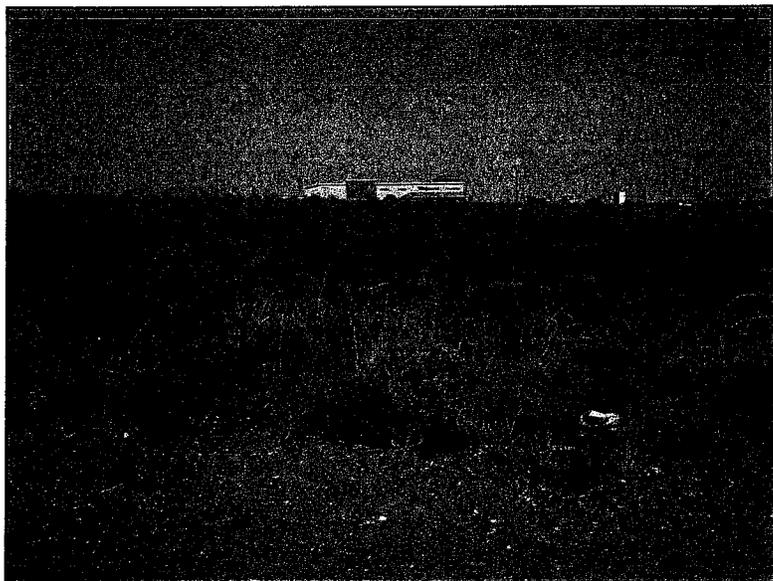


**Figure 3:** Looking E, from the subject site, across 98<sup>th</sup> St.

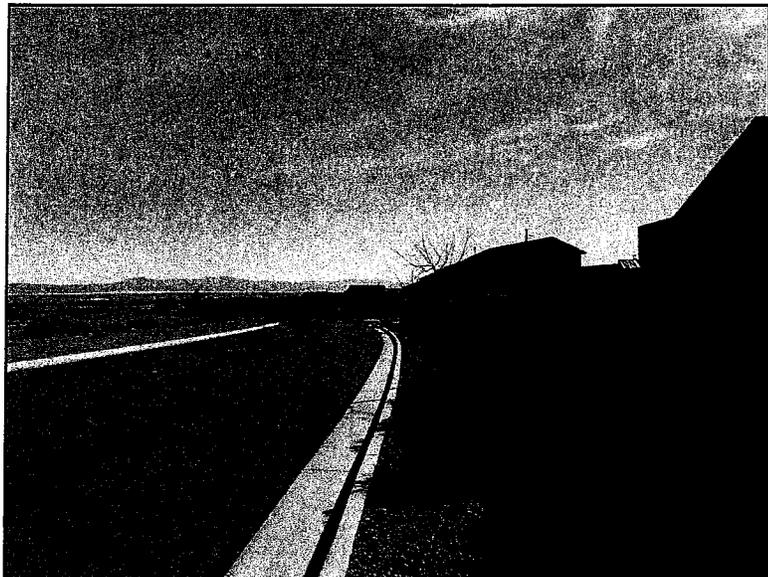


**Figure 4: Looking NE, from Blake Rd., at the townhome development across 98<sup>th</sup> St.**

**Figure 5: Looking N across the subject site, from Blake Rd.**

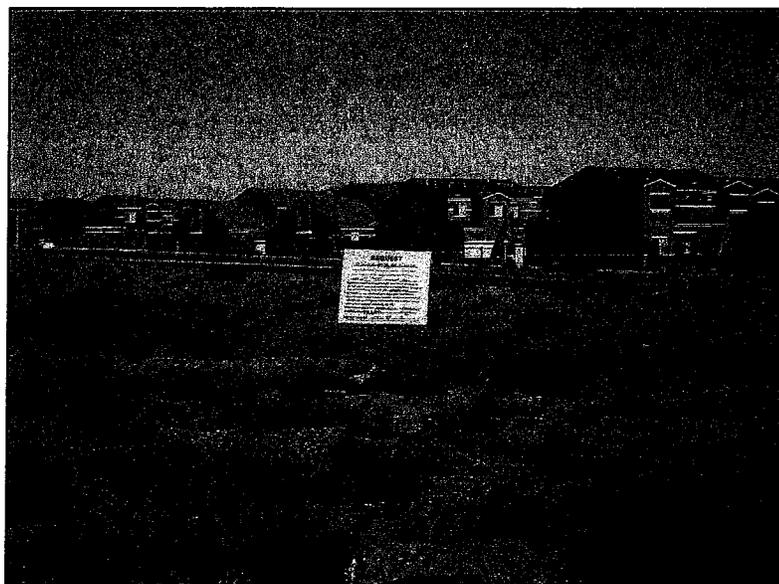


**Figure 6: Looking S, across the subject site, from Gibson Blvd.**



**Figure 7:** Subdivision on the S side of Blake Rd., just S of the subject site.

**Figure 8:** Looking W, down Open Range Ave., near the subject site.



**Figure 9:** Looking NE, from Blake Rd., at the townhome development across 98<sup>th</sup> St.

## HISTORY

**CITY OF ALBUQUERQUE  
EIGHTEENTH COUNCIL**

COUNCIL BILL NO. R-08-170

ENACTMENT NO. R. 2009.0360

SPONSORED BY: Ken Sanchez, Isaac Benton

**RESOLUTION**

1  
2 **AMENDING THE RIO BRAVO SECTOR DEVELOPMENT PLAN WITH TEXT**  
3 **AMENDMENTS TO BRING IT INTO CONFORMANCE WITH SOUTHWEST**  
4 **ALBUQUERQUE STRATEGIC ACTION PLAN AND WEST SIDE STRATEGIC PLAN**  
5 **POLICIES, PRIORITIES, AND SUGGESTIONS AS PROPOSED ON PAGES 3-21 TO**  
6 **3-30 OF THE SOUTHWEST ALBUQUERQUE STRATEGIC ACTION PLAN.**

7 **WHEREAS, in January 2000 the City of Albuquerque rescinded SD-87-4-1**  
8 **Rio Bravo Sector Development Plan and adopted and replaced it with the Rio**  
9 **Bravo Sector Development Plan, Amendment No. 1.; and**

10 **WHEREAS, the City Council has the authority to adopt and amend sector**  
11 **development plans; and**

12 **WHEREAS, on July 10, 2008 the Environmental Planning Commission**  
13 **"EPC", in its advisory role on land use and planning matters, recommended to**  
14 **the City Council approval of amendments to the Rio Bravo Sector Development**  
15 **Plan with conditions; and**

16 **WHEREAS, Rio Bravo Sector Development Plan text amendments that add**  
17 **community and neighborhood activity center zoning designations and mixed-use**  
18 **zoning that may be applied voluntarily to designated community and**  
19 **neighborhood activity centers will help concentrate moderate-density mixed land**  
20 **use and social and economic activities to reduce urban sprawl, auto travel needs,**  
21 **and service costs and enhance the identity of Albuquerque and the Southwest**  
22 **Albuquerque Community and support Albuquerque/Bernalillo County**  
23 **Comprehensive Plan policies in Section II.B.7 concerning Activity Centers; and**

24 **WHEREAS, text amendments to allow cross streets in activity centers that**  
25 **are located on limited-access streets will foster a transportation network and**  
26 **commercial development design that enables residents to choose walking,**

1 bicycling, and taking public transportation to improve air quality, safeguard  
2 public health and enhance quality of life and supports Comprehensive Plan  
3 policies in Sections II.C.1 and II.D.4; and

4 WHEREAS, text amendments to limit the geographic coverage of  
5 repetitions of one housing type (single-family detached house, single-family  
6 attached, or multiple-family) will support a mixture of housing types that form  
7 diverse neighborhoods and support Comprehensive Plan policies in Section  
8 II.D.5; and

9 WHEREAS, text amendments to improve pedestrian, bicycle and vehicle  
10 travel efficiency and safety support Comprehensive Plan policies in Section  
11 II.D.4; and

12 WHEREAS, the primary goal for Southwest Albuquerque expressed in the  
13 Southwest Albuquerque Strategic Action Plan, a proposed new section of the  
14 West Side Strategic Plan, is to become a complete community and the Rio Bravo  
15 Sector Development Plan area lacks many of the elements necessary to assist  
16 Southwest Albuquerque in reaching that goal; and

17 WHEREAS, the building blocks for community transformation are a  
18 convenient transportation network for walking, bicycling, driving and public  
19 transportation; a network of community and neighborhood service areas;  
20 recognizable identity based on local natural and man-made elements; and  
21 neighborhoods that each include housing for a variety of households, public  
22 services, recreational areas, and shopping all conveniently located and designed  
23 for walking, bicycling, and vehicle access and the Rio Bravo Sector Development  
24 Plan currently lacks sufficient guidance to help transform Southwest  
25 Albuquerque into a complete community; and

26 WHEREAS, the Environmental Planning Commission found the Sector  
27 Development Plan amendment was not in conflict with any applicable plans  
28 including the Albuquerque/Bernalillo County Comprehensive Plan; and

29 WHEREAS, there is general support for the proposed amendments.

30 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
31 ALBUQUERQUE:

32 Section 1. The *Rio Bravo Sector Development Plan* is amended to include  
33 text amendments as proposed on pages 3-21 to 3-30 of the *Southwest*

1 *Albuquerque Strategic Action Plan* dated July 10, 2008 and Environmental  
2 Planning Commission conditions of approval.

3 Section 2. The *Rio Bravo Sector Development Plan* is amended to include  
4 the following text and map amendments to ensure that it is consistent with  
5 proposed policies, maps, and regulations in the *Southwest Albuquerque*  
6 *Strategic Action Plan*:

- 7 a. The *Rio Bravo Sector Development Plan* is amended to add a map that  
8 indicates the general location of designated activity centers.
- 9 b. The *Rio Bravo Sector Development Plan* is amended to add to page 25,  
10 sixth paragraph a statement that allows Community Activity Center and  
11 Neighborhood Activity Center zoning districts to be applied to designated  
12 activity centers within *Rio Bravo Sector Development Plan* boundaries.
- 13 c. The *Rio Bravo Sector Development Plan* is amended to include additions to  
14 Section II Amendment, D. Plan Revisions, 2. Transit and Mobility starting  
15 on page 27 that discusses allowing cross streets in community and  
16 neighborhood activity centers on limited access streets.
- 17 d. The *Rio Bravo Sector Development Plan* is amended to create a Community  
18 Activity Center (CAC) mixed-use zoning district in II.D.1 Plan Revisions,  
19 Land use, Parcelization and Development.
- 20 e. The *Rio Bravo Sector Development Plan* is amended to create a  
21 Neighborhood Activity Center (NAC) mixed-use zoning district in II.D.1 Plan  
22 Revisions, Land use, Parcelization and Development.
- 23 f. The *Rio Bravo Sector Development Plan* is amended to limit repetition of  
24 one housing type (single-family detached house, single-family attached, or  
25 multiple-family) in II.D.1 Plan Revisions, Land use, Parcelization and  
26 Development.
- 27 g. The *Rio Bravo Sector Development Plan* is amended to improve pedestrian,  
28 bicycle and vehicle travel efficiency and safety in a new Section 2.  
29 "Subdivision and Public Right-of-Way Regulations" in Chapter II.D. "Plan  
30 Revisions and Comparison with SD-87-4".

31 Section 3. FINDINGS ACCEPTED. The following findings for the Sector  
32 Development Plan amendments are adopted by the City Council:

- 1 a. The request is to amend the *Rio Bravo Sector Development Plan* to ensure  
2 that it is consistent with proposed policies, maps, and regulations in the  
3 Southwest Albuquerque Strategic Action Plan, a proposed addition to the  
4 West Side Strategic Plan.
- 5 b. The Rio Bravo Sector Development Plan zoning text amendments to  
6 introduce Community and Neighborhood Activity Center zoning districts  
7 and to limit repetition of one housing type in residential zones replace  
8 proposed text amendments to the Comprehensive City Zoning Code in a  
9 February 14, 2008 draft of the Southwest Albuquerque Strategic Action  
10 Plan but removed from the July 10, 2008 version of the Action Plan.
- 11 c. The Rio Bravo Sector Development Plan subdivision and public right-of-  
12 way street design amendments to improve pedestrian, bicycle and vehicle  
13 travel efficiency, safety and comfort replace proposed text amendments to  
14 the Subdivision Ordinance in a February 14, 2008 draft of the Southwest  
15 Albuquerque Strategic Action Plan, but removed from the July 10, 2008  
16 version of the Action Plan.
- 17 d. On July 10, 2008 the EPC voted 5 to 2 recommend approval of Rio Bravo  
18 Sector Development Plan text amendments and the following findings and  
19 conditions.
- 20 e. The following articles of the City Charter are furthered by the subject  
21 request:
- 22 1. The text amendments to the *Rio Bravo Sector Development Plan* are  
23 exercises in maximum local government. The City Council has the  
24 authority to create development standards through legislative action  
25 (Article I).
- 26 2. The text amendments to the *Rio Bravo Sector Development Plan* are  
27 intended to further the interest of the public by insuring the proper  
28 use of land and promoting and maintaining an aesthetic and humane  
29 urban environment (Article IX).
- 30 f. The following *Comprehensive Plan* policy (II.B.7. Activity Centers) is  
31 furthered by amendments to help concentrate moderate-density mixed land  
32 use and social/economic activities to reduce urban sprawl, auto travel  
33 needs, and service costs.

- 1 g. The following *West Side Strategic Plan* goals are furthered by the subject  
2 request to include maps that show designated activity centers and text  
3 amendments that create Community Activity Center and Neighborhood  
4 Activity Center zoning districts to enable activity center development, text  
5 amendments to allow cross streets in activity centers on limited access  
6 streets, and text amendments to improve pedestrian, bicycle and vehicle  
7 travel efficiency and safety:
- 8 1. Goal 4 that land use considerations and overall growth and  
9 development concerns should be tied to infrastructure and funding  
10 considerations for realistic implementation.
  - 11 2. Goal 5 that the Plan should recommend solutions for design and  
12 development issues, as well as cultural and environmental concerns.
  - 13 3. Goal 10 that the Plan should create a framework to build a  
14 community where its citizens can live, work, shop, play, and learn  
15 together while protecting the unique quality of life and natural and  
16 cultural resources for West Side residents.
  - 17 4. Goal 12 that the Plan should provide for long-term sustainable  
18 development on the West Side.
- 19 h. There is general support for the proposed amendments.
- 20 Section 4. CONDITIONS OF APPROVAL. The following conditions for the  
21 Rio Bravo Sector Development Plan amendment are adopted by the City Council:
- 22 a. *Action Plan* page 3-22, third paragraph, is amended to read: "To create a  
23 Community Activity Center (CAC) mixed-use zoning district that can be  
24 applied voluntarily to designated Community Activity Centers, add the  
25 following new section to II.D.1. Rio Bravo Sector Plan Amendment/Plan  
26 Revisions/Land Use, Parcelization and Development."
  - 27 b. *Action Plan* page 3-22, CAC Community Activity Center, Permissive Uses,  
28 (A)(1)(b) is amended to read: "Drive-up and drive-in facilities are not  
29 allowed."
  - 30 c. *Action Plan* page 3-22, CAC Community Activity Center, Permissive Uses,  
31 (A)(1)(f), "Uses or activities in a tent are not allowed" is deleted.
  - 32 d. *Action Plan* page 3-24, CAC Community Activity Center, Building and Site  
33 Design (I)(1), is amended to read: "Ground floor commercial uses shall

- 1 provide display windows on a minimum of 50 percent of ground floor  
2 building facades facing public and private streets, plazas and private  
3 internal drives.”
- 4 e. *Action Plan* page 3-24, CAC Community Activity Center, Usable Open  
5 Space, (J)(2), is amended to read: “Usable open space for live/work units  
6 shall be a minimum of 80 square feet for each unit and shall be provided on  
7 the premises.”
- 8 f. *Action Plan* page 3-25 first paragraph, is amended to read: “To create a  
9 Neighborhood Activity Center mixed-use zoning district that can be applied  
10 voluntarily to designated Neighborhood Activity Centers add the following  
11 section to II.D.1. Rio Bravo Sector Plan Amendment/Plan Revisions/Land  
12 Use, Parcelization and Development.”
- 13 g. *Action Plan* page 3-25, NAC Neighborhood Activity Center Zone,  
14 Permissive Uses, (A)(1)(b) is amended to read: “Drive-up and drive-in  
15 facilities are not allowed.”
- 16 h. *Action Plan* page 3-25, NAC Neighborhood Activity Center Zone,  
17 Permissive Uses, (A)(1)(e) “Uses or activities in a tent are not allowed” is  
18 deleted.
- 19 i. *Action Plan* page 3-27, NAC Neighborhood Activity Center Zone, Building  
20 and Site Design,(I)(1), is amended to read: “Ground floor commercial uses  
21 shall provide display windows on a minimum of 50 percent of ground floor  
22 building facades facing public and private streets, plazas and private  
23 internal drives.”
- 24 j. *Action Plan* page 3-27, NAC Neighborhood Activity Center Zone, Usable  
25 Open Space, (J)(2), is amended to read: “Usable open space for live/work  
26 units shall be a minimum of 80 square feet for each unit and shall be  
27 provided on the premises.”
- 28 k. *Action Plan* page 3-29, SUBDIVISION AND PUBLIC RIGHT-OF-WAY  
29 REGULATIONS A.4. is amended to read: “Prohibit cul-de-sac, dead-end,  
30 and similar street types where opportunities exist to provide through  
31 streets or stub streets with eventual connection to neighboring properties,  
32 trails, and major local, collector and arterial streets. The City Engineer may  
33 approve cul-de-sac and similar street types only when they are deemed

1 appropriate due to constraining topography, unusual parcel configuration,  
2 or other overriding conditions. Provide Pedestrian Access Routes through  
3 cul-de-sac streets.”

4 **I. Action Plan page 3-30, SUBDIVISION AND PUBLIC RIGHT-OF-WAY**  
5 **REGULATIONS, C.4. is amended to read: “The City Engineer may approve**  
6 **cul-de-sac and similar street types only when they are deemed appropriate**  
7 **due to constraining topography, unusual parcel configuration, or other**  
8 **overriding conditions. Limit the maximum length of a cul-de-sac to 600 feet**  
9 **and the number of dwelling units served by a cul-de-sac to 24.”**

10 **m. Action Plan page 3-30, SUBDIVISION AND PUBLIC RIGHT-OF-WAY**  
11 **REGULATIONS, D. is amended to read: “Provide pedestrian and bicycle**  
12 **access to and within Activity Centers and other local destinations by using**  
13 **public right-of-way design standards in the future *Great Streets Facility***  
14 **Plan that make arterial and collector streets conducive to facing buildings**  
15 **toward them.”**

16 **n. Action Plan page 3-30, SUBDIVISION AND PUBLIC RIGHT-OF-WAY**  
17 **REGULATIONS E.2. illustration for Right-Turn Slip Lane Design is amended**  
18 **to change the title “Proposed Way” to “Preferred Way.”**

19 **o. On Action Plan page 3-30, add: “F. Coordinate utilities infrastructure as**  
20 **appropriate with all affected utility companies. 1. Provide adequate**  
21 **clearance for the safe operation, maintenance and repair of all utilities per**  
22 **NESC standard. 2. Establish adequately wide and appropriately located**  
23 **public utility easements (PUEs) to accommodate the extension of public**  
24 **utility facilities and to ensure the safety of the public and utility crews who**  
25 **maintain and repair facilities per NESC standard. Transmission facilities**  
26 **are not included in PUEs.”**

27 **Section 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**  
28 **clause, word or phrase of this resolution is for any reason held to be invalid or**  
29 **unenforceable by any court of competent jurisdiction, such decision shall not**  
30 **affect the validity of the remaining provisions of this resolution. The Council**  
31 **hereby declares that it would have passed this resolution and each section,**  
32 **paragraph, sentence, clause, word or phrase thereof irrespective of any**  
33 **provisions being declared unconstitutional or otherwise invalid.**

1 PASSED AND ADOPTED THIS 2<sup>nd</sup> DAY OF March, 2009  
2 BY A VOTE OF: 7 FOR 0 AGAINST.

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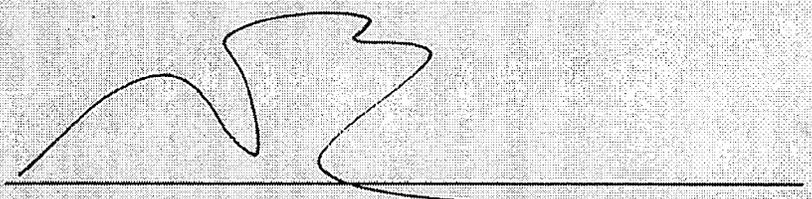
Excused: Cadigan, O'Malley



Isaac Benton, President  
City Council

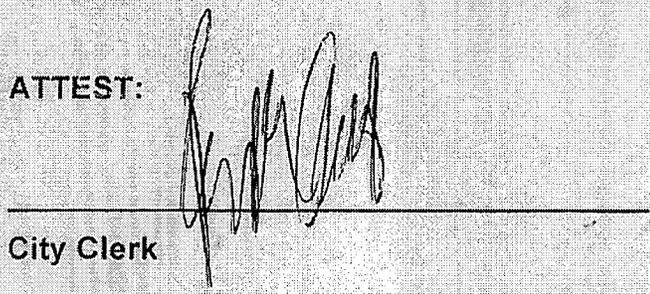
APPROVED THIS 24<sup>th</sup> DAY OF March, 2009

Bill No. R-08-170



Martin J. Chávez, Mayor  
City of Albuquerque

ATTEST:



City Clerk

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material] - Deletion

CITY COMMISSION  
September 27, 1960  
AX-29, Z-986

COMMISSION ORDINANCE NO. 1809

AN ORDINANCE AMENDING THE "ZONE MAP" OF THE CITY OF ALBUQUERQUE  
AS SHOWN IN COMMISSION ORDINANCE NO. 1493 BY MAKING CERTAIN CHANGES THERETO  
AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COMMISSION, CITY OF ALBUQUERQUE

SECTION 1. The 'Zone Map' referred to in Section 4 and other sections of Commission Ordinance No. 1493 is hereby amended by making the following additions:

A-1, R-1, R-3, O-1, C-1 and C-2, for the various areas as delineated on the Master Plan of Snow Vista a plan of an area annexed by the City of Albuquerque, New Mexico by action of the City Commission thereof on Tuesday September 27, 1960 which plan was filed with the City Clerk as of the same date in open meeting of the City Commission and is to be recorded in the office of the County Clerk of Bernalillo County New Mexico.

C-3 as a Shopping Center Extension with Retail and Service uses excluded for the area as delineated on the Master Plan of Snow Vista a plan of an area annexed by the City of Albuquerque, New Mexico by action of the City Commission thereof on Tuesday September 27, 1960, which plan was filed with the City Clerk as of the same date in open meeting of the City Commission and is to be recorded in the office of the County Clerk of Bernalillo County New Mexico.

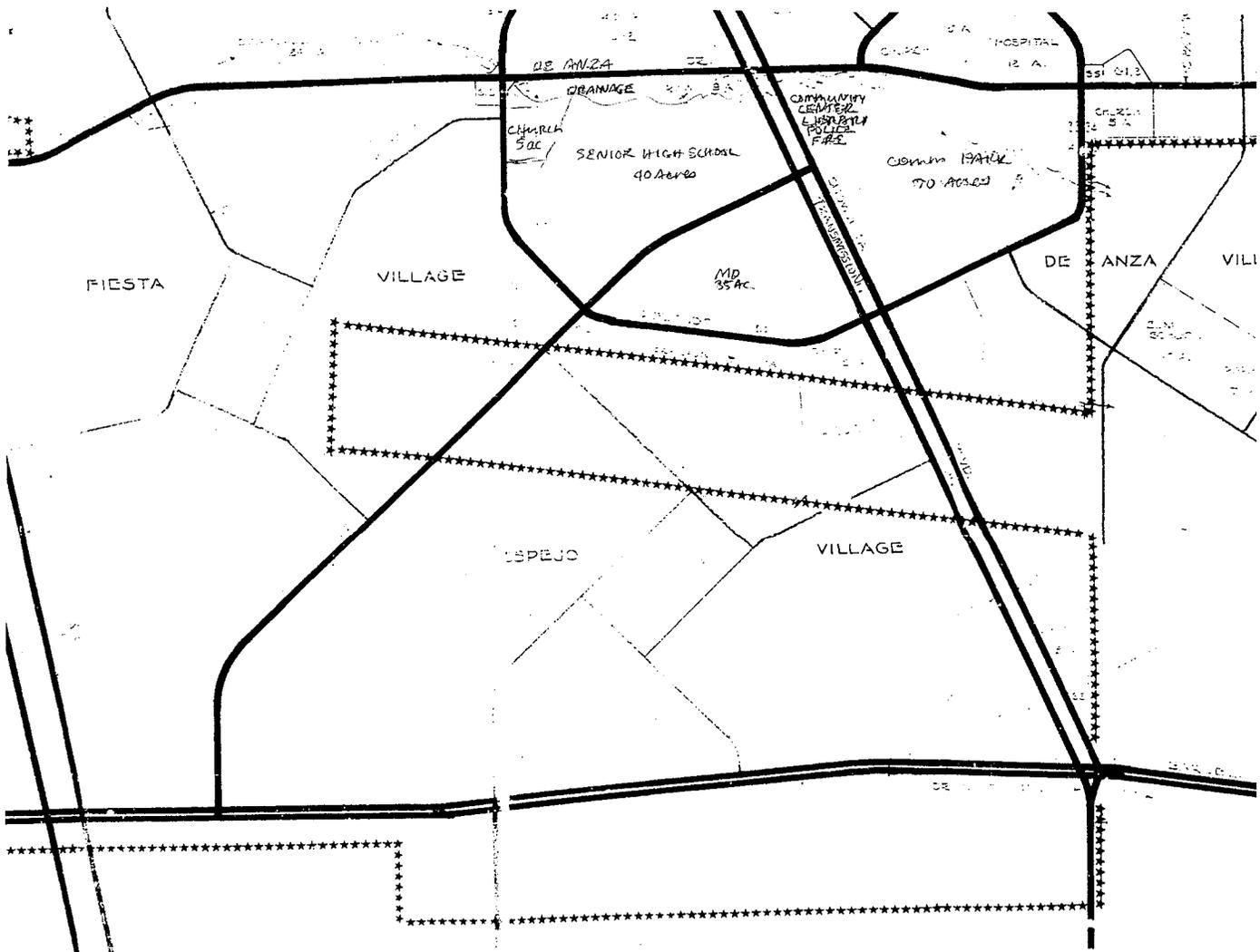
SECTION 2. This ordinance is hereby declared to be an emergency measure on the ground of urgent public need. It is therefore to become effective immediately upon its passage and publication as provided by law.

ENACTED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_ 1960

\_\_\_\_\_  
Chairman of City Commission and Ex-  
Officio Mayor of the City of Albuquerque

ATTEST

\_\_\_\_\_  
City Clerk



# SNOW VISTA

ATRIO LEGUE NEW MEXICO



APPLICATION INFORMATION



**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.

\_\_\_\_\_  
Applicant name (print)

\_\_\_\_\_  
Applicant signature / date



Form revised **November 2010**

- Checklists complete      Application case numbers
- Fees collected              \_\_\_\_\_ - \_\_\_\_\_
- Case #s assigned            \_\_\_\_\_ - \_\_\_\_\_
- Related #s listed            \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_  
Planner signature / date

Project #:

**FORM P(2): SITE PLAN REVIEW - D.R.B. PUBLIC HEARING**

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB15)** **Maximum Size: 24" x 36"**
- 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) **24 copies**
  - 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
  - Copy of the document delegating approval authority to the DRB
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Completed Site Plan for Subdivision Checklist
  - 6 copies of the Infrastructure List, if relevant to the site plan
  - TIS/AQIA Traffic Impact Study form with required signature
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- DRB hearings are approximately 30 DAYS after the filing deadline. **Bring the original** to the meeting.  
**Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB14)** **Maximum Size: 24" x 36"**
- \_\_\_ 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) **24 copies**
  - \_\_\_ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. (Folded to fit into an 8.5" by 14" pocket.) **24 copies** for DRB public hearings
  - \_\_\_ Solid Waste Management Department signature on Site Plan
  - \_\_\_ 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
  - \_\_\_ Copy of the document delegating approval authority to the DRB
  - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - \_\_\_ Sign Posting Agreement
  - \_\_\_ Completed Site Plan for Building Permit Checklist
  - \_\_\_ 6 copies of the Infrastructure List, if relevant to the site plan
  - \_\_\_ TIS/AQIA Traffic Impact Study form with required signature
  - \_\_\_ Copy of Site Plan with Fire Marshal's stamp
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application
- D. R. B. hearings are approximately 30 DAYS after the filing deadline. **Bring the original** to the meeting.  
**Your attendance is required.**

- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION or BUILDING PERMIT (DRB10)** **Maximum Size: 24" x 36"**
- \_\_\_ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
  - \_\_\_ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) **24 copies**
  - \_\_\_ DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) **24 copies**
  - \_\_\_ 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)
  - \_\_\_ 6 copies of the Infrastructure List, if relevant to the site plan
  - \_\_\_ TIS/AQIA Traffic Impact Study form with required signature
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application
- D. R. B. hearings are approximately 30 DAYS after the filing deadline. **Bring the original** to the meeting.  
**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.

*J. Matt Myers*  
 Applicant name (print)  
*Karen L. Ward*  
 Agent  
 Applicant signature / date



Form revised **October 2007**

- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
 15-44828 - 70428

*Kay* 12-30-14  
 Planner signature / date  
 Project # 1010332

December 29, 2014

**Hand Delivered**

City of Albuquerque  
Planning Department  
600 Second Street, NW  
Suite 200  
Albuquerque, New Mexico 87103

Re: Tract 34-D-1-A, Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company, Falba Hannett and Lands of Curb, Inc., containing ±19.867 (the "Property")

Ladies and Gentlemen:

The undersigned is the owner of the above referenced Property located on 99<sup>th</sup> Street between Gibson Boulevard, SW and Blake Road, SW, the subject of a site plan for subdivision for 80 single family home lots and one five (5) acre commercial tract. The undersigned hereby authorizes Myers, McCready & Myers, P.C. (J. Matt Myers) and Mark Goodwin & Associates, P.A. as our agents in our application to the Environmental Planning Commission for approval of a site plan subdivision of the Property. Myers, Oliver & Price and Mark Goodwin and Associates are further authorized to remain as our agent through any appeals process.

98<sup>th</sup> Street, LLC, a New Mexico  
limited liability company

By: \_\_\_\_\_

Jimmy Daskalos  
Managing Member

# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Myers, Oliver, and Price DATE OF REQUEST: 12 / ~~29~~<sup>29</sup> / 14 ZONE ATLAS PAGE(S) N-9

**CURRENT:**

ZONING SU-1 Mixed Use

PARCEL SIZE (AC/SQ. FT.) 19.867

**LEGAL DESCRIPTION:**

LOT OR TRACT # Tract 31D-1-A BLOCK # \_\_\_\_\_

SUBDIVISION NAME Los Diamantes

**REQUESTED CITY ACTION(S):**

ANNEXATION [ ]

ZONE CHANGE [ ]: From \_\_\_\_\_ To \_\_\_\_\_

SECTOR, AREA, FAC, COMP PLAN [ ]

AMENDMENT (Map/Text) [ ]

**SITE DEVELOPMENT PLAN:**

SUBDIVISION\* [ X ] AMENDMENT [ ]

BUILDING PERMIT [ ] ACCESS PERMIT [ ]

BUILDING PURPOSES [ ] OTHER [ ]

\*includes platting actions

**PROPOSED DEVELOPMENT:**

NO CONSTRUCTION/DEVELOPMENT [ ~~X~~ ]

NEW CONSTRUCTION [ X ]

EXPANSION OF EXISTING DEVELOPMENT [ ]

**GENERAL DESCRIPTION OF ACTION:**

# OF UNITS: 80

BUILDING SIZE: 1,096,484 (sq. ft.)

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

APPLICANT OR REPRESENTATIVE

*J. Matt Myers by Karon Wood*

DATE 12/30/14

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

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

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

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

Notes:

*For 80 single family homes, no TIS is required at this time.  
For future commercial development of Tract A, TIS will be required.*

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.**

*Jaron W. [Signature]*  
TRAFFIC ENGINEER

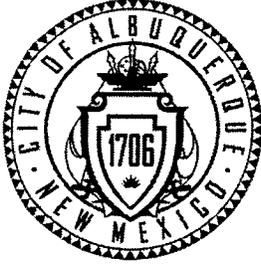
12-30-14  
DATE

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 \_\_\_\_\_



City of Albuquerque  
P.O. Box 1293 Albuquerque, New Mexico 87103  
**Planning Department**  
Suzanne Lubar, Director

**Richard J. Berry, Mayor**  
**Administrative Officer**  
December 30, 2014

**Robert J. Perry, Chief**

---

**SUBJECT: ALBUQUERQUE ARCHAEOLOGICAL ORDINANCE—Compliance Documentation**

**Project Number(s):**

**Case Number(s):**

**Agent:**

**Myers, Oliver, and Price**

**Applicant:**

**98<sup>TH</sup> Street LLC**

**Legal Description:**

**Tract 34D-1-A, Lands of Salazar Trust**

**Zoning:**

**SU-1 for Mixed Use**

**Acreage:**

**19.87 acres**

**Zone Atlas Page:**

**N-9**

**PROVISIONAL CERTIFICATE OF NO EFFECT: Yes  No**

**CERTIFICATE OF APPROVAL: Yes  No**

**TREATMENT PLAN REVIEW:**

**DISCOVERY:**

**SUPPORTING DOCUMENTATION:**

**SITE VISIT: n/a**

**RECOMMENDATION(S):**

- ***PROVISIONAL CERTIFICATE OF NO EFFECT IS ISSUED to allow platting process to continue.***
- ***Archaeological survey required prior to issuance of building permit.***

*MSchmader*

Matthew Schmader, PhD  
Superintendent, Open Space Division  
City Archaeologist

## SUMMARY OF REQUEST

Myers, McCready & Myers, P.C. (Matt Myers) and Mark Goodwin & Associates, P.A (Mark Goodwin) are the agents of record for the owner of the property located at the SW corner of 98<sup>th</sup> Street and Gibson (the "Property"). The Property is owned by 98<sup>th</sup> Street, LLC ("98<sup>TH</sup>"). The legal description of the Property is:

Tract 34-D-1-A, Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company, Falba Hannett and Lands of Curb, Inc., containing ±19.867.

(the "Property"). 98<sup>th</sup> is hereby submitting a request for approval of a site plan for subdivision (the "Site Plan") from the City of Albuquerque's Environmental Planning Commission (the "EPC"). A copy of the Site Plan is included with this application and shows that 98<sup>th</sup> is requesting to subdivide the Property into 80 single family dwelling lots and one ±five (5) acre tract to be developed as a commercial site in the future.

The enclosed Site Plan meets all of the requirements contained within the City's Site Development Plan For Subdivision Checklist. Additionally, the Site Plan contains both Residential Design Guidelines and Commercial Design Guidelines, which standards were founded on the goals, policies and design standards found in the Rio Bravo Sector Development Plan (the "Rio Bravo SDP"). The Property is zoned SU-1 for Mixed Use pursuant to the Rio Bravo SDP.

By adopting the Residential Design Guidelines for the residential portion of the Property, 98<sup>th</sup> is hereby requesting that the EPC delegate approval of future site plans for building permit for the residential homes to the City's Development Review Board (the "DRB"). As shown on the Site Plan, the Residential Design Guidelines specifically address the following: I) Architectural Standards; II) Lighting Standards; III) Landscape Standards; IV) Wall requirements; V) Utility requirements; VI) Off-Street Parking requirements; VII) Open Space requirements; and VIII) Signage requirements.

There are also Commercial Design Guidelines shown on the Site Plan to ensure that future development of the commercial portion of the Property is done in a manner consistent with other development in this area of the City and in compliance with the Rio Bravo SDP.

As the Site Plan contains a mix of residential and commercial uses, the Site Plan conforms to the Rio Bravo SDP's main objective of providing "a mixed use of community housing and employment opportunities in close proximity." See Page 51 of the Rio Bravo SDP, Sec. I(A), Developmental Goal: Plan Objective. The Site Plan will provide commercial activities directly adjacent to the 80 residential lots. Additionally, the 80 residential lots will serve as a transition zone from the commercial tract fronting Gibson and 98<sup>th</sup> Street and the existing residential homes located to the south of the Property.

The Rio Bravo SDP is unique in that it allows the developer of Property within the boundaries of the plan to "elect" whether to be subject to the requirements for Community

Activity Centers (“CAC”). In this case, 98<sup>th</sup> determined that in order to develop the Property in an economically feasible manner, and make the development a success, it would “elect” not to be subject to the requirements for CACs found in the Rio Bravo SDP.

Although 98<sup>th</sup> was confident that it was not required to comply with the requirements found in the CAC, it wanted to obtain verification of that fact from the City. Accordingly, 98<sup>th</sup> requested a Zoning Certification Letter from the City’s Code Compliance Manager, Mr. Brennon Williams, a copy of which is attached hereto as Exhibit “A”. In the attached letter, Mr. Williams states that the Property:

is zoned SU-1 Mixed Use. Future use of the property for both commercial and residential activities – **including single-family dwelling units on individual lots** – is allowed in this zone, provided these uses are developed in conformance with an approved site development plan.

(emphasis added).

Although 98<sup>th</sup> has opted not to subject the Property to the CAC requirements, the Site Plan does adhere to the design guidelines found in the Rio Bravo SDP. The Rio Bravo SDP states that the SU-1 for Mixed Use zone allows the following uses:

Within the SU-1 zone, properties will have allowed for C-1, C-2, O-1, O-2, and IP zoning subject to individual review procedure.

The mixed-use can be applied to include RLT zoning and other high-density residential uses. Community Activity Center (CAC) and Neighborhood Activity Center (NAC) mixed-use zoning should be applied to designated activity centers within Rio Bravo Sector Development Plan boundaries. These zoning districts will create development mixtures that include retail shops, public, service and institutions, residential units, and other community uses in a pedestrian-oriented format.

See Rio Bravo SDP, Sec. II(D)(1), Land Uses, Parcelization and Development.

The Property is also within the boundaries of the West Side Strategic Plan (“WSSP”) and the Site Plan complies with the plans, goals and policies contained therein. Page 33 of the WSSP states that development within Community Activity Centers:

...provides the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses in conjunction with community-wide services, civil land uses, employment, multiple-family

dwelling and the most intense land uses within the community.

The Site Plan provides those commercial activities for the adjacent residents and will also provide employment and entertainment uses when developed.

Page 95 of the WSSP specifically references the land around 98<sup>th</sup> and Gibson, and states that it should be “developed to serve Southwest Albuquerque with retail, private and public services, employment, entertainment, and multiple-family housing.” The Site Plan furthers those goals.

Page 16 of the WSSP, Sec. 3, Plan Goals, #10, states:

The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.

The Site Plan furthers this goal by providing commercial and residential opportunities for the residents of the West Side. Eventually, the commercial component of the development will provide residents with employment and shopping opportunities. This area of the West Side is still in the early stages of development and the addition of commercial activities is always welcome in this area.

Page 17 of the WSSP, Sec. 3, Plan Objectives, #1, states:

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

The Site Plan furthers this objective by providing a large commercial tract, which will provide future employment opportunities for the residents of the West Side, thereby reducing cross-metro trips.

Page 17 of the WSSP, Sec. 3, Plan Objectives, #4, states:

Preserve a sense of community and quality of life for all residents based on wise, long-term decision-making.

The Site Plan furthers this objective by including the design guidelines, for both residential and commercial development, which guidelines will ensure that future development is done in a consistent and aesthetically pleasing manner.

Page 18 of the WSSP, Sec. 3, Plan Objectives #8, states: “Promote job opportunities and business growth in appropriate areas of the West Side.” Again, the

commercial component of the Site Plan will provide future job opportunities and business growth opportunities. As discussed previously, the Property is in an area of the West Side that is designated for future employment and business growth opportunities.

For all of the reasons set out herein, and as shown on the Site Plan, the owner of the Property respectfully requests that you approve the Site Plan for Subdivision.

H:\Waterman,Rhett\JMM\98th Street\justificationletter.docx

# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT DIVISION

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



Richard J. Berry, Mayor

December 11, 2014

Myers, Oliver & Price, P.C.  
1401 Central Ave. NW  
Albuquerque, New Mexico 87104

Re: Vacant land, southwest corner of 98<sup>th</sup> St. & Gibson Blvd. SW – the “property”  
UPC # 100905421540520404

To Whom It May Concern:

This letter will certify that according to the map on file in this office on this date, the referenced property, legally described as Lot 34D1A, Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company, and Falba Hannett, Albuquerque, Bernalillo County, New Mexico is zoned SU-1 Mixed Use. Future use of the property for both commercial and residential activities – including single-family dwelling units on individual lots – is allowed in this zone, provided these uses are developed in conformance with an approved site development plan.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

The property is located within the boundaries of the Rio Bravo Sector Development Plan. There are no special exceptions for this site.

Although the property is currently vacant, it was recently inspected and found to be in compliance with the applicable provisions of the Comprehensive City Zoning Code.

If you have any questions regarding this matter, please contact me at (505) 924-3454 or by email at [bnwilliams@cabq.gov](mailto:bnwilliams@cabq.gov).

Sincerely,

Brennon Williams  
Code Compliance Manager

C: Matt Myers, [mmyers@moplav.com](mailto:mmyers@moplav.com)



# PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 14- 127      Date: 9/9/2014      Time: 1:30

**1. AGENCY REPRESENTATIVES PRESENT AT MEETING**

Planning:       Kym Dicone       Catalina Lehner  
                    Others: \_\_\_\_\_  
 Transportation:  Baquel Michel       Other: \_\_\_\_\_  
 Code Enforcement:  Michael Anaya       Other: \_\_\_\_\_  
 Others: \_\_\_\_\_

**2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY**

- |   |                                       |   |
|---|---------------------------------------|---|
| <input type="checkbox"/> Zone Map Amendment             | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> City Council Approval                                |
| <input type="checkbox"/> Sector Dev. Plan Amendment     | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> City Council Approval                                |
| <input type="checkbox"/> Site Dev. Plan for Subdivision | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> DRB Approval <input type="checkbox"/> Admin Approval |
| <input type="checkbox"/> Site Dev. Plan for Bldg Permit | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> DRB Approval <input type="checkbox"/> Admin Approval |
| <input type="checkbox"/> Other _____                    |                                       |   |

**3. SUMMARY OF PRT DISCUSSION:**

Current Zoning: SU-1 MIXED USE  
 Applicable Plans: R10 BRAVO SDP, WESP  
 Applicable Design Regulations: "  
 Other Applicable Regulations: \_\_\_\_\_  
 Previously approved site plans/project #s: \_\_\_\_\_  
 Proposed Use/Zone: RESIDENTIAL  
 Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other) \_\_\_\_\_

**Handouts Given:**

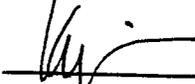
- Zone Map Amendment Process       R-270-1980       AA Process       EPC Schedule

Further input needed: (Sketch Plat Review @ DRB, DRT, ZEO, ONC, pre-application facilitated meeting, other) \_\_\_\_\_

**Additional Notes:**

REQUEST IS LOCATED IN A CAC AS DEFINED/SHOWN IN  
THE R10 BRAVO SDP.  
P10 20 - MIXED USE TO INCLUDE C.1/C.2/O.1/O.2/I.P USES  
W/ RLT (RESIDENTIAL) COMPONENT.  
CAC - "WILL CREATE DEVELOPMENT MIXTURES THAT INCLUDE  
RETAIL SHOPS; PUBLIC, SERVICE INSTITUTIONS, RESIDENTIAL UNITS  
AND OTHER COMMUNITY USES."

**4. SIGN & DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY.**

  
 \_\_\_\_\_  
 PRT CHAIRMAN

  
 \_\_\_\_\_  
 APPLICANT OR AGENT

**\*\*\*Please Note:** PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY; THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL. Statements regarding Zoning are not Certificates of Zoning. Additional research may be necessary to determine the exact type of application and/or process needed. It is possible that factors unknown at this time and/or thought of as minor could become significant as the case progresses.

CAC. PERMISSIVE USE: USED LISTED AS PERMISSIVE  
IN R-2 RESIDENTIAL ZONE EXCEPT HOUSE, ONE PER  
LOT.  
(PG 26A)

CAC (C) REQUIRED MIX~~ED~~<sup>TURE</sup> OF USES: 1-3 PG 26C

(D) HEIGHT. (PG 26C)

(E) LOT SIZE NO REQ'MENTS

(F) SETBACKS.

(G) DENSITY: MIN. FLOOR AREA RATIO OF 0.5.

(H-~~J~~) 26d-26e.

THIS LAYOUT IS STRAIGHT P.L.T.; NOT INTENT OF THE  
CAC. MAY BE VERY DIFFICULT TO APPROVE/SUPPORT  
BASED ON THE POLICIES + GOALS OF PD BRAVO SDP +  
WSSP.

IF CAN NOT MEET ALL REQ'MENTS, WOULD HAVE TO SUBMIT  
FOR ZONE CHANGE. (SEE ABOVE)

MUST ADHERE TO SUBDIVISION + PUBLIC HW REGULATIONS  
OF THE PLAN (PG 26J-26M)

WSSP. PG. 33. IDEAL CAC 35-60 AC.

PG. 95 98<sup>TH</sup>/GIBSON CAC

NOTIFICATION &  
NEIGHBORHOOD INFORMATION



## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

**PLEASE NOTE:** The Neighborhood 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.

December 16, 2014

Karen Lee Arfman  
Myers, Oliver and Price, P.C.  
1401 Central Avenue NW/87104  
Phone: 505-247-9080/Fax: 505-247-9109  
E-mail: [karfman@moplaw.com](mailto:karfman@moplaw.com)

Dear Karen:

Thank you for your inquiry of December 16, 2014 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 34D-1-A, LAND OF SALAZAR FAMILY TRUST, SALAZAR QUATRO TRUST, JSG INVESTMENT COMPANY, FALBA HANNETT AND CURB INC., LOCATED ON 98<sup>TH</sup> STREET SW BETWEEN GIBSON BOULEVARD SW AND BLAKE ROAD SW** zone map **N-9**.

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

**SEE "ATTACHMENT A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's – siw.**

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. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto: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 NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION**

## **“ATTACHMENT A”**

Karen Lee Arfman  
Myers, Oliver and Price, P.C.  
Zone Map: N-9

### **SUN GATE ESTATES H.O.A.**

**\*Mike Smith**, 2612 Mountain Gate SW/87121 385-8649 (h)  
Robert Maldonado, 2716 Mountain Gate SW/87121 306-3950 (h)

### **SOUTH VALLEY COALITION OF NEIGHBORHOOD ASSOCIATIONS**

**\*Rod Mahoney**, 1838 Sadora Rd. SW/87105 681-3600 (c)  
Marcia Fernandez, 2401 Violet SW/87105 877-9727 (h)

### **SOUTH WEST ALLIANCE OF NEIGHBORS (SWAN)**

**\*Johnny Pena**, 6525 Sunset Gardens SW/87121 321-3551 (c) 836-3281 (h)  
*e-mail: [johnnyepena@comcast.net](mailto:johnnyepena@comcast.net)*  
Jerry Gallegos, 417 65<sup>th</sup> St. SW/87121 261-0878 (c) *e-mail: [jgallegos@ydinm.org](mailto:jgallegos@ydinm.org)*

### **WESTSIDE COALITION OF N.A.'S**

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

**\*President of NA/HOA/Coalition**

**MYERS, McCREADY & MYERS, P.C.**  
**LAWYERS**  
**1401 CENTRAL AVENUE, N.W., SUITE B**  
**ALBUQUERQUE, NEW MEXICO 87104**

JOHN A. MYERS  
KEVIN J. McCREADY  
J. MATT MYERS

TELEPHONE  
(505)247-9080  
FACSIMILE  
(505)247-9109

FLOYD D. WILSON, *Of Counsel*

e-mail: [jmyers@moplaw.com](mailto:jmyers@moplaw.com)  
e-mail: [kmccready@moplaw.com](mailto:kmccready@moplaw.com)  
e-mail: [mmyers@moplaw.com](mailto:mmyers@moplaw.com)

December 23, 2014

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Email: [msmith@nswnm.com](mailto:msmith@nswnm.com)**  
Mr. Mike Smith  
Sun Gate Estates, H.O.A.  
2612 Mountain Gate, SW  
Albuquerque, New Mexico 87121

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Email: [hlhen@comcast.net](mailto:hlhen@comcast.net)**  
Mr. Harry Hendrickson  
Westside Coalition of N.A.  
10592 Rio Del Sole Ct., NW  
Albuquerque, New Mexico 87114

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Email: [rmahoney01@comcast.net](mailto:rmahoney01@comcast.net)**  
Mr. Rod Mahoney  
South Valley Coalition of Neigh. Assoc.  
1838 Sadora Road, SW  
Albuquerque, New Mexico 87105

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Email: [mbfernandez1@gmail.com](mailto:mbfernandez1@gmail.com)**  
Ms. Marcia Fernandez  
South Valley Coalition of Neigh. Assoc.  
2401 Violet, SW  
Albuquerque, New Mexico 87105

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Email: [r03maldonado@aol.com](mailto:r03maldonado@aol.com)**  
Mr. Robert Maldonado  
Sun Gate Estates, H.O.A.  
2716 Mountain Gate, SW  
Albuquerque, New Mexico 87121

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Email: [johnnyepena@comcast.net](mailto:johnnyepena@comcast.net)**  
Mr. Johnny Pena  
South West Alliance of Neighbors  
6525 Sunset Gardens, SW  
Albuquerque, New Mexico 87121

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Email: jgallegos@ydinm.org**  
Mr. Jerry Gallegos  
South West Alliance of Neighbors  
417 65<sup>th</sup> Street, SW  
Albuquerque, New Mexico 87121

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Email: hlhen@comcast.net**  
Mr. Harry Hendrickson  
Westside Coalition of N.A.  
10592 Rio Del Sole Ct., NW  
Albuquerque, New Mexico 87114

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Email: jfworral@comcast.net**  
Mr. Gerald C. Worrall  
Westside Coalition, N.A.  
1039 Pinatubo Place, NW  
Albuquerque, New Mexico 87120

Re: Tract 34-D-1-A, Lands of Salazar Family Trust, Salazar Quatro Trust, JSJ Investment Company, Falba Hannett and Lands of Curb, Inc., containing ±19.867 (the "Property")

Ladies and Gentlemen:

This office represents 98<sup>th</sup> Street, LLC, the owner and developer ("98<sup>th</sup>") of the above referenced property. 98<sup>th</sup> will be submitting to the City of Albuquerque Environmental Planning Department ("EPC") an application for site plan for subdivision to subdivide the Property into 80 single family dwelling lots to be known as Los Diamantes Subdivision, and one ±five (5) acre tract to be developed as a commercial site in the future. The application will be filed on or before December 30, 2014 and shall be heard before the EPC on February 12, 2014.

The Property is zoned SU-1 Mixed Use. I am enclosing a copy of the proposed site plan for your review.

Thank you and please feel free to contact this office.

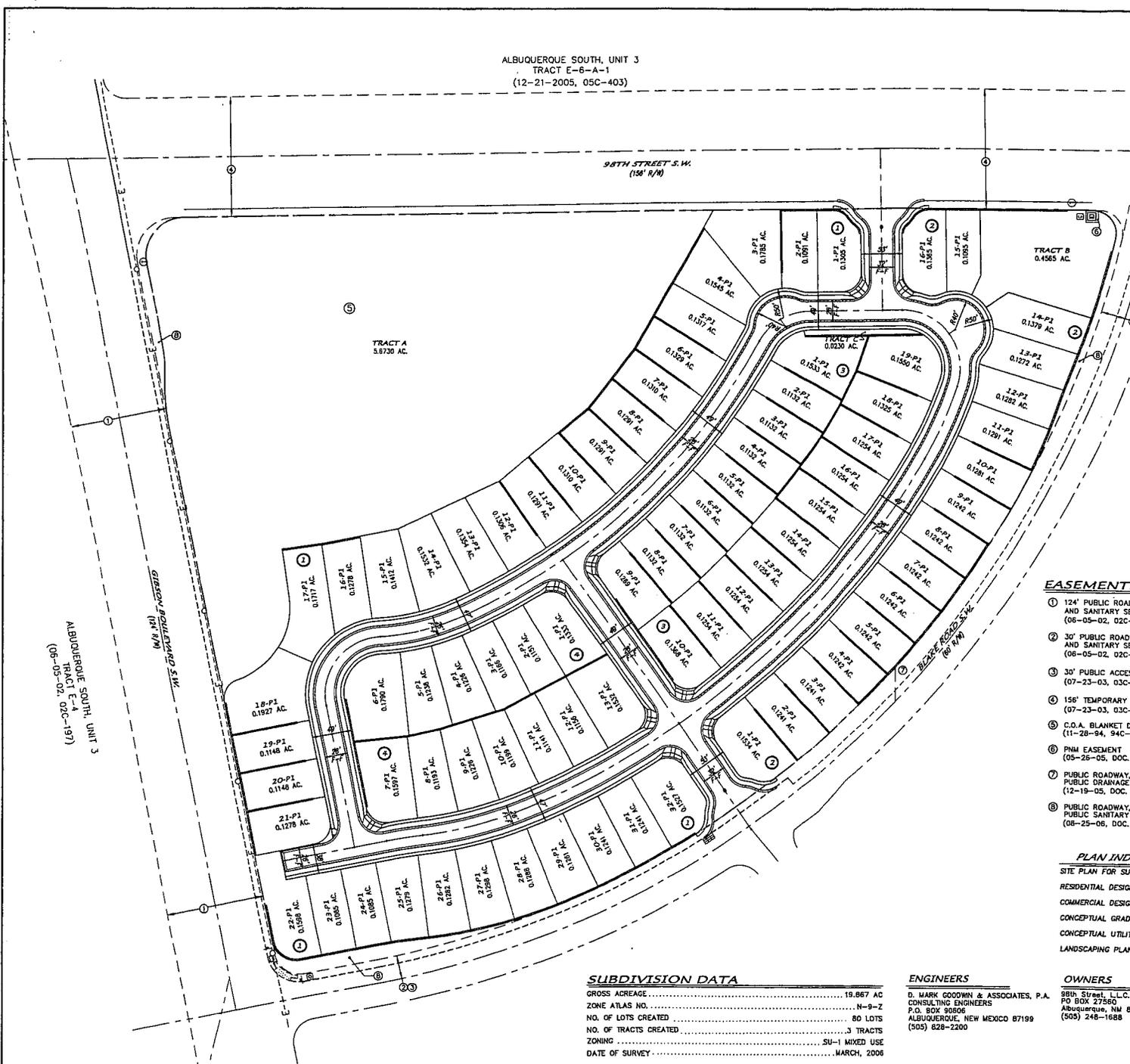
Very truly yours,

MYERS, MCREADY & MYERS, P.C.

By: J. Matt Myers  
J. Matt Myers *By K/w*

JMM/kla  
Enclosure  
cc: 98<sup>th</sup> Street, LLC  
Mr. Mark Goodwin

ALBUQUERQUE SOUTH, UNIT 3  
 TRACT E-6-A-1  
 (12-21-2005, 05C-403)



ALBUQUERQUE SOUTH, UNIT 3  
 TRACT E-6-A  
 (06-05-01, 02C-197)

- EASEMENT**
- ① 12' PUBLIC ROAD AND SANITARY SE (06-05-02, 02C-)
  - ② 30' PUBLIC ROAD AND SANITARY SE (06-05-02, 02C-)
  - ③ 30' PUBLIC ACCE (07-23-03, 03C-)
  - ④ 156' TEMPORARY (07-23-03, 03C-)
  - ⑤ C.O.A. BLANKET D (11-28-94, 94C-)
  - ⑥ PNM EASEMENT (05-26-05, DOC)
  - ⑦ PUBLIC ROADWAY, PUBLIC DRAINAGE (12-19-05, DOC)
  - ⑧ PUBLIC ROADWAY, PUBLIC SANITARY (08-25-06, DOC)

**SUBDIVISION DATA**

GROSS ACREAGE	19.887 AC
ZONE ATLAS NO.	N-9-Z
NO. OF LOTS CREATED	80 LOTS
NO. OF TRACTS CREATED	3 TRACTS
ZONING	SU-1 MIXED USE
DATE OF SURVEY	MARCH, 2006

**ENGINEERS**

D. MARK GOODWIN & ASSOCIATES, P.A.  
 CONSULTING ENGINEERS  
 P.O. BOX 90806  
 ALBUQUERQUE, NEW MEXICO 87199  
 (505) 828-2200

**OWNERS**

98th Street, L.L.C.  
 P.O. BOX 27580  
 Albuquerque, NM 8  
 (505) 246-1668

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>X</b></p> <p>B. Received by (<i>Printed Name</i>) <span style="float: right;">C. Date of Delivery</span></p>
<p>1. Article Addressed to:</p> <p><i>Mike Smith Sun Gate Estates 2612 Ntn. Gates W AEB NM 87121</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>
<p>2. Article Number (<i>Transfer from service label</i>)</p>	<p><i>7013 2630 0000 3892 5285</i></p>

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Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: *Mike Smith*

Street, Apt. No., or PO Box No.: *Sun Gate Estates*

City, State, ZIP+4: *2612 Ntn. Gates W NM 87121*

PS Form 3800, August 2006 See Reverse for Instructions

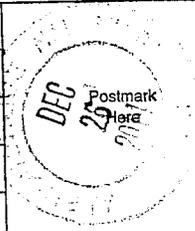
5925 2692 0000 0692 ETD2

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>X</b></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p>
<p>1. Article Addressed to:</p> <p><i>Robert Maldonado</i> <i>2716 Mtn. Lakesw</i> <i>alb nm 87121</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <i>7013 2630 0000 3892 5254</i></p>	
<p>PS Form 3811, February 2004 <span style="margin-left: 200px;">Domestic Return Receipt</span> <span style="float: right;">102595-02-M-1540</span></p>	

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Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: *Robert Maldonado*

Street, Apt. No., or PO Box No.: *2716 Mtn. Lakesw*

City, State, Zip+4: *alb nm 87121*

PS Form 3800, August 2006 See Reverse for Instructions

4525 2698 0000 3892 5254 7013 2630 0000 3892 5254

**SENDER- COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Rod Mahoney*  
*1838 Sadora Rd SW*  
*Alb NM 87105*

2. Article Number  
 (Transfer from service label) *7013 2630 0000 3892 5346*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X**

Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

Certified Mail®  Priority Mail Express™  
 Registered  Return Receipt for Merchandise  
 Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)  Yes

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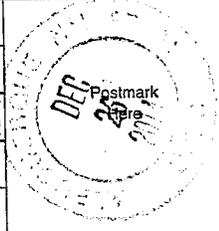
9485 2692 0000 0392 ETD7

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To *Rod Mahoney*  
 Street, Apt. No. or PO Box No. *1838 Sadora Rd SW*  
 City, State, ZIP+4 *Alb NM 87105*

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <b>X</b> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p>
<p>1. Article Addressed to:</p> <p><i>Martha Ferrandez 2401 Violet SW Apt. NM 87105</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <i>7013 2630 0000 3892 5261</i></p>	

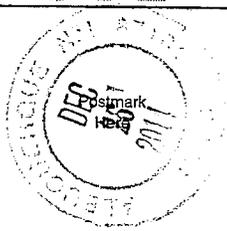
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	



Sent to *Martha Ferrandez*

Street, Apt. No.,  
or PO Box No. *2401 Violet SW*

City, State, ZIP+4 *Apt NM 87105*

PS Form 3800, August 2006 See Reverse for Instructions

7013 2630 0000 3892 5261

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <b>X</b></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p><i>Johnny Pena</i> <i>6525 Sunset Gardens</i> <i>SW</i> <i>apb. NM</i> <i>87121</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><i>7013 2630 0000 3887 3081</i></p>

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	



Sent To: *Johnny Pena*

Street Apt. No. or PO Box No.: *6525 Sunset Gardens*

City, State, ZIP+4: *Alb NM 87121 SW*

PS Form 3800, August 2006. See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <b>X</b></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>
<p>1. Article Addressed to:</p> <p><i>Jerry Gallegos</i> <i>417-65th St SW</i></p> <p><i>acb NM</i> <i>87121</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><i>7013 2630 0000 3887 3074</i></p>
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To <i>Jerry Gallegos</i>	
Street, Apt./No. or PO Box No. <i>417-65th St SW</i>	
City, State, ZIP+4 <i>acb NM 87121</i>	

PS Form 3800, August 2006 See Reverse for Instructions

7013 2630 0000 3887 3074

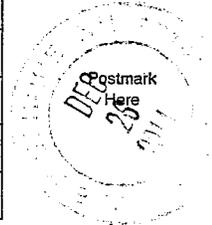
**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

2903 2893 0000 0692 E107

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: *Gerald Worrall*  
 Street, Apt. No. or PO Box No: *Westside Coalition*  
 City, State, ZIP+4: *1039 Pinatubo Pl. NW 87120*  
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><i>Gerald Worrall</i>  <i>1039 Pinatubo Pl NW</i>  <i>deb NM</i>  <i>87120</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number                  (Transfer from service label) <i>7013 2630 0000 3887 3067</i></p>	

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Nancy Handrickson  
10592 Rio Del Sol  
AEB NM  
87114*

2. Article Number  
(Transfer from service label)

*70132630 0006 38873080*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
**X**

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

050E 289E 0000 0E92 E702 7013 2630 0006 3887 3080

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: *Nancy Handrickson*  
 Street, Apt. No., or PO Box No.: *10592 Rio Del Sol*  
 City, State, ZIP+4: *AEB NM 87114*

SITE PLAN REDUCTIONS

TRACT E-4-1-1  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-2  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-3  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-4  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-5  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-6  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-7  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-8  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-9  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-10  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-11  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-12  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-13  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-14  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

TRACT E-4-1-15  
ABUQUERQUE SOUTH, UNIT 3  
(02-21-2004, 2009C-030)

**LEGAL DESCRIPTION**  
A tract of land situated within the Town of Alamosa Grant, projected Section 4, Township 8 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, and more particularly described as follows: The City of Albuquerque, New Mexico, by and through its duly authorized officers and agents, has caused to be prepared and recorded in the office of the County Clerk of Bernalillo County, New Mexico, a certain plat of subdivision, to-wit: "TRACT E-4-1-1 THROUGH TRACT E-4-1-15, ABUQUERQUE SOUTH, UNIT 3, PLAT NO. 2009C-030, and containing 11,006.120 ± 11.25 ± 0.35 acres more or less."

**THE SITE**  
The property is located on the east side of Gibson Boulevard S.W. (124' R/W), north of the intersection with Rio Bravo Street (100' R/W). The site is bounded to the north by Rio Bravo Street, to the east by the intersection of Gibson Boulevard S.W. and the intersection of the property with S 877th Street (100' R/W). The site is bounded to the south by the intersection of the property with S 877th Street (100' R/W) and to the west by the intersection of the property with S 877th Street (100' R/W).

**COMMERCIAL F.A.R.**  
The S 877th Area Commercial Tract (Tract A) shall have a maximum calculated F.A.R. of 0.23.

**PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS:**  
Vehicle Access: Primary access will be off 877th Street with 5 new private alleys, all of which will be gated.

**Pedestrian Access:** New sidewalks will be constructed along the north side of Blue Hill, the west side of the site, and along the east side of the site. Sidewalks will be installed on both sides of new streets within the site. Pedestrian access into the site will be gated.

**TRANSIT ACCESS:**  
New transit routes through the intersections of Blue Road SW and 877th Street SW and Gibson Blvd SW and 877th Street SW are proposed to be installed.

**VEHICLE CIRCULATION REQUIREMENTS:**  
The proposed site plan shall be in accordance with the City of Albuquerque DPM Standards.

**OFF-STREET PARKING:**  
Minimum number of off-street parking spaces shall be provided according to the International Parking (P) design standards contained in the DPM.

**BUILDING HEIGHTS:**  
Maximum allowed building heights in the residential shall be 26 feet and per the O-1 Zone for the Commercial (See Section 3-5).

**BUILDING SETBACKS:**  
Setbacks shall be in accordance with the RLT Zone for the Residential and per the O-1 Zone for the Commercial (See Section 3-3).

**MAXIMUM TOTAL DWELLING UNITS:**  
Maximum total number of residential units shall be 80.

**LANDSCAPE STANDARDS:**  
For Landscaping Information, see Sheet 2 of this plan set. All landscaping shall comply with the City's Water Conservation Landscaping Ordinance and the Street Tree Ordinance.

**OPEN SPACE:**  
Minimum open space provided per zoning shall be in accordance with the RLT zone.

**SUBDIVISION DATA**

GROSS ACRES	25.633 AC
ZONE ATLAS NO.	N-1-2
NO. OF LOTS CREATED	80 LOTS
NO. OF TRACTS CREATED	3 TRACTS
ZONING	SH-1 MIXED USE
DATE OF SURVEY	MARCH, 2006

**EASEMENTS**

1. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
2. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
3. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
4. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
5. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
6. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
7. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
8. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
9. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
10. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
11. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
12. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
13. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
14. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
15. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
16. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
17. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
18. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
19. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)
20. EASING BY PUBLIC ROWWAY, INTERNE AND SWIMWAY, SEWER EASEMENT (06-05-02, 02-21-03)

**PLAN INDEX**

PLAN INDEX	SHEETS
SITE PLAN FOR SUBDIVISION	1
LANDSCAPING PLAN	2
RESIDENTIAL DESIGN STANDARDS	3
COMMERCIAL DESIGN STANDARDS	4-5
CONCEPTUAL GRADING & DRAINAGE PLAN	6
CONCEPTUAL UTILITY PLAN	7

**APPROVALS PROCESS:**  
Use of this SITE PLAN FOR SUBDIVISION, the residential component approval shall conform to the design standards presented herein and be delegated to the DEVELOPMENT REVIEW BOARD (DRB) for final approval. The site plan for building permit for the commercial component will be submitted to the ERC for approval.

**APPLICATION NUMBER:** \_\_\_\_\_ **PROJECT NUMBER:** \_\_\_\_\_

**CITY APPROVALS:**

Traffic Engineering, Transportation Division	Date
Utilities Development	Date
Parks and Recreation Department	Date
City Engineer	Date
DRB Chairperson, Planning Department	Date

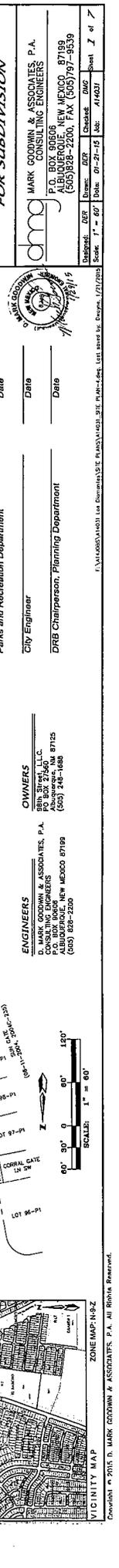
**OWNERS**  
D. MARK GOSWAM & ASSOCIATES, P.A.  
PO BOX 2760  
ALBUQUERQUE, NEW MEXICO 87125  
(505) 248-1688

**ENGINEERS**  
D. MARK GOSWAM & ASSOCIATES, P.A.  
CONSULTING ENGINEERS  
ALBUQUERQUE, NEW MEXICO 87125  
(505) 248-1688

**LOS DIAMANTES SUBDIVISION**  
**SITE DEVELOPMENT PLAN**  
**FOR SUBDIVISION**

**dmg** MARK GOSWAM & ASSOCIATES, P.A.  
CONSULTING ENGINEERS  
P.O. BOX 2760  
ALBUQUERQUE, NEW MEXICO 87125  
(505) 248-1688

DATE: 01-21-15  
SCALE: 1" = 60'



**VICINITY MAP**  
ZONE MAP-N-9-Z  
Created by D. MARK GOSWAM & ASSOCIATES, P.A. All Rights Reserved.



LANDSCAPE ARCHITECT  
 The Hilltop  
 Albuquerque, NM 87104  
 Tel: (505) 836-1371  
 Fax: (505) 836-1650  
 dem@thehilltoplandscape.com

Los Diamantes Subdivision  
 Albuquerque  
 Site Plan for Subdivision

The developer's contract with the City of Albuquerque states that the property owner shall maintain street trees in a living, healthy, and attractive condition. It is the intent of this plan to comply with the City of Albuquerque's later Convention Code and the later Convention Code. The plan shows the contractor to apply irrigation from water main provisions of the later Convention Landscaping and Irrigation Code.

LANDSCAPE NOTES:  
 Landscape Subdivision will be the responsibility of the Property Owner. The Property Owner shall maintain street trees in a living, healthy, and attractive condition. It is the intent of this plan to comply with the City of Albuquerque's later Convention Code and the later Convention Code. The plan shows the contractor to apply irrigation from water main provisions of the later Convention Landscaping and Irrigation Code.



LOS DIAMANTES SUBDIVISION  
 LANDSCAPE PLAN  
 FOR SUBDIVISION  
 dng MARK GOODWIN & ASSOCIATES, P.A.  
 P.O. BOX 90606  
 ALBUQUERQUE, NEW MEXICO 87199  
 (505) 828-2200, FAX (505) 787-8339

Prepared: DM  
 Drawn: DM  
 Checked: DM  
 Date: 11-15-14  
 Job: AT4021  
 Sheet: 2 of 7

**LANDSCAPE LEGEND**

QTY	SIZE	CORONAUTICAL	180 USE
23	7' cal	Arbutus sp.	M
31	7' cal	Manzanita	M
31	7' cal	Cholla	M
31	7' cal	Yucca	M
31	7' cal	Agave	M
31	7' cal	Prickly Pear	M
31	7' cal	Joshua Tree	M
31	7' cal	Iron Cholla	M
31	7' cal	Cholla	M
31	7' cal	Yucca	M
31	7' cal	Agave	M
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31	7' cal	Agave	M
31	7' cal	Prickly Pear	M
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31	7' cal	Agave	M
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31	7' cal	Joshua Tree	M
31</			

**LOS DIAMANTES RESIDENTIAL DESIGN STANDARDS**

The purpose of these Design Standards is to provide a framework to assist the architect, engineer, and contractor in the design and construction of a residential development that meets the goals for the property. The primary goal for this property is to achieve a mixed use, The Design Standards are intended to help facilitate the design of buildings which respect the individual conditions of the site.

These standards address the layout of landscaping, setbacks, pedestrian amenities, screening, lighting, and signage that will create the visual image desired for Los Diamantes. They are intended to be complementary to the surrounding area. These standards are intended to be consistent with the City of Los Diamantes Comprehensive Zoning Ordinance and the City of Los Diamantes Comprehensive Zoning Code. The Subdivision shall comply with all design regulations in the Rio Bravo Sector Development Plan.

Minor amendments to this Site Plan for Subdivision shall be approved administratively by the Planning Director in accordance with the City Comprehensive Zoning Code, Section 14-16.2-22 (A)(6) Special Use, and major amendments shall be approved by the Environmental Planning Commission.

**I. FEDESTRIAN AMENITIES**

The creation of a pedestrian-friendly environment will be a primary design objective for Los Diamantes.

- A. All pedestrian paths shall be designed to be handicapped accessible (ADA Americans with Disabilities Act Criteria) for Barrier-Free Design, except where topography makes this unfeasible.
- B. Sidewalks along 98th Street, Blake Road, and Gibson Blvd. shall be at least 16' width. All other sidewalks shall be four feet in width.

**II. BUILDING STANDARDS**

All development shall comply with the following building standards, except where noted.

- A. **ROOF COLORS AND MATERIALS**  
Roofs may be flat, pitched, or combination of both, and shall be made of asphalt shingles, metal, or tile. Nonmetal roof colors shall be limited to sand, tan, brown, and sage green.

- 2. Typical building styles within this development shall be Contemporary Pueblo, Southwestern Tucson, Spanish, Terraced, or Northern New Mexico. Interiors shall be designed to be consistent with the architectural style and materials of the particular individual home owner preferences, provided the fundamental character of the particular style are maintained. Courtyards and their walk shall also be consistent with the theme of the building.

**A. BUILDING HEIGHTS**

- 1. Residential building heights shall not exceed 26 feet in height and shall be consistent with the City Comprehensive Zoning Code unless otherwise restricted or indicated herein.

- C. Highly reflective surfaces shall be screened from public view.

- D. Stucco shall be the primary building material. Stucco colors shall be limited to earth tones, such as tan, beige, cream, and white. No metallic, metallic, or black or blue colors shall be permitted on prominent exterior walls.

- F. Windows may be wood, metal, or solid vinyl. Reflective films, prohibited.

- H. Accent materials may consist of rock, wood, tile, or brick. From doors, windows, frames, and finished trim may be frames of white, blue, brown, or green. All vinyl or stucco or stone, unless they are wood-encased.

**III. SETBACKS**

The use of building yard setbacks is required to provide space for the creation of walkways and screening methods, including landscaping and work. All development at Los Diamantes shall comply with the setback requirements of the Rio Bravo Development Sector Plan.

- A. Single Family Detached

- 1. Minimum Front Yard Setbacks: 15 feet except 20 feet for patios/decks. For two-story homes, the front garage shall meet the minimum front yard setback.

- 2. Minimum Rear Yard Setbacks: 15 Feet

- 3. Minimum Side Yard Setbacks: 5 feet on both sides, for a total separation of 10 feet between single family units, 10 feet on the steel side of corner lots.

**VI. SIGNAGE**

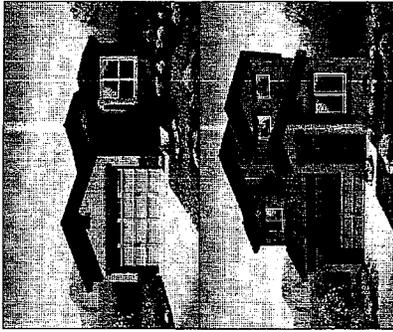
The following signage standards were developed to regulate the size, location, type, and quality of sign elements with Los Diamantes. The goal is to provide a signage program that is of high quality, maintains a consistent style or complements the visual character of the property.

- A. Signs shall be in compliance of Section 14-16.3-55 General Sign Regulations of the Comprehensive Zoning Code and the Rio Bravo Sector Development Plan.
- B. Entry signs shall be the minimum type and that complement the materials, colors, and architectural character of the building and that not exceed 7 feet in height above grade.
- C. Free standing signs, wall signs, signs that do not require any external bracing, angle-iron supports, guy wires, or similar devices.
- D. No signage is allowed that uses moving parts, makes audible sounds, or has blinking or flashing lights.
- E. Oil premise signs are prohibited.
- F. No illuminated plastic panel signs are allowed except business signs within the non-residential areas of the property.

**VII. ARCHITECTURE**

The following elevations are intended to illustrate the general styles permitted at Los Diamantes and are not intended to be prescriptive. Minor variations to materials, colors, and finishes are permitted. Refer to Section 2 of these design standards for building materials and roof styles.

There will be a combination of one or two story units as shown below.



**VIII. UTILITIES**

To ensure the overall aesthetic quality of the property and the natural environment, the visual impact of utilities and equipment shall be minimized by the following:

- A. All new electric distribution lines shall be placed underground.
- B. Transformers, utility poles, and telephone boxes shall be appropriately screened with vegetation when viewed from the public right-of-way.
- C. When an above ground backflow prevention device is required by the City of Los Diamantes, the device shall be painted to match the building. If re-located, the architectural materials used as a main element of the building, if re-located, shall be used. If not, they shall be appropriately screened from view by walls and/or landscaping.

**IX. OFF-STREET PARKING**

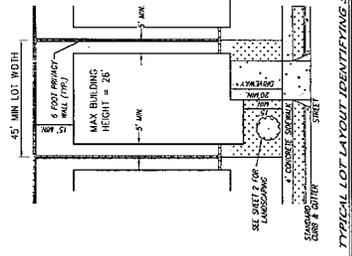
- A. Off-street parking shall be provided in accordance with Section 14-16.3-31 of the Zoning Code (General Parking Regulations). In particular, paragraph (2)(a) or (b) pertains to number of spaces.

**X. OPEN SPACE**

- A. Open space shall be provided on each lot in accordance with Section 14-16.3-38 of the Zoning Code (Detached Open Space Regulations). In particular, paragraph (A) or (B) pertains to satisfaction requirements.

**XI. WALLS AND SCREENING**

- A. Perimeter walls around the property shall be designed in accordance with Section 14-16.3-19 of the City Zoning Code for height and setbacks.
- B. Perimeter walls shall be covered in earth, or a colored stucco and constructed of a self-render concrete masonry finished with a continuous cap.
- C. Unfinished grey block, bobbed wire, chain-link, and vinyl fencing are prohibited.
- D. Minimum wall heights shall be 6 feet, unless they are retaining walls.
- E. Walls shall not be allowed within the clear sight triangles.



**TYPICAL LOT LAYOUT IDENTIFYING SETBACKS**

The development of an overall landscape concept will establish a framework that unifies the property. The goal is to provide a strictly landscaped community with tree-lined streets. These standards are to be made as a supplement to the City of Los Diamantes Comprehensive Zoning Ordinance and the City of Los Diamantes Comprehensive Zoning Code. The City of Los Diamantes Comprehensive Zoning Code and Landscape Regulations included in the City Comprehensive Zoning Code.

- The following are minimum standards for the development of specific landscape plans:
  1. For single family residential projects, street trees shall be provided along the roadway at a rate of approximately one tree per lot.
  2. Individual lot owners will be responsible for the installation and maintenance of the landscape on their property. All plant material, including trees, shrubs, groundcovers, walkways, etc. shall be maintained by the lot owner in a living attractive condition.
  3. Landscaping within the private common areas shall be maintained by the homeowners' association.
  4. The homeowners' association shall maintain trees planted in the right-of-way to ensure the trees' survival. All landscaping must be replaced if it dies.
  5. Front Yard Minimum
    - 2. Accent trees at least 2" caliper and 15 feet high at the time of planting.
    - 3. Minimum 1 gallon trees in the 6' x 6'.
    - 4. Shrub (minimum 5 gallon)
    - 5. Shrub (minimum 1 gallon)
    - 6. Landscape plants (10 to 15 minimum)

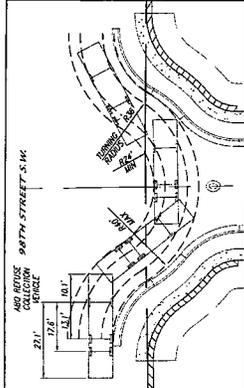
- 6. Accentuating "river rock" and bark mulch or peccan shells are also permitted in front yard landscaping.
- 7. At a minimum, all front yard landscaping shall be required to contain Pueblo Rose, Santa Fe Brown, River rock, or similar type rock over the filter fabric for all yard areas that are not covered with living vegetative groundcover.
- 8. Within individual lot landscaping and irrigation water maintenance will be the responsibility of the homeowner, including that which is between the curb and sidewalk. Landscaping shall be maintained in a healthy and attractive condition.
- 9. Irrigation and landscaping maintenance outside of individual lots shall be the responsibility of the HOA.
- 10. Xeric techniques are to be employed when designing landscaped areas and they shall include the use of water harvesting areas to the extent possible.

**V. LIGHTING**

- In order to enhance the safety, security, and visual aesthetics, careful consideration must be given to both the daytime and the night-time appearance of the lighting design and fixtures. The primary design objective of the site lighting system shall be to provide adequate lighting for the site and to provide a safe and secure environment. Unnecessary glare or reflection.
- A. Placement of fixtures and standards shall conform to state and local safety and illumination standards.
- B. All lights shall be shielded so that they do not cast off angles of a minimum of 75 degrees to prevent spillage onto adjoining properties or light pollution of the existing "dark sky". Cobol and sodium lights are prohibited.
- C. Site lighting shall be in accordance with Area Lighting Regulations of the Zoning Code (Section 14-16.3-4) and in accordance with the City's DPV. Height shall not exceed 16 feet.

**XII. PROCESS**

Upon approval of this SITE PLAN FOR SUBDIVISION, the residential component approval shall conform to the design standards presented herein and be designated to the Development Review Board (DRB) for final approval. The site plan for building permit for the commercial component will be submitted to the DRB for approval.



**PRIVATE STREET ENTRY TURNING RADIUS DIAGRAM**



**LOS DIAMANTES SUBDIVISION**  
**SITE DEVELOPMENT PLAN**  
**FOR SUBDIVISION**  
**RESIDENTIAL DESIGN STANDARDS**

**dmg**  
**MARK GODWIN & ASSOCIATES, P.A.**  
 P.O. BOX 90806  
 AUSTIN, TEXAS 78760  
 (512) 426-2241, FAX (512) 426-4539

Drawn: DRG	Scale: 1" = 100'
Checked: DRG	Date: 1/22/25
Doc: DRG	Sheet: 3 of 7
Doc: DRG	Sheet: 3 of 7



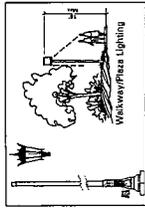
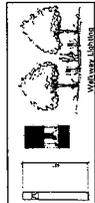
**COMMERCIAL DESIGN STANDARDS - (CONT.)**

**Lighting Standards**

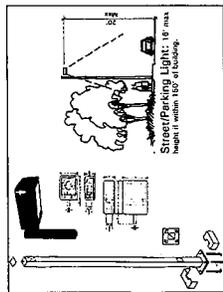
In order to minimize the possibility of light pollution, careful consideration must be given to the placement and use of lighting fixtures. To ensure a quality development, it is important to consider the daytime appearance of lighting fixtures. The lighting element in another site plan should be designed to be aesthetically pleasing and to be in harmony with the site's architectural style. The lighting system must be designed to maximize public safety while not affecting adjacent properties, buildings, or roadways with unnecessary glare or reflection.

The maximum height for lighting fixtures (measured from top to ground) shall be:

- A 16-foot height for all walkways and entry plaza lighting fixtures.



- B 18-foot height for street lights and parking area lights (restricted to 16 feet within 150 feet of pedestrian). The height of street lights and parking area lights shall be kept to a minimum necessary to meet safety requirements.



- C Exterior elevations of any building housing a street or private entrance driveway are to be illuminated to provide a minimum level of lighting for the safety of the building and the appealing ambience of the total community.

- D The use of upward lighting fixtures are required to accent landscapes and walkways. Up-lighting fixtures are not permitted.

- E Placement of fixtures and standards shall conform to state and local safety and illumination requirements.

- F All light fixtures shall be shown as fully shielded (backed) lamps with no light source visible from the street.

- G Light pressure sodium lighting shall be prohibited.

**VII.**

**Signage Standards**

The Signage Standards were developed as reasonable criteria to regulate the size, placement, and use of signs. The program will serve four major functions: to affect and inform employees and visitors; to provide circulation requirements and restrictions; to provide for public safety; and to provide for the aesthetic quality of the development. The following are general standards for signage design and placement.

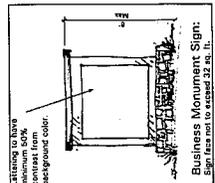
- A No offensive signs are allowed.

- B Signs shall be limited to building-mount, wall signs and free-standing monument signs.

- C All elements of a sign shall be maintained in a cleanly appearing manner.

- D One building-mounted sign shall be permitted per facade, per business, provided it does not face residential areas.

- E One free-standing business monument sign shall be permitted.



- F The height of a business monument sign shall not exceed 8 feet and the sign face shall not exceed 36 square feet.
- G Individual buildings are allowed facade mounted signs provided they do not exceed 6% of the area of the facade to which it is applied.
- H The height of a wall sign shall not exceed the height of the wall to which it is attached.
- J No signage is allowed that uses moving parts, makes audible sounds, or has blinking or flashing lights (including searchlights used for promotional events).
- K Signs that are portable, fixed on a moveable stand, self-supporting without being firmly embedded in the ground, supported by other objects, mounted on poles, or otherwise attached to a building or structure in any manner are not permitted.
- L Signs located on rocks, trees, or other natural features are not permitted.
- M Vinyl banner signs, vehicle used as sign mediums, roof mounted signs, and time-temperature signs are not permitted.
- N All signage shall be designed to be consistent with and complement the materials, color, and architectural style of the building or site location.
- O No sign shall overhang into the public right-of-way or extend above the building roof line.

**Utility Standards**

All utility lines shall be placed in a manner that ensures the overall aesthetic quality of the project the following standards shall apply:

- A All new electric distribution lines within the area shall be placed underground.
- B When an above ground back-flow prevention device is required, the backflow enclosure shall be constructed of materials compatible with the architectural materials used with the main building.
- C Transformers, utility pads, and telephone boxes shall be screened with walls and vegetation.
- D All rooftop and ground-mounted equipment shall be screened from the public view by materials of the same return as the building's basic materials.
- E The top of all rooftop equipment shall be below the top of parapet or screened from view.
- F Screen walls shall conceal all ground-mounted equipment with the top of equipment below the top of screen wall.
- G If pre-fabricated fiberglass enclosures are used, they shall be appropriately screened from view by walls and/or landscaping.

**IX.**

**Approvals Process**

Commercial Tract shall be required to, obtain individual site development plan for building permit approval from DCU.

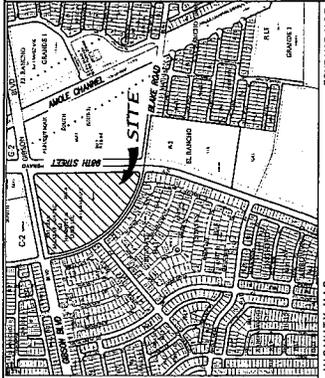


**LOS DIAMANTES SUBDIVISION  
SITE DEVELOPMENT PLAN  
FOR SUBDIVISION  
COMMERCIAL DESIGN STANDARDS**

**dmg** MARK GOODWIN & ASSOCIATES, P.A.  
CONSULTING ENGINEERS  
P.O. BOX 5000 NEW MEXICO 87199  
ALBUQUERQUE, NEW MEXICO 87199  
(505)828-2200, FAX (505)797-9539

Designed: DEP Date: DEP Checked: DAG  
Scale: 1" = 100' Plot: 01-21-15 Job: A13034 Sheet 5 of 7

NO.	DATE	REVISIONS	DESIGNED BY	DATE	10/18	DMG
NO.	DATE	REVISIONS	DESIGNED BY	DATE	10/18	DMG
NO.	DATE	REVISIONS	DESIGNED BY	DATE	10/18	DMG
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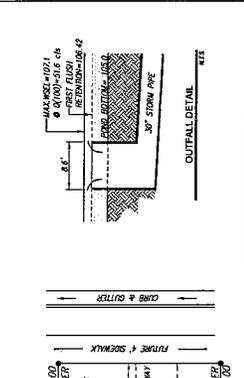
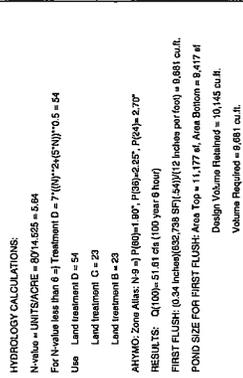
**Los Diamantes Drainage Management Plan**

The property is bounded by Blake Road to the south and west, by Gibson Blvd. to the north and to the east. The residential portion of the property is approximately 4.4 acres. The site is currently undeveloped and consists of an 80' lot subdivision for single family homes. Since the site is surrounded by developed streets, no off-site flows come onto the project site.

There is an existing 72" storm main in Blake Road with a 30" storm drain stub out at the intersection of Blake and 86<sup>th</sup> Street. On-site runoff will be conveyed by surface street flow to the southeast corner of the property and into a detention pond that will also serve as a storm water storage facility. The detention pond will be constructed with a 24" storm drain stub out into the 72" storm main. The detention pond will be connected to the 72" storm main and retain the first flush. The maximum water depth for the first flush will be less than 1.0 feet.

**HYDROLOGY CALCULATIONS:**  
 N-value = UNITS/ACRE = 8074.525 = 6.84  
 For N-value less than 6 = Treatment D = 7' (W) \* (S) \* (N) \* 0.5 = 54  
 Use: Land treatment D = 54  
 Land treatment B = 23  
 Land treatment C = 23

**HYMCO Zone Allow: N=9 a) P(80)=1.80', P(50)=2.25', P(10)=2.70'**  
**RESULTS: Q(100)=61.81 cfs @ (100 year 6 hour)**  
**FIRST FLUSH: 0.34 inches (832.738 SFD) (40) (16 inches per foot) = 0.881 cull.**  
**POND SIZE FOR FIRST FLUSH: Area Top = 11,177 sq. ft. Area Bottom = 9,417 sq. ft.**  
**Design Volume Retained = 10,148 cull.**  
**Volume Required = 9,081 cull.**



**CITY OF ALBUQUERQUE**  
**PUBLIC WORKS DEPARTMENT**

THE: **LOS DIAMANTES SUBDIVISION**  
**CONCEPTUAL GRADING & DRAINAGE PLAN**

DESIGN REVIEW COMMITTEE: CITY ENGINEER APPROVAL

NO. DATE

REMARKS

DESIGNED BY: DMG DATE: 10/18

DRAWN BY: DMG DATE: 10/18

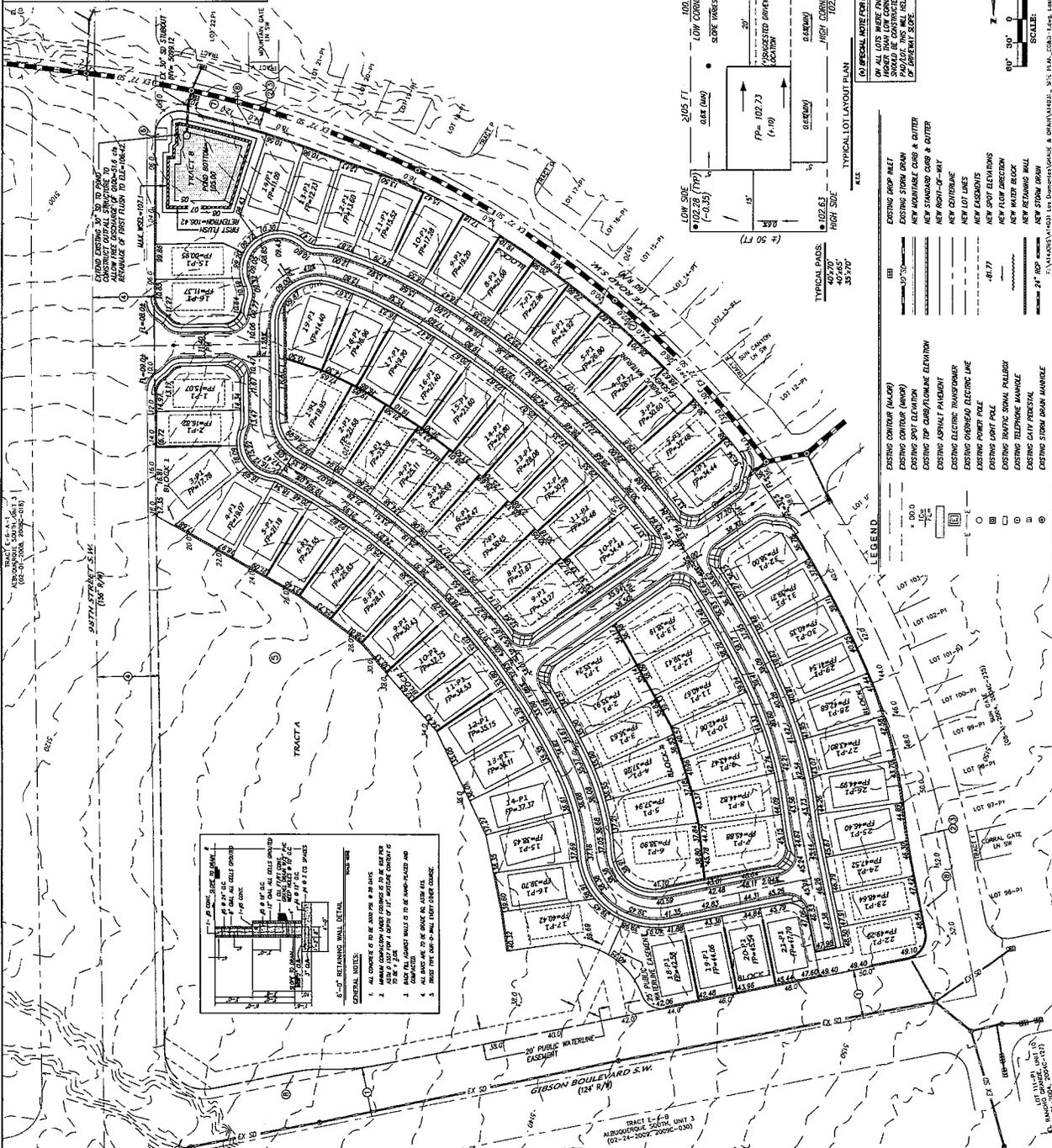
CHECKED BY: DMG DATE: 10/18

SCALE: 1" = 80'

DATE: 10/18

PROJECT NO. N-9-Z

SHEET 6 OF 7



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