



**Environmental  
Planning  
Commission**

**Agenda Number: 01  
Project Number: 1009178  
Case #s: 15EPC-40035  
September 10, 2015**

**Staff Report**

<b>Agent</b>	Myers, McCreedy & Myers
<b>Applicant</b>	RTR, LLC
<b>Requests</b>	Deviations from the Regulations of the Volcano Cliffs Sector Development Plan (VCSDP) Site Development Plan for Subdivision
<b>Legal Description</b>	Lots 1-P1 thru 39-P1, Tiburon Heights Subdivision
<b>Location</b>	on Petirrojo Rd. NW, between Kimmick Dr. NW and Compass Dr. NW
<b>Size</b>	Approximately 8 acres
<b>Zoning</b>	SU-2/VCLL (Volcano Cliffs Large Lot)

**Staff Recommendation**

**That the EPC DENY 14EPC-40025, deviations from the regulations of the EGSDP, based on the Findings beginning on Page 16.**

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

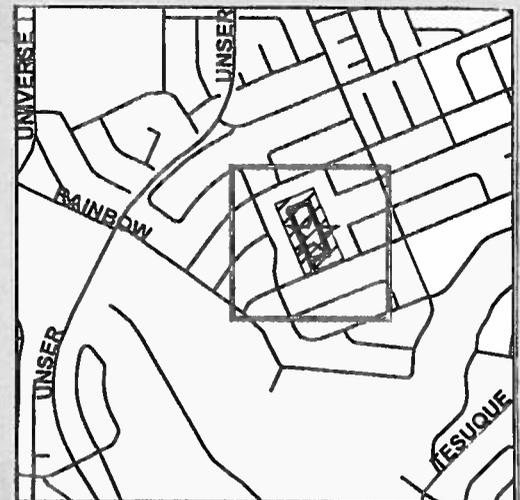
**Summary of Analysis**

The request is for deviations to the regulatory requirements of the Volcano Cliffs Sector Development Plan (VCSDP) and an associated site development plan for subdivision for an approx. 8 acre, vacant site. The VCSDP establishes a deviation process and requires that deviations are justified pursuant to VCSDP criteria (see VCSDP, p. 59).

The applicant proposes three major deviations to the regulations of the VCLL zone: front, side and rear yard setback. All constitute a deviation of 20%. Pursuant to the VCSDP, the EPC has approval authority for deviations from 10% to 20% of a dimensional standard. Compliant site plans go directly to building permit. Staff has approval authority up to 10%.

Staff recommends that the EPC deny the requested deviations because the request does not meet the criteria for deviation pursuant to the VCSDP: hardship due to site uniqueness, and still meeting Goals and policies with the deviation. Both must be met.

Staff has not received inquiries or comments and is not aware of any opposition. Staff recommends denial of the request.





# Project #1009178



## Legend

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



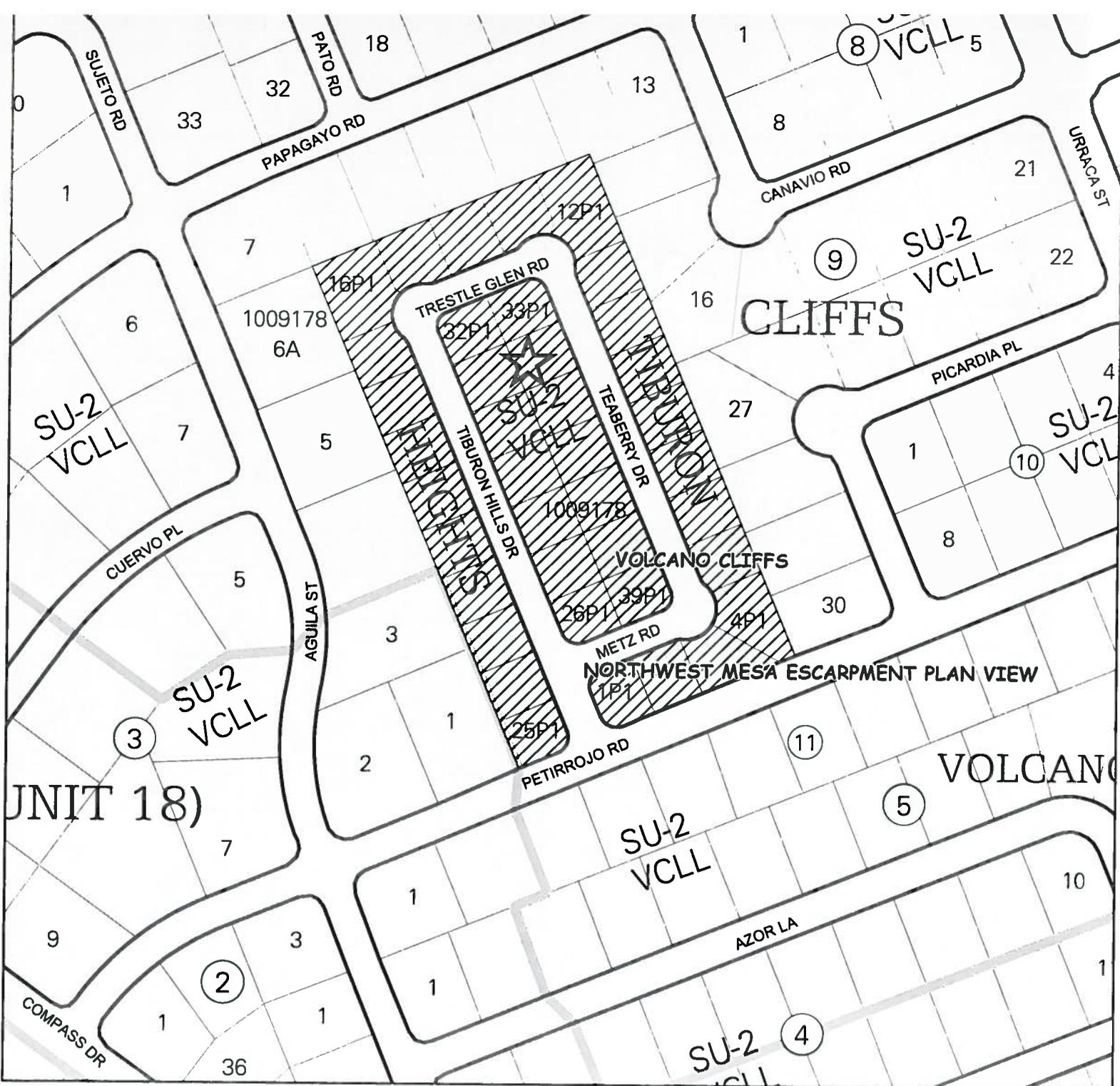
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0.2 0 0.12 0.2 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
8/1/2015  
© City of Albuquerque

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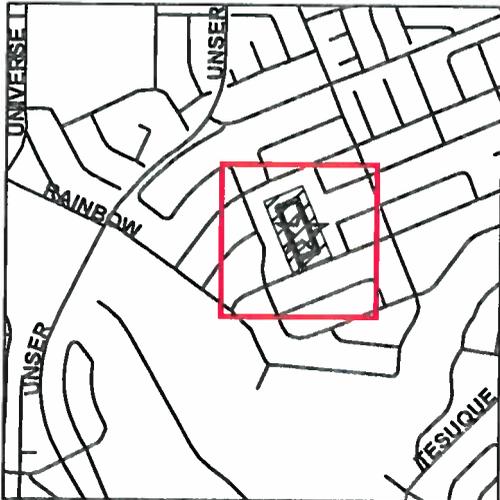
## Notes



UNIT 18)

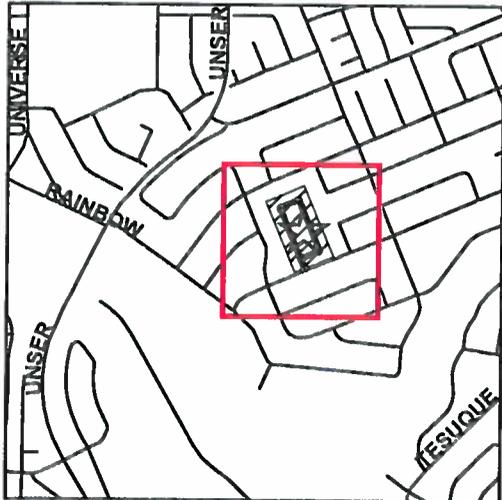
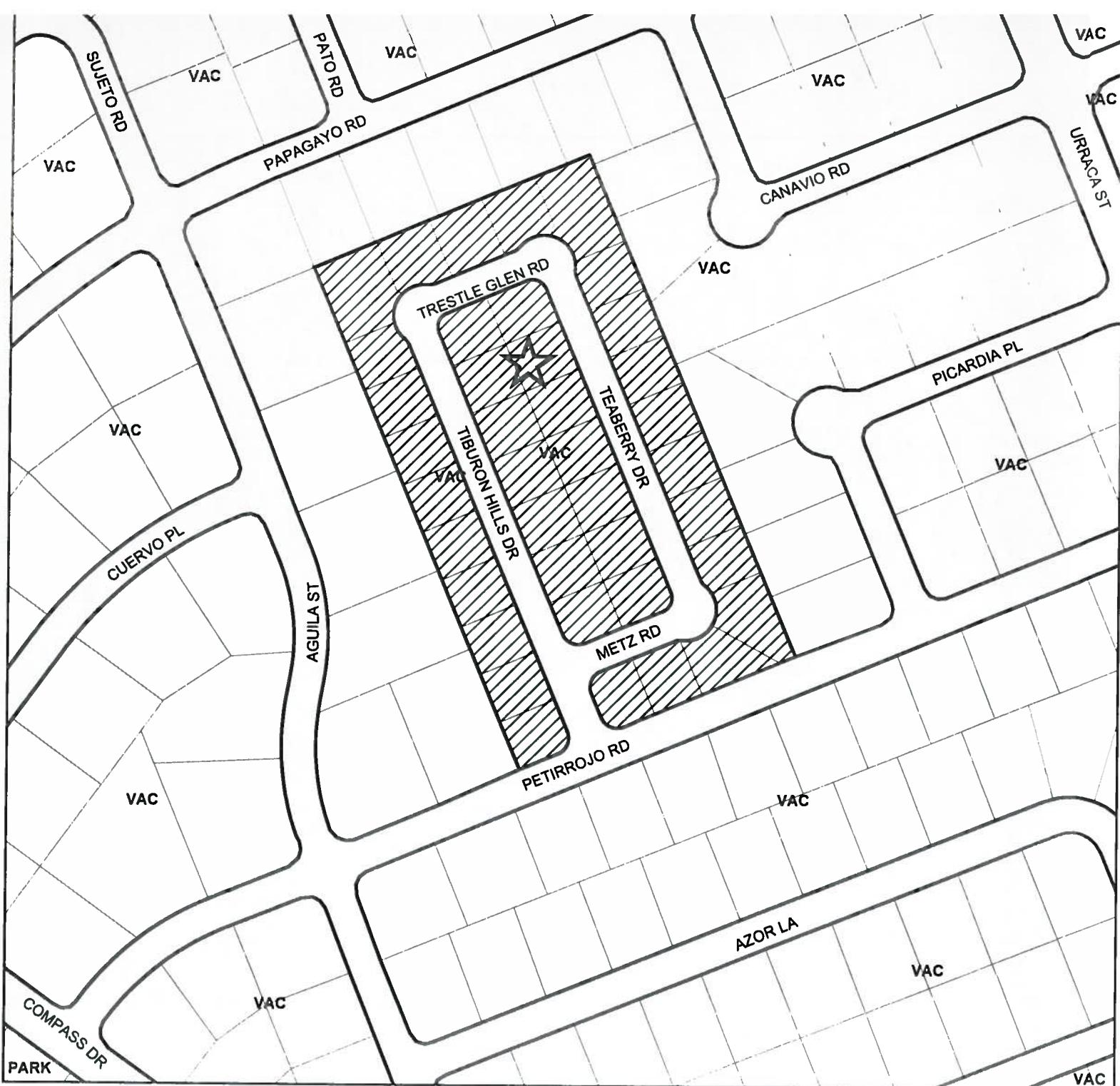
### ZONING MAP

Note: Grey shading indicates County



1 inch = 200 feet

Project Number:  
1009178  
Hearing Date:  
9/10/2015  
Zone Map Page: d-10  
Additional Case Numbers:  
15-40035



## LAND USE MAP

Note: Grey shading indicates County

### KEY to Land Use Abbreviations

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

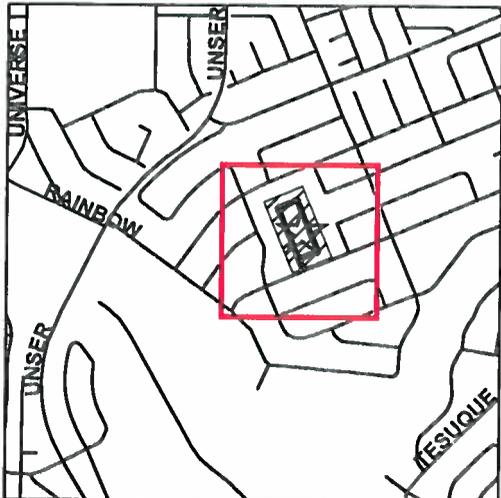
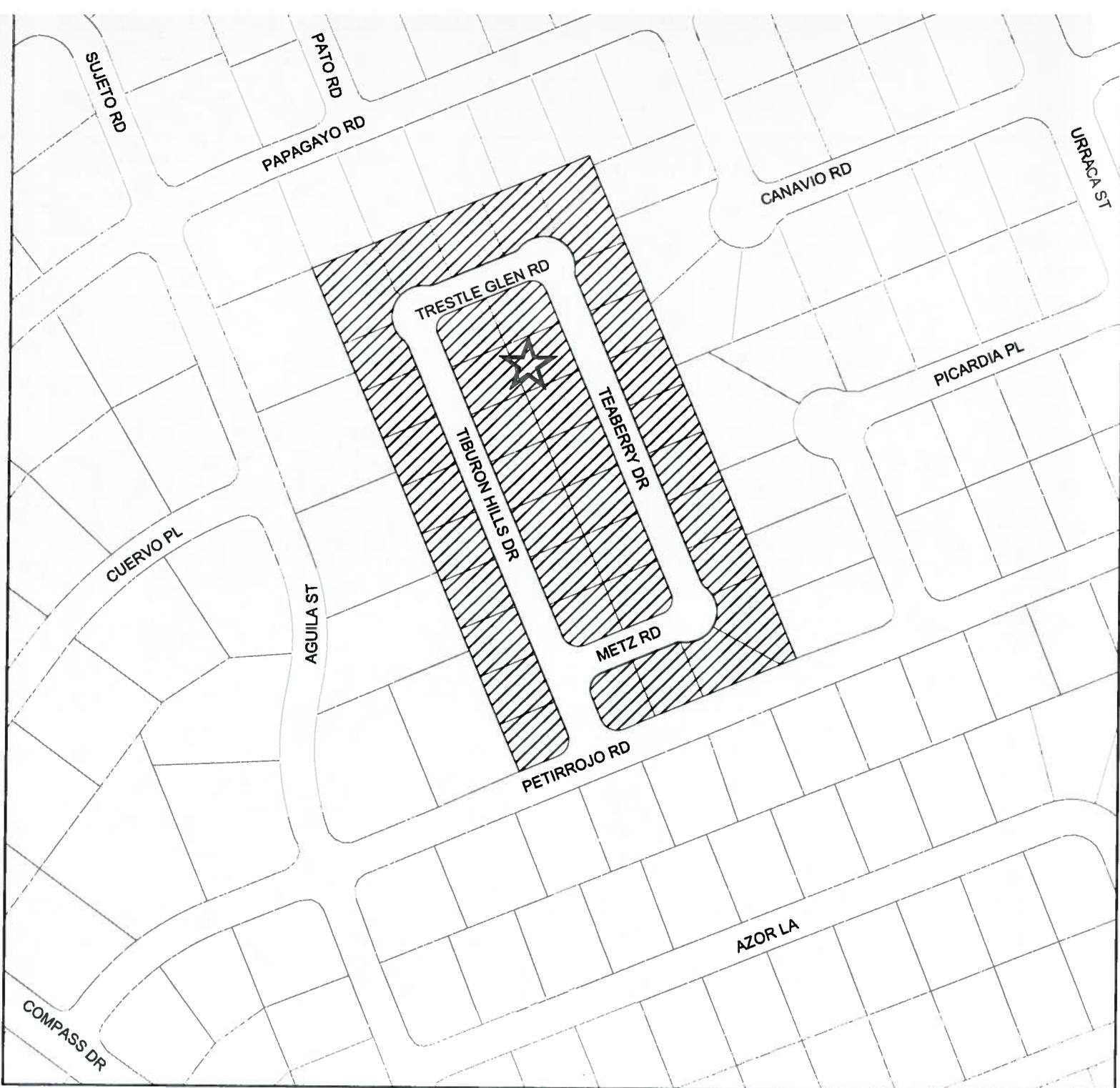


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**Zone Map Page: d-10**  
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15-40035



# HISTORY MAP

Note: Grey shading indicates County.

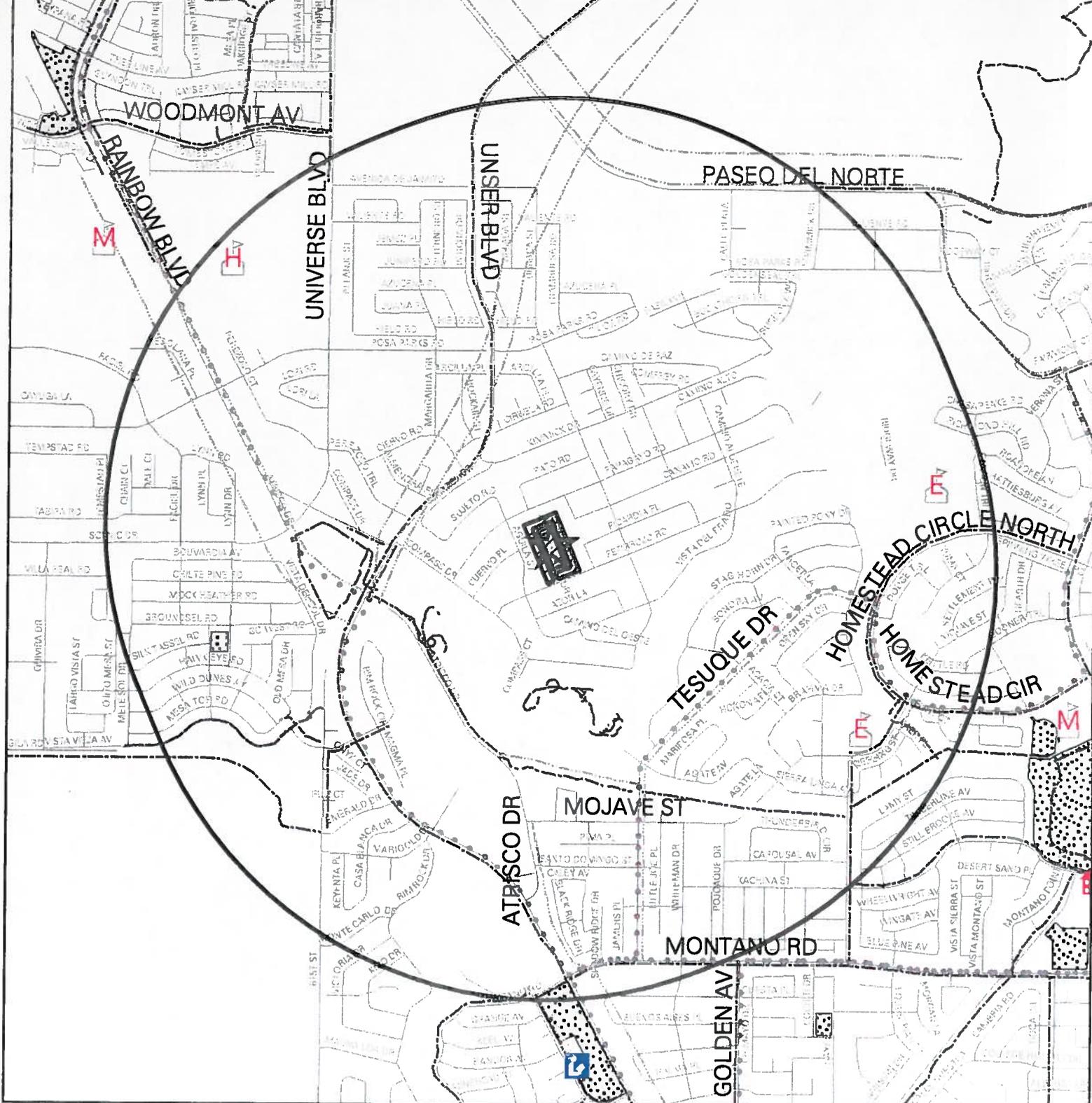


1 inch = 200 feet

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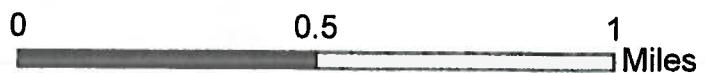


Public Facilities Map with One-Mile Buffer



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

Project Number: 1009178



**I. AREA CHARACTERISTICS AND ZONING HISTORY**

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

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-2/VCLL	Established Urban West Side Strategic Plan Northwest Mesa Escarpment Plan Volcano Cliffs Sector Development Plan	Vacant
<b>North</b>	SU-2/VCLL	Established Urban West Side Strategic Plan Northwest Mesa Escarpment Plan Volcano Cliffs Sector Development Plan	Vacant
<b>South</b>	SU-2/VCLL	Established Urban West Side Strategic Plan Northwest Mesa Escarpment Plan Volcano Cliffs Sector Development Plan	Vacant
<b>East</b>	SU-2/VCLL	Established Urban West Side Strategic Plan Northwest Mesa Escarpment Plan Volcano Cliffs Sector Development Plan	Vacant
<b>West</b>	SU-2/VCLL	Established Urban West Side Strategic Plan Northwest Mesa Escarpment Plan Volcano Cliffs Sector Development Plan	Vacant

**II. INTRODUCTION**

**Request**

The request is for certain deviations to the regulatory requirements of the Volcano Cliffs Sector Development Plan (VCSDP) and a site development plan for subdivision for an approximately 8 acre, vacant lot (the "subject site"). The subject site is located east of the intersection of Unser Blvd. NW and Rainbow Blvd. NW and fronts Petirrojo Rd. NW, which is between Kimmick Dr. NW and Compass Dr. NW.

The subject site is zoned SU-2/VCLL (Volcano Cliffs Large Lot) pursuant to the VCSDP. The applicant proposes three major deviations to the regulations of the VCLL zone: front, side and rear yard setback. All constitute a deviation of 20% to a dimensional standard. When the applicant wanted to apply for a building permit, and after consultation with City Staff, the need for the deviations became apparent.

The VCSDP deviation process offers relief of requirements if the applicant can demonstrate that the standard cannot be met without hardship due to the uniqueness of the site, and that applicable Goals and policies of the VCSDP can still be met (see Section VI of this report). The deviation request is required to be justified.

The site development plan for subdivision, in this case, is actually an exhibit. Currently, the City's computer system does not have an application category for deviations to sector development plan requirements (although Staff is working on this). The subject site has already received platting approval through the Development Review Board (DRB) process.

The VCSDP deviation process requires that deviations between 10% and 20% are reviewed by the Environmental Planning Commission (EPC). Deviations under 10% are approvable by Staff. Deviations greater than 20% are not allowed (VCSDP, p. 59).

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

The EPC is hearing this case because deviations between 10% and 20% of dimensional standards of the VCSDP are reviewed by the EPC. 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 go to the Land Use Hearing Officer (LUHO), who would make a recommendation to the City Council. As the City's zoning authority, the City Council would make the final determination. The request is a quasi-judicial matter.

#### ***Context***

The subject site is located in the Established Urban Area of the Comprehensive Plan and within the boundaries of the VCSDP. The subject site is not in a designated Activity Center or Metropolitan Redevelopment Area (MRA).

There is little land use variety near the subject site. All land in the immediate vicinity is vacant, except for land with a couple of large, single-family homes currently under construction. There is a new City park at the corner of Rainbow/Compass Ave. and Petirrojo Rd.

The closest developed subdivision is approximately 0.25 mile to the northeast. The Escarpment face is approximately 0.2 mile to the southwest. Another, larger subdivision of single-family homes is about 0.3 mile southeast of the subject site. An AMAFCA facility is located about 0.3 mile to the west, as is another subdivision of single-family homes.

#### ***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Unser Blvd. is an Urban Principal Arterial. Rainbow Blvd. is an urban minor arterial. Petirrojo Rd. NW, Kimmick Dr. NW and Compass Dr. NW are all local streets.

The subject site is not well-served by Transit. ABQ Ride Route #162- Ventana Ranch/Montano Plaza, runs along part of Unser Blvd. and Rainbow Blvd. and serves the CNM west campus. Service is limited to weekdays and three runs per day. Stops are also limited.

**Public Facilities/Community Services**

Several public facilities, including four schools, a library, and a community center, are within approximately one mile of the subject site.

⇒ Please refer to the Public Facilities Map for details (see attachment).

**III. HISTORY**

**Sector Development Plan**

The subject site is part of the area known as Volcano Cliffs, which consists of approximately 2,327 acres. Approximately 1,700 small lots were platted in the 1960s, and about 1,400 of them are less than one acre in size. The City annexed the area in 1981.

Upon annexation, the area was zoned almost entirely for single-family home development (R-1 and R-D) at an average suburban density of 5 dwelling units (DU)/acre. The R-1 zone corresponded to lots in the Established Urban areas and the R-D to the Developing Urban areas as designated in the Comprehensive Plan [Source: Volcano Cliffs Sector Development Plan (VCSDP)]. For example, the Montecito Estates subdivision was developed under R-D zoning after having been annexed in 1985 (AX-85-20, Z-85-84).

The City adopted the VCSDP in May 2011 (Council Bill No. R-11-200) and established SU-2 zoning for the Plan area to support the overall vision of preserving the area's views, protecting the area's unique location and respecting individual property owners. The subject site is part of a large area zoned VCLL (Volcano Cliffs Large Lot), which lies between the designated Activity Centers in the center of the Plan area and other zoning categories near the Plan's eastern boundary (Source: VCSDP, Exhibit 7, p.62).

The VCSDP was amended in October 2014 (Council Bill No. R-14-70) to update the transportation map and cross-sections, minimize fugitive dust and adjust garage design standards. The effective date (5 days after publication) of R-14-70 is October 28, 2014.

**Subdivision & the Subject Site**

The subject site is part of the original Volcano Cliffs Unit 18 Subdivision, approved in December 1970 (see attachment). The subdivision plat, was prepared as part of the annexation action. The platting pattern is evident on the City's GIS system and still exists today. Lots range from approximately 0.32 acre to 0.62 acre. The approximately 8 acre subject site was created through this platting action. Though the record is unclear, it could have been intended for a park or other amenity.

Staff reviewed the DRB file and found that the DRB approved several actions pertaining to the subject site (see table below). The subject site was assigned Project #1009178 in 2012.

Hearing Date	Action Item
March 21, 2012	Sketch plat for a 25 lot subdivision
January 9, 2013	Vacate the pedestrian easement between Lots 6 and 7, replat lots
April 24, 2013	Sketch plat for a 37 lot subdivision

May 8, 2013	Sketch plat for a 37 lot subdivision
July 10, 2013	Vacation of public utility easements
July 24, 2013	Preliminary plat for 39 lot subdivision
July 23, 2014	One year extension of preliminary plat
January 21, 2015	Final plat for 39 lot subdivision
August 19, 2015	Two year sidewalk deferral; remove temporary pond and amend infrastructure list.

At preliminary plat, the substantive decision point in the subdivision process, the subdivision was named "Tiburon Heights." The subdivision improvement agreement (SIA) was made in December 2014. The Official Notice of Decision for the preliminary plat is dated August 14, 2013 (see attachment). The preliminary plat approval date (the August 14 date plus the 15 day appeal period) is August 29, 2013. Following the same procedure, the final plat approval date (the January 21 date plus the 15 day appeal period) is February 5, 2015. Official Notices of Decision are not issued for final plats.

#### IV. DEFINITIONS & ZONING

##### *Zoning Code §14-16-1-5)*

**SETBACK.** The shortest distance between a structure and a lot line or future street line.

**YARD, FRONT.** That part of a lot between the front lot line and the front facades of the principal building on the lot, and extended to both side lot lines.

##### **VCSDP**

**(BUILDING) SETBACKS.** The shortest distance between a building and a lot line or future street line. *(see also Analysis section of this report)*

##### **Subdivision Ordinance §14-14-3-4**

**PRELIMINARY PLAT. (A) Purpose and Intent.** The preliminary plat details the development concept worked out as a result of the sketch plat review. Approval of the preliminary plat is a commitment on the part of the city that a final plat conforming to the approved preliminary plat and any conditions will be approved and on the part of the subdivider that the approved preliminary plat and any conditions will be adhered to as agreed. *The preliminary plat stage is the substantive decision point in the subdivision approval process [emphasis mine].* Any changes from the approved preliminary plat shall be submitted as for preliminary plat review and approval.

##### **Zoning & Regulations**

The subject site is zoned SU-2/VCLL (Volcano Cliffs Large Lot) pursuant to the Volcano Cliffs Sector Development Plan (VCSDP). In May 2011, the City Council adopted the VCSDP and established this zoning. The prior zoning (R-D) was superseded. Permissive uses in the SU-2/VCLL zone are R-1 uses, with two exceptions: accessory dwelling units are allowed and gated and/or walled developments are prohibited.

The VCLL zone is described as follows (VCSDP, p. 71-72):

“Large Lot areas consist of single-family homes on lots larger than typical single family development, respecting the existing Volcano Cliffs residential platting, built in a way that complements the natural environment, preserves significant view corridors, and contains visible private open space.”

The maximum density allowed in the SU-2/VCLL zone is 5 DU/ac, a common density for single-family homes. There is no minimum density, minimum lot size or maximum lot size. The meaning of density was clarified with the November 2014 amendments to mean gross developable area for the primary dwelling unit, exclusive of site constraints such as undevelopable land and parks (VCSDP, p. 71).

All properties in the VCSDP area are required to comply with the General Standards section of the VCSDP (Chapter 4). The General Standards contain General Design Standards, Building Design Standards and Landscape Design Standards that apply to all development (VCSDP, p. 79). The General Regulations also apply (Chapter 5).

## V. ANALYSIS- APPLICABLE PLANS, POLICIES & REGULATIONS

### A) Albuquerque / Bernalillo County Comprehensive Plan (Rank I)

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***. Please refer to Section VI of this report regarding R270-1980 and the applicant’s policy analysis.

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated as Established Urban. The goal of the Developing and Established Urban Area is “to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.”

***The request would facilitate development of a new subdivision in the Volcano Cliffs area. New development is required to follow the VCSDP’s zoning requirements and General Regulations, which would create a quality urban environment and visually pleasing built environment. Another subdivision, similar to those that exist already, would not offer variety or maximum choice in housing. The request partially furthers the Developing and Established Urban Goal.***

Applicable policies include:

#### ***B. Land Use-Developing & Established Urban Areas***

**Policy II.B.5a:** The Established and Developing 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 not contribute to a full range of urban land uses because the area is already dominated by subdivisions of single-family homes, most of which are on the***

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*VCSDP's large lots and of a similar density. The request 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, or recreational concern.

*The request would result in development of a new subdivision that would be denser than the platted subdivisions nearby. The smallest adjacent lots are approximately 0.33 acre, whereas most lots on the subject site would be approximately 0.15 acre, with most of the lot occupied by building area. The subdivision would be more intense than those nearby. The platted lots adjacent west are approximately 0.57 acre. Homes have begun to develop on some of the larger lots in the vicinity. Carrying capacities and scenic resources in the area would generally not be respected due to the subject site's location internal to other, larger platted lots and due to the proximity of homes (due to smaller than required setbacks) in the subdivision. The VCSDP's General Regulations are intended to help ensure appropriate design for the area and that scenic resources are respected; however, it appears that the existing wall does not comply with General Standard II.C.1.c. The request does not further Policy II.B.5d-new development/environment/resources.*

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 can be ensured.

*The subject site is part of SAD 228, which is currently developing. Urban infrastructure and services exist (or will soon exist) in the area. The closest neighborhood is approximately 0.25 mile to the northeast. There is no evidence to demonstrate whether or not the use of such facilities and services would affect neighborhood to the northeast and southeast. However, Hydrology Staff are concerned about drainage and ponding as related to the subject site. The request partially furthers Policy II.B.5e-urban facilities/neighborhood integrity.*

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 request would result in development of a new subdivision that would be subject to the VCSDP's General Regulations, which are intended to ensure appropriate quality and design for the area. As mentioned, it appears that the existing wall does not comply with General Standard II.C.1.c. The deviations to reduce setback requirements would increase building area on each lot and, on lots about half the size of the smallest nearby lots, would result in development that is more dense than other development in this area of the VCSDP and, as stated by the applicant, will have all front-loaded garages which are considered the least desirable of the six allowed garage types. The request does not further Policy II.B.5l-quality design/new development.*

**B) West Side Strategic Plan (WSSP)**

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 front of the WSSP contains a summary table of amendments. The first amendments, in 2002, included changes to policies and activity center boundaries. The *Southwest Albuquerque Strategic Action Plan (SWASAP)* became part of the WSSP in 2009 (Enactment R-2009-035). A relevant amendment occurred in 2011, when the WSSP was amended to include the Volcano Mesa Area as a designated, new community (Council Bill No. R-10-1977/Enactment R-2011-219).

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 Volcano Mesa Area community, which contains 3,532 acres and is one of the largest in the Plan area. The boundaries are: from east to west, the Escarpment to the open space around the volcanos, and from north to south, south of the grant line and Paseo del Norte to the Petroglyph National Monument (WSSP, R-10-177 - Exhibit A- Final).

The WSSP contains Community Concept Policies for the Volcano Mesa Area. However, Staff finds that none apply and notes the following, as required:

WSSP Policy 2.5-school capacity/residential development: 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 required to consider school capacity because the request involves a site development plan for a residential development. The request would eventually result in 39 new households. APS comments that Marie Hughes Elementary School, L.B. Johnson Middle School, and Volcano Vista High School are the affected schools. Currently, Marie Hughes Elementary and LB Johnson Middle School have excess capacity; however, Volcano Vista High School is nearing capacity. Because these schools are not noted as at or over capacity, the applicant is not required to demonstrate "no net increase" in school enrollment at this time.*

**C) Northwest Mesa Escarpment Plan (NWMEP), Rank III**

The Northwest Mesa Escarpment Plan (NWMEP) was adopted by City Council on November 30, 1987. The Escarpment is a seventeen-mile long face of exposed volcanic basalt and associated soils approximately 50 to 200 feet high, which runs north-south along the northwest mesa. The NWMEP was created to maintain the volcanic escarpment as open space for public

health, welfare and safety reasons, as well as to define urban form and satisfy other open space needs.

The NWMEP contains a design overlay zone and is utilized as a tool to help preserve the Escarpment area. Though listed as policies in the text, the “Regulations for the Entire Design Overlay Zone” are considered regulations and treated as mandatory. There are four distinct areas within the design overlay zone:

- The Escarpment Face
- The Conservation Area
- The Impact Area
- The View Area

The NWMEP also includes general regulations that apply in all three areas. The subject site is approximately ( $\approx$ ) 0.15 mile ( $\approx$ 790 feet) northeast of the Petroglyph National Monument (Boca Negra Canyon) and is located in the View Area. Development on the subject site is subject to the regulations in the design overlay zone and the general regulations. However, these regulations do not apply to the request at this time.

#### **D) Volcano Cliffs Sector Development Plan (Rank 3)- Goals & Policies**

The Volcano Cliffs Sector Development Plan (VCSDP) is a Rank III Sector Development Plan adopted in May 2011 (Council Bill No. R-11-200) and amended in October 2014 (Council Bill No. R-14-70). The 2014 amendments updated the transportation network map and cross-sections, and addressed development to minimize fugitive dust and adjust garage design standards.

The VCSDP area covers approximately 2,327 acres and is generally bordered by the Petroglyph National Monument and City Major Public Open Space on the east, south and west, and by the Paseo del Norte/Town of Alameda grant line on the north. The Volcano Cliffs area consists of approximately 1,700 undeveloped lots that were platted in the 1960s and annexed by the City in 1981. A small number of the lots have been developed.

As one of the three areas that comprise the Volcano Mesa area defined in the West Side Strategic Plan, the Volcano Cliffs subarea is approximately twice the size of the other subareas combined (Ref: WSSP, R-10-177-Exhibit A- Final, p. 17). The Volcano Heights and Volcano Trails subareas lie to the north of the Volcano Cliffs Area. Volcano Cliffs is an area of unique features and special characteristics and conditions, including the Escarpment.

The VCSDP contains Goals for Environment & Open Space, Transportation, and Land Use & Urban Design, followed by supporting Environment & Open Space policies, Transportation regulations and Zoning & General Standards. The General Standards apply to all properties within the VCSDP boundaries and are intended to reduce visual contrast with the natural environment and foster pedestrian-friendly development. The following Goals apply to the request:

##### *Chapter 1- Goals, C-Land Use & Urban Design*

Goal 4: Promote diverse housing options throughout Volcano Cliffs.

*Staff reviewed platting and the 2014 aerial photo of the area in the City's GIS system. The request would result in housing that is more dense than the other, larger lot platted areas in the immediate vicinity, but similar to some of the housing developing on smaller lots a little further to the northwest. The request partially furthers Goal 4.*

Goal 6: Provide for the orderly expansion of infrastructure and public facilities in the area.

*As noted in the DRB file, the subject site is part of SAD 228, a special assessment district the purpose of which is to provide for public facilities and infrastructure in the Volcano Cliffs area. As such, the subdivision would be required to help provide infrastructure to the area. The agency comment from Hydrology Staff indicates that the subdivision has not adequately addressed first-flush requirements and a pond may be needed. In sum, the request partially furthers Goal 6.*

## VI. ANALYSIS OF DEVIATION REQUESTS

### *Background*

The subject site is zoned SU-2/VCLL (Volcano Cliffs Large Lot) pursuant to the VCSDP (see also Zoning section of this report). The approximately 8 acre subject site received DRB approval to subdivide and create the 39 lots that comprise the Tiburon Subdivision.

The preliminary plat approval date is August 29, 2013 (see also History section of this report). The preliminary plat and the final plat do not show site layout or design details such as garage and building placement on individual lots. These typically do not become apparent until application for building permit is made.

The applicant submitted for a building permit and was informed that the subdivision did not meet setback regulations because garages were shown in the setback area. The applicant thought that garages could be placed with a minimum 5' side setback and minimum 2' rear setback, but this is allowed only if the garages are accessed from the side or rear.

### *Request*

The applicant proposes three major deviations to the regulations of the VCLL zone: front setback, side setback and rear yard setback, as shown in the following table:

Project #1009178- Deviations Table re: Volcano Cliffs Sector Development Plan						
Page	Name of Requirement	Distance Required	Distance Desired	Difference	%	Deviation Type
71	Front Setback	25 feet	20 feet	5 feet	20	Major
71	Side Setback	15 feet	12 feet	3 feet	20	Major
71	Rear Setback	15 feet	12 feet	3 feet	20	Major

All constitute a deviation of 20% of a numerical requirement, and therefore are major deviations. The VCSDP deviation process requires that deviations between 10% and 20% are reviewed by the EPC. Deviations up to 10% are reviewed by Staff administratively. Deviations greater than 20% are not allowed.

The applicant provided an exhibit (see also Section VII of this report) that shows the difference in building area resulting from the required setback distances and the smaller, proposed setback distances (allowed if the deviations are approved) and the difference between the two.

However, the exhibit does not show details of the type of garage or building placement on each lot. This information is vital to determine why the deviations are needed and/or warranted, and to understand the issues and alleged constraints.

**2011 VCSDP**

When designing the subdivision (in the 2012 and 2013 timeframe), the applicant used the 2011 version of the VCSDP because it was in effect at that time. The SU-2/VCLL zone requires setbacks of 25’ front, 15’ side and 15’ rear. VCSDP Chapter II, General Standards, apply to all development. Part B, Building Design Standards, contains Standard 5- Residential Garages, and is followed by Figure 7- Garage Type Diagrams. The table below addresses setbacks and garage placement:

LOT WIDTH	ALLOWABLE GARAGE TYPES	FRONT GARAGE SETBACK	SIDE GARAGE SETBACK	REAR GARAGE SETBACK
GREATER THAN 48 FEET	A, B, C, D, E, F	20’ MINIMUM	5’ MINIMUM	2’ MINIMUM 5’ MAXIMUM
40 FEET TO 48 FEET	A, B, C, D, E	20’ MINIMUM	NONE	2’ MINIMUM 5’ MAXIMUM
LESS THAN 40 FEET	A, B, C, E	20’ MINIMUM	NONE	2’ MINIMUM 5’ MAXIMUM

- NOTE: 1. Garage Type D shall have a minimum of 5 linear feet of fenestration on the street façade and be articulated to resemble main structure.
- NOTE: 2. Garage Type F may be accessed from either front or side.
- NOTE: 3. Driveway access from street, including curb cut, is limited to 12 feet for Garage Types A, B, C, D, E, and F except where providing access from alleys.
- NOTE: 4. On streets designated Collector or lower, residential garages on corner lots shall be accessed from an alley or side street.

TABLE 2. GARAGE TYPES.

The proposed subdivision lots were all greater than 48 feet; the smallest lot is approximately 74 feet wide (see Exhibit), so the first row of the table applies. All 6 garage types are allowed. The applicant intended to offer different garage types, but that most homes would have a “carriage house” style garage in the back. It was interpreted by the applicant to mean that the garage could be placed a minimum of 2’ from the rear property line.

However, this reading is incorrect: the adjectives front, side and rear refer to *where the garage is accessed from*. Based on the mis-reading, the applicant thought that the subdivision could have garages in the back, due to the smaller setback requirements for garages, and still meet the setback requirements of the SU-2/VCLL zone—25’ front, 15’ side and 15’ rear for the building. There was no Pre-Application Review Team (PRT) meeting with Staff to discuss this approach.

The applicant proceeded to design the subdivision, which evolved from 25 lots, to 37 lots and then to the present configuration of 39 lots through the sketch plat process. The preliminary plat was approved by the DRB in August 2013 (see also History section of this report).

***The October 2014 Amendments (Council Bill No. R-14-70)***

The table above, and its use in conjunction with other requirements, has created confusion for users of the VCSDP. This is one of the reasons behind the 2014 amendments which, among other things (see Section V of this report), adjusted garage design standards. Table 2, as updated in 2014, clarifies that the smaller garage setbacks are correlated to *where the garage is accessed from*, and added to note to state that the building setbacks in the underlying zone still apply.

**TABLE 2: RESIDENTIAL GARAGE TYPES\***

Lot Width	Allowable Garage Types*	Front Garage Setback from Main Facade (Accessed)	Side Garage Setback from Property Line (Accessed)	Rear Garage Setback from Property Line (Accessed)
40+ Feet	A,B,C,D,E,F	10 ft. Minimum	5 ft. Minimum	2 ft. Minimum
Less than 40 Feet	A,D	10 ft. Minimum	5 ft. Minimum	2 ft. Minimum

\* See Figure 7 – Garage Type Diagrams

*Note: Garage setbacks are minimums only. Building setbacks set by the underlying zone prevail.*

Though the preliminary plat was approved in August 2013 under the 2011 version of the VCSDP, the 2014 amendments are mentioned here to show that clarification of the garage setback requirements has occurred.

***Consultation & Process***

At a meeting with the Planning Department, the deviation process of the VCSDP was discussed. Subsequently, the applicant applied for a deviation to the setback requirements of the SU-2/VCLL zone so that the subdivision would not have to be replatted. The applicant has indicated that the individual homes will have to be redesigned.

The City’s July 2, 2015 letter to the applicant indicates that the Planning Department is willing to allow the building permit to be granted for a couple of the lots, but requests further discussions regarding site layout and garage setbacks for the remaining lots.

Though the setback requirements were the same in 2011 and 2014, the applicant states that the garages now have to be a different type than originally planned (no longer in the back) and therefore will take up more of the lot’s buildable area unless the lots are made larger. However, no site layout details have been provided to demonstrate this.

***Garage Type, Setbacks & Access***

Some of what complicates the request is rooted in how the VCSDP treats setbacks. First, setbacks are commonly understood to mean the distance between a structure and a property line.

The VCSDP established a two-tiered manner for treating setbacks. There are different setback requirements for the “building to property line” setback distance and the “garage to property line” setback distance. But the garage to property line setbacks, which are smaller than the

setbacks of the underlying zones as shown in Table 2, only apply if the garage type is side-accessed or rear-loaded. Front loaded garages have a minimum 10' setback requirement from the main façade of a building. Building setbacks established by the underlying zone prevail (see Table 2, p. 88).

Second, another issue is how the VCSDP defines setbacks. The Zoning Code defines setbacks as "The shortest distance between a structure and a lot line", which is a standard definition. However, the VCSDP defines setback as "The shortest distance between a building and a lot line" and calls the term "(Building) Setbacks". So, in the VCSDP, when setbacks are listed, they refer to building setbacks and therefore don't include other types of structures such as garages or accessory dwelling units (whereas, the Zoning Code definition would include these two types of structures).

### ***Deviation Requirements***

Chapter 4, Zoning & General Standards, sets forth the VCSDP zone categories (Part I) and elaborates the General Design Regulations applicable to all development (Part II). With respect to the development process, the VCSDP (p. 59) states:

Deviations: Unless otherwise restricted within this plan, deviations from dimensional standards shall be handled as follows:

1. **Minor:** Deviations from any dimensional standard of up to 10% may be approved by the Planning Director or his/her designee.
2. **Major:** Any deviation of 10% - 20% from any dimensional standard shall be reviewed by the Environmental Planning Commission (EPC) via the site development plan approval process; deviations of 20% or more are not allowed. In order for the EPC to grant the deviation(s) and approve the site development plan, the applicant must demonstrate each of the following:
  - a. the original standard(s) cannot be reasonably met without substantial hardship due to the uniqueness of the site, and
  - b. applicable goals and policies of the VCSDP are still met, even with the proposed deviation (s).

Similar to how Resolution 270-1980 outlines requirements for deciding zone map change applications pursuant to the City Zoning Code, the VCSDP establishes criteria for deciding applications for deviations from the Plan's requirements. The applicant must provide sound justification for the deviation and demonstrate that both tests have been met, and why the deviation should be granted.

### ***Analysis of the Applicant's Justification***

Version 2 of the August 2015 deviation justification letter is analyzed here (see attachment). The following is Staff's analysis and discussion. **Note:** Requirements (deviation tests) are in regular text. *Applicant's justification is in italics. Staff analysis follows in bold italics.*

- 2a. The original standard(s) cannot be reasonably met without substantial hardship due to the uniqueness of the site, **and**

*Applicant: The original setback requirements cannot be met without substantial hardship due to the uniqueness of the site, which uniqueness is a result of the fact that the 2011 plan was so confusing that it had to be amended several times. The applicant platted the subdivision in reliance on its reasonable interpretation of the Plan. The applicant finds itself in a very tough situation financially and will have to replat the entire subdivision to meet setback requirements if the request is denied. The subdivision is the only large tract of its kind in the vicinity.*

*Staff: The subject site is not unique in terms of several factors, including but not limited to location, topography, physical or other characteristics, or condition. The land surrounding the subject site is indistinguishable from the subject site and is also vacant; it is clear from the 2014 aerial photograph in the City's GIS system that the land is similar rather than different.*

*Nor is the subject site unique in terms of size. A larger, vacant tract lies about 0.35 miles to the northwest and another tract, of similar size to the subject site, lies about 0.25 mile to the west. Furthermore, the subject site is near the center of a large area zoned SU-2/VCLL and, like all development in the VCSDP area, is subject to the same design requirements.*

*Because there is nothing unique about the subject site itself, even assuming without admitting there is a hardship, the hardship cannot be due to the uniqueness of the subject site but must be due to other factors. Test 2a requires that the hardship is specifically linked to the uniqueness of the site; a nexus between the two must exist. Because it does not, Test 2a is not met in this case.*

- 2b. Applicable goals and policies of the VCSDP are still met, even with the proposed deviation (s).

*Applicant: If the request is granted, applicable Goals and policies will still be met. The applicant will comply with all other requirements in the 2014 Plan and will further the following Goals and policies: Goals 1.A4, 1.A5, 1.C3, 1.C6 and Chapter 2, Policy 1.1.*

*Staff: Staff finds that few Goals and policies apply to the request. Many VCSDP Goals and policies have to do with the Environment, Open Space, and Transportation and are not directly relevant. A couple of Goals from the Land Use & Urban Design section apply, namely Goals 4 and 6. Staff finds that the request partially furthers\* Goal 4, regarding promoting diverse housing options, and that it partially furthers Goal 6 regarding providing orderly expansion of infrastructure (see also Section V of this report).*

*\*"Partially furthers" means that certain factors prevent the policy from being furthered in sum and, for all intents and in practice, is distinctly not the same as "Furthers".*

*Staff finds that Goals 1.A4, 1.A5, 1.C3, and Chapter 2, Policy 1.1 do not apply, as follows:*

*Goals- A. Environment and Open Space*

*Goal 1.A4- Conserve Volcano Cliffs' archaeological resources and protect and emphasize views and visual connections to the Volcanos, Sandia Mountains and the Rio Grande (emphasis mine).*

*Goal 1.A4 doesn't apply because the Goal calls for conserving archaeological resources, and it's unclear how the deviations request would do that, and protect and emphasize views and visual connections. Both must occur because the wording says "and". Furthermore, Staff believes that the intent of this Goal is to create view corridors using streets and arroyos, and to have less intense and lower development along such corridors.*

Goal 1.A5: Maintain scenic edges, protect important views, and minimize the visual impact of development on the western horizon as seen throughout the City.

*Though the scenic edges and important views are about 0.2 mile west of the subject site, the request for deviations does not affect them. As seen from a distance, the visual impact of the subdivision on the western horizon would likely be the same with or without the deviations being implemented. Therefore, Goal 1.A5 doesn't apply.*

#### *Goals- C. Land Use and Urban Design*

Goal 1.C3- Encourage architectural and landscape treatments that are consistent with the region's traditions and climate and that help to enhance a unique sense of place.

*This Goal refers to design traditions based on climate, sun, materials and culture, and that these deserve continued attention. The request does not address design, so architectural and landscape treatments cannot be evaluated. Therefore, Goal 1.C3 doesn't apply.*

Chapter 2, Policy 1.1- Preserve natural drainage function of arroyos.

*Although apparently there are some hydrology issues that affect the subject site, no arroyos are nearby or cross it. Chapter 2, Policy 1.1 doesn't apply.*

#### *Conclusion*

*Staff concludes that the request has not adequately been demonstrated to meet the criteria for deviation. Staff does not find that there is anything unique about the site in terms of physical characteristics or conditions or other factors (2a). Because both 2a AND 2b are required to be met, and the request does not meet 2a, Staff recommends denial of the deviations request.*

*Should the EPC disagree regarding criterion 2a, Staff points out that criterion 2b is not met either. The few, applicable VCSDP Goals, Goal 4 and Goal 6, are only partially furthered by the request (see Section V of this report). The test requires that applicable Goals and policies still be met, and partially furthered indicates that some outstanding factors contribute to the Goal or policy not being met in sum. For these reasons, Staff recommends denial of the deviations request.*

## **VII. SITE DEVELOPMENT PLAN FOR SUBDIVISION (EXHIBIT)**

The proposed deviations to the VCSDP are accompanied by a site development plan for subdivision, which is really an exhibit associated with the deviations request. Should the EPC decide to approve the deviations request, Staff suggests that some additional information is provided and that the exhibit is clarified.

A typical layout is needed, as is verbiage to describe the deviations request and the lots to which is intended to apply. A legend is needed for the dotted area and the plain area. Also, the table should be labeled "Building Area" or similar and the columns "with deviations" "without deviations" and the difference. A total for the square footage would be helpful.

## **VIII. AGENCY & NEIGHBORHOOD CONCERNS**

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

City Departments and other agencies reviewed this application from 08/3/2015 to 08/14/2015. Hydrology Staff is opposes the request because it would place an extraordinary amount of pressure on the sanitary sewer system in SAD. 228. This subdivision has already been approved without having to meet the first flush requirements for each lot. All lots drain to Pond # 5. If the building envelope was increased, this would increase the impervious area. Hydrology proposes that the first flush requirement is met per lot or a distillation pond is built in the subdivision. Albuquerque Public Schools (APS) commented that Marie Hughes Elementary and LB Johnson Middle School have excess capacity, however, Volcano Vista High School is nearing capacity. Agency comments begin on p. 20.

### ***Neighborhood/Public***

The affected neighborhood organizations, as cited by the Office of Neighborhood Coordination (ONC), are the Volcano Cliffs Property Owners Association, the Petroglyph Estates Owners Association, and the Westside Coalition of Neighborhoods, which the applicant notified as required (see attachments). Property owners within 100 feet of the subject site were also notified as required. A facilitated meeting was neither recommended nor held. Staff has not received any inquiries or comments. There is no known opposition as of this writing.

## **IX. CONCLUSION**

The request is for deviations to the regulatory requirements of the Volcano Cliffs Sector Development Plan (VCSDP) and a site development plan for subdivision for an approximately 8 acre, vacant site.

The subject site, zoned SU-2/VCLL (Volcano Cliffs Large Lot), is within the boundaries of the VCSDP. Therefore, the regulatory requirements of the VCSDP apply. The applicant requests 3 major deviations, which would allow a front, side and rear yard setback that is 20% shorter than what is required by the VCSDP. The applicant has provided an exhibit.

Deviations up to 20% of a numerical standard are grantable by the EPC provided that two criteria are met: 2a) hardship due to uniqueness of the site, and 2b) applicable Goals and policies are still met. Staff finds that the subject site is not unique in terms of location, topography, physical or other characteristics, or condition (2a). Of the applicable Goals and policies in the VCSDP, Goal 4 and Goal 6 are only partially furthered by the request (2b). Therefore, since the request cannot be demonstrated to meet both criteria as required, Staff recommends denial of the deviations request. Should the EPC disagree, Staff will have alternate findings for approval available.

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***FINDINGS – 15EPC-40035, September 10, 2015, Major Deviations to the Regulatory Requirements of the Volcano Cliffs Sector Development Plan (VCSDP) Regarding Setbacks***

1. The request is for certain deviations to the regulatory requirements of the Volcano Cliffs Sector Development Plan (VCSDP) and a site development plan for subdivision (an exhibit) for an approximately 8 acre, vacant lot (the “subject site”). The subject site is located east of the intersection of Unser Blvd. NW and Rainbow Blvd. NW and fronts Petirrojo Rd. NW, which is between Kimmick Dr. NW and Compass Dr. NW.
2. The subject site is located within the boundaries of the Volcano Cliffs Sector Development Plan (VCSDP), which established zoning and contains General Design Standards and General Regulations that apply to all development in the Plan area.
3. The subject site is zoned SU-2/VCLL (Volcano Cliffs Large Lot) pursuant to the VCSDP. The applicant requests three major deviations to the regulations of the VCLL zone: front, side and rear yard setback. All constitute a deviation of 20% to a dimensional standard.
4. The VCSDP deviation process requires that deviations between 10% and 20% are reviewed by the Environmental Planning Commission (EPC). Deviations under 10% are approvable by Staff. Deviations greater than 20% are not allowed.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, the Northwest Mesa Escarpment Plan, the VCSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request does not further the following, applicable Comprehensive Plan policies:
  - A. Policy II.B.5a- full range of urban land uses. The request would not contribute to a full range of urban land uses because the area is already dominated by subdivisions of single-family homes, most of which are on the VCSDP’s large lots and of a similar density.
  - B. Policy II.B.5d-new development/environment/resources. The request would result in a new subdivision that would be denser than the platted subdivisions nearby. The smallest adjacent lots are approximately 0.33 acre, whereas most lots on the subject site would be approximately 0.15 acre, with most of the lot occupied by building area. The subdivision would be more intense than those nearby. The platted lots adjacent west are approximately 0.57 acre. Carrying capacities and scenic resources in the area would generally not be respected due to the subject site’s location internal to other, larger platted lots and due to the proximity of homes (due to smaller than required setbacks) in the subdivision. The VCSDP’s General Regulations are intended to help ensure appropriate design for the area and that scenic resources are respected; however, it appears that the existing wall does not comply with General Standard II.C.1.c.
  - C. Policy II.B.5l-quality design/new development. The request would result in development of a new subdivision that would be subject to the VCSDP’s General Regulations, which are

intended to ensure appropriate quality and design for the area. As mentioned, it appears that the existing wall does not comply with General Standard II.C.1.c. The deviations would increase building area on each lot and, on lots about half the size of the smallest nearby lots, would result in development that is more dense than other development in this area of the VCSDP and, as stated by the applicant, will have all front-loaded garages which are considered the least desirable of the six allowed garage types.

7. The request partially furthers the following Goals of the VCSDP:
  - A. Goal 4: Staff reviewed platting and the 2014 aerial photo of the area in the City's GIS system. The request would result in housing that is more dense than the other, larger lot platted areas in the immediate vicinity, but similar to some of the housing developing on smaller lots a little further to the northwest.
  - B. Goal 6: As noted in the DRB file, the subject site is part of SAD 228, a special assessment district the purpose of which is to provide for public facilities and infrastructure in the Volcano Cliffs area. As such, the subdivision would be required to help provide infrastructure to the area. The agency comment from Hydrology Staff indicates that the subdivision has not adequately addressed first-flush requirements and a pond may be needed.
8. The VCSDP has different setback requirements for the "building to property line" setback distance and the "garage to property line" setback distance. But the garage to property line setbacks (5' side and 2' rear) only apply if the garage type is side- accessed or rear-loaded. Front loaded garages have a minimum 10' setback requirement from the main façade of a building. Building setbacks established by the underlying zone prevail.
9. Though the setback requirements were the same in 2011 and 2014, the applicant states that the garages now have to be a different type than originally planned (no longer in the back) and therefore will take up more of the lot's buildable area unless the lots are made larger. However, no site layout details have been provided to demonstrate this.
10. The VCSDP deviation process offers relief of requirements if the applicant can demonstrate that the standard cannot be met without hardship due to the uniqueness of the site, and that applicable Goals and policies of the VCSDP can still be met. The deviation request is required to be justified.
11. The VCSDP specifies two criteria regarding a major deviation, 2A and 2B. In order for the EPC to grant the deviation(s) and approve the site development plan, the applicant must demonstrate each of the following:
  - A. The original standard(s) cannot be reasonably met without substantial hardship due to the uniqueness of the site, and
  - B. Applicable goals and policies of the VCSDP are still met, even with the proposed deviation (s).

12. Regarding criterion 2A: The EPC finds that subject site is not unique in terms of several factors, including but not limited to location, topography, physical or other characteristics, or condition. The land surrounding the subject site is indistinguishable from the subject site and is also vacant. Nor is the subject site unique in terms of size. A larger, vacant tract lies about 0.35 miles northwest and another tract, of similar size to the subject site, lies about 0.25 mile west. Furthermore, the subject site is near the center of a large area zoned SU-2/VCLL and, like all development in the VCSDP area, is subject to the same design requirements.

Because there is nothing unique about the subject site itself, even assuming without admitting there is a hardship, the hardship cannot be due to the uniqueness of the subject site but must be due to other factors. Test 2a requires that the hardship is specifically linked to the uniqueness of the site; a nexus between the two must exist. Because it does not, Test 2a is not met in this case.

13. Regarding criterion 2B: The EPC finds that few VCSDP Goals and policies apply. Many Goals and policies have to do with the Environment, Open Space, and Transportation and are not directly relevant. Goals 4 and 6 from the Land Use & Urban Design section apply. The request partially furthers Goal 4, regarding promoting diverse housing options, and partially furthers Goal 6 regarding providing orderly expansion of infrastructure. "Partially furthers" means that certain factors prevent the policy from being furthered in sum and, for all intents and in practice, is distinctly not the same as "Furthers".

14. The request does meet the criteria for deviation. There is nothing unique about the site in terms of physical characteristics or conditions or other factors (2a). Because both 2a AND 2b are required to be met, and the request does not meet 2a, denial of the deviations request is warranted. Furthermore, criterion 2b is not met either. Applicable VCSDP Goals, Goal 4 and Goal 6, are only partially furthered by the request. The test requires that applicable Goals and policies still be met, and partially furthers indicates that some outstanding factors contribute to the Goal or policy not being met in sum.

15. The neighborhood organizations required to be notified are the Volcano Cliffs Property Owners Association, the Petroglyph Estates Owners Association, and the Westside Coalition of Neighborhoods, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff has not received inquiries or comments, and is not aware of any opposition as of this writing.

***RECOMMENDATION - 15EPC-40035, September 10, 2015***

**That the EPC DENY 15EPC-40035, a request for deviations to the regulatory requirements of the Volcano Cliffs Sector Development Plan (VCSDP), for an approximately 8 acre lot, located east of the intersection of Unser Blvd. NW and Rainbow Blvd. NW and fronting Petirrojo Rd. NW, based on the preceding Findings.**

---

*Catalina Lehner*

**Catalina Lehner, AICP  
Senior Planner**

***Notice of Decision cc list:***

cc: Matt Myers, Myers, McCready 7 Myers, 1401 Central Ave. NW, Abq., NM 87103  
Dave Heil, Volcano Cliffs Property Owners Assoc., 160 Itasca Rd. Rio Rancho, NM 87124  
Blake Thompson, Volcano Cliffs Property Owners Assoc., 3009 Palo Alto NE, Abq., NM 87111  
Steven Metro, Petroglyph Estates Owners Assoc., 8860 Desert Finch NE, Abq., NM 87122  
Blake Thompson, Petroglyph Estates Property Owners Assoc., 3009 Palo Alto NE, Abq., NM 87111  
Jerry Worrall, 1039 Pinatubo Pl. NW, Abq., NM 87120  
Harry Hendricksen, 10592 Rio Del Sole Ct., Abq., NM 87114

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## CITY OF ALBUQUERQUE AGENCY COMMENTS

### PLANNING DEPARTMENT

#### Zoning Enforcement

#### Office of Neighborhood Coordination

Volcano Cliffs Property Owners Association, Petroglyph Estates Owners Association, Westside Coalition of NAs

#### Long Range Planning

No comments.

### CITY ENGINEER

#### Transportation Development

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

- 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).

#### Hydrology Development (City Engineer/Planning Department):

DRC project # 1009178; Hydrology opposes this variance request; reason being this move would place an extra ordinary amount of pressure to the sanitary sewer system in S.A.D. 228. This subdivision has already been approved without having to meet the first flush requirements for each lot. All lots are draining to Pond # 5 with the expectation of an already agreed amount of flow per lot. If the building envelope was increased, this would increase the impervious area. If this variance was given the Hydrology section proposes that the first flush requirement is met per lot or a distillation pond is built in the subdivision before it is allowed to drain to pond # 5 thereby reducing the timing and amount of water reaching pond # 5. Added pressure to pond # 5 may result in another blowout and cause damage to the residence below, as was evident a year or so ago when this happened once before. The hydrology department does not want to take blame, or thought of, as not learning from the first mistake for such a disaster. Below in the first bullet is the requirement for the first flush along with discharge requirements.

#### GENERAL HYDROLOGY CRITERIA:

- All new development projects shall manage the runoff from precipitation which occurs during the 90<sup>th</sup> Percentile Storm Events, referred to as the "first flush." The Site Plan/Drainage Plan must indicate all areas and mechanisms intended to capture the first flush. For volume calculations, the 90<sup>th</sup> Percentile storm event is 0.44 inches. For Land Treatment D the initial abstraction is 0.1", therefore the first flush volume should be based on  $0.44'' - 0.1'' = 0.34''$  and only consider the impervious areas.
  - State how the first flush will be managed and supporting calculations
  - State the area of Land Treatment D on the plan

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

**Transportation Planning (Department of Municipal Development)**

- Reviewed but there are no comments.

**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)**

- NMDOT has no comments.

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

The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as required by the Development Review Board (DRB).

***WATER UTILITY AUTHORITY***

**Utility Services**

No adverse comments.

***ENVIRONMENTAL HEALTH DEPARTMENT***

**Air Quality Division**

No comments received.

**Environmental Services Division**

No comments received.

**PARKS AND RECREATION**

**Planning and Design**

No adverse comments.

**Open Space Division**

OSD has reviewed and has no adverse comments.

**POLICE DEPARTMENT/Planning**

This project is in the Northwest 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**

No comment.

**FIRE DEPARTMENT/Planning**

Reviewed with no comments.

**TRANSIT DEPARTMENT**

<b>Project # 1009178                  15EPC-40035 SITE DEVELOPMENT –                  SUBDIVISION</b>  FOR ALL OR PORTION OF LOTS(S) 1-P1 – 39-P1, TIBURON HEIGHTS SUBDIVISION ZONED SU- 2/VCLL LOCATED ON PETIRROJO RD NW BETWEEN UNSER BLVD NW AND URRACA RD NW CONTAINING APPROX, 7.9143 ACRES. (D-10)	Adjacent and nearby routes	None.
	Adjacent bus stops	None.
	Site plan requirements	None
	Large site TDM suggestions	None.
	Other information	None

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

No comments received.

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comment.

**ALBUQUERQUE PUBLIC SCHOOLS (APS)**

**Project #1009178  
 15EPC-40035 SITE  
 DEVELOPMENT-  
 SUBDIVISION**

**Tiburon Heights**, Lots 1-P1 thru 39-P1, is located on Petirrojo Rd NW between Unser Blvd NW and Urraca Rd NW. The owner of the above property requests approval of a Site Development Plan for Building Permit to allow for the development of 39 single family homes. This will impact Marie Hughes Elementary School, L.B. Johnson Middle School, and Volcano Vista High School. Currently, Marie Hughes Elementary and LB Johnson Middle School have excess capacity, however, Volcano Vista High School is nearing capacity.

<b>Loc No</b>	<b>School</b>	<b>2014-15 40th Day</b>	<b>Capacity</b>	<b>Space Available</b>
365	Marie Hughes	557	599	42
485	LB Johnson	885	1047	162
575	Volcano Vista	2189	2200	11

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
    - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
  - Boundary Adjustments / Busing
  - Grade reconfiguration
- Combination of above strategies

**All planned additions to existing educational facilities are contingent upon taxpayer approval.**

**MID-REGION COUNCIL OF GOVERNMENTS**

MRMPO has no adverse comments.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

No comments received.

**PUBLIC SERVICE COMPANY OF NEW MEXICO**

PNM has no comments based on information provided to date.



**Figure 1:** Looking N, from Petirrojo Rd., at the entrance to the subject site.



**Figure 2:** Looking S, from the entrance to the subject site.

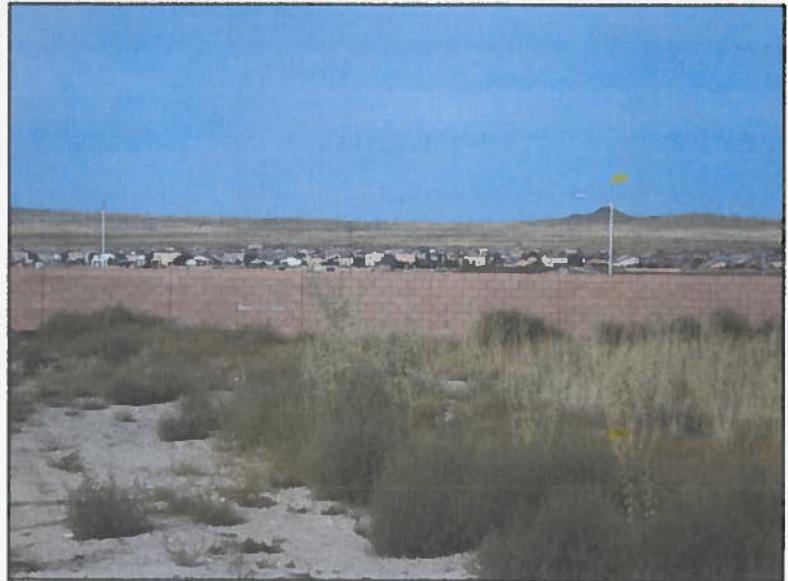


**Figure 3:** Looking E, from the subject site's internal roadway.



**Figure 4:** Looking W, from the subject site, down Petirrojo Rd.

**Figure 5:** Looking W at the subject site's eastern boundary and another subdivision in the background.



**Figure 6:** Looking NE, from the eastern boundary of the subject site.

## HISTORY



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

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

3 Section 1. The City Council adopts the following findings:

4 1. The VCSDP area comprises 2,327 acres of land surrounding Unser  
5 Boulevard and is bounded generally by Volcano Trails and Volcano Heights to  
6 the north and the Petroglyph National Monument to the west, south, and east.

7 2. The Plan area is platted primarily into single-family residential lots  
8 but remains largely undeveloped. Some roads and utilities are being  
9 developed as part of the Special Assessment District (SAD) 228, managed by  
10 the Volcano Cliffs Property Owners Association.

11 3. The Plan establishes the following SU-2 zones: Volcano Cliffs  
12 Village Center (VCVC), Volcano Cliffs Urban Residential (VCUR), Volcano  
13 Cliffs Mixed Use (VCMX), Volcano Cliffs Large Lot (VCLL), and Volcano Cliffs  
14 Rural Residential (VCRR). No zone changes are involved in the amendments;  
15 rather, revised design standards would only affect Private Commons  
16 Developments within the VCRR zone.

17 4. The VCSDP includes areas designated as Developing Urban,  
18 Established Urban, or Reserve by the Rank 1 Albuquerque/Bernalillo County  
19 Comprehensive Plan (Comprehensive Plan). The VCSDP amendments further  
20 the applicable Goals and Policies of the Comprehensive Plan as follows:

21 A. The vision, principles, and goals contained within  
22 the VCSDP are focused on view preservation (scenic resources) to and from  
23 the plan area, as well as pedestrian oriented development (resources of other  
24 social concern). The proposal to amend the garage standards table from a 10  
25 foot minimum setback to 2 feet still supports a residential environment in  
26 which garages do not dominate the front/main building façade and supports  
27 the view preservation goals of the plan (Policy II.B.5.d).

28 B. In the SU-2/VCRR zone, clustering of houses is  
29 encouraged to create larger open areas and to maintain the sense of openness  
30 in the area. The Montecito West Subdivision, which is platted as a PCD,  
31 contains residential dwelling units that are proposed to be clustered. The  
32 request to amend the garage standards table does not remove the clustering  
33 of homes (Policy II.B.5.f).

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1                   **C. Ensuring “good quality development” and**  
2 **preserving views to and from the plan area are key components of the vision**  
3 **and guiding principles of the plan that are in turn supported by the goals and**  
4 **design standards outlined in the plan. These standards include residential**  
5 **garage standards that seek to prevent domination of the main building façade**  
6 **by garages when viewed from the street. Amending the residential garage**  
7 **standards from a 10 foot minimum setback to 2 feet still supports the intent of**  
8 **the policy (Policy II.B.5.l).**

9                   **D. The setback requirements in the residential**  
10 **garage standards included in the VCSDP are specifically intended to enhance**  
11 **unique vistas, create visually attractive settings and improve the overall**  
12 **quality of the visual environment. Amending the residential garage standards**  
13 **from a 10 foot minimum setback to 2 feet still supports the intent of the policy**  
14 **(Policy II.B.5.m).**

15                   **E. The Volcano Cliffs Rural Residential Zone (VCRR)**  
16 **specifically states that the zone is surrounded on three sides by the**  
17 **Petroglyph National Monument and that this unique location deserves**  
18 **appropriate development standards that reflect the distinctive context. In**  
19 **addition to encouraging clustering of homes and design standards that limit**  
20 **building color to natural landscape shades and regulations about walls and**  
21 **fences, residential garage standards are included that are intended to**  
22 **minimize the visibility of structures in scenic vista area of the Petroglyph**  
23 **National Monument. The request to amend the residential garage standards**  
24 **from a 10 foot minimum setback to 2 feet still supports the intent of the policy**  
25 **(Policy II.C.8.e).**

26                   **5. The VCSDP is located within the Volcano Mesa Community as**  
27 **designated by the Rank 2 West Side Strategic Plan. The VCSDP amendments**  
28 **further the applicable Goals and Policies of the West Side Strategic Plan as**  
29 **follows:**

30                   **A. The VCSDP requires a 50-foot setback from**  
31 **prehistoric petroglyphs to assist in implementing this Rank 2 policy. Since**  
32 **the request does not change this requirement, it generally furthers Policy**  
33 **3.100 and 3.104 of the West Side Strategic Plan.**

6. The VCSDP is located within the boundaries of the Rank 3 Northwest Mesa Escarpment Plan (NWMESDP). The VCSDP amendments further the applicable Goals and Policies of the NWMESDP as follows:

A. Color restrictions to all development in the Volcano Cliffs area are included in the plan regulations in order to minimize the visual impact of development and clarify fence and wall regulations to preserve views into and from the Escarpment. The proposed text amendments to amend the residential garage setback standards from the plan do not specifically impact views of the Escarpment and are intended to complement open space by enhancing view corridors (Policies 9, 12 and 20 of the NWMESDP).

Section 2. The Volcano Cliffs Sector Development Table 2: Residential Garage Types, is amended as shown below:

TABLE 2: RESIDENTIAL GARAGE TYPES\*

Lot Width	Allowable Garage Types <sup>1</sup>	Front Garage Setback from Main Façade (Minimum)	Side Garage Setback from Property Line (Minimum)	Rear Garage Setback from Property Line (Minimum)
40+ Feet	A,B,C,D,E,F	[+5 ft. Minimum+]	5 ft. Minimum	2 ft. Minimum
Less than 40 Feet	A,D	10 ft. Minimum	5 ft. Minimum	2 ft. Minimum

\* See Figure 7 – Garage Type Diagrams

[+Note 1: +] Garage setbacks are minimums only. Building setbacks set by the underlying zone prevail.

[+Note 2: For Private Commons Development (PCD) within the Volcano Cliffs Rural Residential Zone (VCRR) the required minimum front garage setbacks from the main façade may be reduced to 2 feet.+]

Section 3. Item I of the Design regulations for Residential Garages (Ch. 4, Section II B.5.b.) is hereby amended as follows:

"i. When viewed from the street, garage doors shall not exceed 50% of the total front façade area, inclusive of porches, so that garage doors do not dominate the front façade. Except for Garage Type D, garages must be set back from the main façade of the dwelling unit. The main façade must share a common roof with the dwelling and/or garage."

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1       **Section 4. The Access regulations for Residential Garages in the Volcano**  
2 **Cliffs Sector Development Plan, Ch. 4. Section II, B.5.a.vii, are amended as**  
3 **follows:**

4       **“Driveway access, including drive pad but exclusive of wings, is limited to**  
5 **20 feet for Garage Types B, C, D, E, and F except where providing access from**  
6 **alleys.”**

7       **Section 5. Amendments to the Volcano Cliffs Sector Development Plan,**  
8 **attached hereto and made a part hereof, are adopted as part of this Rank 3**  
9 **Plan with land use control pursuant to the Comprehensive City Zoning Code**  
10 **and as a regulatory guide to the implementation of the Rank 1**  
11 **Albuquerque/Bernalillo County Comprehensive Plan and applicable Rank 2**  
12 **and 3 Plans as cited above.**

13       **Section 6. All development activities within the Volcano Cliffs Sector**  
14 **Development Plan boundaries shall be guided and regulated by the policies,**  
15 **standards, and regulations of the VCSDP.**

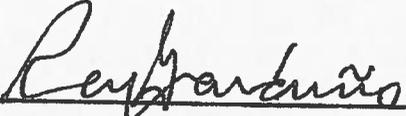
16       **Section 7. EFFECTIVE DATE. This resolution shall take effect five days**  
17 **after publication by title and general summary.**

18       **Section 8. SEVERABILITY CLAUSE. If any section paragraph, sentence,**  
19 **clause, word, or phrase of this resolution is for any reason held to be invalid**  
20 **or unenforceable by any court of competent jurisdiction, such decision shall**  
21 **not affect the validity of the remaining provisions of this resolution. The**  
22 **Council hereby declares that it would have passed this resolution and each**  
23 **section, paragraph, sentence, clause, word or phrase thereof irrespective of**  
24 **any provisions being declared unconstitutional or otherwise invalid.**

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1 PASSED AND ADOPTED THIS 22<sup>nd</sup> DAY OF June, 2015  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

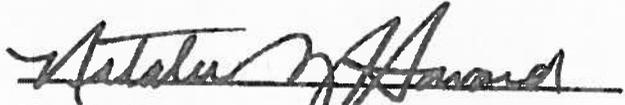
3  
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7 \_\_\_\_\_  
8 Rey Garduño, President  
9 City Council

10  
11  
12 APPROVED THIS 30<sup>th</sup> DAY OF June, 2015

13  
14  
15  
16 Bill No. C/S R-15-190

17  
18  
19  
20  
21 \_\_\_\_\_  
22 Richard J. Berry, Mayor  
23 City of Albuquerque

24  
25  
26 ATTEST:

27  
28   
29 \_\_\_\_\_  
30 Natalie Y. Howard, Acting City Clerk

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ZONING &  
OTHER REGULATIONS

SU-2/VOLCANO CLIFFS LARGE LOT (VCLL)

SU-2/VCLL. Large Lot.

*Large Lot areas consist of single family homes on lots larger than typical single family development, respecting the existing Volcano Cliffs residential platting, built in a way that complements the natural environment, preserves significant view corridors, and contains visible private open space.*

A. GENERAL

Permitted uses

R-1 with the following additions and exceptions:

1. A minor second dwelling unit up to 650 square feet associated with a single-family detached dwelling unit shall be permitted except in the front yard.

2. Gated and/or walled developments are prohibited.

Development Densities

Development densities are as follows:

1. Minimum: None
2. Maximum: 5 du/acre

3. Platted lots existing at the time of adoption of this Plan that do not meet these standards are allowed to develop with 1 dwelling unit per lot.

[Amended November 5, 2014]

4. Residential densities apply to gross developable area for the primary dwelling unit, exclusive of site constraints such as undevelopable land and parks, exclusive of minor secondary dwelling unit, and inclusive of streets and parking. Undevelopable land shall be defined as land that is not suitable for cut or fill and includes, but is not limited to, significant rock outcroppings, as defined in Chapter 5 General Regulation A – Definitions.

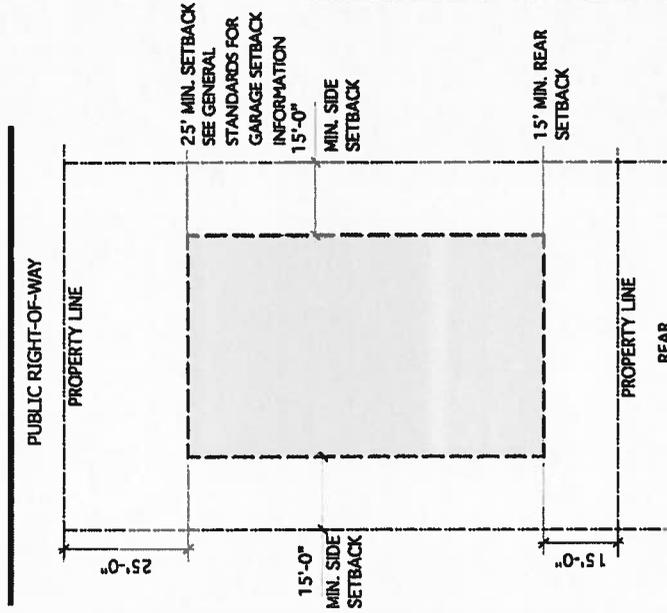


Figure 5: SU-2/VCLL Building Placement Diagram

B. BUILDING PLACEMENT AND FORM  
Setback and Frontage

1. Building setbacks (measured from the property line) and shall be as follows:
  - a. Front setback: 25 feet minimum
  - b. Side setback: 15 feet minimum
  - c. Rear setback: 15 feet minimum

- d. Residential garages shall be set back from the front façade. (See Section II-General Standards B.5 for additional requirements.)

2. See Section II-General Standards A and B for additional requirements.

Height

1. Building height limits are as follows:
  - a. Minimum: None
  - b. Maximum: 18 feet; however, height can be increased to 26 feet on a maximum of 50% of the building footprint.

[Amended November 5, 2014]

2. Chimneys and cupolas may extend 10 feet beyond height limits. Screened equipment and flagpoles may extend 6 feet beyond height limits. Solar panels shall not count toward height limits. Screened equipment shall be set back 15 feet from the façade.

3. See Section II-General Standards A and B for additional requirements.

[Amended November 5, 2014]

**Building Articulation**

1. Transparency: At least 25% of the area of the street-facing elevations shall be comprised of windows and/or entrances.
2. Each dwelling unit shall address the street with one of the following three options. In the case of a developer constructing 3 or more dwelling units, at least 2 of every 3 shall incorporate a porch. (See Section II-General Standard B.8 for additional requirements.)

Options:

- a porch or stoop at least 5 feet in depth
- a walled courtyard with entrance easily visible from the public right-of-way
- a window on the front façade that directly faces the street

3. See Section II-General Standards B for additional requirements.

**C. LANDSCAPE REQUIREMENTS**

**Residential Landscape**

1. Minimum one tree and 40% vegetative cover in front of all single-family lots.
2. Residential landscape by individual landowners shall require approximately 30% of the lot area to be private open space.
3. Landscape plants used in private open space are to be species from Chapter 5 General Regulation C – Plant List A and/or Plant List B. 2. (See Section II-General Standards C.9 for additional requirements.)

4. Xeriscaping must use a permeable weed barrier, not plastic, to optimize permeability.

5. The private open space may include active utility easements and side yard utility easements that contain maintenance roads.

6. See Section II-General Standards C for additional requirements.

**Walls and Fences**

1. Perimeter wall and fence heights shall be per City Zoning Code Section 14-16-3-19.

[Amended November 5, 2014]

2. Walls and fences shall be in colors consistent with the approved colors in Chapter 5 General Regulation B.

3. On the perimeter of any conservation area or Major Public Open Space boundary, only post and wire or view fencing shall be used. -

4. See Section II-General Standards C.1 for additional requirements.

**Review Process**

1. No extraordinary review necessary if SU-2/VCLL regulations and General Standards are met.

2. A landscape plan for the front yard, meeting these Landscape Requirements and the General Standards, shall be submitted with building permit application.

**D. USABLE OPEN SPACE REQUIREMENTS**

- None required.

**E. PARKING**

1. Parking Calculations are as follows:
  - a. Residential: 1/dwelling unit minimum

2. See Section II-General Standards E for additional requirements.

5. **Residential Garages.** Garages shall not dominate the front façade. Street fronting garages shall be per the requirements of Table 2. Garages shall not exceed 50% of the total front façade.
  - a. Garage doors shall be set back a minimum of 2 feet from the garage facade to create a “shadow box” that minimizes the prominence of the garage door.
  - b. Three-car garages are not permitted on lots less than 48 feet wide. Three-car garages on lots greater than 48 feet wide shall have a third garage setback of 3 feet minimum from the primary garage facade.
  - c. On lots less than 48 feet, property owners intending to build garages on the property lot line shall submit a platted and filed maintenance easement agreement signed by the adjacent property owner prior to being issued a building permit.
  - d. The color of garage doors shall blend with or complement the exterior wall color in order to minimize the prominence of the garage door. (See **B. Building Design Standards 9. Color** for additional requirements.)
  - e. See Table 2 for additional garage requirements.

LOT WIDTH	ALLOWABLE GARAGE TYPES	FRONT GARAGE SETBACK	SIDE GARAGE SETBACK	REAR GARAGE SETBACK
GREATER THAN 48 FEET	A, B, C, D, E, F	20' MINIMUM	5' MINIMUM	2' MINIMUM 5' MAXIMUM
40 FEET TO 48 FEET	A, B, C, D, E	20' MINIMUM	NONE	2' MINIMUM 5' MAXIMUM
LESS THAN 40 FEET	A, B, C, E	20' MINIMUM	NONE	2' MINIMUM 5' MAXIMUM

NOTE: 1. Garage Type D shall have a minimum of 5 linear feet of fenestration on the street façade and be articulated to resemble main structure.

NOTE: 2. Garage Type F may be accessed from either front or side.

NOTE: 3. Driveway access from street, including curb cut, is limited to 12 feet for Garage Types A, B, C, D, E, and F except where providing access from alleys.

NOTE: 4. On streets designated Collector or lower, residential garages on corner lots shall be accessed from an alley or side street.

TABLE 2, GARAGE TYPES.

# Chapter 4

## II – General Standards

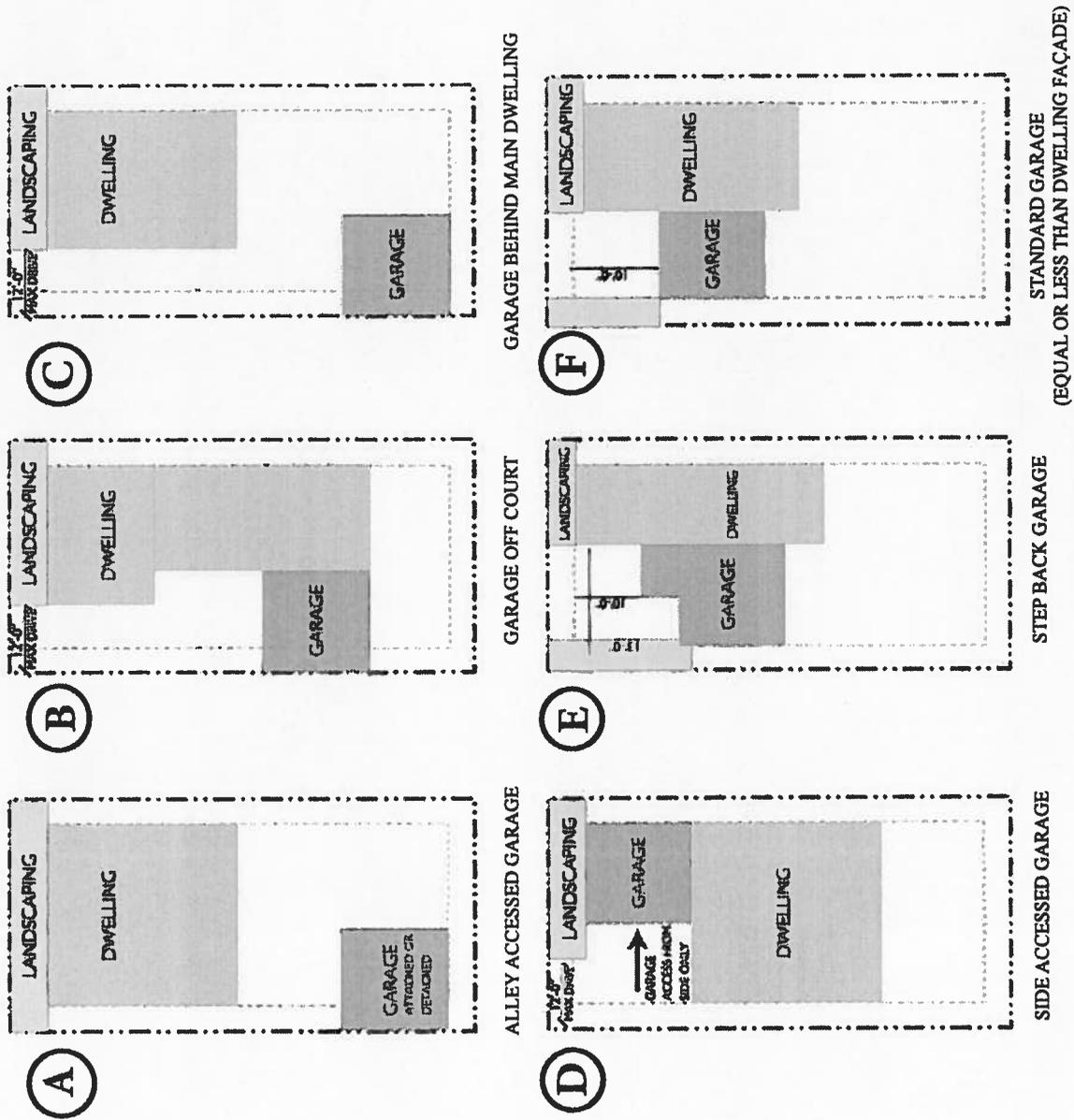


Figure 7, Garage Type Diagrams

**B. BUILDING DESIGN STANDARDS**

The following standards apply to all development within the Plan area.

1. **Exterior Finishes.** Wall finishes may be stucco, masonry, adobe, and/or native stacked stone (or synthetic equivalent). Plain block, wood, and reflective panels shall not be used as an exterior finish. Veneer materials shall extend around exterior corners at least one foot. Brick coping and trims as per traditional New Mexico architectural styles are encouraged. Steel and synthetic wood substitutes are permitted for trim and detailing. (For freestanding walls see **Section II.C.1. Walls & Fences**).
2. **Massing and Articulation.** Building massing and articulation shall be developed so that no more than 60 feet of wall may occur without a change in material and/or an offset vertically or horizontally of at least 24 inches.
3. **Roofs.** Reflective and Mansard roofs are prohibited. Parapets shall hide flat roofs. Solar panels are allowed.
4. **Color.** Colors used on building walls and roofs shall be earth tones and meet reflectivity standards consisting of "Approved Colors" specified in **Chapter 5 General Regulation B** in this Plan. Other colors may only be used as accents. Buildings throughout shall not use highly reflective surfaces. Mechanical devices, roof vents, screening materials, fences and walls are also subject to this regulation. Trim materials constituting less than 10% of the façade's opaque surface may be any color.
5. **Residential Garages**
  - a. Access
    - i. Where alleys are available, residential garages shall be accessed via the alley. On streets designated Collector or lower, residential garages on corner lots shall be accessed from an alley or side street.
    - ii. Where the uses are allowed, townhouses and courtyard apartments shall use rear-loaded garages.
    - iii. Front-loaded garages on residential lots less than 40 feet wide shall be prohibited. Garages on these lots shall be either Garage Type A or D in **Figure 7** per the standards in **Table 2**.
    - iv. Lots equal to or greater than 40 feet shall use any of the garage types in **Figure 7** per the requirements in **Table 2**.
    - v. Front-loaded three-car garages are not permitted on lots equal to or less than 55 feet wide.

[Amended November 5, 2014]

[Amended November 5, 2014]

- vi. Garage Types D and F may be accessed from either front or side.
  - vii. Driveway access, including drive pad but exclusive of wings, is limited to 14 feet for Garage Types B, C, D, E, and F except where providing access from alleys.
  - viii. Where allowed, property owners intending to build garages on the property lot line shall submit a platted and filed maintenance easement agreement signed by the abutting property owner prior to being issued a building permit.
- b. Design
- i. When viewed from the street, garage doors shall not exceed 50% of the total front façade area, inclusive of porches, so that garage doors do not dominate the front façade. Except for Garage Type D, garages must be set back from the main façade.
  - ii. Garage types are limited by lot width, per Table 3.
  - iii. Three-car garages on lots greater than 55 feet wide shall have a third garage setback of two (2) feet minimum from the primary garage façade.
  - iv. Where there is no setback from the property line, gutters and downspouts shall drain to the street or water harvesting area to avoid impact to abutting lots.
  - v. The color of garage doors shall blend with or complement the exterior wall color in order to minimize the prominence of the garage door.
  - vi. Garage Type D shall have a minimum of 5 linear feet of fenestration on the street façade and be articulated to resemble the main structure.

# CHAPTER 4

## II – GENERAL STANDARDS

[Amended November 5, 2014]

**TABLE 2: RESIDENTIAL GARAGE TYPES\***

Lot Width	Allowable Garage Types**	Front Garage Setback from Main Facade <i>(Front-Loaded)</i>	Side Garage Setback from Property Line <i>(Side-Loaded)</i>	Rear Garage Setback from Property Line <i>(Rear-Loaded)</i>
40+ Feet	A,B,C,D,E,F	10 ft. Minimum	5 ft. Minimum	2 ft. Minimum
Less than 40 Feet	A,D	10 ft. Minimum	5 ft. Minimum	2 ft. Minimum

\* See Figure 7 – Garage Type Diagrams

*Note: Garage setbacks are minimums only. Building setbacks set by the underlying zone prevail.*

II – GENERAL STANDARDS

*Note: Diagrams are for illustration only. Diagrams are not to scale. Setbacks are regulated first by zone and secondarily by minimums set in Table 2.*

[Amended November 5, 2014]

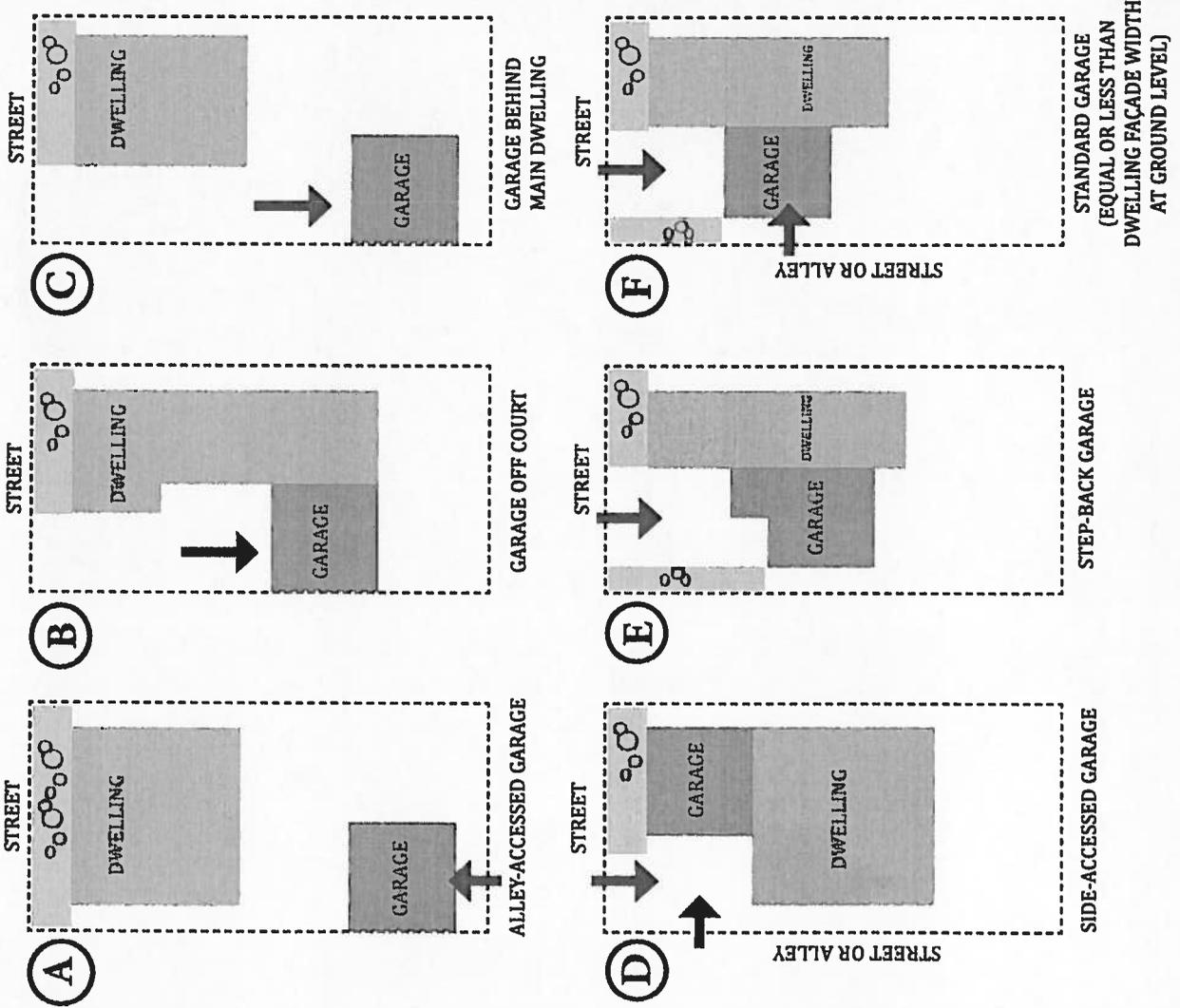


Figure 7: Residential Garage Type Diagrams

APPLICATION INFORMATION



Supplemental Form (SF)

**SUBDIVISION**

\_\_\_ Major subdivision action

\_\_\_ Minor subdivision action

\_\_\_ Vacation

\_\_\_ Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

for Subdivision Volcano Cliffs

\_\_\_ for Building Permit SDP

\_\_\_ Administrative Amendment (AA)

\_\_\_ Administrative Approval (DRT, URT, etc.)

\_\_\_ IP Master Development Plan

\_\_\_ Cert. of Appropriateness (LUCC)

**STORM DRAINAGE (Form D)**

\_\_\_ Storm Drainage Cost Allocation Plan

**ZONING & PLANNING**

\_\_\_ Annexation

\_\_\_ Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)

\_\_\_ Adoption of Rank 2 or 3 Plan or similar

\_\_\_ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations

\_\_\_ Street Name Change (Local & Collector)

**APPEAL / PROTEST of...**

\_\_\_ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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

APPLICATION INFORMATION: J. Matt Myers, Esq.

Professional/Agent (if any): Myers, McCready & Myers, P.C. PHONE: 247-9080

ADDRESS: 1401 Central Avenue, NW FAX: 247-9109

CITY: Albuquerque STATE: NM ZIP: 87103 E-MAIL: jmyers@moplaw.com

APPLICANT: RTR, LLC PHONE: 617-6157

ADDRESS: P.O. Box 27560 FAX: \_\_\_\_\_

CITY: Albuquerque STATE: NM ZIP: 87104 E-MAIL: watermanrhett@comcast.net

Proprietary interest in site: Owner List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: Variance/deviation of design requirements under the Volcano Cliffs Sector Development Plan Amended November 2014

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

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

Lot or Tract No: Lots 1-P1 thru 39-P1 Block: \_\_\_\_\_ Unit: \_\_\_\_\_

Subdiv/Addn/TBKA: Tiburon Heights Subdivision

Existing Zoning: SU-2/VCLL Proposed zoning: Same MRGCD Map No: \_\_\_\_\_

Zone Atlas page(s): D-10 UPC Code: 101006328026710122

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX\_Z, V, S, etc.): 15 DRB 70012; Project No. 1009178

CASE INFORMATION:

Within city limits?  Yes Within 1000FT of a landfill? No

No. of existing lots: 39 No. of proposed lots: 39 Total site area (acres): 7.9143

LOCATION OF PROPERTY BY STREETS: On or Near: Petirrojo Road, NW

Between: Unser Blvd., NW and Urraca Road, NW

Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: \_\_\_\_\_

SIGNATURE: J. Matt Myers DATE: July 30, 2015

(Print Name) Applicant  Agent:

FOR OFFICIAL USE ONLY

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>ISEPC 40035</u>	<u>SPS</u>	___	<u>\$385.00</u>
<input checked="" type="checkbox"/> All fees have been collected	___	<u>ADY</u>	___	<u>\$25.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	___	<u>CNE</u>	___	<u>\$50.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	___	___	___	\$
<input checked="" type="checkbox"/> Case history #s are listed	___	___	___	\$
<input type="checkbox"/> Site is within 1000ft of a landfill	___	___	___	\$
<input type="checkbox"/> F.H.D.P. density bonus	___	___	___	\$
<input type="checkbox"/> F.H.D.P. fee rebate	___	___	___	\$
	Hearing date			Total
	<u>September 10, 2015</u>			<u>\$510.00</u>
	Staff signature & Date	Project #		
<u>J. Myers</u>	<u>7-30-15</u>	<u>1009178</u>		

Revised: 11/2014

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 - *Not Required*
    - 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 1/4 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.

M. Myers  
Applicant name (print)  
[Signature]  
Applicant signature / date



Form revised November 2010

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

Application case numbers  
15EPC - 40035

[Signature] 7-30-15  
Planner signature / date  
Project #: 1009178

**RTR, LLC**  
**P.O. Box 27560**  
**Albuquerque, New Mexico 87102**

July 30, 2015

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

**Re: Lots 1-P1 through 39-P1, Tiburon Heights**

**Ladies and Gentlemen:**

The undersigned is the owner of the above referenced Property located on Pétrojo Road, NW, between Unser Boulevard and Urraca Street, NW. The undersigned hereby authorizes Myers, McCreedy & Myers, P.C. (J. Matt Myers) to act as its agent in its application to the City Environmental Planning Commission for approval from the variance/deviation requirements found in the Volcano Cliffs Sector Development Plan Amended November 2014. Myers, McCreedy & Myers, P.C., is further authorized to remain as our agent through any appeals process.

**RTR, LLC, A New Mexico limited  
Liability company**

By:   
**Rheit Waterman**  
**Member**

**CITY OF ALBUQUERQUE**  
**TRAFFIC IMPACT STUDY (TIS) FORM**

APPLICANT: RTR, LLC DATE OF REQUEST: 7/30/15 ZONE ATLAS PAGE(S): D-10

**CURRENT:**

ZONING SU-2/VCLL  
 PARCEL SIZE (AC/SQ. FT.) 7.9143 acres

**LEGAL DESCRIPTION:**

LOT OR TRACT # 1 - 39 BLOCK # \_\_\_\_\_  
 SUBDIVISION NAME Tiburon Heights

**REQUESTED CITY ACTION(S):**

ANNEXATION [ ]  
 ZONE CHANGE [ ] From \_\_\_\_\_ To \_\_\_\_\_  
 SECTOR, AREA, FAC, COMP PLAN [X] Volcano Vista  
 AMENDMENT (Map/Text) [ ]

**SITE DEVELOPMENT PLAN:**

SUBDIVISION\* [X] AMENDMENT [ ]  
 BUILDING PERMIT [ ] ACCESS PERMIT [ ]  
 BUILDING PURPOSES [ ] OTHER [X] Deviation from requirements of Volcano Cliffs SDP Nov. 2014  
 \*includes platting actions

**PROPOSED DEVELOPMENT:**

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

**GENERAL DESCRIPTION OF ACTION:**

# OF UNITS: 39 single family lots  
 BUILDING SIZE: \_\_\_\_\_ (sq. ft.)

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

APPLICANT OR REPRESENTATIVE J. Matt Myers DATE 7/30/15

(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, 800 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:

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.

TRAFFIC ENGINEER

DATE

07-30-15

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  
July 31, 2015

Robert J. Perry, CAO

---

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

**Project Number(s):** 1009178  
**Case Number(s):** 1009178 (15 DRB 700012) (15 EPC 40035)  
**Agent:** Myers, McCready & Myers, P.C.

**Applicant:** RTR, LLC  
**Legal Description:** Lots 1-P1 through 39-P1, Tiburon Heights (Volcano Cliffs SAD 228)  
**Zoning:** SU-2/VCLL  
**Acreage:** 7.91 acres  
**Zone Atlas Page:** D-9; D-10

**CERTIFICATE OF NO EFFECT:** Yes  No

**CERTIFICATE OF APPROVAL:** Yes  No

**TREATMENT PLAN REVIEW:** N/A  
**DISCOVERY:** N/A

**SUPPORTING DOCUMENTATION:**  
A Cultural Resource Survey of Special Assessment District (SAD) 228, Volcano Cliffs Subdivision by Scott Walley (Principal Investigator, Marron and Associates) NMCRIS #121039

**SITE VISIT:** n/a

**RECOMMENDATION(S):**

- **CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 4B(1)-- no significant sites in project area)**

**SUBMITTED:**

Matthew Schmader, PhD  
Superintendent, Open Space Division  
City Archaeologist

**AMENDED REASONS FOR REQUEST**

**City Project No. 1009178/Applicant RTR, LLC**

**THIS AMENDED REASONS FOR REQUEST IS BEING SUBMITTED IN RESPONSE TO THE COMMENTS RECEIVED FROM THE CITY'S PLANNING DEPARTMENT. THIS AMENDED REASONS FOR REQUEST SHALL SUPPLEMENT AND REPLACE THE ORIGINAL REASONS FOR REQUEST**

Myers, McCreedy & Myers, P.C. (Matt Myers), as the agent of record for RTR, LLC (the "Applicant"), is hereby requesting a 20% variance (the "Variance") to the side-yard, front-yard and rear-yard setback requirements for the 39 lots located in the Tiburon Subdivision (the "Subdivision"), which would result in a side-yard setback of 12 feet, a rear-yard setback of 12 feet and a front-yard setback of 20 feet. Attached hereto as Exhibit "A" is a "deviations table" that shows the specific variances being requested. The Variance will be in regards to all improvements on the lots.

The Subdivision is located on Petirrojo Road, between Unser Blvd. NW and Urraca St. NW. This application is made pursuant to the 2014 Volcano Cliffs Sector Development Plan (the "2014 Plan"), which states the following on page 59 of the 2014 Plan:

Any deviation of 10-20% from any dimensional standard shall be reviewed by the Environmental Planning Commission (EPC) via the site development plan approval process; deviations of 20% or more are not allowed. In order for the EPC to grant the deviation(s) and approve the site development plan, the applicant must demonstrate each of the following:

- a. the original standard(s) cannot be reasonably met without substantial hardship due to the uniqueness of the site, and
- b. applicable goals and policies of the Volcano Cliffs Sector Development Plan are still met, even with the proposed deviation(s).

As part of this application, we have submitted a site plan that shows the exact location of the 39 lots ("Lots") within the Subdivision and also shows the building envelope that would result if the Request is granted. The included site plan exhibit also shows the difference in building envelope size if the Variance is granted.

The origins of this Request go back to when the Applicant had the preliminary plat for the Subdivision approved in August, 2013. At the time that the plat was approved, the version of the 2014 Plan that was in place was the 2011 plan ("2011 Plan"). The Applicant, as well as his architect, specifically planned and developed the Subdivision after a careful review of the 2011 Plan, believing that the 2011 Plan allowed them to use any of the different garage configurations, and associated set-backs, found in the 2011 Plan. However, when the Applicant submitted for building permit early this year, the building permit was rejected for lack of compliance with the set-back requirements. As a result of that denial, this firm sent a letter to Kym Dicome at the City's Planning Department dated July 1, 2015 (the "City Letter"). A copy of the City Letter was included in the filing of the original application.

We included the City Letter, as well as quick overview of the history of the development of the Subdivision, in order to demonstrate compliance with the test found on page 59 of the 2014 Plan. Specifically, what that information demonstrates is that the original setback requirements cannot be met without substantial hardship due to the uniqueness of the site, which uniqueness is a result of the fact that the 2011 Plan was so confusing that it had to be amended several times.

The Applicant specifically platted the Subdivision in reliance on its very reasonable interpretation of the 2011 Plan. Once it was determined that the 2011 Plan did not allow the Applicant to use the garage configurations as anticipated, it became quite apparent that the Subdivision would not be viable as platted. Accordingly, the Applicant finds itself in a very tough situation as it has spent over \$2,000,000.00 to fully develop the Subdivision. If the Request is denied, the Applicant will have to replat the entire Subdivision in order to meet the setback requirements. For the aforementioned reasons, it is clear that the setback standards cannot be met without substantial hardship due to the uniqueness of the site. It is also important to note that the Subdivision is the only large tract of its kind in the vicinity. All of the other tracts of land in the vicinity were smaller tracts of land.

If the Request is granted, the applicable goals and policies of the 2014 Plan will still be met. The Applicant will comply with all of the other requirements contained within the 2014 Plan and will further the following specific goals and policies:

The follows Goals and Polices of the 2014 Plan will be met:

*Ch. 1(A)(4), Conserve Volcano Cliffs' archaeological resources and protect and emphasize views and visual connections to the Volcanoes, Sandia Mountains and the Rio Grande.*

One of the Applicant's primary goals in developing the Subdivision was to preserve the views of the Sandia Mountains. In this case, the financial reality lined up directly with the aforementioned goal, in that, it makes financial sense to offer homes with views of the Sandia Mountains. Accordingly, the Subdivision's lots protect and emphasize the views of both the Sandia Mountains and the Rio Grande. Even if the Variance is granted, there are still significant setbacks on all of the lots in the Subdivision, thus ensuring that the views are maintained. In fact, if the Variance is granted there will still be a minimum of 24 feet between homes, which is a significant view corridor.

*Ch. 1(A)(5), Maintain scenic edges, protect important views, and minimize the visual impact of development on the western horizon as seen throughout the city.*

Same as above. The design of the homes in the Subdivision takes into consideration this goal and protects important city views. The Applicant has designed the homes so that they fit nicely into the natural environment, thereby reducing the visual impact of the development. The Variance, if granted, will have no impact on the ability of the Subdivision to meet, and further, this goal.

*Ch. 1(C)(3), Encourage architectural and landscape treatments that are consistent with the region's traditions and climate and that help to enhance a unique sense of place.*

The Subdivision's homes will be custom homes. Some of the builders in the Subdivision work in the Southwest style which is consistent with the region's traditions. Another of the goals of the Subdivision is to establish a pleasant community for the people who live there, by creating a unique, and aesthetically pleasing community. The Variance, if granted, will have no impact on the ability of the Subdivision to meet, and further, this goal.

Ch. 1(C)(6), *Provide for the orderly expansion of infrastructure and public facilities in the area.*

The Subdivision is located in a Special Assessment District, and the Applicant has already paid a large sum of money to the City as a result thereof. Accordingly, the development is an integral part of, and provides funding for, the orderly expansion of infrastructure and public facilities in the area. The Variance, if granted, will have no impact on the ability of the Subdivision to meet, and further, this goal.

Ch. 2, Policy 1.1, *Preserve natural drainage functions of arroyos.*

The Subdivision does not alter any natural arroyos, whether the Variance is granted or not.

**CONCLUSION**

The development, if the Variance request is granted, furthers the goals and policies contained within the 2014 Plan. The granting of the Variance does not prevent the furtherance of those goals and policies.

The Subdivision is a part of a Special Assessment District and thus is a contributing factor in the improvement of the infrastructure and public facilities in the area.

We respectfully request that the Variance request be granted. We look forward to answering any questions you may have.

h:\waterman,rhett\jmm\tiburon subdivision\justificationletterrevised.docx

*Ally*  
8/28/15

## DEVIATIONS TABLE

	Required Setback	Requested Setback	Difference Between Required and Requested (20%)
Front Setback	25 ft.	20 ft.	5 ft.
Side Setback	15 ft.	12 ft.	3 ft.
Rear Setback	15 ft.	12 ft.	3 ft.

Setback Requirements in the SU-2/Volcano Cliffs Large Lot (VCLL) Zone, as per Chapter 4: I, page 71 of the Volcano Cliffs SDP:

EXHIBIT "A"

**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

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

August 4, 2015

**Email: [kdicome@cabq.gov](mailto:kdicome@cabq.gov)**  
Kym Dicome, Current Planning Manager  
City of Albuquerque  
Planning Department  
P.O. Box 1293  
Albuquerque, New Mexico 87102

Re: Project No. 1009178/Applicant: RTR, LLC  
Supplemental Reasons for Request

Dear Ms. Dicome:

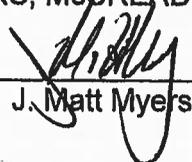
On July 30, 2015, Myers, McCready & Myers, P.C., filed an application on behalf of RTR, LLC, requesting a 20% variance to the side-yard and front-yard setbacks requirements pursuant to the 2014 Volcano Cliffs Sector Development Plan (the "Sector Plan").

In the initial Reasons for Request, we justified a variance to allow the front yard setback to result in 20 feet, and the side yard setbacks to result in 12 feet. However, we failed to request a variance to the backyard setback requirement which will also result in a setback of 12 feet as opposed to the current requirement of 15 feet pursuant to the Sector Plan, although the building envelope exhibit included with the application did show the backyard setback of 12 feet. This request is justified as set out in the original Reasons for Request.

Please include this letter as part of the variance request.

MYERS, McCREADY & MYERS, P.C.

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

  
J. Matt Myers

JMM/klw

August 4, 2015

Page -2-

cc: Volcano Cliffs Property Owners Association, Attn: Dave Heil  
Volcano Cliffs Property Owners Association, Attn: Blake Thompson  
Petroglyph Estates Owners Association Inc., Attn: Steven J. Metro  
Petroglyph Estates Owners Association Inc., Attn: Blake Thompson  
Westside Coalition of N.A.'s, Attn: Gerald Worrall  
Westside Coalition of N.A.'s, Attn: Harry Hendriksen  
RTR, LLC, Attn. Rhett Waterman, Email

H:\Waterman,Rhett\JMM\Tiburon Subdivision\Supplemental Reasons Ltr.docx

# CITY OF ALBUQUERQUE



J. Matt Myers  
Myers, McCready & Myers, PC  
1401 Central Avenue, N.W., Suite B  
Albuquerque, New Mexico 87104  
SENT VIA EMAIL: [mmyers@moplaw.com](mailto:mmyers@moplaw.com)

July 2, 2015

RE: Tiburon Subdivision

Mr. Matt Myers;

This correspondence is a response to your letter dated July 1, 2015, sent via email to [kdjcome@cabq.gov](mailto:kdjcome@cabq.gov). Per your request, City Planning and Legal staff have discussed issues relating to the development entitlements of the subdivision located on Petirrojo Road NW between Unser Blvd. NW and Urraca Street NW (the "Subdivision"), as well as the applicable garage setback requirements.

We are in agreement that this Subdivision did receive Preliminary Plat ("PP") approval prior to the adoption of the 2014 Volcano Cliffs Sector Development Plan (the "2014 Plan"), which approval likely vests certain rights. Whether or not those vested rights include garage setback distances, the City is willing to allow the Subdivision to be subject to the 2011 Volcano Cliffs Sector Development Plan's (the "2011 Plan") garage setback requirements.

PO Box 1293

Albuquerque

New Mexico 87102

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

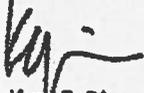
Regarding those requirements, the 2011 plan contains certain garage setback requirements under the zoning category "VCLL", which is the zoning of the Subdivision. The first reference to the garage setbacks is in Section B, "Building Placement and Form", of the VCLL zone. That section states that "[r]esidential garages shall be setback from the front façade" and then references Section II- General Standards B.5 for additional requirements. Section B.5 is on page 71 of the 2011 Plan and contains an intent statement and lists requirements a-e. The requirements pertinent to your concerns are found under B.5 (e), which is a table addressing garage setback distances. The chart lists the allowable garage types (in correlation to the illustration on page 72) as well as specific setback distances that correspond to those types of garages. The types are rear, side and front. As further clarified in the 2014 Plan, these setbacks refer to specific types of garages and corresponding setbacks. In other words, pick one type of garage and setback, not several from the list.

To our knowledge, neither the developer nor his designee requested a PRT (pre-application review team meeting) to discuss the 2011 Plan's garage setback requirements—and made no other requests for clarification—to ensure that the developer was correctly interpreting the 2011 Plan. Admittedly, these plans should be clear enough for anyone to understand. However, if discussions had taken place, then the developer would have been notified of the intent of the 2011 Plan's setback requirements and City Planning staff's interpretation prior to the current predicament. Furthermore, the approved PP does not show garage setbacks and it is questionable whether the Developer's claimed setback entitlements vested through that approval.

Regardless, City Planning is willing to allow the current requested building permit to be approved. However, City Planning also requests further discussions with the Developer regarding the designs of the garage setbacks for the

remainder of the Subdivision in order to analyze several other compliance issues that may arise from the proposed design layout. We will be happy to meet with you and your client to discuss those issues.

Sincerely,



Kyril E. Dicome  
Current Planning Manager

Cc:

Blake Whitcomb, City Legal  
Brennon Williams, Interim Planning Director  
Russell Brito, Urban Design and Development Manager  
Ben McIntosh, Code Enforcement Supervisor

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

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

**July 1, 2015**

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

City of Albuquerque Planning Department  
c/o Kym Dicome, Current Planning Manager

RE: Tiburon Subdivision (the "Subdivision")

Dear Kym:

As you know I represent RTR, LLC (Rhett Waterman), who is the developer of the above referenced Subdivision, which is located on Petirrojo Rd. NW between Unser Blvd. NW and Urraca St. NW, containing approximately 7.9143 acres. I am writing because Mr. Waterman is unable to get the City of Albuquerque to issue building permits for the construction of homes within the Subdivision.

The City has said that it cannot issue building permits as certain aspects of the building plans do not meet the requirements found in the 2014 version of the Volcano Cliff's Sector Development Plan (the "2014 SDP"). The problem is that certain provisions of the SDP have been amended since the time that the Subdivision's preliminary plat was approved. The preliminary plat was approved on August 14, 2013 (the "Subdivision Plat"). The Subdivision Plat was approved when the 2011 version of the SDP was in place (the "2011 SDP").

This response from the City was unexpected, as the section of the City's website that discusses the Volcano Cliffs Sector Development Plan, and the amendments thereto, states the following:

Property Owners: The City will use the plan that was in effect on the date of your first development approval (typically either preliminary plat or building permit).

The 2011 SDP was in place at the time that the Subdivision Plat was approved. We are confident that the City will acknowledge that Mr. Waterman has the right to develop the property under the 2011 SDP.

The main problem is that when Mr. Waterman designed the Subdivision, and at the time that the Subdivision Plat was approved, the 2011 SDP plan allowed a garage to be put in the rear yard and allowed a minimum side-yard setback of 5 feet and the minimum rear-yard setback for garages was 2 feet. The 2014 SDP states that all structures, including garages, must have a minimum side-yard, and rear-yard, setback of 15 feet. Obviously that has a huge impact on the net building pad.

Mr. Waterman specifically designed the Subdivision Plat to the 2011 SDP, as that was in place at the time that the preliminary plat was approved. Accordingly, he made the lots shallower than he would have had the side-yard, and rear-yard, setbacks had been 15' for garages. As it now stands, Mr. Waterman will not be able to develop the Subdivision as planned. In fact, because of the amendments to the 2011 SDP, which amendments have taken effect after the approval of the Subdivision Plat, Mr. Waterman will incur significant monetary damages as he will not be able to construct marketable homes. Below I've attached an excerpt from an email from Rhett wherein he explains in more detail the impact complying with the 2014 SDP will have on his development.

It is my understanding that Mr. Waterman's architect, Rick Bennett, spoke to you about this issue previously and you said that Mr. Waterman must comply with the 2014 SDP. We respectfully disagree with that position. Mr. Waterman has a vested right to construct homes in the Subdivision as per the 2011 SDP, which was in place when the preliminary plat was approved. That right stems from New Mexico common law. New Mexico courts have held that the following test must be met in order to establish a vested right:

In order to establish a vested right, a developer must prove two elements: (1) "approval by the regulatory body" and (2) a substantial change in position in reliance on that approval. *Brazos Land*, 115 N.M. at 170, 848 P.2d at 1097.

*See Andalusia Dev. Corp., Inc. v. City of Albuquerque*, 2010-NMCA-052, 148 N.M. 277, 234 P.3d 929. Both prongs of the test are met in this case. The Subdivision Plat was the "approval by the regulatory body" and Mr. Waterman substantially changed his position in reliance on that approval.

Mr. Waterman has spent over Two Million Dollars (\$2,000,000.00) to fully develop the Subdivision, and if he is unable to develop the property pursuant to the 2011 SDP he stands to lose a substantial amount of money. Mr. Waterman specifically designed the Subdivision based on the 2011 SDP, which allowed a minimum set-back for garages of 2 feet. By changing that set-back requirement to 15 feet, Mr. Waterman's net building pad is significantly reduced, as he specifically designed the Subdivision's layout based on the 2011 SDP, which was in place at the time that the Subdivision Plat was approved.

In addition to satisfying New Mexico law, it is helpful to look at the City's Impact Fee Ordinance, which defines when a vested right is acquired. Chapter 18, Sec. 3(B)(2)(d) of the Impact Fee Ordinance states:

For the purpose of the Impact Fee Ordinances and **these Administrative Rules**, vested rights shall mean development rights acquired and resulting from building permit approval, final plat approval, preliminary plat approval, or EPC or DRB site plan for subdivision or site plan for building permit approval obtained prior to the enactment date (December 10, 2004) of the Impact Fee Ordinance. Vested rights arising from such approvals shall expire if a building permit has not been issued within two (2) years from the effective date of the Impact Fee Ordinance and the impact fee may be assessed and collected thereafter.

(emphasis added). The provision in bold, “these Administrative Rules”, indicates that the language in question does not apply only to the Impact Fee Ordinance but to all of the City’s Administrative Rules. The Impact Fee Ordinance is found in the City’s Development Process Manual (the “DPM”), which governs development within the City. The DPM clearly states that either preliminary or final plat can be used to demonstrate vested rights. Accordingly, Mr. Waterman has a right to develop the Subdivision as per the 2011 SDP.

As even more evidence that Mr. Waterman has the right to develop the property in compliance with the 2011 SDP, one need look no further than the City’s Subdivision Ordinance, Sec. 14-14-3-4(D), **Right of Subdivider After Approval**, which states:

Until such approval shall have expired as provided in division (E) below, a preliminary plat which has been approved **shall be exempt from any subsequent amendments to city rules, ordinances, plans or policies which would affect the terms and conditions under which the preliminary plat was approved.**

(emphasis added). The preliminary plat never expired and the final plat was approved based on the preliminary plat. The final plat was approved, and recorded, as required by Sec. 14-14-3-6 of the City’s Subdivision Ordinance. Sec. 14-14-3-6(D) states:

The Planning Director shall file the final plat even if there have been amendments to city rules, ordinances, plans, or policies subsequent to the plat’s approval which would affect the terms and conditions under which the plat was approved.

What follows is a portion of an email from Mr. Waterman wherein he explained to me the impact of having to comply with the 2014 SDP after he specifically designed the Subdivision based on the 2011 SDP:

2011 SDP had setbacks of 25’ front-yard, 15’ rear-yard and 15’ side-yard. However, if you put the garage in the rear as per the specific language of the plan, as well as was shown on example diagrams in the plan, the garage could be set with a 5’ side-yard setback and a 2’ rear-yard setback. Based on those requirements I intentionally sized the lots to be 75’ wide and 85’ deep. The 75’ width was wide to accommodate 15’ side-yard setbacks and 85’

deep was shallow because of the ability to place garages in the rear at 5' and 2'.

Here are the resulting implications: On a 75' x 85' lot, with a 25' front-yard setback, a 15' rear-yard setbacks and a 15' side-yard setback, that would leaves a net building pad of 45'x45' or 2025 square foot print. Of that at least 529 square feet is a two car garage or the required porches. That would leave me with a maximum heated square footage of a single story home at 1496 sq. ft. (and it's a wierd layout with unusable heated space behind a garage, i.e., there is no way I could sell that home). Additionally there is a provision for a minimum of 1600 heated sq. ft. per both versions of the plan, so, based on the 2014 SDP I cannot build a single story. Only by building the garage in the rear per the 2011 SDP am I able to get a single story above 1600 feet, and it actually came in at 1609 sq ft.

Finally, there is a requirement that you cannot exceed 18' high (single story) unless the second story (26' high) does not exceed 50% of first story foot print. With this requirement I am only able to get @2100 sq. ft. as a two story under the 2014 SDP. Under the 2011 SDP, I can get 2734 sq ft. I have designed the homes, and am marketing the homes to families that require 3 or 4 bedrooms. A 4 bedroom home in 2100 sq ft does not work. I could not sell that home.

The 2014 SDP does not allow Mr. Waterman to develop the property as planned. Mr. Waterman has spent over 2 million dollars to get to this point. He will lose a substantial amount of money if he is required to develop the property in compliance with the 2014 SDP.

New Mexico law, as well as the City's own rules, regulations and ordinances, define when a developer has a vested right. Mr. Waterman has a vested right to development the Subdivision in accordance with the rules and regulations that were in place at the time the Subdivision Plat was approved. Specifically, that means that Mr. Waterman has the right to develop the Subdivision in compliance with the 2011 SDP, which was the version in effect at the time that the preliminary plat was approved.

I look forward to discussing this issue with you, and to answering any questions you may have.

Sincerely,

MYERS, McCREADY & MYERS, P.C.

By: 

J. Matt Myers



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 23, 2014

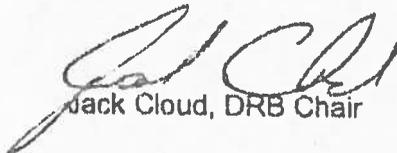
**Project# 1009178**  
**14DRB-70254 EXT OF MAJOR PRELIMINARY PLAT**

MARK GOODWIN AND ASSOCIATES, P.A. agent(s) for RTR, LLC request(s) the above action(s) for all or a portion of Lot(s) 31, Block(s) 9, **TIBURON HEIGHTS Unit(s) 18**, zoned SU-2 / VCLL, located on PEIRROJO BETWEEN UNSER AND URRACA containing approximately 7.9 acre(s). (D-10)

At the July 23, 2014 Development Review Board meeting, the one-year extension of the preliminary plat was approved.

The conditions of final plat still apply.

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

  
Jack Cloud, DRB Chair



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

August 14, 2013

**Project# 1009178**  
13DRB-70611 PRELIMINARY PLAT APPROVAL  
13DRB-70617 MINOR - TEMP DEFER SWDK CONST

MARK GOODWIN AND ASSOCIATES, P.A. agents for RTR, LLC request the referenced/ above action for Lot 31 (proposed 31-A), Block 9, VOLCANO CLIFFS Unit 18, zoned SU-2/VCLL, located on PETIRROJO RD NW between UNSER BLVD NW and URRACA ST NW containing approximately 7.9143 acres. (D-10) [Deferred from 7/24/13, 8/7/13]

At the August 14, 2013 Development Review Board meeting, with the signing of the infrastructure list dated 8/14/13 and with an approved grading and drainage plan stamp dated 8/9/13, the preliminary plat was approved. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on the exhibit in the planning file

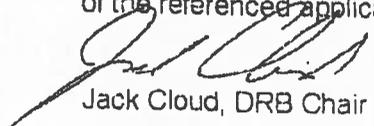
Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

If you wish to appeal this decision, you must do so by August 29, 2013, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15 day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s)

  
Jack Cloud, DRB Chair

Cc: MARK GOODWIN AND ASSOCIATES, P.A.  
Marilyn Maldonado  
File

NOTIFICATION &  
NEIGHBORHOOD INFORMATION

## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

July 30, 2015

Karen Lee Arfman Ward  
Myers, McCready & Myers, 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 July 30, 2015 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) – LOTS 1-P1 THRU 39-P1, TIBURON HEIGHTS LOCATED ON PETIRROJO ROAD NW BETWEEN UNSER BOULEVARD NW AND URRACA STREET NW** zone map D-10.

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

**(EPC SUBMITTAL) - LOTS 1-P1 THRU 39-P1, TIBURON HEIGHTS LOCATED ON  
PETIRROJO ROAD NW BETWEEN UNSER BOULEVARD NW AND URRACA STREET NW  
zone map D-10 for Karen Lee Ward.**

**VOLCANO CLIFFS PROPERTY OWNERS ASSOC.**

**\*Dave Heil**

160 Itasca Rd., Rio Rancho, NM/87124 228-7189 (c)

Blake Thompson

3009 Palo Alto NE/87111 328-3117 (c)

**PETROGLYPH ESTATES OWNERS ASSOC., INC.**

**\*Steven J. Metro**

8860 Desert Finch NE/87122 280-4553 (c)

Blake Thompson

3009 Palo Alto Dr. NE/87111 328-3117 (c)

**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.  
ALBUQUERQUE, NEW MEXICO 87104

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

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

FLOYD D. WILSON, *Of Counsel*

*e-mail: mmyers@moplaw.com*

July 30, 2015

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Volcano Cliffs Property Owners Association  
Attn: Dave Heil  
160 Itasca Rd  
Rio Rancho, NM 87124

Volcano Cliffs Property Owners Association  
Attn: Blake Thompson  
3009 Palo Alto NE  
Albuquerque, NM 87111

Petroglyph Estates Owners Association Inc.  
Attn: Steven J. Metro  
8860 Desert finch NE  
Albuquerque, NM 87122

Petroglyph Estates Owners Association Inc.  
Attn: Blake Thompson  
3009 Palo Alto NE  
Albuquerque, NM 87111

Westside Coalition of N.A.'s  
Attn: Gerald Worrall  
1039 Pinatubo Pl. NW  
Albuquerque, NM 87120

Westside Coalition of N.A.'s  
Attn: Harry Hendriksen  
10592 Rio Del Sole Ct. NW  
Albuquerque, NM 87114

Re: Tiburon Subdivision

Dear Association Members:

This firm represents RTR, LLC, who is the owner of the Tiburon Subdivision (the "Subdivision"), which is comprised of 39 single family residential lots and is located on Petirrojo Road, between Unser Blvd. NW and Urraca St. NW. This letter is to notify you that RTR is requesting a 20% variance to the side-yard and front-yard setback requirements for the 39 lots located in the Subdivision, which would result in a side-yard setback of 12 feet and a front-yard setback of 20 feet.

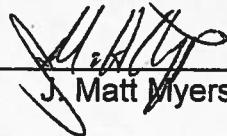
This request is being made pursuant to the Volcano Cliffs Sector Development Plan and will be heard by the City's Environmental Planning Commission on September 10, 2015. We have enclosed a copy of the application that we filed with the City of Albuquerque, which more fully describes the request.

Please call or email me with any comments, questions or concerns you may have regarding this request.

Sincerely,

MYERS, MCCREADY & MYERS, P.C.

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

  
J. Matt Myers

JMM/klw

Enclosures

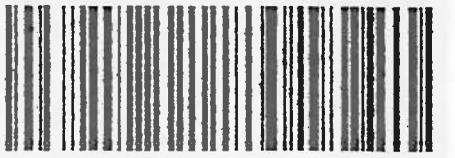
cc: Mr. Rhett Waterman

H:\Waterman,Rhett\JMM\Tiburon Subdivision\Ltr to Associations.docx

- typical -

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

# CERTIFIED MAIL™



4422 7887 0000 2630 2013  
4422 7887 0000 2630 2013

## CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

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

7/30/15

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

Postmark Here

Signature of Addressee  
 Signed at No. of Copies  
 City State Zip  
 PS Form 3811, August 2005  
 See Reverse for Instructions

### 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.

Article Addressed to:  
 Steano Litter Not  
 Attw: Dave Mail  
 160 Itasca Rd.  
 Rio Rancho, NM  
 87124

### COMPLETE THIS SECTION ON DELIVERY

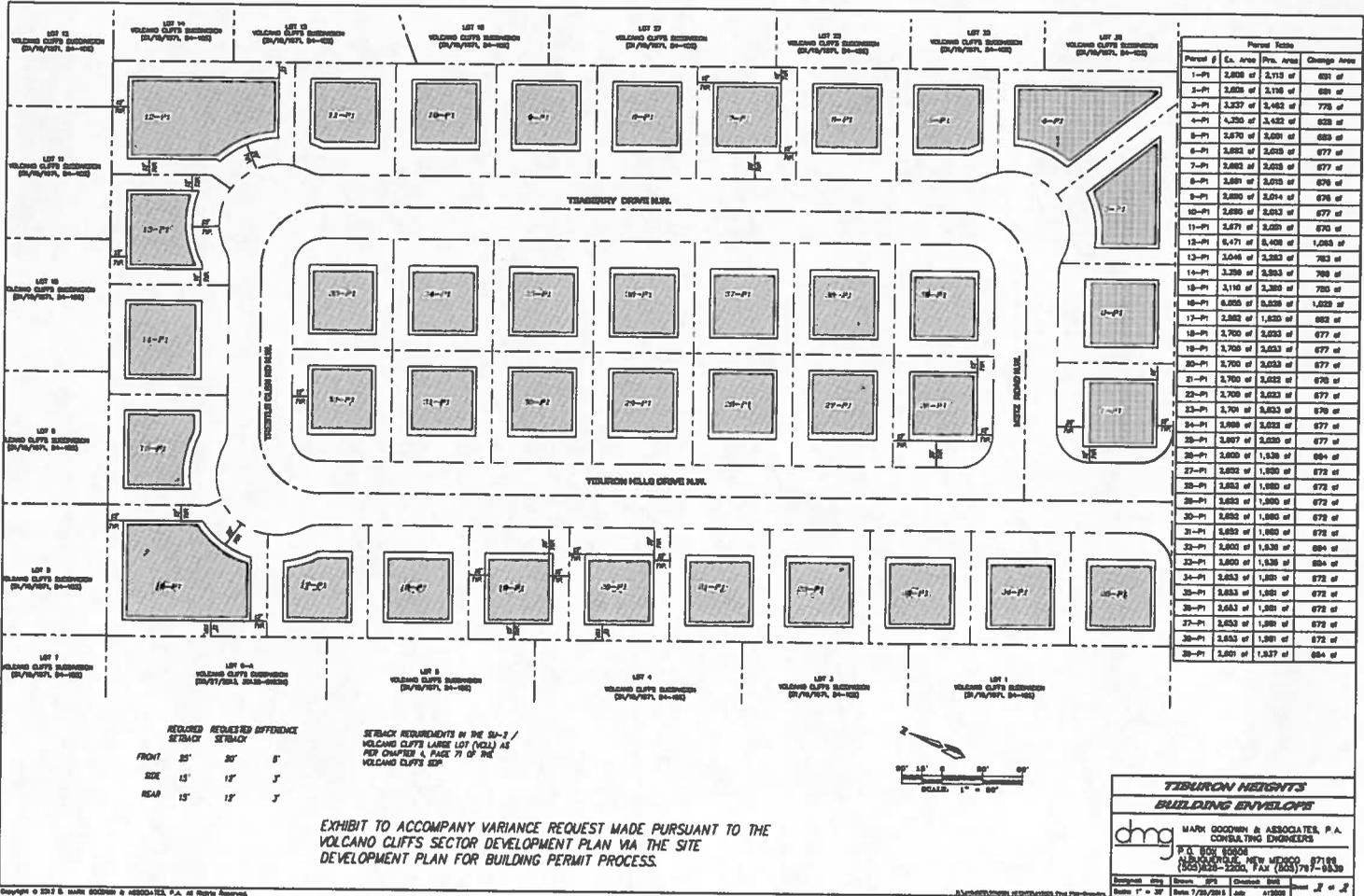
- A. Signature
  - Signature
  - Agent
- B. Received by (Printed Name)
  - Addressed
- C. Date of Delivery
- D. Is delivery address different from item 1?
  - Yes
  - No
 If YES, enter delivery address below:

- 3. Service Type
  - Certified Mail
  - Registered
  - Insured Mail
  - Priority Mail Express™
  - Return Receipt for Merchandise
  - Collect on Delivery
- 4. Restricted Delivery? (Extra Fee)
  - Yes
  - No

2. Article Number (Transfer from service label) 7013 2630 0000 3887 2244

PS Form 3811, July 2013 Domestic Return Receipt

EXHIBIT





**PLAT FOR  
TIBURON HEIGHTS  
WITHIN  
SECTION 22  
TOWNSHIP 11 NORTH, RANGE 2 EAST, N14PM  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
SEPTEMBER, 2014**

**Easements:**

- 1 NEW 10' PUBLIC UTILITY EASEMENT GRANTED WITH THE PLING OF THIS PLAT.
- 2 NEW 1' WIDE PUBLIC SIDEWALK EASEMENT GRANTED WITH THE PLING OF THIS PLAT.
- 3 NEW 15' PUBLIC WATERLINE EASEMENT GRANTED WITH THE PLING OF THIS PLAT.
- 4 NEW 20' PUBLIC STORM DRAIN EASEMENT GRANTED WITH THE PLING OF THIS PLAT.
- 5 EXISTING 20' PUBLIC STORM DRAIN EASEMENT (01-07-2013, DOC #013001006).
- 6 EXISTING 15' PUBLIC WATERLINE EASEMENT (12-19-2012, DOC #012113306).
- 7 EXISTING 7' ELECTRIC POWER AND TELEPHONE LINE EASEMENT (07/19/1971, DA-100).
- 8 EXISTING 20' WIDE PUBLIC STORM DRAIN EASEMENT (08-27-2013, 2013-0-01000).
- 9 EXISTING 10' PUBLIC STORM DRAIN EASEMENT (01-07-2013, DOC #013001007).
- 10 NEW 10' PRIVATE DRAINAGE EASEMENT GRANTED TO AND FOR THE BENEFIT OF LOTS 12-18 VOLCANO CLIFFS SUBDIVISION NEW STORMDRAIN PIPE AND INLET TO BE MAINTAINED BY OWNER OF LOT 12-P1.
- 11 NEW 6' WIDE PUBLIC SIDEWALK EASEMENT GRANTED WITH THE PLING OF THIS PLAT.

NOTED:  
#4 REBAR WITH YELLOW PLASTIC CAP STAMPED "S.S. 11887" WILL BE SET AT ALL PROPERTY CORNERS.

**Line Table**

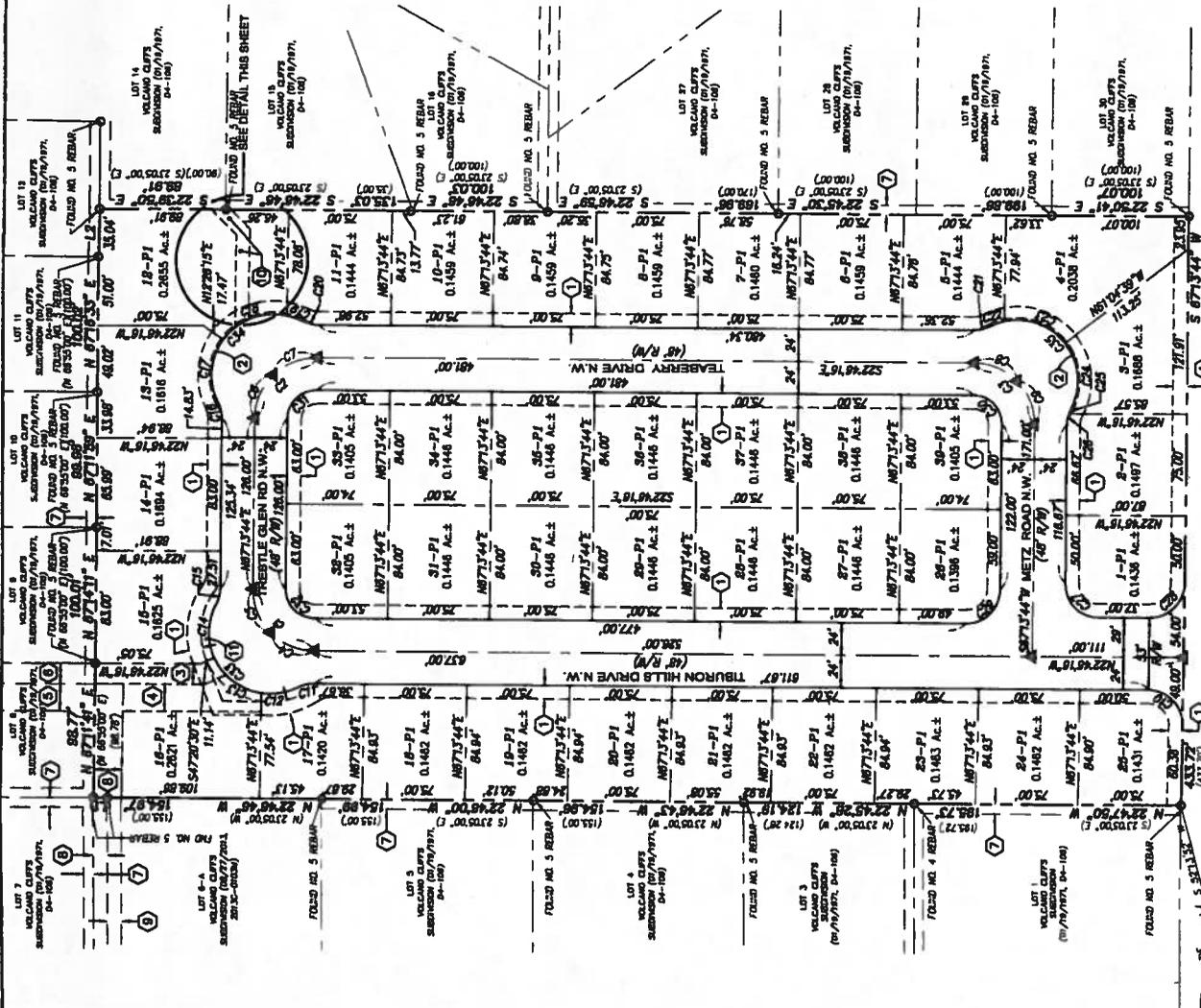
Line #	Bearing	Length	Record Bearing	Record Length
L-1	N22°38'53"W	10.00'	N43°05'00"W	(10.00')
L-2	N87°14'53"E	35.04'	N68°55'00"E	(35.04')



**PRECISION SURVEYS, INC.**

DOUGLAS JACOBSON  
5511 Montgomery Place, NE  
Albuquerque, NM 87109  
PO Box 10338  
Albuquerque, NM 87110  
SALVADOR VALLE  
SALVADOR VALLE  
SALVADOR VALLE  
SALVADOR VALLE

Scale: AS SHOWN Date: 09/12/2014 Job: A12008 Sheet 2 of 2



**NOTE:**  
CONTIGUOUS (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CONTIGUOUS P.C.'S, P.T.'S, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR FOOT (4') ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE," CENTERLINE MONUMENT, "TO BE MAINTAINED BY OWNER OF LOT 12-P1."

**ALBUQUERQUE MONUMENT**  
STANDARD ALBUQUERQUE BRASS TABLET  
NEW MEXICO STATE PLATE COORDINATES  
(CENTRAL ZONE - N.A.D. 83)  
N=132,827.946 E=1,400,000.000  
PUBLISHED BY: SULLIVAN (MAY 1988)  
GEOLOGICAL ENGINEERING  
ALBUQUERQUE, NEW MEXICO

**ALBUQUERQUE MONUMENT**  
STANDARD ALBUQUERQUE BRASS TABLET  
NEW MEXICO STATE PLATE COORDINATES  
(CENTRAL ZONE - N.A.D. 83)  
N=132,827.946 E=1,400,000.000  
PUBLISHED BY: SULLIVAN (MAY 1988)  
GEOLOGICAL ENGINEERING  
ALBUQUERQUE, NEW MEXICO

**Curve Table**

Curve #	Radius	Delta	Tangent	Chord Direction	Chord Length
C1	70.00'	45.00'	90.0000'	N07°15'44"E	63.64'
C2	70.00'	45.00'	90.0000'	S87°16'16"W	63.64'
C3	70.00'	45.00'	90.0000'	N07°15'44"E	63.64'
C4	35.34'	45.00'	45.0000'	S71°16'16"E	34.44'
C5	35.34'	45.00'	45.0000'	S44°15'44"W	34.44'
C6	35.34'	45.00'	45.0000'	N86°15'16"E	34.44'
C7	35.34'	45.00'	45.0000'	N07°15'44"E	34.44'
C8	35.34'	45.00'	45.0000'	N07°15'44"E	34.44'
C9	35.34'	45.00'	45.0000'	N07°15'44"E	34.44'
C10	35.34'	45.00'	45.0000'	N07°15'44"E	34.44'
C11	11.83'	25.00'	27.0728'	N07°15'44"E	11.83'
C12	27.07'	45.00'	57.9178'	S32°28'28"W	27.24'
C13	45.15'	45.00'	57.9178'	S13°33'28"W	43.37'
C14	40.77'	45.00'	51.5422'	N07°15'44"E	30.39'
C15	11.83'	25.00'	27.0728'	N07°15'44"E	11.83'
C16	11.83'	25.00'	27.0728'	N07°15'44"E	11.83'
C17	48.13'	45.00'	67.4913'	S71°16'16"E	50.20'
C18	51.55'	45.00'	67.4913'	S07°16'16"E	50.20'
C19	11.83'	25.00'	27.0728'	N07°15'44"E	11.83'
C20	11.83'	25.00'	27.0728'	N07°15'44"E	11.83'
C21	11.83'	25.00'	27.0728'	N07°15'44"E	11.83'
C22	11.83'	25.00'	27.0728'	N07°15'44"E	11.83'
C23	58.44'	45.00'	64.5716'	N07°15'44"E	48.78'
C24	51.55'	45.00'	67.4913'	N07°15'44"E	48.78'
C25	3.44'	25.00'	7.3238'	N07°15'44"E	3.44'
C26	8.40'	25.00'	19.2748'	S07°15'44"E	8.40'
C27	38.27'	25.00'	90.0000'	N07°15'44"E	38.27'
C28	38.27'	25.00'	90.0000'	S07°15'44"E	38.27'
C29	38.27'	25.00'	90.0000'	N07°15'44"E	38.27'
C30	38.27'	25.00'	90.0000'	S07°15'44"E	38.27'
C31	113.83'	45.00'	144.0055'	N07°15'44"E	68.37'
C32	113.83'	45.00'	144.0055'	S07°15'44"E	68.37'
C33	113.83'	45.00'	144.0055'	N07°15'44"E	68.37'
C34	113.83'	45.00'	144.0055'	S07°15'44"E	68.37'
C35	113.83'	45.00'	144.0055'	N07°15'44"E	68.37'

