

October 2, 2012

Ms. Catalina Lehner  
City of Albuquerque Planning Department  
600 2nd St. NW  
Albuquerque, NM 87102

Re: Project # 1004075/12EPC-40048 -Amendments to the Level B Community Master Plan.

Dear Ms Lehner,


This letter outlines how the applicant has met the conditions of approval for the EPC case cited above, based upon the Notice of Decision dated September 13, 2012. From our meeting on October 1<sup>st</sup>, 2012 to review the changes to the document, all parties agreed that the amendments to the Mesa del Sol Level B Community Master Plan would be reviewed and finalized by the case planner, not the Development Review Board (DRB) as referenced in the Notice of Decision. This letter, along with the EPC Notice of Decision, will be incorporated into the revised version of the Level B Plan document.

- Pursuant to the Conditions of Approval #3, the language with the “Covered Parking Spaces” has been modified under the House and Townhouse portion to state: “2 covered spaces per unit. The ARC can allow a minimum of one covered space per unit, though two covered spaces are not prohibited.” (p. 25, 31)
- Pursuant to the Conditions of Approval #4, the Level B Plan Technical Appendices maps on pages 39-41, 96, 106, and 127, have been updated to incorporate the boundary changes to match those within the Level B Plan. These maps will be incorporated into a revised appendix.
- Pursuant to the Conditions of Approval #5, a new note 13 has been added to Table 2-1 to read, “Setbacks are measured from the edge of the street right-of-way.” (p. 31)
- Pursuant to the Conditions of Approval #6A, the “Total Area” on page 2 has been revised to reflect the new total of 3,151 acres. Pursuant to #6B, the Phasing Plan Map on page 41 has been modified to include labels for the separate phases.
- Pursuant to the Conditions of Approval #7A, a revision note has been added to the modified maps that reference September 2012. Pursuant to #7B, a revision note has been added to the updated maps within the Technical Appendices. Pursuant to #7C, spacing issues have been addressed so that the text matches the adopted Plan.
- Pursuant to the Conditions of Approval #8, the applicant is aware of PNM policy on utility easements and will make every effort to ensure that new construction does not encroach onto those easements.

Our meeting on October 1, 2012 to review the post EPC changes to the document also addresses the Condition of Approval #2. The changes noted above will be incorporated into a revised version of the Mesa del Sol Level B Community Master Plan and distributed to the City in electronic and hard-copy format.

Please contact me if you have any questions or concerns.

Sincerely,



Will Gleason, AICP, LEED AP  
Dekker/Perich/Sabatini  
Agent for Forest City Mesa del Sol LLC

# CITY OF ALBUQUERQUE

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

September 13, 2012

Dekker/Perich/Sabatini (DPS),  
Attn: Will Gleason  
7601 Jefferson NE, Suite 100  
Albuquerque, NM 87109

**Project# 1004075**  
12EPC-40048 Amendment to Level B Community  
Master Plan

### LEGAL DESCRIPTION:

for all or a portion of Bulk Land Plat of Mesa del Sol Tracts 1-15, Sections 13-15, 20-24, 26-29, 32-35 Township 9 North, Range 3 East, NMPM; Sections 2-6, Township 8 North, Range 3 East, NMPM; Albuquerque, Bernalillo County, New Mexico, and A certain tract of land within the South ½ of Section 15 and the NW ¼ of the NE ¼ of Section 22, Township 9 North, Range 3 East, NMPM, being and comprising a portion of Tract 12 and a westerly portion of Tract 1 of the Bulk Land Plat for Mesa del Sol Tracts 1 – 15, containing approximately 3,200 acres.  
Catalina Lehner, Staff Planner

PO Box 1293

Albuquerque

NM 87103

On September 13, 2012, the Environmental Planning Commission (EPC) voted to APPROVE Project 1004075 / 12EPC-40048, a request for amendments to the Level B Community Master Plan (the "Level B Plan"), based on the following Findings and subject to the following Conditions:

### FINDINGS:

1. This request is for text amendments to the Mesa del Sol Level B Community Master Plan (the "Level B Plan"). The Level B Plan area (the "subject site") encompasses approximately 3,100 acres, located generally south of the Tijeras Arroyo & Montessa Park; north of the Level A Plan Area & Isleta Pueblo; west of Broadway Blvd. & I-25; east of the Level A "La Semilla" Reserve Area.
2. The Level B Plan area is contained within the larger, approximately 13,000-acre area of the Mesa del Sol Level A Community Master Plan (the "Level A Plan"). All of Mesa del Sol, the Level A and Level B Plan areas, is zoned Planned Communities (PC) and is designated a Reserve area by the Comprehensive Plan.

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3. The proposed text amendments consist of revisions to the boundaries of the Level B Plan area, acreages in two land use categories, single-family residential lot categories and setback, setback along University Blvd. and approval of covered parking spaces. Corresponding text and map revisions and a few minor labeling and stylistic changes are also proposed. The intent of the proposed text amendments is generally to provide additional flexibility for development in the Level B Plan area.
4. The request does not constitute a sector development plan map amendment (zone change). No change to the zoning descriptor, PC, is proposed. The Level B Plan does not attach land use stipulations to its zoning descriptor; no land use changes are proposed. Therefore, the request is not required to be justified pursuant to R270-1980.
5. The Environmental Planning Commission (EPC) is the final approval body for this request, unless the EPC decision is appealed. The Level B Plan designates the EPC as the final approval body for the Level B Plan itself, and also for boundary changes greater than 10 acres in size. The proposed boundary change is approximately +69 net acres.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the Planned Communities Criteria (PCC): Policy Element, the Mesa del Sol Level A Community Master Plan (the "Level A Plan") and technical appendices, the Mesa del Sol Level B Community Master Plan (the "Level B Plan") and technical appendices, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request is generally consistent with the City Charter. Amending the Level B Community Master Plan is an exercise in local self-government and falls within the City's powers (Article I). The proposed text amendments would generally help to ensure the proper use and development of land in the Level B Plan area (Article IX).
8. The request furthers the following Comprehensive Plan Goal and policy for the Reserve area:
  - A. Reserve Area Goal (B-2). The proposed text amendments would help foster opportunities for future development and would not adversely affect the mixed-use nature established for the larger Plan area. Future development would occur in accordance with the approved Level B Plan and would not significantly affect the Plan's core concepts.
  - B. Reserve Area Policy II.B.2.c. The Level B Plan area is contained within the larger Level A Plan area; planned community master plans have been adopted for each. The proposed text amendments would modify acreages in two land use categories and revise a couple of regulations pertaining to single-family residential uses.
9. The request generally furthers the following, applicable Comprehensive Plan Goals:
  - A. Community Identity & Urban Design Goal (C-9). The Level B Development Standards are the mechanism to implement the concepts that make Mesa del Sol identifiable as a distinct

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community and collection of neighborhoods. The proposed text amendments would generally help enhance the built characteristics of neighborhoods in the Level B Plan.

- B. Economic Development Goal (D-6). The proposed text amendments generally support the goal of achieving diversified and economic development in accordance with the social, cultural and environmental goals as elaborated in the Level B Plan.
10. The request partially furthers the Housing Goal (D-5). The request would create one category of single family lot types, which could help promote development of smaller lots that tend to be more affordable, though affordability depends on several factors. Allowing internal approval of covered carports may result in deviations from the high-quality, residential design types originally envisioned.
11. Conditions of approval are needed to improve clarity and ensure internal consistency.
12. There is no known neighborhood or other opposition as of this writing and Staff has not received any correspondence.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the Staff planner to ensure that all conditions of approval are met.
3. Covered Parking Spaces- the language shall be revised as follows (p. 25, 31):  
House or Townhouse: 2 covered spaces per unit. [~~ARC can make allowance for one covered space per unit.~~] [+The ARC can allow a minimum of one covered space per unit, though two covered spaces are not prohibited.+]
4. Technical Appendices- Maps:  
The following maps in the Level B Technical Appendix shall be updated to incorporate the boundary changes and match the maps in the Level B Plan document (consistent and cross-referenced maps may also appear in the body of the Level B Plan):
- A. Land Use & Absorption, p. 39-41.
- B. M de S Land Usage, p. 96.
- C. Planning Zones, p. 106.
- D. Modified M de S Take Down Land Use Area, p. 127.

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5. Setbacks:

A new note 13 shall be added to Table 2-1, as follows: [+Setbacks are measured from the edge of the street right-of-way.+]

6. Total Area & Phasing:

A. The figure for "Total Area" on Table 1-1 shall be changed to the new total (3,151).

B. The Phasing Plan Map (p. 41) shall be made legible in black-white copy and/or labeled.

7. Minor, Clean Up:

A. The revision note on the maps shall reference September 2012 (not August).

B. A revision note shall be added to the Technical Appendices since several maps will need updating.

C. The spacing issue (p. 33-42) shall be addressed so the text matches the adopted Plan.

8. Condition from PNM:

As a condition of approval, it is understood by the applicant that when objects (for example, walls or fences) are allowed to be placed in utility easements and constructed on top of underground electric distribution facilities, both the object and the utility facility are put at risk if utility maintenance, repair or replacement must occur.

**IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY SEPTEMBER 28, 2012** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

Persons aggrieved with any determination of the Environmental Planning Commission (EPC) and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting a written application on the Planning Department form to the Planning Department **within 15 days** of the Planning Commission's decision. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day is considered as the deadline for filing the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF

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APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY ZONING CODE MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(11), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing thorough the Planning Director that the Planning Commission extend the plan's life an additional five years.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee.

Sincerely,

  
for Suzanne Lubar  
Acting Director, Planning Department

SL/CLL/mc

cc: Dekker/Perich/Sabatini (DPS), Attn: Will Gleason, 7601 Jefferson NE, Suite 100, Albuquerque, NM 87109