

# 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

November 13, 2015

COA Council Services  
City/County Building  
Albuquerque, NM 87102

**Project# 1001620**  
15EPC-40057 Text Amendment to the  
Subdivision Ordinance

### LEGAL DESCRIPTION:

For Amending the Subdivision Ordinance section 14-14-5-12, to amend the alternative methods for construction of sidewalks, allowing for a deposit and agreement for completion of sidewalks in residential subdivisions. City-Wide

Staff Planner: Jack Cloud

On November 12, 2015, the Environmental Planning Commission (EPC) voted to recommend APPROVAL of Project #10001620/15EPC-40057, a Text Amendment to the Subdivision Ordinance, based on the following recommended findings and subject to the following recommended conditions of approval:

Albuquerque

### RECOMMENDED FINDINGS:

New Mexico 87103

www.cabq.gov

1. The request is for a recommendation to City Council regarding text amendments to the City's Subdivision Ordinance to provide more efficient means of alternate sidewalk construction as required by the City Subdivision Ordinance.
2. The intent of these particular text amendments to the Subdivision Ordinance is to allow an up-front deposit for completion of sidewalks and an agreement to be a covenant on a subdivision plat, in lieu of a separate Subdivision Improvement Agreement and financial guarantee.
3. The proposed text amendments are found in legislation authored by Council Services Staff and known as Bill No. O-15-62. O-15-62 was introduced at City Council on September 21, 2015 and subsequently referred to the Planning Department for review. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's legislative body and will make the final decision regarding City Ordinances.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Subdivision Ordinance are incorporated herein by reference and made part of the record for

all purposes.

5. Intent of the City Charter:

Adding provisions to the Subdivision Ordinance to allow for guarantee of public infrastructure (sidewalks) in a more efficient manner is a responsible exercise in local self-government, and generally expresses the Council's desire to ensure the proper use and development of land. (*City Charter, Article D*).

6. Goals and Policies of the Comprehensive Plan:

The proposed text amendments to the Subdivision Ordinance would provide a predictable framework for development while maintaining the provision of public services/ sidewalks.

RECOMMENDED CONDITIONS:

1. On page 1 of the ordinance, revise lines 17 and 18 to show deletion of the reference to a Subdivision Improvement Agreement, such that the subject paragraph appears as follows:

**(1) Fee.] Submit to the City, [~~with the execution of the Subdivision Improvements Agreement,~~] a nonrefundable [payment fee for deposit into the incomplete residential sidewalk fund] in the form of a cashier's check in amount equal to 10% of the estimated cost of construction of the sidewalks [in the subdivision] as calculated by the City Engineer using City unit prices including taxes, surveying, inspection and testing;**

2. On page 3 of the ordinance, line 25, delete the reference to the City's Street Maintenance Program and insert in its place the words Planning Department, such that the subject sentence appears as follows:

**The funds received through the [~~alternative method nonrefundable deposit required under subsection (A)(1) above]~~ will be placed in a separate Capital Implementation Program (CIP) activity in the [Street Maintenance Program Planning Department, within the City's Capital Acquisition Fund 305].**

3. On page 4 of the ordinance, revise lines 1 thru 7 with appropriate new language such that the ending of the subject amendment appears as follows:

**(ADA) within the City of Albuquerque [as described in subsection (B)(3) above Notwithstanding the above, when the sidewalks in a subdivision have been built and accepted by the City, then the funds may be transferred to a Street Fund and used for pedestrian improvements anywhere in the City consistent with the Complete Streets Ordinance].**

OFFICIAL NOTICE OF DECISION

Project #1001620/15EPC-40057

November 12, 2015

Page 3 of 3

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **NOVEMBER 30, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

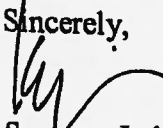
For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), 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 through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,

  
for Suzanne Lubar  
Planning Director

SL/JC

cc: City of Albuquerque, City Council, Attn: Andrew Webb, P.O. Box 1293, Abq. NM 87102  
City of Albuquerque, Planning Department, P.O. Box 1293, Abq. NM 87102