

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

September 21, 2023

MDS Investments LLC
4020 Vassar Dr. NE
Albuquerque NM, 87107-2058

Project # PR-2023-008498
SI-2023-01380 - Site Plan - EPC Major Amendment
SI-2023-01500 - Site Plan - EPC Major Amendment

LEGAL DESCRIPTION:

Consensus Planning, agent for Kairos Power LLC and MDS Investments LLC, requests Text Amendments to the Level A Framework Plan and the Level B Framework Plan for Mesa del Sol to increase the allowable height and allow NR-GM land uses in the Employment Center, for all or a portion of a certain tract of land being a portion of Sections 13, 14, 15, 20, 21, all of Sections 22, 23, 24, 25, 26, 27, 28, a portion of Sections 29, 32, all of Sections 33, 34, 35, 36, Township 9 North, Range 3 East, all of Sections 1, 2, 3, 4, 5, and a portion of Section 6, Township 8 North; a certain tract of land situated between State Road 47 (Broadway Boulevard) and Interstate 25 in Sections 20, 29 and 32, Township 9 North; a certain tract of land being a portion Lot 7, and a portion of the south one-half of the northeast one-quarter of Section 6, Township 8 North; A certain tract of land being a northwesterly portion Lot 2, of Section 6, Township 8 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico located generally south of Los Picaros Rd., north of the Pueblo of Isleta, mostly east of Interstate 25, and west of Kirtland AFB, approximately 13,000 acres. (S-16 & S-17)
Staff Planner: Megan Jones

On September 21, 2023 the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL of Project # PR-2023-008498, SI-2023-01380- Site Plan- EPC Major Amendment, SI-2023-01513 - Text Amendments to the Mesa del Sol Level A Framework Plan, to the City Council based on the following Findings and subject to the following Conditions of Approval:

RECOMMENDED FINDINGS – SI-2023-01380

1. This request is for text amendments to the Mesa del Sol Level A Community Master Plan (the “Level A Plan”) which contains approximately 13,000 acres situated in the southeastern portion of the City and south of the Albuquerque International Sunport. The Level B Plan area, containing 3,200-acres, is within the boundaries of the Level A Plan.

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2. The EC is located on the northernmost portion of the mesa top including a 500-acre site on the southern boundary of the UNM campus designated as Mixed-Use Centers in the Level A and Level B Plans.
3. The proposed amendments would modify the allowable maximum building height from 80-feet to 110-feet and add the IDO NR-GM zone district as an allowable land use district in the Employment Center on a case-by-case basis. All future requests are to be heard and decided by the EPC.
4. In this case, text amendments apply to an approximately 30-acre portion of the Employment Center (EC) legally described as Tract D-1-A, Mesa Del Sol Innovation Park II, located on the NE portion of the EC (the “subject site”). Associated amendments are included to the Level B Plan with this request.
5. All of Mesa del Sol is zoned Planned Community (PC) Zone District. Upon the effective date of the Integrated Development Ordinance (IDO) in May 2018, the PC zoning remained.
6. The Level A Plan is considered a Framework Plan under the IDO. Pursuant to IDO 14-16-1-10(A)(1), any approvals granted prior to the effective date of this IDO shall remain valid, subject to expiration procedures. The Level A Plan was heard by the EPC and approved by the City Council in 2006. The Plan remains valid and framework plans do not expire (See IDO Table 6-4-3).
7. Notwithstanding the pre-IDO approval, pursuant to IDO 14-16-1-10(A)(1), development is exclusively subject to the procedures and decision criteria established in Part 14-16-6 of the IDO. Though existing development standards continue to apply, process is pursuant to the IDO.
8. The request (the text amendments) constitutes a Major Amendment to a prior approval (the Level A Plan). Pursuant to IDO 14-16-6-4(Y), Amendment of Prior Approvals, if a request exceeds the thresholds for Minor Amendments in 14-16-6-4(Y)(2)(a), then it is a Major Amendment.

In this case, the request would increase the dimension of a standard (height) [6-4(Y)(2)(a)(2).] and would affect the existing Mesa del Sol I Employment Center [6-4(Y)(2)(a)(11)]. Therefore, it is a Major Amendment.
9. The EPC was the original reviewing body and City council was the decision-making body for the Level A Plan, consistent with the hierarchy of approvals established in the Planned Communities Criteria (PCC). Therefore, the current request for a major amendment to the Level A Plan is required to be heard by the EPC and decided by City Council.
10. 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 the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
11. The request is generally consistent with applicable articles of the City Charter. Amendment of the Level A Plan for Mesa del Sol is an exercise in local self-government and falls within the City’s powers granted by its Charter (Article I). The proposed text amendments to raise allowable maximum building heights would generally help ensure the proper use and development of land in

the Level A and Level B Plan areas while generally maintaining an aesthetic urban environment (Article IX).

12. The request is generally consistent with Goal 4.2 Process from Comprehensive Plan Chapter 4 Community Identity: Engage communities to identify and plan for their distinct character and needs from Chapter 4- Community Identity because the applicant engaged the community through a facilitated meeting on July 7, 2023. The applicant worked with the neighborhood associations and residents of Mesa del Sol (MDS) to discuss the changed to the Employment Center (EC).
13. The request is generally consistent with the following Comprehensive Plan Goals and policies regarding Centers and Corridors from Chapter 5- Land Use:

- A. Goal 5.1-Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site is located in the Mesa del Sol I Employment Center that is continuously growing with Office, retail, industrial and manufacturing uses. The EC is located along the existing University Multi - Modal Corridor, which is planned to be connected by a network of corridors at full build out. The request would facilitate future heavy/special manufacturing development on the subject site that would contribute to growth in the EC.

- B. Policy 5.1.1, Sub policy c: Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban fringe.

The request could facilitate future development on a 30-acre portion of the EC, which is already developed with an Industrial use. The subject site is accessed by the University Blvd. Multi - Modal Corridor which is intended to capture growth and higher intensity development. The request would facilitate development on the western 16 acres of the subject site. The eastern 14-acres of the subject site is developed with an Industrial Facility. This request could lead to an expansion of the existing business and employment growth on an infill site. The EC is planned for larger-scale uses, which the request could implement.

14. The request is generally consistent with the following, applicable Comprehensive Plan policies regarding Complete Communities and City Development Areas from Chapter 5- Land Use:

- A. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The proposed amendments could facilitate future heavy/special manufacturing development. The development would be an expansion to the existing Industrial Manufacturing facility that is utilized for nuclear power research and development. The request could lead to job creation on site, which is accessible by University Blvd. from the growing Mesa Del Sol Employment and Community Center including the residential villages. The request continues to promote sustainable job growth in an area that the Comp Plan designated as an Employment Center and the MDS Framework Plan designated as a major employment district.

- B. Policy 5.2.2 Planned Communities: Include Centers and Corridors in master planned communities and follow the Planned Communities Criteria (PCC) as adopted by the City and County.

The amendment would affect Centers and Corridors in the master-planned community of Mesa del Sol, and follows the PCC because Level B Plans (and subsequent amendments) are reviewed and decided by the EPC.

- C. Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.
- D. Policy 5.6.2 Area of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The approximately 30-acre subject site is in an area of change u-in the EC. The Employment Center is located along the University Blvd. Multi-Modal Corridor and is primarily classified as a City Development Area of Change with some areas of consistency in the 500 -acre portion south of the Community Center. The request would encourage future growth on the subject site where it is expected and desired, in a comp plan Center and Corridor where change is desired and away from residential development and areas of consistency.

15. The request is consistent with Policies from Chapter 8 Economic Development:

- A. Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The request would facilitate a different development intensity and building scale on a 30-acre portion of the Employment Center, which is developed with an existing Industrial Manufacturing facility for nuclear research and development. The request would facilitate expansion of the current use and allow special manufacturing on site which could encourage economic development opportunities for MDS. Future development would be required to follow development standards within the Level A and Level B Plans, but have the flexibility of higher intensity manufacturing and building heights. The design standards allow a variety of design characteristics that could foster the creation of interesting places, although remain consistent with the overall theme of Mesa del Sol and help encourage economic development.

- B. Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

By allowing an increase in building heights and making Heavy and Special Manufacturing permissive pursuant to the NR-GM zone designation, expanded development of the existing industrial Facility of the subject site could occur. This request could accommodate employment growth on the subject site for the existing development. This change would generally facilitate future development that could lead to employment growth in an Area of Change, the Mesa del Sol I Employment Center and along a designated corridor, which the Comprehensive Plan Identifies as a place that should be the focus of job creation.

16. The request is generally consistent with the community building principle regarding economic development in the Level A Plan, as follows:

1.2.1 Economic Development (p. 8): “Economic development is the cornerstone of the strategic plan for Mesa del Sol. We see it as a process of creating and maintaining a viable economy for a well-balanced, sustainable community like Mesa del Sol. The creation of an economic base is required to create high-paying jobs for New Mexicans and grow existing businesses—a base that will sustain quality growth.”

The request could facilitate the expansion of an existing Industrial Manufacturing facility within the Employment Center. The future development would create more jobs near housing in MDS and help to foster a viable economy and sustainable community where residents can live, and work.

17. The request is generally consistent with the community building principle regarding District and Neighborhood Structure in the Level A Plan, as follows:

1.2.2 District and Neighborhood Structure (p. 10): [Mesa del Sol will be] “carefully planned for with a logical and memorable structure of development, one that creates identifiable places well served by transportation within a larger framework of preserved open space. In keeping with this principle, Mesa del Sol will be structured as a series of districts, villages and neighborhoods, each with an identifiable center and edge. Employment districts served by I-25 and the University Boulevard extension will accommodate a variety of types of employment along with supporting uses, and a hierarchy of mixed-use centers, on and below the mesa, will provide shopping, civic uses, higher-density forms of housing, and public gathering spaces at highly accessible nodes in the transportation system.”

The request could facilitate heavy/special manufacturing development in the Employment District. The Employment Center is planned for a variety of types of employment and the proposed use would allow a new type of employment industry in the center. Raising allowable maximum heights could facilitate development necessary to create identifiable places and promote a new of types of employment in a special/industrial manufacturing facility. The Employment Center is planned to be well served by transportation.

18. The proposed text amendments that are applicable to Tract D-1-A would be generally more advantageous to the community because they are consistent with a preponderance of applicable goals and policies.
19. The request for a Major Amendment meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6-6(I)(3):

A. 6-6(I)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.

As demonstrated by the policy analysis (see above), the request is generally consistent overall with applicable Comprehensive Plan Goals and policies and the applicable, overarching community building principles of the Level A and Level B Plans. Conditions of approval are recommended to address inconsistencies to the greatest degree possible.

- B. 6-6(I)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.

The Level A or Level B Plan areas do not have any NR-SU or PD zoning within its boundaries.

- C. 6-6(I)(3)(c) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

Future site plans will be reviewed by the Development Facilitation Team (DFT) or the Development Hearing Officer (DHO) to ensure compliance with applicable provisions of the Development Process Manual (DPM), particularly those pertaining to transportation, drainage, and utility systems. The DFT/DHO will also review for compliance with applicable Development Standards in the Level A Plan and Level B Plan and their associated Technical Appendices.

- D. 6-6(I)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

The requested amendments do not impact the existing infrastructure and public improvements at this time. Any future development would warrant a review by the DFT/DHO for specifics when site plans are submitted. At that time, adequate infrastructure capacity will be required and ensured to serve the proposed development.

- E. 6-6(I)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

The proposed text amendments would not create significant adverse impacts or significantly impact the subject site or surrounding area, although would facilitate development of a special manufacturing facility with a tower that would be equal to or over 100-feet. The subject site is located at least 5,000 feet from any residential land uses at this time, so buffering requirements would be met. Future site plans will be reviewed by the DFT or DHO, which will generally ensure provision of adequate infrastructure to mitigate site-specific impacts on the surrounding area.

- F. 6-6(I)(3)(f) If the subject property is within an approved Master Development Plan, the Site Plan meets any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.

Not applicable. The subject site is not a part of a Master Development Plan; it is within the boundaries of the Level A and the Level B Plan for Mesa del Sol, which are Framework Plans. Future site plans will be subject to applicable development standards and technical appendices within both the Level A and the Level B Plan.

- G. 6-6(I)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts

Analysis Requirements), the Site Plan incorporates mitigation for all identified cumulative impacts. The proposed development will not create material adverse impacts on water quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, light spillover, or other nuisances without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

Not applicable. The Level A Plan area is not in a designated Railroad and Spur Area.

20. The affected neighborhood organizations are the Mesa del Sol Neighborhood Association (NA) and the district 6 Coalition of NAs, which the applicant notified as required. The applicant also notified property owners within 100-feet of the subject site as required.
21. A pre-submittal neighborhood meeting was held on July 7, 2023. This was not a facilitated meeting because a meeting was not requested by the NA. Pursuant to IDO section 6-4(B), a facilitated meeting through the City's ONC is required when an affected NA accepts the offer of a pre-application meeting. The applicant held a public meeting and provided notes. The applicant discussed the proposed amendments. Community concerns were not included and are unknown.
22. Staff received a letter of opposition from the Mesa del Sol Neighborhood Association on September 7, 2023. There is no opposition to the requested land uses on the subject site. The NA is opposed to increasing the maximum height in the Employment Center from 80-feet to 110-feet.
23. Upon clarification from the applicant stating that the requested height amendments only pertain to the 30-acre site, the NA withdrew their opposition.

RECOMMENDED CONDITIONS OF APPROVAL – SI-2023-01380

1. Any future site plan associated with this request shall be subject to the IDO process. A letter shall accompany the submittal, specifying all revisions have been made to the Level A Plan and associated documents since the EPC hearing, including how the Plans have been modified to meet each of the EPC conditions.
2. The applicant shall meet with a Staff planner to ensure that all conditions of approval are addressed and met prior to finalizing the amended Level A Framework Plan.
3. The applicant shall provide a final revised document within 6 months of the final City Council approval.
4. Level A Plan Document Clean-Up:
 - A. The Applicant shall title the document "As approved by the DRB February 2008" (the original approval) and add "Amended September 2023" on the Level A Plan document cover and the chapter dividers. There may be additional, future revisions.
 - B. All references to Tract D-1-A-1 shall be changed to reflect the legal description on the approved survey: Tract D-1-A.

- C. The proposed amendment to the Max. Building Height in Table 7-2 Development Standards shall remain at 80-feet Max for consistency purposes. All buildings are to remain restricted to 80-feet except for approval by the EPC on a case-by-case basis.
- D. The proposed note 14 shall reflect that the allowable building height is approved on Tract D-1-A only.

5. Level A Technical Appendices:

Amendments to the technical appendices shall occur when a specific end user is ready to propose a site plan.

On September 21, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2023-008498, SI-2023-01500, Text Amendments to the Mesa del Sol Level B Framework Plan, based on the following Findings and subject to the following Conditions of Approval:

FINDINGS – SI-2023-01500

1. This request is for text amendments to the Mesa del Sol Level B Community Master Plan (the “Level B Plan”) which contains approximately 3,200 within the Level A plan area, which is generally south of Los Picaros Rd./Montessa Park, south and east of the Bernalillo County Recreational Complex, north of the Pueblo of Isleta, mostly east of Interstate 25, and west of Kirtland Air Force Base (KAFB).
2. Text amendments are proposed for an approximately 30-acre portion of the Employment Center (EC) legally described as Tract D-1-A, Mesa Del Sol Innovation Park II, located on the NE portion of the EC (the “subject site”).
3. The EC is located on the northernmost portion of the mesa top including a 500-acre site on the southern boundary of the UNM campus designated as Mixed-Use Centers in the Level A and Level B Plans.
4. The proposed amendments would modify the allowable maximum building height and allowable uses on the subject site in the Level A Plan and Level B Plans as follows: Change the allowable maximum height on the subject site from 80-feet to 110-feet and allow Heavy and Special Manufacturing uses permissive in the NR-GM zone district pursuant to IDO 4-3 Use Specific Standards.
5. All of Mesa del Sol is zoned Planned Community (PC) Zone District. Upon the effective date of the Integrated Development Ordinance (IDO) in May 2018, the PC zoning remained.
6. The Level B Plan is considered a Framework Plan under the IDO. Pursuant to IDO 14-16-1-10(A)(1), any approvals granted prior to the effective date of this IDO shall remain valid, subject to expiration procedures. The Level A Plan was heard by the EPC and approved by the City Council in 2006. The Plan remains valid and framework plans do not expire (See IDO Table 6-4-3).

7. Notwithstanding the pre-IDO approval, pursuant to IDO 14-16-1-10(A)(1), development is exclusively subject to the procedures and decision criteria established in Part 14-16-6 of the IDO. Though existing development standards continue to apply, process is pursuant to the IDO.
8. The request (the text amendments) constitutes a Major Amendment to a prior approval (the Level A Plan). Pursuant to IDO 14-16-6-4(Y), Amendment of Prior Approvals, if a request exceeds the thresholds for Minor Amendments in 14-16-6-4(Y)(2)(a), then it is a Major Amendment.

In this case, the request would increase the dimension of a standard (height) [6-4(Y)(2)9a2.] and would affect the existing Mesa del Sol I Employment Center [6-4(Y)(2)(a)(11)]. Therefore, it is a Major Amendment.

9. The EPC was the original reviewing body and City council was the decision-making body for the Level A Plan, consistent with the hierarchy of approvals established in the Planned Communities Criteria (PCC). Therefore, the current request for a major amendment to the Level A Plan is required to be heard by the EPC and decided by City Council.
10. 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 the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
11. The request is generally consistent with applicable articles of the City Charter. Amendment of the Level A Plan for Mesa del Sol is an exercise in local self-government and falls within the City’s powers granted by its Charter (Article I). The proposed text amendments to raise allowable maximum building heights would generally help ensure the proper use and development of land in the Level A and Level B Plan areas while generally maintaining an aesthetic urban environment (Article IX).
12. The request is generally consistent with Goal 4.2 Process from Comprehensive Plan Chapter 4 Community Identity: Engage communities to identify and plan for their distinct character and needs from Chapter 4- Community Identity because the applicant engaged the community through a facilitated meeting on July 7, 2023. The applicant worked with the neighborhood associations and residents of Mesa del Sol (MDS) to discuss the changed to the Employment Center (EC).
13. The request is generally consistent with the following Comprehensive Plan Goals and policies regarding Centers and Corridors from Chapter 5- Land Use:

- A. Goal 5.1-Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site is located in the Mesa del Sol I Employment Center that is continuously growing with Office, retail, industrial and manufacturing uses. The EC is located along the existing University Multi - Modal Corridor, which is planned to be connected by a network of corridors at full build out. The request would facilitate future heavy/special manufacturing development on the subject site that would contribute to growth in the EC.

- B. Policy 5.1.1, Sub policy c: Encourage employment density, compact development,

redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban fringe.

The request could facilitate future development on a 30-acre portion of the EC, which is already developed with an Industrial use. The subject site is accessed by the University Blvd. Multi - Modal Corridor which is intended to capture growth and higher intensity development. The request would facilitate development on the western 16 acres of the subject site. The eastern 14-acres of the subject site is developed with an Industrial Facility. This request could lead to an expansion of the existing business and employment growth on an infill site. The EC is planned for larger-scale uses, which the request could implement.

14. The request is generally consistent with the following, applicable Comprehensive Plan policies regarding Complete Communities and City Development Areas from Chapter 5- Land Use:

- A. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The proposed amendments could facilitate future heavy/special manufacturing development. The development would be an expansion to the existing Industrial Manufacturing facility that is utilized for nuclear power research and development. The request could lead to job creation on site, which is accessible by University Blvd. from the growing Mesa Del Sol Employment and Community Center including the residential villages. The request continues to promote sustainable job growth in an area that the Comp Plan designated as an Employment Center and the MDS Framework Plan designated as a major employment district.

- B. Policy 5.2.2 Planned Communities: Include Centers and Corridors in master planned communities and follow the Planned Communities Criteria (PCC) as adopted by the City and County.

The amendment would affect Centers and Corridors in the master-planned community of Mesa del Sol, and follows the PCC because Level B Plans (and subsequent amendments) are reviewed and decided by the EPC.

- C. Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

Policy 5.6.2 Area of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The approximately 30-acre subject site is in an area of change u-in the EC. The Employment Center is located along the University Blvd. Multi-Modal Corridor and is primarily classified as a City Development Area of Change with some areas of consistency in the 500 -acre portion south of the Community Center. The request would encourage future growth on the subject site where it is expected and desired, in a comp plan Center and Corridor where change is desired and away from residential development and areas of consistency.

15. The request is consistent with Policies from Chapter 8 Economic Development:

- A. Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The request would facilitate a different development intensity and building scale on a 30-acre portion of the Employment Center, which is developed with an existing Industrial Manufacturing facility for nuclear research and development. The request would facilitate expansion of the current use and allow special manufacturing on site which could encourage economic development opportunities for MDS. Future development would be required to follow development standards within the Level A and Level B Plans, but have the flexibility of higher intensity manufacturing and building heights. The design standards allow a variety of design characteristics that could foster the creation of interesting places, although remain consistent with the overall theme of Mesa del Sol and help encourage economic development.

- B. Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

By allowing an increase in building heights and making Heavy and Special Manufacturing permissive pursuant to the NR-GM zone designation, expanded development of the existing industrial Facility of the subject site could occur. This request could accommodate employment growth on the subject site for the existing development. This change would generally facilitate future development that could lead to employment growth in an Area of Change, the Mesa del Sol I Employment Center and along a designated corridor, which the Comprehensive Plan Identifies as a place that should be the focus of job creation.

16. The request is generally consistent with the community building principle regarding economic development in the Level A Plan, as follows:

1.2.1 Economic Development (p. 8): “Economic development is the cornerstone of the strategic plan for Mesa del Sol. We see it as a process of creating and maintaining a viable economy for a well-balanced, sustainable community like Mesa del Sol. The creation of an economic base is required to create high-paying jobs for New Mexicans and grow existing businesses—a base that will sustain quality growth.”

The request could facilitate the expansion of an existing Industrial Manufacturing facility within the Employment Center. The future development would create more jobs near housing in MDS and help to foster a viable economy and sustainable community where residents can live, and work. The request is generally consistent with the community building principle regarding economic development.

17. The request is generally consistent with the community building principle regarding District and Neighborhood Structure in the Level A Plan, as follows:

1.2.2 District and Neighborhood Structure (p. 10): [Mesa del Sol will be] “carefully planned for with a logical and memorable structure of development, one that creates identifiable places well served by transportation within a larger framework of preserved open space. In keeping with this

principle, Mesa del Sol will be structured as a series of districts, villages and neighborhoods, each with an identifiable center and edge. Employment districts served by I-25 and the University Boulevard extension will accommodate a variety of types of employment along with supporting uses, and a hierarchy of mixed-use centers, on and below the mesa, will provide shopping, civic uses, higher-density forms of housing, and public gathering spaces at highly accessible nodes in the transportation system.”

The request could facilitate heavy/special manufacturing development in the Employment District. The Employment Center is planned for a variety of types of employment and the proposed use would allow a new type of employment industry in the center. Raising allowable maximum heights could facilitate development necessary to create identifiable places and promote a new of types of employment in a special/industrial manufacturing facility. The Employment Center is planned to be well served by transportation. The request is generally consistent with the community building principle regarding district and neighborhood structure.

18. The request is generally consistent with the Economic Viability strategy in the Level B Plan, as follows:

1.3.2 Economic Viability, B. Local Economy (p. 5) (marketability, local economy, sustainability through diversity): “Mesa del Sol aims to enhance the economic vitality of the local area. One key goal is to create a jobs-housing balance by attracting high-salary industries to the area to provide jobs for local residents and to increase the local tax base.”

The proposed land use would facilitate the expansion of an existing Industrial Manufacturing facility, which could lead to more jobs in the Employment Center. The MDS Framework Plan has a goal of jobs first housing second in MDS. The request could allow an existing industry to expand and grow, which would in turn help to improve the jobs-housing balance in the area and could have a multiplier effect throughout the local economy. There will be additional opportunity for residents of MDS to live near the jobs in the Employment Center. The request is consistent with the Economic Viability strategy.

19. The request is partially consistent with the Context and Location strategy in the Level B Plan, as follows:

1.3.3 Response to Context and Location (p. 6) (open space, dark skies, air quality, global systems, heat island): “Development at Mesa del Sol will take full advantage of the sense of identity created by the site’s rich context of natural features. Open space corridors are aligned with mountain vistas to preserve the connection to the natural setting. Limitations on lighting and emissions, efficient energy systems, and building and site design contribute to making Mesa del Sol as climate neutral as practical.”

The requested text amendments are to increase the allowable maximum building heights and make heavy and special manufacturing uses permissive on a 30-acre site in the Employment Center. Approval of the request could facilitate future development which would be an expansion to an existing Industrial manufacturing/ research and development nuclear power facility. Any future development facilitated by this request will be required to follow development standards within the Level B Plan in addition to the Level B Technical Appendices. Any future site plans would be required to be reviewed by the DFT (Development Facilitation Team) or DHO (Development

Hearing Officer) which would help ensure that the Lighting, Open Space, and related design standards within the plan are followed in response to context and location. Staff suggests, when future site plans are reviewed, that the topics of dark skies, air quality, and heat islands be discussed to determine what additional efforts can be made, and/or measures taken, to help ensure this strategy can be carried out in a strong manner as envisioned. Therefore, at this time, the request is partially consistent with the Response to Context and Location Strategy.

20. The Level B Plan outlines Goals and Objectives in Chapter 2, Land Use, which are applicable to the proposed text amendments as follows:

2.2.1 Goals and Objectives for Employment Center and Highway Commercial District (p. 16).

“Mesa del Sol’s employment districts emphasize the “jobs first, housing second” approach to development that is a hallmark of Mesa del Sol. The employment districts’ strategic location, accessibility, and ample land supply will offer unique opportunities to new employers from out of state, as well as providing space for local businesses to expand.”

The request would facilitate an expansion to an existing Industrial development within the Employment Center. The proposed height increase and land use won the subject site would allow job creation on site, which is in line with the “jobs first housing second” approach to development in MDS, therefore the request is generally consistent with the Goal 2.2.1 for the Employment Center.

21. The proposed text amendments that are applicable to Tract D-1-A would be generally more advantageous to the community because they are consistent with a preponderance of applicable goals and policies.
22. The request for a Major Amendment meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6-6(I)(3):

- A. 6-6(I)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.

As demonstrated by the policy analysis (see above), the request is generally consistent overall with applicable Comprehensive Plan Goals and policies and the applicable, overarching community building principles of the Level A and Level B Plans. Conditions of approval are recommended to address inconsistencies to the greatest degree possible.

- B. 6-6(I)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.

The Level A or Level B Plan areas do not have any NR-SU or PD zoning within its boundaries.

- C. 6-6(I)(3)(c) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

Future site plans will be reviewed by the Development Facilitation Team (DFT) or the Development Hearing Officer (DHO) to ensure compliance with applicable provisions of the Development Process Manual (DPM), particularly those pertaining to transportation, drainage,

and utility systems. The DFT/DHO will also review for compliance with applicable Development Standards in the Level A Plan and Level B Plan and their associated Technical Appendices.

- D. 6-6(I)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

The requested amendments do not impact the existing infrastructure and public improvements at this time. Any future development would warrant a review by the DFT/DHO for specifics when site plans are submitted. At that time, adequate infrastructure capacity will be required and ensured to serve the proposed development.

- E. 6-6(I)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

The proposed text amendments would not create significant adverse impacts or significantly impact the subject site or surrounding area, although would facilitate development of a special manufacturing facility with a tower that would be equal to or over 100-feet. The subject site is located at least 5,000 feet from any residential land uses at this time, so buffering requirements would be met. Future site plans will be reviewed by the DFT or DHO, which will generally ensure provision of adequate infrastructure to mitigate site-specific impacts on the surrounding area.

- F. 6-6(I)(3)(f) If the subject property is within an approved Master Development Plan, the Site Plan meets any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.

Not applicable. The subject site is not a part of a Master Development Plan; it is within the boundaries of the Level A and the Level B Plan for Mesa del Sol, which are Framework Plans. Future site plans will be subject to applicable development standards and technical appendices within both the Level A and the Level B Plan.

- G. 6-6(I)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements), the Site Plan incorporates mitigation for all identified cumulative impacts. The proposed development will not create material adverse impacts on water quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, light spillover, or other nuisances without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

Not applicable. The Level B Plan area is not in a designated Railroad and Spur Area.

23. The affected neighborhood organizations are the Mesa del Sol Neighborhood Association (NA) and the district 6 Coalition of NAs, which the applicant notified as required. The applicant also notified property owners within 100-feet of the subject site as required.
24. A pre-submittal neighborhood meeting was held on June, 2023 (see attachments). This was not a

facilitated meeting because a meeting was not requested by the NA. Pursuant to IDO section 6-4(B), a facilitated meeting through the City's ONC is required when and affected NA accepts the offer of a pre-application meeting. The applicant held a public meeting and provided notes. The applicant discussed the proposed amendments. Community concerns were not included and are unknown.

25. Staff received a letter of opposition from the Mesa del Sol Neighborhood Association on September 7, 2023. There is no opposition to the requested land uses on the subject site. The NA is opposed to increasing the maximum height in the Employment Center from 80-feet to 110-feet.
26. Upon clarification from the applicant stating that the requested height amendments only pertain to the 30-acre site, the NA withdrew their opposition.

CONDITIONS OF APPROVAL – SI-2023-01500

1. Any future site plan associated with this request shall be subject to the IDO process. A letter shall accompany the submittal, specifying all revisions have been made to the Level A Plan and associated documents since the EPC hearing, including how the Plans have been modified to meet each of the EPC conditions.
2. The applicant shall meet with a Staff planner to ensure that all conditions of approval are addressed and met prior to finalizing the amended Level B Framework Plan.
3. The applicant shall provide a final revised Level B Framework Plan document within 6 months of the final EPC approval.
4. Level B Plan Document Clean-Up
 - A. The Applicant shall title the document "As approved by the DRB February 2008" (the original approval) and add "Amended September 2023" on the Level B Plan document cover and the chapter dividers. There may be additional, future revisions.
 - B. All references to Tract D-1-A-1 shall be changed to reflect the legal description on the approved survey: Tract D-1-A
 - C. The proposed amendment to the Max. Building Height in Table 2-1 Site Development Standards shall remain at 80-feet Max for consistency purposes and maximum heights shall reflect 110-feet. All buildings are to remain restricted to 80-feet except for approval by the EPC on a case-by-case basis.
 - D. The proposed note 14 shall reflect that the allowable building height is approved on Tract D-1-A only.
5. Level B Technical Appendices:

Amendments to the technical appendices shall occur when a specific end user is ready to propose a site plan.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **October 6, 2023**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th 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 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. 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 an EPC Recommendation to the City Council since this is not a final 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 IDO must be complied with, even after approval of the referenced application(s).

Sincerely,

Catalina Lehner

for Alan M. Varela,
Planning Director

AV/CL/MJ

cc: MDS Investments LLC, 4020 Vassar Dr. NE, Albuquerque NM, 87107-2058
Kairos Power LLC, Attn: Rhonda Reynolds, PE., 5201 Hawking Dr SE, Albuquerque, NM 87106
Consensus Planning, Inc., cp@consensusplanning.com
Mesa Del Sol NA, Cathy Burns, catburns87106@gmail.com
Mesa Del Sol NA, David Mills, dmills544@gmail.com
District 6 Coalition of Neighborhood Associations, Mandy Warr, mandy@theremedyspa.com
District 6 Coalition of Neighborhood Associations, Patricia Willson, info@willsonstudio.com
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EPC File