

**CITY of ALBUQUERQUE**  
**TWENTY SECOND COUNCIL**

**COUNCIL BILL NO. O-16-23 ENACTMENT NO. \_\_\_\_\_**

**SPONSORED BY: Dan Lewis, by request**

# 1 ORDINANCE

2 AMENDING THE ALBUQUERQUE ZONING CODE TO CLARIFY THE ACREAGE  
3 REQUIRED FOR A PRIVATE COMMONS DEVELOPMENT IN §14-16-2-2 (RO-1,  
4 RURAL AND OPEN ZONE), §14-16-2-4 (RA-1, RESIDENTIAL AND  
5 AGRICULTURAL ZONE, SEMI-URBAN AREA) and §14-16-2-5 (RA-2,  
6 RESIDENTIAL AND AGRICULTURAL ZONE) TO REMOVE INCONSISTENCY  
7 WITHIN §14-16-3-16 (PRIVATE COMMONS DEVELOPMENT REGULATIONS).  
8 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
9 ALBUQUERQUE:

10        **SECTION 1. THE ZONING CODE IS HEREBY AMENDED BY REPLACING**  
11   **THE TEXT IN:**

12 RO-1, RURAL AND OPEN ZONE § 14-16-2-2 (A)(9) AS FOLLOWS:

13 (9) Private Commons Development, not less than ~~[two]~~ [one] acre[s] in  
14 area.

15 RA-1, RESIDENTIAL AND AGRICULTURAL ZONE, SEMI-URBAN AREA,  
16 § 1416-2-4 (A)(3) AS FOLLOWS:

17 (3) Private Commons Development, not less than ~~[two]~~ [one] acre[s] in area.

18 RA-2, RESIDENTIAL AND AGRICULTURAL ZONE, § 14-16-2-4 (A)(2) AS  
19 FOLLOWS:

20 (2) Private Commons Development, not less than ~~[two]~~ [one] acre[s] in area.

21       **SECTION 2. FINDINGS ACCEPTED.** The City Council adopts the following  
22       findings as recommended by the Environmental Planning Commission (EPC):

23 1. This is a request for a Zoning Code Text Amendment to the RO-1,  
24 RA-1 and RA-2 zones of the City of Albuquerque Comprehensive

1           Zoning Code to change the minimum acreage for Private Commons  
2           Development §14-16-3-16.

3           2. The Zoning Code, §14-16-3-16 Private Commons Developments, was  
4           amended in 2013 (13 EPC 40088) to reduce the required minimum  
5           acreage for a Private Commons Development from two acre to one  
6           acre. This amendment did not include the necessary amendments to  
7           the RO-1, RA-1 and RA-2, where the Private Commons Development  
8           are allowed permissively. This request amends the acreage required  
9           for a Private Commons Development from two acres to one in those  
10          zones in order to be consistent with the regulations of §14-16-3-16  
11          Private Commons Developments.

12          3. The request removes an inconsistency in the Zone Code because it  
13          adjusts the acreage in the subject zones to match the acreage in §14-  
14          16-3-16, Private Commons Developments.

15          4. The Charter of the City of Albuquerque, the Albuquerque  
16          Comprehensive Plan and the City of Albuquerque Zoning Code are  
17          incorporated herein by reference and made part of the record for all  
18          purposes

19          5. The EPC is a recommending body with review authority and is  
20          therefore charged with evaluating the request and forwarding a  
21          recommendation to the City Council. The EPC's task is to make a  
22          recommendation to the City Council regarding the proposed text  
23          amendments. The City Council is the City's Zoning Authority and will  
24          make the final decision (§14-16-4-1(D)).

25          6. The request was advertised the Albuquerque Journal on May 18,  
26          2016 as required by the Zoning Code, §14-16-4-1. Registered  
27          Neighborhood Associations received the application materials and  
28          summary via e-mail.

29          SECTION 3. EFFECTIVE DATE AND PUBLICATION. This legislation shall  
30          take effect five days after publication by title and general summary.

31          SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
32          clause, word or phrase of this ordinance is for any reason held to be invalid or  
33          unenforceable by any court of competent jurisdiction, such decision shall not

1 affect the validity of the remaining provisions of this ordinance. The Council  
2 hereby declares that it would have passed this ordinance and each section,  
3 paragraph, sentence, clause, word or phrase thereof irrespective of any  
4 provisions being declared unconstitutional or otherwise invalid.

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# CITY OF ALBUQUERQUE

## Albuquerque, New Mexico

### Office of the Mayor

Mayor Richard J. Berry

#### INTER-OFFICE MEMORANDUM

June 23, 2016

**TO:** Dan Lewis, President, City Council

**FROM:** Richard J. Berry, Mayor *RJB*

**Subject:** **Project# 1001620/16EPC-40025.** The Environmental Planning Commission (EPC) forwards a recommendation of APPROVAL to the City Council regarding text amendments to the Zoning Code RO-1 (§14-16-2-2), RA-1 (§14-16-2-4) and RA-2 (§14-16-2-5) zones so that the minimum required acreage for a Private Commons Development is consistent with the Private Commons Development regulations (§14-16-3-16). City-Wide. Staff Planner: Maggie Gould

#### Request

The request is a an amendment to the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code so that acreage allowed for the Private Commons Development (PCD), which is a permissive use, is reduced from two acres to one acre. This change is consistent with minimum acreage allowed in the Private Commons Development regulations in the Zoning Code.

#### Intent & Scope

The intent of the proposed Zone Code Amendment is to revise the minimum acreage required for a PCD in order to correct the existing inconsistency within the PCD regulations. The request removes an inconsistency in the Zone Code because it adjusts the acreage in the subject zones to match the acreage in §14-16-3-16, Private Commons Developments. The PCD does not increase housing density, but allows the clustering of the allowed number of housing units to provide more open space within a development.

#### Background & Zoning

The Zoning Code, §14-16-3-16 Private Commons Developments, was amended in 2013 (O-2013-11) to reduce the required minimum acreage for a Private Commons Development from two acre to one acre. This amendment did not include the necessary amendments to the RO-1, RA-1 and RA-2, where the Private Commons Development are allowed permissively. This request amends the acreage required for a Private Commons Development from two acres to one in those zones in order to be consistent with the regulations of §14-16-3-16 Private Commons Developments.

**Public Comments**

The Office of Neighborhood Coordination also sent out the application material and summary of the project to the recognized neighborhood Associations.

This proposed amendment was advertised in the Albuquerque Journal on May 18<sup>th</sup>, 2016 and will go through the same hearing process through EPC and City Council.

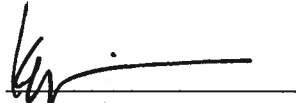
Staff did not receive any comments from the public regarding this proposal.

**EPC Decision**

At its June 9, 2016 hearing, the EPC voted 8-0 to forward a recommendation of approval to the City Council. Because the amendment is a simple revision that did not occur in 2013, the EPC had limited discussion regarding the amendment.

**Conclusion**

The proposed text amendments to the Zoning Code would remove an inconsistency in the Zone Code by adjusting the acreage in the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code to match the minimum acreage required in §14-16-3-16, Private Commons Developments. The proposed text amendments would apply City-wide.

**Recommended:**

Kym Dicome, Manager  
Current Planning Section  
Planning Department

## FISCAL IMPACT ANALYSIS

Amendment of the RO-1, RA-1 and RA-2 zones to revise the acreage for a Private Commons Development

R: O:

FUND:

DEPT: Planning

- [X] No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- [ ] (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2016	Fiscal Years 2017	2018	Total
Base Salary/Wages				-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses		-		-
Property		-	-	-
Indirect Costs 8.52%	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
[ ] Estimated revenues not affected				
[ ] Estimated revenue impact				
Amount of Grant	-	-	-	-
City Cash Match				
City Inkind Match				
City IDOH *8.52%	-	-	-	-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created 0

### COMMENTS ON MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:


No Fiscal Impact from the adoption of these codes.

### COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

These text amendments to the Zoning Code RO-1(\$14-16-2-2), RA-1(\$14-16-2-4) and RA-2 (\$14-16-2-5) zones reduced the required acreage for a Private Commons Development from two acres to one acre, so that the minimum required acreage for a Private Commons Development is consistent with the Private Commons Development regulations (§14-16-3-16).

PREPARED BY:

APPROVED:

 6/27/16

FISCAL ANALYST (date)

Debra Dombroski

 6/27/16

PLANNING DIRECTOR (date)

Suzanne Lubar

REVIEWED BY:

 7-11-16

BUDGET OFFICER (date)

Gerald Romero

 07/11/16

EXECUTIVE BUDGET ANALYST (date)

Lorraine L. Turietta

 7/11/16


CITY ECONOMIST (date)

Jacques Blair

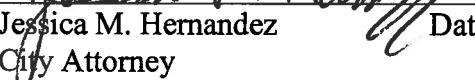
for S.B.

**TITLE/SUBJECT OF LEGISLATION: Project# 1001620/16EPC-40025. The Environmental Planning Commission (EPC) forwards a recommendation of APPROVAL to the City Council regarding text amendments to the Zoning Code.**

Approved:

  
\_\_\_\_\_  
Robert J. Perry                      Date  
Chief Administrative Officer

Approved as to Legal Form:

  
\_\_\_\_\_  
Jessica M. Hernandez                      Date  
City Attorney

Recommended:

  
\_\_\_\_\_  
Suzanne Lubar                      Date  
Director

# 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

June 10, 2016

COA, Planning Dept.  
600 2<sup>nd</sup> St. NW  
ABQ, NM 87102

**Project# 1001620**  
16EPC-40025 Text Amendment to the Zoning Code

### LEGAL DESCRIPTION:

The above action to amend RO-1 (§14-16-2-2), RA-1 (§14-16-2-4) and RA-2 (§14-16-2-5) zones so that the minimum required acreage for a private commons development is consistent with the Private Commons Development regulations (§14-16-3-16). City-Wide. Staff Planner: Maggie Gould

On June 9, 2016 the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL to the City Council for Project #1001620/16EPC-40025, Text Amendment to the Zoning Code, based on the following findings:

### FINDINGS:

Albuquerque

New Mexico 87103

www.cabq.gov

1. This is a request for a Zoning Code Text Amendment to the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code to change the minimum acreage for Private Commons Development §14-16-3-16.
2. The Zoning Code, §14-16-3-16 Private Commons Developments, was amended in 2013 (13 EPC 40088) to reduce the required minimum acreage for a Private Commons Development from two acre to one acre. This amendment did not include the necessary amendments to the RO-1, RA-1 and RA-2, where the Private Commons Development are allowed permissively. This request amends the acreage required for a Private Commons Development from two acres to one in those zones in order to be consistent with the regulations of §14-16-3-16 Private Commons Developments.
3. The request removes an inconsistency in the Zone Code because it adjusts the acreage in the subject zones to match the acreage in §14-16-3-16, Private Commons Developments.
4. The Charter of the City of Albuquerque, the Albuquerque Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes



## OFFICIAL NOTICE OF DECISION

Project #1001620

June 9, 2016

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5. The EPC is a recommending body with review authority and is therefore charged with evaluating the request and forwarding a recommendation to the City Council. 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 Zoning Authority and will make the final decision (§14-16-4-1(D)).
6. The request was advertised the Albuquerque Journal on May 18, 2016 as required by the Zoning Code, §14-16-4-1. Registered Neighborhood Associations received the application materials and summary via e-mail.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 24, 2016**. 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.

**DEFERRAL FEES:** Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the

OFFICIAL NOTICE OF DECISION

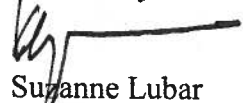
Project #1001620

June 9, 2016

Page 3 of 3

applicant is subject to a \$110.00 fee per case.

Sincerely,

  
~~for~~ Suzanne Lubar  
Planning Director

SL/MG

cc: COA, Planning Dept., 600 2<sup>nd</sup> St. NM, ABQ, NM 87102



## ***Environmental Planning Commission***

***Agenda Number:08  
Project Number: 1001620  
Case #: 16 EPC 40025  
June 9, 2016***

### ***Staff Report***

<b><i>Agent</i></b>	City of Albuquerque
<b><i>Applicant</i></b>	City of Albuquerque
<b><i>Request</i></b>	<b>Text Amendments to the Zone Code</b>
<b><i>Legal Desc.</i></b>	City Wide
<b><i>Current Zoning</i></b>	RO-1, RA-1 and RA-2
<b><i>Proposed Zoning</i></b>	RO-1, RA-1 and RA-2, with acreage amended for Private Commons Development (PCD),

### ***Staff Recommendation***

***That a recommendation of APPROVAL of 16 EPC 40025 be forwarded to the City Council, based on the Findings on page 5.***

***Staff Planner  
Maggie Gould, Planner***

### ***Summary of Analysis***

This is a text amendment to the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code.

In 2013, the Private Commons Development (PCD), regulations were amended by City Council, through a public process, to reduce the minimum acreage required for a PCD from two acres to one acre. However the existing acreage for the zones where PCDs are allowed (RO-1, RA-1 and RA-2) was not updated. This creates an inconsistency in the Zoning Code.

The intent of the proposed Zone Code Amendment is to clarify the minimum acreage required for a PCD and correct the existing inconsistency within the PCD regulations.

The PCD does not increase housing density. The PCD allows the clustering of the allowed number of housing units to provide more open space within a development.

City Departments and other interested agencies reviewed this application from 5/2/2016 to 5/13/2016.  
Agency comments used in the preparation of this report begin on Page 7.

## ***I. INTRODUCTION***

### ***Request***

The request before the Environmental Planning Commission is a an Amendment to the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code so that acreage allowed for the Private Commons Development (PCD), which is a permissive use, is reduced from two acres to one acre. This change is consistent with minimum acreage allowed in the Private Commons Development regulations in the Zoning Code.

### ***History***

In 2013, the Private Commons Development (PCD), regulations were amended by City Council, through a public process, to reduce the minimum acreage required for a PCD from two acres to one acre. However the existing acreage for the zones where PCDs are allowed (RO-1, RA-1 and RA-2) was not updated to reflect this change. This creates an inconsistency in the Zoning Code.

The 2013 amendment also renamed the Private Commons Area, the open space portion of the development, as Parceled Commons Area (PCA) and allowed PCA's to be dedicated to the City, as the City determines to be appropriate, for use by the general public for recreation, agriculture, landscaping or open space. This portion of the request was the main purpose 2013 amendment. These changes in the PCD § 14-16-3-16 are not part of this request.

As part the review of this initial amendment staff recommended amending the definition of a PCD to a threshold of one acre to allow for more rural property to be developed with shared open space for agricultural uses and for drainage needs associated with new development.

Comments provided by the Long Range Planning Division; these comments noted that the Los Duranes Sector Development Plan had lowered the required acreage for a PCD within the plan area from two acres to one acre. The

The City Engineer noted that the additional open space could be used to accommodate stormwater runoff.

### ***Context***

Private Commons Developments allow for development of housing units on the RO-1, RA-1 and RA-2 zoned lots at the same density as allowed under these zones, but allows the units to be clustered to preserve more open space within the development. The allowance for smaller lots offers more flexibility in the development of these properties. The open space becomes a private or public parceled commons area that could be used for agriculture, landscaping, open space or recreation.

The PCD does not increase density and can be a way to add new development to an area while preserving open space. The allowance for smaller lots offers more flexibility in the development of these properties.

***Purpose/Intent***

The proposed Zoning Code Text Amendment is to change the minimum acreage required for a PCD in the RO-1, RA-1 and RA-2 zones and correct the existing inconsistency for the PCD regulations within the Zoning Code.

***Public Process***

In 2013, when the original amendments were approved, the request was advertised in the Albuquerque Journal and heard by the EPC on March 13, and forwarded to City Council with a recommendation of approval; City Council approved the change at a public hearing on June 24, 2013.

This proposed amendment was advertised in the Albuquerque Journal on May 18<sup>th</sup>, 2016 and will go through the same hearing process through EPC and City Council. The Office of Neighborhood Coordination also sent out the application material and summary of the project to the recognized neighborhood Associations.

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

The EPC is a recommending body with review authority. 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 Zoning Authority and will make the final decision.

***II. PROPOSED TEXT AMENDMENTS***

The amendments are provided below. Additions to the current text are underlined and deletions are indicated by strikethrough.

§ 14-16-2-2 RO-1 Rural and Open Zone

(A) Permissive Uses

(9) Private Commons Development, not less than ~~two~~ one acres in area

§ 14-16-2-4 RA-1 Residential and Agricultural Zone, Semi-Urban Area

(A) Permissive Uses

(3) Private Commons Development, not less than ~~two~~ one acres in area

§ 14-16-2-5 RA-2 RESIDENTIAL AND AGRICULTURAL ZONE

(A) Permissive Uses.

(2) Private Commons Development, not less than ~~two~~ one acres in area

*Staff has no recommended additions or corrections to this amendment because it is a simple clean up that was not included the 2013 amendment.*

### III. ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Note: Policy citations are in regular text; ***Staff analysis is in bold italics.***

#### ***Charter of the City of Albuquerque***

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

##### Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. ***The purpose of this Charter is to provide for maximum local self government.*** A liberal construction shall be given to the powers granted by this Charter.” (emphasis added)

##### Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.”

***Clarifying language to the regulations for the zones in which the Private Commons Development are allowed is benefit the city because it will remove the inconsistency in the Zone Code; this is an exercise in local self-government and falls within the City’s powers under the City Charter.***

#### ***Albuquerque Comprehensive Zoning Code***

Authority and Purpose (summarized): The Zoning Code is Article 16 within Chapter 14 of the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 (often cited as ROA 1994). The administration and enforcement of the Zoning Code is within the City’s general police power authority for the purposes of promoting the health, safety, and general welfare of the public. As such, the Zoning Code is a regulatory instrument for controlling land use activities for general public benefit.

Amendment Process (summarized): The City Council is the zoning authority for the City of Albuquerque and has sole authority to amend the Zoning Code. Through the City Charter, the City Council has delegated broad planning and zoning authorities to the Environmental Planning

Commission (EPC). The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

*The proposed text amendments do not change any of the underlying uses in the subject zones. The request adjusts the acreage for the Private Commons Development allowed in each zone so that is consistent with the acreage requirements in §14-16-3-16, the Private Commons Development regulations.*

*The approval of the 2013 amendment included this analysis:*

*“The RA-1, RA-2 and RO-1 zones will be affected by the amendments. There are a very limited number of properties with RA-1 and RO-1 designations, the majority of affected property is zoned RA-2. The largest concentration of RA-2 zoning is in the north valley. These zones are rural/agricultural areas. Private commons developments that provide PCA’s for a larger, consolidated open space area than would be available with larger individual lots helps to retain the rural flavor of the rural/agricultural zones. Whether the common areas are publicly owned or privately owned would not affect the intent of the rural/agricultural zones. “*

*This amendment allows the implementation of the 2013 amendment by changing the required acreage so that development under the PCD can occur in the subject zones.*

#### **IV. CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION**

Staff has not received any significant comments from the reviewing agencies or City Divisions.

#### **V. NEIGHBORHOOD/PUBLIC CONCERNS**

Staff has not received any comments from the neighborhoods or members of the public.

#### **VI. CONCLUSION**

This is a request for a Zoning Code Text Amendment to the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code to change the minimum acreage required for Private Commons Development. The request removes an inconsistency in the Zone Code because it adjusts the acreage in the subject zones to match the minimum acreage required in §14-16-3-16, Private Commons Developments.

***FINDINGS – 16 EPC 40025- JUNE 9, 2016- TEXT AMENDMENT***

1. This is a request for a Zoning Code Text Amendment to the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code to change the minimum acreage for Private Commons Development §14-16-3-16.
2. The Zoning Code, §14-16-3-16 Private Commons Developments, was amended in 2013 (13 EPC 40088) to reduce the required minimum acreage for a Private Commons Development from two acre to one acre. This amendment did not include the necessary amendments to the RO-1, RA-1 and RA-2, where the Private Commons Development are allowed permissively. This request amends the acreage required for a Private Commons Development from two acres to one in those zones in order to be consistent with the regulations of §14-16-3-16 Private Commons Developments.
3. The request removes an inconsistency in the Zone Code because it adjusts the acreage in the subject zones to match the acreage in §14-16-3-16, Private Commons Developments.
4. The Charter of the City of Albuquerque, the Albuquerque Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes
5. The EPC is a recommending body with review authority and is therefore charged with evaluating the request and forwarding a recommendation to the City Council. 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 Zoning Authority and will make the final decision (§14-16-4-1(D)).
6. The request was advertised the Albuquerque Journal on May 18, 20 16 as required by the Zoning Code, §14-16-4-1. Registered Neighborhood Associations received the application materials and summary via e-mail.

***RECOMMENDATION – 16 EPC 40025, JUNE 9<sup>TH</sup> 2016***

**That a Recommendation of APPROVAL of case 16 EPC 40025, to amend the text of the Zoning Code, RO-1, RA-1 and RA-2 zones, be forwarded to the City Council, based on the preceding Findings.**

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**Maggie Gould  
Planner**



**Notice of Decision cc list:**

City of Albuquerque Planning Department 600 Second Street NW, ABQ NM 87102

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

### ***PLANNING DEPARTMENT***

#### ***Zoning Enforcement***

No adverse comments.

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

5/4/16 – Determined that a e-mail to all our NA/HOA/Coalition Representatives (who have e-mail addresses with our office) will be sent out once receive write up from staff planner – siw

5/17/16 – Email to all our NA/HOA/Coalition Representatives (who have e-mail addresses with our office) was sent out in regards to this text amendment - siw

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

### ***CITY ENGINEER***

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

#### ***Traffic Engineering Operations***

#### ***Hydrology***

Reviewed, No comment

### ***DEPARTMENT OF MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

### ***WATER UTILITY AUTHORITY***

#### ***Utility Services***

No comment

### ***ENVIRONMENTAL HEALTH DEPARTMENT***

#### ***Air Quality Division***

#### ***Environmental Services Division***

### ***PARKS AND RECREATION***

#### ***Planning and Design***

Reviewed, no comments.

#### ***Open Space Division***

#### ***City Forester***

**POLICE DEPARTMENT/PLANNING**

- No Crime Prevention or CPTED comments concerning the proposed Amending the Text in the Zoning Code request at this time

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

No comment

**FIRE DEPARTMENT/PLANNING**

**TRANSIT DEPARTMENT**

## **COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed. No comment.

**ALBUQUERQUE PUBLIC SCHOOLS**

APS does not oppose this proposal.

**MID-REGION COUNCIL OF GOVERNMENTS**

MRMPO has no adverse comments

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**PUBLIC SERVICE COMPANY OF NEW MEXICO**

PNM has no comments based on information provided to date.

**Gould, Maggie S.**

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**From:** Winklepleck, Stephani I.  
**Sent:** Thursday, May 19, 2016 10:49 AM  
**To:** Gould, Maggie S.  
**Cc:** Dicome, Kym; Henry, Dora L.  
**Subject:** On Behalf of Stephani Winklepleck - EPC PROJECT #1001620/16EPC-40025 - TEXT AMENDMENT ON THE JUNE 9, 2016 EPC AGENDA

Maggie,

Just to let you know that we did send this information out to all our neighborhood and/or homeowner association and coalition representatives (who have e-mail addresses on file with our office) on Tuesday, May 17, 2016 @ 3 p.m. - so they are aware of this being heard at the June 9, 2016 EPC Hearing.

Have a good one.

Stephani

*Stephani Winklepleck*

Neighborhood Liaison

Office of Neighborhood Coordination

COA/Planning

Phone: 505-924-3914 Fax: 505-924-3913

E-mail: [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov)

---

**From:** Martinez, Denise X.  
**Sent:** Tuesday, May 17, 2016 3:00 PM  
**Cc:** Winklepleck, Stephani I.  
**Subject:** FW: On Behalf of Stephani Winklepleck - EPC PROJECT #1001620/16EPC-40025 - TEXT AMENDMENT ON THE JUNE 9, 2016 EPC AGENDA

Neighborhood Representatives:

Listed below is a **Text Amendment that will be on the June 9, 2016 EPC Agenda** and ONC is getting the word out to the neighborhood and/or homeowner association and coalition representatives with this e-mail as there will be no "Neighborhood News" Newsletter done for the May/June 2016 issue listing all the EPC Projects on the EPC Agenda for June 9, 2016.

**Project# 1001620**

16EPC-40025 Text Amendment to the Zoning Code's Private Commons Development Regulations

**City of Albuquerque, Planning Department at 505-924-3860**, agent for COA Council Services requests the above action to reduce the minimum required acreage for a private commons development from two acres to one acre, and to allow for common areas associated with a private commons development to be dedicated to the City if the City so desires. CITY WIDE  
**Staff Planner: Maggie Gould at 505-924-3910, e-mail: [mgould@cabq.gov](mailto:mgould@cabq.gov)**

Please direct any questions to the Staff Planner – Maggie Gould.

Stephani, ONC

The request before the Environmental Planning Commission is a Zone Code Amendment to the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code.

In 2013, the Private Commons Development (PCD), regulations were amended by City Council, via a public process, to reduce the minimum acreage required for a PCD from two acres to one acre. However the existing acreage for the zones where PCDs are allowed (RO-1, RA-1 and RA-2) was not updated. This creates an inconsistency in the Zoning Code.

The intent of the proposed Zone Code Amendment is to clarify the minimum acreage required for a PCD and correct the existing inconsistency within the PCD regulations.

The PCD does not increase housing density. The PCD allows the clustering of the allowed number of housing units to provide more open space within a development.

**Maggie Gould, MCRP**  
Planner  
City of Albuquerque, Planning Department  
600 Second St. NW  
Albuquerque, NM 87102  
505-924-3910  
[mgould@cabq.gov](mailto:mgould@cabq.gov)

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental Form (SF)

### SUBDIVISION

- ☐ Major subdivision action  
☐ Minor subdivision action  
☐ Vacation  
☐ Variance (Non-Zoning)

### SITE DEVELOPMENT PLAN

- ☐ for Subdivision  
☐ for Building Permit  
☐ 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

### S Z ZONING & PLANNING

- ☐ Annexation  
  
☒ V Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)  
☐ P 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  
☐ D Street Name Change (Local & Collector)  
☐ L A **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:

Professional/Agent (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
APPLICANT: CITY OF ALBUQUERQUE - PLANNING PHONE: 924.3860  
ADDRESS: 600 2ND ST. FAX: 924.3235  
CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_  
Proprietary interest in site: \_\_\_\_\_ List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: AMENDING THE TEXT IN THE ZONING CODE FOR P.O. 1 (14-16-2-2(A)(9)) + P.A. 1 (14-2-4(A)(3)) + P.A. 2 (14-2-5(A)(1)) TO REFLECT THE REVISED LANGUAGE OF THE

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. CITY WIDE Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
Subdiv/Addn/TBKA: \_\_\_\_\_  
Existing Zoning: \_\_\_\_\_ Proposed zoning: \_\_\_\_\_ MRGCD Map No \_\_\_\_\_  
Zone Atlas page(s): \_\_\_\_\_ UPC Code: \_\_\_\_\_

### CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): \_\_\_\_\_

### CASE INFORMATION:

Within city limits? ☐ Yes ☐ No Within 1000FT of a landfill? ☐ Yes ☐ No  
No. of existing lots: \_\_\_\_\_ No. of proposed lots: \_\_\_\_\_ Total site area (acres): \_\_\_\_\_  
LOCATION OF PROPERTY BY STREETS: On or Near: \_\_\_\_\_  
Between: \_\_\_\_\_ and \_\_\_\_\_  
Check if project was previously reviewed by: Sketch Plat/Plan ☐ or Pre-application Review Team(PRT) ☐ Review Date: \_\_\_\_\_

### SIGNATURE

(Print Name) Kym E. Dwyer DATE 4.28.2016  
Applicant: ☒ Agent: ☐

### FOR OFFICIAL USE ONLY

- ☐ INTERNAL ROUTING  
☐ All checklists are complete  
☐ All fees have been collected  
☐ All case #s are assigned  
☐ AGIS copy has been sent  
☐ Case history #s are listed  
☐ Site is within 1000ft of a landfill  
☐ F.H.D.P. density bonus  
☐ F.H.D.P. fee rebate

Application case numbers

16 EPC - 100025

Action

S.F.

Fees

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Hearing date June 9, 2016  
Project # 1001600

Staff signature & Date

P.O.D. (14-16-3-16(A)).  
PERMANENT TO MINIMUM  
TRACT OF LAND AREA.

# CITY OF ALBUQUERQUE



April 28, 2016

Karen Hudson, Chair  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW  
Albuquerque, NM 87102

Dear Chair Hudson,

In 2013, the text of the Zoning Code's Private Commons Development (PCD) regulations (§14-16-3-16) was amended to reduce the minimum required acreage for a PCD from two acres to one acre and to allow for common areas associated with a private commons development to be dedicated to the City if they are found to be acceptable for Open Space (Council Bill No. O-31-49, Enactment No. O-2013-011). The City Council changed the PCD acreage requirement as follows:

§14-16-3-16 Private Commons Development

- (A) A Private Commons Development (PCD) may be established on a tract of land containing ~~two~~ one or more acres and zoned RA-1, RA-2 or RO-1, or any zone designated for this type of development in a sector or area plan in accordance with the Zoning Code.

Unfortunately, we did not also amend the corresponding references to the PCD minimum acreage in the zoning districts that allow them, namely the RO-1, RA-1, and RA-2 zones. This current request is to amend the verbiage of the PCD acreage requirement for these three zones to comport with the amended PCD regulations:

§14-16-2-2 RO-1 Rural and Open Zone

- (A) Permissive Uses

- (9) Private Commons Development, not less than ~~two~~ one acres in area.

§14-16-2-4 RA-1 Residential and Agricultural Zone, Semi-Urban Area

- (A) Permissive Uses

- (3) Private Commons Development, not less than ~~two~~ one acres in area.

§14-16-2-5 RA-2 Rural and Agricultural Zone

- (A) Permissive Uses

- (2) Private Commons Development, not less than ~~two~~ one acres in area.

Because this does not increase housing density, these corrections will allow for infill development that fits in with the surrounding neighborhood context. Thank you for this opportunity to address an oversight due in part to our "nested" regulatory system where standards are often repeated without cross-references. Your positive recommendation of these minor text amendments to the City Council is appreciated.

Sincerely,

Suzanne Lubar, Director  
Planning Department  
600 Second Street NW Third Floor  
Albuquerque NM 87102

PO Box 1293

Albuquerque

New Mexico 87103

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

**CITY of ALBUQUERQUE  
TWENTIETH COUNCIL**

COUNCIL BILL NO. O-13-49 ENACTMENT NO. 0-2013-011

SPONSORED BY: Dan Lewis, by request

**ORDINANCE**

**ADOPTING ZONING CODE TEXT AMENDMENTS TO ALLOW FOR COMMON AREAS ASSOCIATED WITH A PRIVATE COMMONS DEVELOPMENT TO BE DEDICATED TO THE CITY IF THE CITY SO DESIRES. AN AMENDMENT TO REDUCE THE REQUIRED LOT SIZE FOR PRIVATE COMMONS DEVELOPMENTS IS ALSO INCLUDED.**

**BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:**

**Section 1. Section 14-16-1-5 ROA 1994 is amended to read as follows:**

**PARCELED COMMONS AREA (PCA). The area within a Private Commons Development set aside for the purposes of agriculture, landscaping, open space or recreation; this area can either be a Private PCA with deed restrictions and a land use easement for the use and enjoyment of the PCD property owners or a Public PCA, which is land dedicated to, and accepted by, the City.**

**PRIVATE COMMONS DEVELOPMENT (PCD). A residential development of at least one acre which meets the requirements of this article for such developments (see § 14-16-3-16); it may contain houses and townhouses on any sized lot; it must include a Private Parceled Commons Area or a Public Parceled Commons Area.**

**Section 2. Section 14-16-3-16 ROA 1994 is amended to read as follows:**

**(A) A Private Commons Development (PCD) may be established on a tract of land containing one or more acres and zoned RA-1, RA-2 or RO-1, or any zone designated for this type of development in a sector or area plan in accordance with the Zoning Code.**

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



1 (B) The number of dwelling units permitted in a PCD is determined by dividing  
2 the site area by the minimum lot size permitted in the zone rounded to the  
3 nearest whole number. However, the number of dwellings in a PCD may not  
4 be more than 50. The minimum lot size to be used for determining the number  
5 of dwelling units in a PCD with RA-1 zoning shall be 21,780 square feet.

6 (C) The dwelling units may be houses or townhouses or any combination  
7 thereof on any size lots.

8 (D) The minimum setbacks are as follows:

9 (1) Front – 15 feet except driveways shall not be less than 20 feet long.

10 (2) Rear – 15 feet for houses and townhouses unless adjoining R-1,  
11 RA-1, RA-2, or RO-1 zoned land, in which case the setback for townhouses  
12 shall be 25 feet.

13 (3) Side – there shall be no required side yard setback except that there  
14 shall be a minimum setback of five feet for all side yards contiguous with the  
15 PCD boundary.

16 (E) A minimum of 30% of the gross area of a PCD or 100% of the area  
17 gained through lot size reductions, whichever is greater, shall be set aside as  
18 a Parceled Commons Area (PCA).

19 (F) The PCA may be used for agriculture, landscaping, recreation, open  
20 space or any combination thereof. It may be composed of separate tracts but  
21 each shall have a minimum length and width of 35 feet and shall be visible  
22 from a public right-of-way. Land used for streets, driveways, parking,  
23 sidewalks and private yards may not be counted as part of a PCA. No  
24 buildings or structures are permitted in a PCA except those necessary for the  
25 operation and maintenance of the PCA. A PCA may have underground  
26 easements. The PCA shall be set aside by the developer either as a Private or  
27 Public PCA. A Private PCA shall be created, subject to a finding of suitability  
28 by the DRB, through a land use easement and restrictive covenants  
29 acceptable to the Development Review Board (DRB). A Public PCA may be  
30 created by dedication of land to the City.

31 (1) For the creation of a Private PCA:

32 (a) The covenants shall be in the form of recorded deed restrictions  
33 and shall be referenced on the subdivision plat.

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

1           (b) The covenants shall assure that the PCA will be protected from all  
2 forms of development except as shown on an approved site development  
3 plan.

4           (c) The covenants shall require individual lot owners and the members  
5 of the homeowner's association, if applicable, to be jointly and severally liable  
6 for maintenance of the PCA.

7           (d) A land use easement, in favor of the city, shall state the proposed  
8 allowable use(s) of the Private PCA, and require that the Private PCA be  
9 maintained by parties who have ownership interest in the PCD. The land use  
10 easement shall state that if the responsible parties fail or refuse to act on  
11 maintenance obligations as set forth in the easement, the City shall have the  
12 authority to perform such maintenance as necessary to protect public health  
13 and safety. The easement shall state that the city may, after written notice and  
14 failure to comply within 30 days, enter upon and maintain the Private PCA.  
15 The easement shall state that the cost of such maintenance plus any other  
16 penalties or costs allowed by law in connection therein, shall be assessed  
17 against the properties within the PCD and failure to pay assessed charges  
18 may result in a municipal lien against each of the individual lots in the PCD.  
19 This provision shall not be deemed to create an obligation to act on the part of  
20 the city. Under no circumstances will the city maintain recreational uses.  
21 Under no circumstances shall the city maintain the PCA for a period longer  
22 than one year.

23           (e) The use of a PCA may be restricted to the residents of the PCD and  
24 may be fenced so long as the public's view is not significantly diminished.

25           (2) For the creation of a Public PCA:

26           (a) An application for consideration of the Public PCA shall be  
27 submitted to the DRB in writing at the time the need or desire for a Public PCA  
28 becomes apparent, preferably at the sketch plat submittal stage. The  
29 application shall state fully the grounds justifying the Public PCA and all of the  
30 facts relied upon by the applicant. The application shall be processed  
31 concurrently with the related plat.

32           (b) In determining whether or not the property offered as a Public PCA  
33 is acceptable for that purpose, the DRB shall examine the quality of the

1 property offered as to its proposed design, layout, improvements, location,  
2 size, cost of maintenance, and general suitability for City purposes.

3 (c) If after examining the above criteria the DRB determines that the  
4 creation of a Public PCA would create a net benefit to the public because the  
5 property offered is clearly more beneficial to the public welfare as a Public  
6 PCA as compared to the minor detriment resulting in additional burdens to the  
7 City, then the DRB shall approve the creation of a Public PCA.

8 (d) If approved by the DRB, the property offered as a Public PCA shall  
9 be dedicated to the City, in accordance with the Subdivision Ordinance.

10 (e) Responsibility for maintenance of the Public PCA shall be  
11 determined during review by the DRB. Written acknowledgement to the DRB  
12 from the relevant City department desiring to accept a Public PCA shall be  
13 provided and a notation as to maintenance responsibility required on the  
14 approved plat.

15 (f) If dedication of a Public PCA is not accepted by a City department,  
16 then the PCA shall remain private.

17 (g) The use of a Public PCA shall be open to the public.

18 (G) A PCD is created by DRB approval of a site development plan and a  
19 subdivision plat. Site plan and subdivision approval are contingent upon  
20 recorded deed restrictions and easements approved by the DRB.

21 (H) The recorded deed restrictions may not be amended or repealed without  
22 the City's prior written approval.

23 (I) Upon recording the plat and all required documents for a PCD, the area  
24 of the PCD shall be delineated and designated with the letters "PCD" on the  
25 official zone map.

26 (J) In accordance with this article, the Planning Director may void the site  
27 development plan and remove the PCD designation if the property is replatted  
28 to conform to the requirements of the underlying zoning district.

29 Section 3. FINDINGS ACCEPTED. The following findings, as recommended  
30 by the Environmental Planning Commission are adopted by the City Council:

31 1. This is a request for text amendments to the zoning code related to  
32 Private Commons Developments. Two amendments to the definitions section  
33 of the Code, §14-16-1-5, would rename a Private Commons Area as Parceled

1 Commons Area (PCA) and revise the definition of Private Commons  
2 Development to include Public Parceled Commons Areas. The amendment to  
3 §14-16-3-16 (Private Commons Developments) would allow for PCA's to be  
4 dedicated to the City, as the City determines to be appropriate, for use by the  
5 general public for recreation, agriculture, landscaping or open space.

6 2. The intent of the proposed amendments is to provide the opportunity for  
7 the City to accept dedication of a commons area for public use, while still  
8 allowing development to occur in accordance with the provisions of a Private  
9 Commons Development.

10 3. Private Commons Developments are permitted in zones RA-1, RA-2, RO-  
11 1 (Residential Agricultural and Rural Open) and as provided in a sector  
12 development plan.

13 4. The Charter of the City of Albuquerque, the Albuquerque Comprehensive  
14 Plan and the City of Albuquerque Zoning Code are incorporated herein by  
15 reference and made part of the record for all purposes.

16 5. The EPC is a recommending body with review authority and is therefore  
17 charged with evaluating the request and forwarding a recommendation to the  
18 City Council. The EPC's task is to make a recommendation to the City Council  
19 regarding the proposed text amendments. The City Council is the City's  
20 Zoning Authority and will make the final decision (§14-16-4-1(D)).

21 6. Amending the Zoning Code is an act of self-governance and falls within  
22 the City's powers (Article 1). Adding language to the regulations governing  
23 Private Commons Development to allow for the City to accept the dedication  
24 of land for recreational, open space, agricultural or landscape purposes to  
25 benefit the general public is an exercise in local self-government and falls  
26 within the City's powers under the City Charter.

27 7. The proposed text amendments generally further the intent of the  
28 Zoning Code to promote the general welfare of the public because it would  
29 create a new mechanism by which the City could acquire land when it is  
30 determined to be in the public's best interest.

31 8. The proposed text amendments do not conflict with any of the goals or  
32 policies and generally furthers the intent of the Comprehensive Plan including  
33 the following:

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

1           i. The proposed amendments would create a new opportunity, or  
2   mechanism, for the City to advance its Open Space goals in accordance with  
3   the cited policies by accepting land that is determined to be appropriate for  
4   accomplishing the goal of providing relief from urbanization and offering  
5   opportunities for education, recreation, cultural activities and conservation of  
6   natural resources. (II.B.1.g, h, i and j.)

7           ii. The majority of property zoned for PCD's outside of sector plan  
8   areas, is RA-2. RA-2 property is concentrated in the Developing and  
9   Established Urban area. Private Commons Developments are consistent with  
10   the Developing and Established Urban Area Goal of maximum choice in  
11   housing and life styles while creating a visually pleasing built environment.  
12   Clustered housing is noted in the Plan as a technique to achieve the stated  
13   goal and policies. Whether commons areas are held in private or public  
14   ownership does not affect established goals and policies. In individual  
15   instances, public ownership and public access of such commons areas may  
16   be advantageous to the greater community. (II.B.5.d)

17           iii. The zones in which PCD's are permitted are generally rural and/or  
18   agricultural in nature. As such, these are areas that have unique natural  
19   features that contribute positively to the visual quality of the City. Providing a  
20   new "tool" by which the City could acquire and manage land that is  
21   determined to be important for environmental protection and conservation  
22   further the Developed Landscape goal of maintaining and improving the  
23   natural and the developed landscapes quality and the policy of respecting  
24   those features as determinants in development decisions. (II.C.8.a)

25           9. The proposed text amendments do not conflict with any of the goals or  
26   policies and generally furthers the intent of the Major Public Open Space  
27   Facility Plan including the following:

28           i. The Volcano Cliffs sector plan area, an area affected by the proposed  
29   changes, has the potential to contribute to the City's Open Space goals for the  
30   west side. The area is adjacent to Major Public Open Space and contains  
31   unique geologic features. Land that might be less than desirable for  
32   development due to existing geologic features, such as arroyos, can be set  
33   aside as parceled commons areas where zoning permits. Whether such open

1 space areas belong to the private sector or the public sector doesn't change  
2 the overall development scenario. There may be instances where such City  
3 ownership of parceled commons areas would contribute to the goals of the  
4 Open Space Plan and thereby benefit the greater population as public areas.  
5 (Section Four B: Planning Policies. Policy B.1.b,c and e).

6 ii. Properties affected by the proposed amendments include properties  
7 zoned RA-1, RA-2, RO-1 and properties within the Los Duranes Sector  
8 Development Plan. These properties are near or adjacent to the Rio Grande  
9 Bosque. There may be a potential for unique public uses that are as yet not  
10 anticipated that would benefit the general public. The amendments would  
11 provide a mechanism, should such an opportunity arise, to accept land for  
12 unique educational, agricultural or open space purposes (Rio Grande Bosque  
13 Policy Five.B.1).

14 10. The RA-1, RA-2 and RO-1 zones will be affected by the amendments.  
15 There are a very limited number of properties with RA-1 and RO-1  
16 designations, the majority of affected property is zoned RA-2 and the largest  
17 area of RA-2 zoning is in the north valley. The North Valley Area Plan  
18 emphasizes retention of a rural atmosphere. Private Commons Developments  
19 that provide Parceled Commons Areas for a larger, consolidated open space  
20 area than would be available with larger individual lots supports the goals of  
21 the plan. Whether a PCA is held privately or publicly does not affect the goal.

22 11. Property zoned VCRR (Volcano Cliffs Rural Residential) within the  
23 Volcano Cliffs Sector Development Plan would be affected by the proposed  
24 amendments. This zone allows PCD development. The VCRR zone is, for the  
25 most part, undeveloped property that was platted decades ago. The VCRR  
26 zone provides for bigger homes on larger lots consistent with current platting.  
27 Clustered housing is encouraged in the plan for this zone to conserve the  
28 area's natural terrain and beauty. The Rural Residential area is surrounded on  
29 three sides by Major Public Open Space. Without the proposed amendments  
30 to the Code, open space that results from clustered development could only  
31 be held in private ownership. The opportunities for public ownership could  
32 encourage dedication of important areas to implement the goals and policies  
33 contained in the plan and create the possibility of a coordinated system of

1 open space that benefits the residents of the greater Volcano Cliffs area  
2 rather than just one development. The overall density and development  
3 pattern will be the same whether the commons areas are held in private or  
4 public ownership. The proposed amendments that address ownership of  
5 common areas in association with clustered housing development support the  
6 Environment and Open Space goals and policies of the Volcano Cliffs Sector  
7 Development Plan (Goal A: Environment and Open Space (1), (3) and Policy 1,  
8 1.5 and 1.5.a.), and Policies 2, 3, 5 and 5.f).

9 12. Properties affected by the proposed amendments include properties  
10 Zoned SU2-RA-1, SU2-RA-2, and SU2-LD-R-1 within the Los Duranes Sector  
11 Development Plan. The Plan reduces the minimum tract size for PUD's from 2  
12 acres to 1 acre and refines PCD development to allow plazuela compounds  
13 which will permit compact and or clustered development and shared  
14 consolidated open space, without increasing density. The amendments are  
15 not in conflict with the SDP goals and policies, and the amendments would  
16 provide a mechanism, should an opportunity arise, for the City to accept land  
17 for unique educational, agricultural or open space purposes.

18 13. Advanced Planning staff of the Urban Design and Development  
19 Division have suggested that the Code be amended to lower the requisite two  
20 Acre property size for a PCD. A lower threshold would offer greater  
21 opportunity for the development of PCD's in zones which permit this type of  
22 clustered housing. Overall density on a property is not affected by clustering  
23 the housing on smaller lots.

24 14. Notification of the proposed amendments was provided in the  
25 February/March Neighborhood newsletter and staff has had no  
26 communication from parties that either support or oppose this amendment.

27 Section 4. EFFECTIVE DATE AND PUBLICATION. This legislation shall  
28 take effect thirty days after publication by title and general summary.

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

1 paragraph, sentence, clause, word or phrase thereof irrespective of any  
2 provisions being declared unconstitutional or otherwise invalid.

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1 PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF June, 2013  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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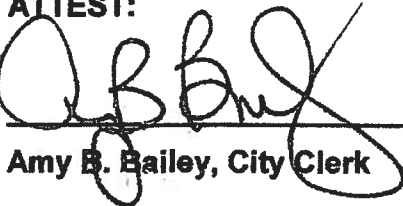
7 Daniel P. Lewis, President  
8 City Council  
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12 APPROVED THIS 9<sup>th</sup> DAY OF July, 2013  
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16 Bill No. O-13-49  
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20 Richard J. Berry, Mayor  
21 City of Albuquerque  
22

23 ATTEST:

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26 Amy B. Bailey, City Clerk  
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Office of the City Clerk  
P.O. Box 1293  
Albuquerque, NM 87103  
Phone (505) 768-3030 Fax (505) 768-2845

Richard J. Berry, Mayor

Amy B. Bailey, City Clerk

To: CITY COUNCIL

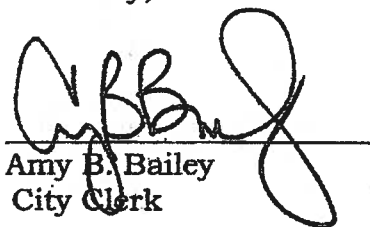
From: AMY B. BAILEY, CITY CLERK

Date: July 9, 2013

Subject: BILL NO. O-13-49; ENACTMENT NO. O-2013-011

I hereby certify that on July 9, 2013, the Office of the City Clerk received Bill No. O-13-49 as signed by the president of the City Council, Daniel P Lewis. Enactment No. O-2013-011 was passed at the June 24, 2013 City Council meeting. Mayor Berry did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-13-49.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy B. Bailey', is written over a horizontal line.

Amy B. Bailey  
City Clerk

### Rationale and Justification for Amending the RO-1, RA-1, and RA-2 Zones

The proposed test amendments to the Zoning Code for the RO-1, RA-1, and RA-2 zones are intended to create consistency with changes made to the Private Commons Development (PCD) regulations in 2013 (Bill No. O-13-49, Enactment No. O-2013-011). These changes to the PCD regulations lowered the minimum acreage requirements for a PCD from two (2) acres to one (1) acre. Amending the acreage requirements for the RO-1, RA-1, and RA-2 zones will create consistency with what was adopted in 2013.

There are a very limited number of properties with RA-1, RA-2 and RO-1 designations. The majority of affected property is zoned RA-2 in the North Valley, and most of these lots/parcels are less than two (2) acres in size. The proposed changes do not increase densities in the three zones, but will allow for additional infill development options that fit in with surrounding neighborhood contexts.

The proposed changes support and are supported by the City Charter, the intent of the Zoning Code, and the applicable policies of the Comprehensive Plan as follows:

#### City Charter

- Amending the Zoning Code is an act of maximum local self-governance and falls within the City's powers (Article I).
- The decrease of the minimum lot size for a PCD allows greater opportunities for protection of environmental features and more options for infill development to ensure the proper use and development of land (Article IX).

#### Zoning Code Intent

The proposed text amendments will further the intent of the Zoning Code by helping to achieve Article IX of the City Charter (see above) and the city's master plan (see below). It will allow and encourage the most appropriate use of land and conserve and stabilize the value of property with context-sensitive infill development.

#### Comprehensive Plan

The proposed text amendments do not conflict with any applicable goals or policies and generally further the Comprehensive Plan:

- The proposed amendments would create new opportunities for appropriate infill development that offers variety and choice in housing and life styles, while creating a visually pleasing built environment. The changes to the RO-1, RA-1, and RA-2 zones do not increase allowed density, but rather allow clustering of homes and preservation of open areas on smaller properties. (II.B.5 Goal and Policies a, d, e, f, l, and o)
- The changes will allow additional opportunities for quality infill housing development with innovative housing design via a new alternative in the development review process. (II.D.5 Goal and Policies b and e)

# 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

March 15, 2013

City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87102

**Project# 1001620**  
13EPC-40088 Text Amendment to Zoning Code

### REQUEST:

The City of Albuquerque Planning Department, agent for the City of Albuquerque, requests the above action to amend Section 14-16-3-16 and Definitions section of the Comprehensive Zoning Code addressing Private Commons Development regulations.

Staff Planner: Maryellen Hennessy

PO Box 1293

Albuquerque

On March 14, 2013, the Environmental Planning Commission voted that a Recommendation of Approval be forwarded to City Council for Project 1001620, 13EPC-40088, a request for a Text Amendment to the Zoning Code, based on the following Findings and Conditions:

NM 87103

### FINDINGS:

www.cabq.gov

1. This is a request for a text amendments to the zoning code related to Private Commons Developments. Two amendments to the definitions section of the Code, §14-16-1-5, would rename a Private Commons Area as Parceled Commons Area (PCA) and revise the definition of Private Commons Development to include Public Parceled Commons Areas. The amendment to §14-16-3-16 (Private Commons Developments) would allow for PCA's to be dedicated to the City, as the City determines to be appropriate, for use by the general public for recreation, agriculture, landscaping or open space.
2. The intent of the proposed amendments is to provide the opportunity for the City to accept dedication of a commons area for public use, while still allowing development to occur in accordance with the provisions of a Private Commons Development.
3. Private Commons Developments are permitted in zones RA-1, RA-2, RO-1 (Residential Agricultural and Rural Open) and as provided in a sector development plan.

OFFICIAL NOTICE OF DECISION

Project #1001620, 13EPC-40088

March 14, 2013

Page 2 of 5

4. The Charter of the City of Albuquerque, the Albuquerque Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The EPC is a recommending body with review authority and is therefore charged with evaluating the request and forwarding a recommendation to the City Council. 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 Zoning Authority and will make the final decision (§14-16-4-1(D)).
6. Amending the Zoning Code is an act of self-governance and falls within the City's powers (Article I). Adding language to the regulations governing Private Commons Development to allow for the City to accept the dedication of land for recreational, open space, agricultural or landscape purposes to benefit the general public is an exercise in local self-government and falls within the City's powers under the City Charter.
7. The proposed text amendments generally further the intent of the Zoning Code to promote the general welfare of the public because it would create a new mechanism by which the City could acquire land when it is determined to be in the public's best interest.
8. The proposed text amendments do not conflict with any of the goals or policies and generally furthers the intent of the Comprehensive Plan including the following:
  - i. The proposed amendments would create a new opportunity, or mechanism, for the City to advance its Open Space goals in accordance with the cited policies by accepting land that is determined to be appropriate for accomplishing the goal of providing relief from urbanization and offering opportunities for education, recreation, cultural activities and conservation of natural resources. (II.B.1.g, h, i and j.)
  - ii. The majority of property zoned for PCD's outside of sector plan areas, is RA-2. RA-2 property is concentrated in the Developing and Established Urban area. Private Commons Developments are consistent with the Developing and Established Urban Area Goal of maximum choice in housing and life styles while creating a visually pleasing built environment. Clustered housing is noted in the Plan as a technique to achieve the stated goal and policies. Whether commons areas are held in private or public ownership does not affect established goals and policies. In individual instances, public ownership and public access of such commons areas may be advantageous to the greater community. (II.B.5.d)

OFFICIAL NOTICE OF DECISION

Project #1001620, 13EPC-40088

March 14, 2013

Page 3 of 5

- iii. The zones in which PCD's are permitted are generally rural and/or agricultural in nature. As such, these are areas that have unique natural features that contribute positively to the visual quality of the City. Providing a new "tool" by which the City could acquire and manage land that is determined to be important for environmental protection and conservation furthers the Developed Landscape goal of maintaining and improving the natural and the developed landscapes quality and the policy of respecting those features as determinants in development decisions. (II.C.8.a)
9. The proposed text amendments do not conflict with any of the goals or policies and generally furthers the intent of the Major Public Open Space Facility Plan including the following:
- i. The Volcano Cliffs sector plan area, an area affected by the proposed changes, has the potential to contribute to the City's Open Space goals for the west side. The area is adjacent to Major Public Opens Space and contains unique geologic features. Land that might be less than desirable for development due to existing geologic features, such as arroyos, can be set aside as parceled commons areas where zoning permits. Whether such open space areas belong to the private sector or the public sector doesn't change the overall development scenario. There may be instances where such City ownership of parceled commons areas would contribute to the goals of the Open Space Plan and thereby benefit the greater population as public areas. (Section Four B: Planning Policies. Policy B.1.b,c and e).
  - ii. Properties affected by the proposed amendments include properties zoned RA-1, RA-2, RO-1 and properties within the Los Duranes Sector Development Plan. These properties are near or adjacent to the Rio Grande Bosque. There may be a potential for unique public uses that are as yet not anticipated that would benefit the general public. The amendments would provide a mechanism, should such an opportunity arise, to accept land for unique educational, agricultural or open space purposes (Rio Grande Bosque Policy Five.B.1).
10. The RA1, RA-2 and RO-1 zones will be affected by the amendments. There are a very limited number of properties with RA-1 and RO-1 designations, the majority of affected property is zoned RA-2 and the largest area of RA-2 zoning is in the north valley. The North Valley Area Plan emphasizes retention of a rural atmosphere. Private Commons Developments that provide Parceled Commons Areas for a larger, consolidated open space area than would be available with larger individual lots supports the goals of the plan. Whether a PCA is held privately or publicly does not affect the goal.
11. Property zoned VCRR (Volcano Cliffs Rural Residential) within the Volcano Cliffs Sector Development Plan would be affected by the proposed amendments. This zone allows PCD development. The VCRR zone is, for the most part, undeveloped property that was platted

## OFFICIAL NOTICE OF DECISION

Project #1001620, 13EPC-40088

March 14, 2013

Page 4 of 5

decades ago. The VCRR zone provides for bigger homes on larger lots consistent with current platting. Clustered housing is encouraged in the plan for this zone to conserve the area's natural terrain and beauty. The Rural Residential area is surrounded on three sides by Major Public Open Space. Without the proposed amendments to the Code, open space that results from clustered development could only be held in private ownership. The opportunities for public ownership could encourage dedication of important areas to implement the goals and policies contained in the plan and create the possibility of a coordinated system of open space that benefits the residents of the greater Volcano Cliffs area rather than just one development. The overall density and development pattern will be the same whether the common areas are held in private or public ownership. The proposed amendments that address ownership of common areas in association with clustered housing development support the Environment and Open Space goals and policies of the Volcano Cliffs Sector Development Plan (Goal A: Environment and Open Space (1), (3) and Policy 1, 1.5 and 1.5.a.), and Policies 2, 3, 5 and 5.f).

12. Properties affected by the proposed amendments include properties zoned SU2-RA-1, SU2-RA-2, and SU2-LD-R-1 within the Los Duranes Sector Development Plan. The Plan reduces the minimum tract size for PUD's from 2 acres to 1 acre and refines PCD development to allow plazuela compounds which will permit compact and or clustered development and shared consolidated open space, without increasing density. The amendments are not in conflict with the SDP goals and policies, and the amendments would provide a mechanism, should an opportunity arise, for the City to accept land for unique educational, agricultural or open space purposes.
13. Advanced Planning staff of the Urban Design and Development Division have suggested that the Code be amended to lower the requisite two acre property size for a PCD. A lower threshold would offer greater opportunity for the development of PCD's in zones which permit this type of clustered housing. Overall density on a property is not affected by clustering the housing on smaller lots. A Condition of Recommendation for approval is included below to respond to the suggestion.
14. Notification of the proposed amendments was provided in the February/March Neighborhood newsletter and staff has had no communication from parties that either support or oppose this amendment.

## CONDITIONS OF APPROVAL

1. Written acknowledgement to the DRB from the relevant City department desiring to accept a Public PCA shall be provided and a notation as to maintenance responsibility required on the approved plat.

OFFICIAL NOTICE OF DECISION

Project #1001620, 13EPC-40088

March 14, 2013

Page 5 of 5

2. The definition of Private Commons Development shall be amended to reduce the required acreage from a minimum of two acres to a minimum of one acre.

PROTEST: IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; A PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION, WHICH IS BY **MARCH 29, 2013.**

Sincerely,

*CManore*

*for* Suzanne Lubar  
Acting Director, Planning Department

SL/MH/mc

cc: City of Albuquerque, City Council, PO Box 1293, Albuquerque, NM 87102



**14, 2016 HEARING**

**A motion was made by Commissioner Mullen and Seconded by Commissioner Beserra that matter 16EPC-40008 be Deferred to the August 11, 2016 hearing. The motion carried by the following vote:**

**For: 8 Hudson, Nicholls, Peck, McCoy, Mullen, Beserra, Gonzalez and Bohannon**

**8. Project# 1001620**

**16EPC-40025 Text Amendment to the Zoning Code**

COA Planning Department, requests the above action to amend RO-1 (§14-16-2-2), RA-1 (§14-16-2-4) and RA-2 (§14-16-2-5) zones so that the minimum required acreage for a private commons development is consistent with the Private Commons Development regulations (§14-16-3-16). City-Wide. Staff Planner: Maggie Gould

**A motion was made by Commissioner Bohannon and Seconded by Commissioner Nicholls that matter 16EPC-40025 be forwarded to the City Council with a recommendation of approval based on findings. The motion carried by the following vote:**

**SEE ATTACHED TRANSCRIPT**

**For: 8 Hudson, Nicholls, Peck, McCoy, Mullen, Beserra, Gonzalez and Bohannon**

**9. OTHER MATTERS:**

- A. Approval of April 14, 2016 Amended Action Summary Minutes – Verbatim Minutes for 1004675 AC-16-6 included**

**A motion was made by Commissioner Peck and Seconded by Commissioner Bohannon that this matter be approved. The motion carried by the following vote:**

**For: 8 Hudson, Nicholls, Peck, McCoy, Mullen, Beserra and Bohannon.  
Abstained: 1 Gonzalez**

- B. Approval of May 12, 2016 Action Summary Minutes**

**A motion was made by Commissioner Gonzalez and Seconded by Commissioner Bohannon that this matter be approved. The motion carried by the following vote:**

**For: 8 Hudson, Nicholls, Peck, McCoy, Mullen, Beserra, Gonzalez and Bohannon.**

**10. ADJOURNED: 12:12 p.m.**

**NOTE: For Notice of Decision please refer to <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-staff-reports>**

CHAIR HUDSON: We're on item...Project #8.

MAGGIE GOULD: Madam Chair, Commissioner's. Hello again. This is Project #1001620, Case #16EPC-40025, and this is an amendment to the RO-1, RA-1 and RA-2 zones of the zoning code. To make the acreage allowed for the Private Commons Development the PCD, consistent with the minimum acreage allowed in the regulations for the PCD within the zoning code.

In 2003 the Private Commons Development regulations were amended to reduce the minimum acreage required for PCD from 2 acres to 1 acre. However, the acreage for this development in the zones where the development is actually allowed was not amended at the same time; so, this creates an inconsistency in the Zoning Code.

The approval of this request removes that inconsistency and the planned or the Private Commons Development doesn't allow additional density, it just allows the allowed density to be configured differently on the lots. And it can be a way to add a new flexible development pattern in places where that's appropriate and I think - - I know we had a map of these, but basically we're looking at an area that's mostly in the North Valley. So - - and again, this is basically just a cleanup that should have occurred in 2013, but didn't.

The EPC is a recommending body in this case and City Council will make the final decision on this matter. But staff does recommend that the Council send a recommendation of approval to City Council or that the Commission rather. And I will stand for any questions.

CHAIR HUDSON: Anyone have any questions of Ms. Gould? Alright, I think you're the only one that's speaking today. Is anyone here from the public to weigh in on this one? Ok. Anyone have any questions? No. You have anything in closing.

MS. GOULD: No, just again, this is really a cleanup. It is what it is, it's not complicated.

CHAIR HUDSON: Ok, great. Thank you. Close the floor. Commissioner's, you have any comments? Anyone want to make a motion?

COMMISSIONER BOHANNAN: I'll make a motion.

CHAIR HUDSON: Commissioner Bohannan.

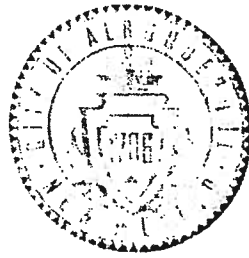
COMMISSIONER BOHANNAN: In the matter of Project 1001620, Case #16EPC-40025. I make a motion for a recommendation of approval, based on findings 1 through 6.

COMMISSIONER NICHOLLS: Second.

CHAIR HUDSON: I have a motion for approval from Commissioner Bohannan with a second from Commissioner Nicholls. All in favor please indicate by saying, "Aye" and raise your hand.

ALL COMMISSIONER'S: Aye

CHAIR HUDSON: Those opposed. Motion carries unanimously.



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, June 9, 2016 at 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items.

Distribution of the Planning Department's staff reports regarding the following items will occur at a **Case Distribution Session on Thursday, June 2, 2016 at 3:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

**Project# 1000649**

16EPC-40023 Site Development Plan for Subdivision

Studio Southwest Architects, Inc., agent for Indian Pueblos Marketing, Inc., requests the above action for Tract A of the Plat for the United States Bureau of Land Management Survey of Town of Albuquerque Grant, Projected Sections 7 and 8 of Township 10 North, Range 3 East New Mexico Principal Meridian, zoned SU-1/C-2, SU-1/O-1 and C-1 Permissive Uses, and R-1, located on 12<sup>th</sup> St. NW between Menaul Blvd. NW and Indian School Rd., NW, containing approximately 47.3 acres. (H-13 & 14) Staff Planner: Catalina Lehner

**Project# 1005131**

16EPC-40024 Sector Development Plan Map Amendment  
(Zone Change)

Bohannon Huston Inc., agent for City of Albuquerque, Fire Department/OMD, requests the above action for all or a portion of Lots 1, 2, and 3, Block 28, Huning Highland Addition, zoned SU-2/SU-1 for Fire Station to SU-2 / NCR, located on High Street, between Silver Ave., and Lead Ave., containing approximately 0.5 acre. (K-14)  
Staff Planner: Vicente Quevedo

**Project# 1001620**

16EPC-40025 Text Amendment to the Zoning Code

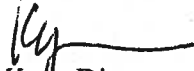
COA Planning Department, requests the above action to amend RO-1 (§14-16-2-2), RA-1 (§14-16-2-4) and RA-2 (§14-16-2-5) zones so that the minimum required acreage for a private common development is consistent with the Private Common Development regulations (§14-16-3-16). City-Wide.  
Staff Planner: Maggie Gould

Details of these applications may be examined at the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street NW, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or you may call 924-3860. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should call 924-3860.

Karen Hudson, Chair  
Environmental Planning Commission

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MAY 18, 2016.**

APPROVED

A handwritten signature in black ink, appearing to read 'Kym', with a horizontal line extending to the right.

Kym Dicome  
Urban Design & Development  
Planning Department

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<u>Tax Amount</u>	\$4.89	<u>Order Taken by:</u>	cwhite		
<u>Total Amount</u>	\$72.93	<u>Payment Method</u>			
<u>Amount Due</u>	\$72.93	<u>Payment Amount</u>	\$0.00		

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<u>Ad Size</u>	: 1.0 X 108 Li		
<u>Color</u>	<NONE>		
<u>Run Dates</u>	5/18/2016		

Affidavits

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**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a Public Hearing on Thursday, June 9, 2016 at 8:30 a.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items.

Distribution of the Planning Department's staff reports regarding the following items will occur at a Case Distribution Session on Thursday, June 2, 2016 at 3:00 p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

Project# 1000649  
 16EPC-40023 Site Development  
 Plan for Subdivision

Studio Southwest Architects, Inc., agent for Indian Pueblos Marketing, Inc., requests the above action for Tract A of the Plat for the United States Bureau of Land



## ENVIRONMENTAL PLANNING COMMISSION AGENDA

Thursday, June 9, 2016  
8:30 a.m.

Plaza Del Sol Hearing Room, Lower Level  
600 2<sup>nd</sup> Street NW

### MEMBERS

Karen Hudson, Chair  
Derek Bohannon, Vice-Chair

Maia Mullen  
Bill McCoy  
James Peck  
Dan Serrano

Moises Gonzalez  
Peter Nicholls  
Victor Beserra

\*\*\*\*\*

**NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY**

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications with no known opposition that are supported by the Planning Department are scheduled at the beginning of the agenda. Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. However, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking per Rule B.13 of the EPC Rules of Conduct.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

**NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.**

**Call to Order:**

- A. Pledge of Allegiance
- B. Announcement of Changes and/or Additions to the Agenda
- C. Approval of Amended Agenda
- D. Swearing in of City Staff

**1. Project# 1000649**

16EPC-40023 Site Development Plan for  
Subdivision

Studio Southwest Architects, Inc., agent for Indian Pueblos Marketing, Inc., requests the above action for Tract A of the Plat for the United States Bureau of Land Management Survey of Town of Albuquerque Grant, Projected Sections 7 and 8 of Township 10 North, Range 3 East New Mexico Principal Meridian, zoned SU-1/C-2, SU-1/O-1 and C-1 Permissive Uses, and R-1, located on 12<sup>th</sup> St. NW between Menaul Blvd. NW and Indian School Rd., NW, containing approximately 47.3 acres. (H-13 & 14) Staff Planner: Catalina Lehner

**2. Project# 1000771**

16EPC-40007 Site Development Plan for  
Building Permit

RBA Architects, agent for Brad Allen, request the above action for all or a portion of Tract C, Cottonwood Pointe, zoned SU-1 for IP/C-2/R-2 Uses, located on Irving Blvd. and Eagle Ranch Rd., containing approximately 6.77 acres. (B-13) Staff Planner: Maggie Gould (**DEFERRED FROM APRIL 14, 2016 HEARING**)

**3. Project# 1007017**

16EPC-40016 Site Development Plan for  
Building Permit  
16EPC-40017 Zone Map Amendment (Zone  
Change)

Jim Medley, Architect, agent for Sunport Park Hospitality, LLC/Yogash Kumar, requests the above actions for all or a portion of Lot 2-A-2, block 2 of Sunport Park, zoned IP to SU-1 for IP uses, located on 1401 Woodward Rd., between Transport St. and University, containing approximately 2.03 acres (M-15)  
Staff Planner: Maggie Gould (**DEFERRED FROM MAY 12, 2016 HEARING**)

**4. Project# 1010546**

16EPC-40021 Site Development Plan for  
Building Permit Amendment

Modulus Architects, agent for Tecolote Resources, Inc., requests the above action for all or a portion of Tract A-2, Lands of Coogan & Walters & Southwestern Land Development Corp, together with Tracts B and C Milne Plaza Subdivision, and Tract A Lands of MRGCD Map 39, zoned C-2 (SC), located at the SW corner of Central Ave. SW and Atrisco Dr. NW, containing approximately 13 acres. (K-12)  
Staff Planner: Catalina Lehner (**DEFERRED FROM MAY 12, 2016 Hearing**)

**5. Project# 1010809**

16EPC-40020 Sector Development Plan Map  
Amendment (Zone Change)

Consensus Planning, agent for Albuquerque Development, LLC, requests the above actions for all or a portion of Lots 31 and 32, Block 11, Tract 1, North Albuquerque Acres, Unit 3, zoned RD-3 DU/ACRE to RD-7 DU/7ACRE located on Glendale Ave. NE at Wyoming Blvd. NE, containing approximately 1.6 acres. (B-19)  
Staff Planner: Maggie Gould (**DEFERRED FROM MAY 12, 2016 HEARING**)

**6. Project# 1001695**

16EPC-40008 Site Development Plan for Building Permit

DAC Enterprises, Inc., agent for Firoz S. and Jabeen Vagh. requests the above action for Lots 31 and 32, Block 4, North Albuquerque Acres, Unit 3, zoned SU-2 for C-1, located on the NE corner of Signal Ave. and Louisiana Blvd., between Alameda Blvd. NE and Wilshire Ave. NE, containing approximately 1.5 acres. (C-19)

Staff Planner: Catalina Lehner **(DEFERRED FROM APRIL 14, 2016 HEARING)**

**7. Project# 1005131**

16EPC-40024 Sector Development Plan Map Amendment (Zone Change)

Bohannon Huston Inc., agent for City of Albuquerque, Fire Department/OMD, requests the above action for all or a portion of Lots 1, 2, and 3, Block 28, Huning Highland Addition, zoned SU-2/SU-1 for Fire Station to SU-2 / NCR, located on High Street, between Silver Ave., and Lead Ave., containing approximately 0.5 acre. (K-14)

Staff Planner: Vicente Quevedo

**8. Project# 1001620**

16EPC-40025 Text Amendment to the Zoning Code

COA Planning Department, requests the above action to amend RO-1 (§14-16-2-2), RA-1 (§14-16-2-4) and RA-2 (§14-16-2-5) zones so that the minimum required acreage for a private commons development is consistent with the Private Commons Development regulations (§14-16-3-16). City-Wide. Staff Planner: Maggie Gould

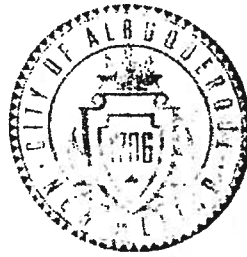
**9. OTHER MATTERS:**

A. Approval of April 14, 2016 Amended Action Summary Minutes – Verbatim Minutes for 1004675 AC-16-6 included

B. Approval of May 12, 2016 Action Summary Minutes

**10. ADJOURNED:**





## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, June 9, 2016 at 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items.

Distribution of the Planning Department's staff reports regarding the following items will occur at a **Case Distribution Session on Thursday, June 2, 2016 at 3:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

**Project# 1000649**

16EPC-40023 Site Development Plan for Subdivision

Studio Southwest Architects, Inc., agent for Indian Pueblos Marketing, Inc., requests the above action for Tract A of the Plat for the United States Bureau of Land Management Survey of Town of Albuquerque Grant, Projected Sections 7 and 8 of Township 10 North, Range 3 East New Mexico Principal Meridian, zoned SU-1/C-2, SU-1/O-1 and C-1 Permissive Uses, and R-1, located on 12<sup>th</sup> St. NW between Menaul Blvd. NW and Indian School Rd., NW, containing approximately 47.3 acres. (H-13 & 14) Staff Planner: Catalina Lehner

**Project# 1005131**

16EPC-40024 Sector Development Plan Map Amendment  
(Zone Change)

Bohannon Huston Inc., agent for City of Albuquerque, Fire Department/OMD, requests the above action for all or a portion of Lots 1, 2, and 3, Block 28, Huning Highland Addition, zoned SU-2/SU-1 for Fire Station to SU-2 / NCR, located on High Street, between Silver Ave., and Lead Ave., containing approximately 0.5 acre. (K-14)  
Staff Planner: Vicente Quevedo

**Project# 1001620**

16EPC-40025 Text Amendment to the Zoning Code

COA Planning Department, requests the above action to amend RO-1 (§14-16-2-2), RA-1 (§14-16-2-4) and RA-2 (§14-16-2-5) zones so that the minimum required acreage for a private common development is consistent with the Private Common Development regulations (§14-16-3-16). City-Wide.  
Staff Planner: Maggie Gould

Details of these applications may be examined at the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street NW, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or you may call 924-3860. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should call 924-3860.

Karen Hudson, Chair  
Environmental Planning Commission

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MAY 18, 2016.**

APPROVED

A handwritten signature in black ink, appearing to read 'Kym', followed by a horizontal line.

Kym Dicome  
Urban Design & Development  
Planning Department

**Albuquerque Publishing Company**  
 7777 Jefferson N.E. Albuquerque, New Mexico 87109  
 P.O. Drawer J-T Albuquerque, New Mexico 87103  
 (505) 823-7777

Account Number

1007583

Ad Order Number

0001288427

**Ad Proof / Order Confirmation**

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 ALBUQUERQUE NM 87102

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Affidavits

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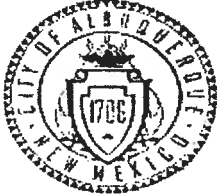
Distribution of the Planning Department's staff reports regarding the following items will occur at a Case Distribution Session on Thursday, June 2, 2016 at 3:00 p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

Project# 1000649  
 16EPC-40023 Site Development  
 Plan for Subdivision

Studio Southwest Architects, Inc., agent for Indian Pueblos Marketing, Inc., requests the above action for Tract A of the Plat for the United States Bureau of Land

## Albuquerque Publishing Company

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Distribution of the Planning Department staff results regarding the following items will occur at a Public Distribution Session on Thursday, June 2, 2016 at 1:00 p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

Project# 1000649  
16EPC-40023 Site Development  
Plan for Subdivision

Studio Southwest Architects, Inc., agent for Urban Pueblos Marketing, Inc., requests the above action for Tract A of the Plan for the United States Bureau of Land Management Survey of Town of Albuquerque Grant, Projected Sections 7 and 8 of Township 10 North, Range 3 East New Mexico Principal Meridian, zoned SU-1/C-2, SU-1/D-1 and C-1 Permissive Uses, and R-1, located on 12th St. NW between Mansel Blvd. NW and Indian School Rd., NW, containing approximately 47.3 acres. (H-13 & 14) Staff Planner: Catherine Letner

Project# 1005131  
16EPC-40024 Sector  
Development Plan Map  
Amendment  
(Zone Change)

Schannan Huston Inc., agent for City of Albuquerque Fire Department/OMD, requests the above action for all or a portion of Lots 1, 2, and 3, Block 28, Huning Highland Addition, zoned SU-2/SU-1 for Fire Station to SU-2 / MCR, located on High Street, between Silver Ave., and Lead Ave., containing approximately 0.5 acre. (K-14)  
Staff Planner: Vicente Quevedo

Project# 1001620  
16EPC-40025 Text Amendment to  
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Staff Planner: Maggie Gould

Details of these applications may be examined at the Planning Department, 3rd Level, Plaza del Sol Building, 600 Second Street NW, between 8:00 a.m. and 5:00 p.m.,

## Ad Proof / Order Confirmation

Account Number

1007583

Ad Order Number

0001288427

CITY OF ALB-PLANNING DEPT

Monday through Friday, or you  
may call 924-3900. INDIVIDUALS  
WITH DISABILITIES who need  
special assistance to participate at  
the public hearing should call 924-  
3900.

Karen Hudson, Chair  
Environmental Planning  
Commission  
Journal: May 18, 2016

NONE

**ENVIRONMENTAL PLANNING COMMISSION  
SIGN-IN SHEET**

**AGENDA ITEM NO: 8**     **DATE: June 9, 2016**

**CASE #: 1001620 – 16EPC-40025 – Txt Amend Private Commons Develop. Regulations**  
**PLEASE PRINT CLEARLY**

<p>1. Name: _____ Address: _____ _____ City                      State                      Zip</p>	<p>6. Name: _____ Address: _____ _____ City                      State                      Zip</p>
<p>2. Name: _____ Address: _____ _____ City                      State                      Zip</p>	<p>7. Name: _____ Address: _____ _____ City                      State                      Zip</p>
<p>3. Name: _____ Address: _____ _____ City                      State                      Zip</p>	<p>8. Name: _____ Address: _____ _____ City                      State                      Zip</p>
<p>4. Name: _____ Address: _____ _____ City                      State                      Zip</p>	<p>9. Name: _____ Address: _____ _____ City                      State                      Zip</p>
<p>5. Name: _____ Address: _____ _____ City                      State                      Zip</p>	<p>10. Name: _____ Address: _____ _____ City                      State                      Zip</p>

Note: Your contact information will be kept confidential. It will only be used for the purpose of mailing out Notice of Decision.