



**Environmental
Planning
Commission**

*Agenda Number: 10
Project Number: 1009415
Case #: 12EPC-40062
November 8, 2012*

Supplemental Staff Report

Agent	City of Albuquerque Planning Department
Applicant	City of Albuquerque
Request	Text and Zone Map Amendments to the East Gateway Sector Development Plan
Location	Central Avenue and Tramway Boulevard NE
Current Zoning	SU-2, EG-CAC, SU-2-C and SU-1 PDA
Proposed Zoning	Same with the addition of design regulations that apply to properties near Central and Tramway, approx. 13 acres

Staff Recommendation

That a recommendation of APPROVAL 12EPC-40062 be forwarded to the City Council, based on the Findings on page 5, and subject to the Conditions of Approval on page 8.

Staff Planner
Maggie Gould, Planner

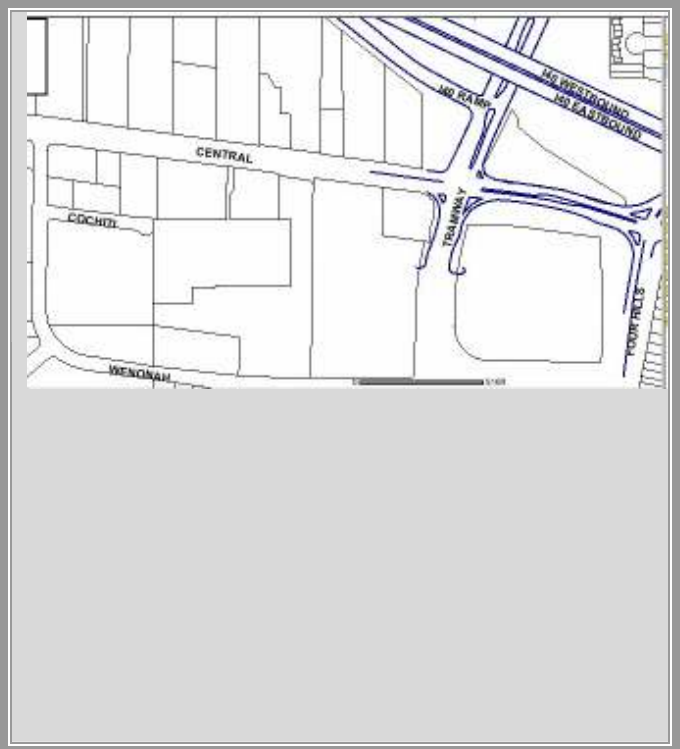
Summary of Analysis

To be read with the October 11, 2012, Staff Report

This is a request to amend the East Gateway Sector Development Plan (EGSDP), to provide protection for the panoramic views in the area.

This case was deferred from the October 11, 2012 hearing in order to address concerns from staff and members of the public about the implementation and placement of the proposed design regulations. Staff finds that there is sufficient policy justification for approval; however staff is recommending some minor amendments to make the proposal more consistent with the East Gateway SDP.

Staff recommends approval with some minor conditions.



City Departments and other interested agencies reviewed this application 09/04/2012 to 09/14/2012.

Request

This is a request to amend the East Gateway Sector Development Plan (EGSDP), to provide protection for the panoramic views in the area.

This case was deferred from the October 11, 2012 hearing in order to address concerns from staff and members of the public about the implementation and placement of the proposed overlay zone. Staff found that there was sufficient policy justification for approval, however there were concerns about implementation and unintended consequences of the proposed legislation.

The concerns included lighting, signage, non-conformance, landscaping, setback size and the actual location of good views.

Planning staff and City Council staff visited the area on October 18th to assess the views and the impact of the proposed changes. Staff found that the significant views of the foothills and canyon entrance begin farther east than were called for in the original resolution.

Council staff has provided an amended resolution that clarifies that the intent is to preserve views, not only to the entry into Tijeras Canyon, but also of the Atrisco Mesa, Jemez Mountains, the Manzano and Sandia Mountain Ranges, Mount Taylor, the Four Hills area and the Tijeras Canyon. The new language frames the Central and Tramway intersection as a “viewing area”.

When staff visited the area the views to the east and west were clear from a vehicle. The views in all four directions are best seen by pedestrians. (see attached photos)

The new proposed resolution addresses the previous issues as follows:

Views

The resolution is amended to only include the properties within 500 feet of Tramway Boulevard. The proposal would now impact only 6 properties (see attached map). This is the area where site visits determined that the views are present and can be easily seen by pedestrians, bicyclists and drivers.

Setbacks

The new proposed setbacks for the north side of Central are a minimum of 30 feet and maximum of 90 feet. The previous request was for a 47-foot minimum and a 110-foot maximum. The 30-foot minimum was proposed in the Interim Design regulations, see previous staff report. The minimum setback is still greater than the allowed setbacks in most of the other zones within the plan area. However, the setback is similar to the existing development in the area. The maximum setback is much greater than what is allowed in the plan.

Staff would still recommend that language to address the transition from the larger setback to the smaller setback be added so that if properties redevelop there is coordination. (See condition 1)

Setbacks for the south side Central remain the same. A 30-foot landscape buffer is required and the building setback is not specified. (See condition 2)

Landscaping

Landscaping must meet the requirements of section, 14-16-3-10 of the Zoning Code and must also provide rocks and gravel to match the color of the nearby foothills. Plants used in landscaping must

be native to the Manzano or Sandia Mountain Ranges. The additional specifications add to the special character of the area and help to define it as a special gateway into the City.

The 30 foot landscaped buffer has been modified to allow the inclusion of a sidewalk. The inclusion of other items such as street furniture, transit shelters and trash receptacles should be addressed before final action is taken by City Council. (see condition 4)

The resolution does not address street trees or tree height. As stated in the previous staff report, landscaping should be low level in order to maintain the views. (see condition 4)

Signage

Signage is to be setback 20 feet, placing it between the building and the sidewalk.

The current signage regulations in the East Gateway Plan refer to the O-1 zone, which does not include a setback for signage and allows a maximum height of 26 feet. (see condition 6)

Non-conformance

Non-conformance is addressed by referring to the existing provisions in the East Gateway Sector Development Plan.

Difference in requirements from the north side to the south side of Central

The Four Hills Shopping Center on the south side of Central is zoned SU-2 EG-CAC, Community Activity Center, or SU-1 PDA, Planned Development Area. The area is developed as a Shopping Center and is a designated community activity center in the Albuquerque Bernalillo County Comprehensive Plan.

Any development on the site could occur under either zone. If the property developed under the SU-1, PDA zone a public hearing in front of the EPC would be required. Development under SU-2 EG-CAC would not require a hearing. The SU-2 EG-CAC zone would allow a variety of commercial, office, residential and retail uses. The shopping center site is greater than 5 acres and would require administrative review by the Planning Director before any new development could occur. This offers an additional review to ensure that the development requirements are met.

The properties on the north side of Central are zoned SU-2 EG-C zone, which is a more intense zone. This area will most likely redevelop as individual parcels. None of the parcels impacted by this zone are over 5 acres so no additional review will occur.

Glazing

The previous version of this request would allow glazing to be provided per the underlying zone or to cover 60% of the front and side facades. Windows located above the midpoint of the wall would need to be a minimum of 6 feet in height.

The current proposal reduces this coverage to 40%.

The design regulations in the EGSDP would require windows on 40% of the ground story between the sidewalk elevation and nine feet above the sidewalk elevation. The plan requires that windows

begin no lower than 36 inches from the sidewalk elevation. The new proposal would allow windows to begin at the mid-point of the wall. This would be significantly higher than the currently allowed 36 inches. This new proposal still provides adequate glazing to allow light into the building, but does not provide the “eyes on street” or visual interest that is intended in the plan.

According to the plan, the intent of the window requirements is to provide interest on the street and safety for pedestrians. The higher windows may not have that effect. Since the buildings will be allowed to be set back quite a distance from Central Ave. staff supports a taller threshold for the windows but does not support a midpoint start. Instead, staff recommends a compromise of four feet to allow surveillance into and out of the building. (See condition 5)

Analysis of revised View Regulations

The East Gateway Sector Development Plan (EGSDP) is primarily focused on the redevelopment of the Central Avenue corridor. The stated goals are:

1. Create a safe, well maintained, attractive community
2. Enable the continued existence and new development of thriving business to provide jobs and local services
3. Design and build streets and trails that offer multiple efficient, safe transportation choices: driving, cycling, walking, public transit.
4. Transform Central Avenue into a vibrant place that functions as a community destination- a seam rather than a barrier.
5. Provide accessible parks, Major Public Open Space and community programs to serve the entire East Gateway Community.
6. Support existing stable, thriving residential neighborhoods and transform others.
7. Ensure well maintained , safe housing for low income households
8. Enable multi-family housing development close to public services, transit and shopping.

The new proposed legislation applies to fewer properties. Staff supports this change because it applies the regulations to the properties where the views are actually present. This change also supports the concept of the area as a gateway. The gateway concept is proposed in the draft Metropolitan Redevelopment Plan and the enacting legislation of the EGSDP.

The proposed changes to the landscaping requirements would meet the intent of the EGSDP to have a vibrant, attractive place. A path through the landscaped area could provide a safer, more pleasant way for pedestrians to traverse this small section of Central. Section 2.3.4 of the EGSDP calls for pedestrian realm improvements along Central to support transit and pedestrian safety.

The addition of native landscaping gives the area a distinct sense of place and contributes to the development of an attractive community. This also adds to the idea of the intersection of Central and Tramway as gateway into and out Albuquerque.

The minimum 30 foot setback allows for the additional landscaping on both sides of Central. This landscaping furthers several goals and policies of the EGSDP and other plans and policies.

The new proposed maximum 90 foot setback for the EG-C zone, north side of Central, has been reduced from 110 feet. It is still much greater than most of the setbacks in the plan area. The EG-C zone is the most intense of the SU-2 zones in the EGSDP, but the zone intent is still to have a multimodal environment and to support legitimate activity on the street. The large maximum setback makes it less likely that the use within a building will support that street activity. Staff would recommend looking at the maximum setback and why it is necessary. (see condition 6)

Signage placement is addressed in the proposed legislation, but height is not. The proposed setback for signs moves the sign away from the street and somewhat out of the view area. A sign of up to 75 square feet at a height of 26 feet, per the O-1 zone, would be allowed. This has the potential to block views. Staff would recommend addressing the issue of height in order further the goals of view preservation. (see condition 7)

The changes to the glazing requirements do not seem to be necessary to implement the goals of view preservation.

The reference to the non-conformance regulations in the EGSDP will provide clarity in the enforcement of the proposed legislation. The plan requires that new development and additions of 15% or more to gross building square footage comply with the new regulations.

Lighting is not addressed. The previous staff report suggested that street lighting should be left in place because lighting is a public safety issue. Staff would like to re-iterate this concern. Lighting could be low level to protect the view and provide a measure of safety. (see condition 8)

Other Issues

The Area East of Tramway

The northeast corner of Tramway and Central is developed as a park. This land is owned by the New Mexico Department of Transportation and maintained by the City Parks Department. The park contains a raised plaza, landscaping and a large Public Art sculpture. It is unlikely that another use will occur on this site. The current development supports the views and the concept of the gateway into and out of the city.

The south side of the street has a 100-foot strip of undeveloped land that appears to be NMDOT right of way. This area has an unimproved trail that is used by pedestrians and bicyclists to connect to the trail systems east and west of Tramway.

Resolution 270-1980

The applicant has not added new justification for the revised regulations. Staff found that there was sufficient policy justification for approval of the original proposal, however there were concerns about implementation and unintended consequences of the proposed legislation.

Neighborhood Outreach

City Council staff plans to meet with the Four Hills Neighborhood Homeowners Association and other interested parties before the hearing to discuss the amendment. The information from these meetings will be sent to the Planning Commission as soon as it is available. Council staff indicates

that there is support from the Four Hills Neighborhood Association, although individuals in the neighborhood may still have concerns about the proposal.

Council Staff will also contact the Signing Arrow Neighborhood and confirm their position on this proposal.

FINDINGS - 12EPC-40062, November 8, 2012, Amendments to the East Gateway Sector Dev. Plan

1. This is a request to amend the East Gateway Sector Development Plan to add new design regulations in the area surrounding Central and Tramway in order to protect and preserve panoramic views from this area.
2. The legislation pertaining to this request was introduced to City Council on August 8, 2012. The EPC is charged with making a recommendation to the City Council regarding the proposed amendments.
3. The request was deferred from the October 8, 2012 EPC hearing in order to address concerns and questions raised by the public and by Planning Staff. As a result, Planning staff and Council staff visited the site on October 18, 2012 to further assess the location of the views.
4. The request provides additional design regulations affecting properties zoned SU-2/EG-CAC and EG-C in the area of Tramway and Central NE. The additional design regulations are justified per R-270-1980 as noted below:
 - A. There will be minimal impact to existing infrastructure and services. The request will protect views that were recognized as important in the Interim Design Regulations of the East Gateway Sector Development Plan (R-09-275) but were not carried over to the current Plan. The request is consistent with the health, safety, morals, and welfare of the city.
 - B. The proposed regulations may bring stability to the neighborhood by creating a sense of place. The request does not change any of the uses in the existing zones.
 - C. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan and the East Gateway SDP as demonstrated below:

Section II.B.5, Established Urban Areas Goal: The request will foster a quality urban environment and a pleasing built environment by maintaining views that create identity for this part of town.

Policies II.B.5m & o: The proposed amendments will enhance the unique views, and may help to strengthen the area by providing attractive landscaping and enhancing the existing character.

Section II.C.8, Developed Landscape Goal: The request will help to maintain and improve the natural and the developed landscapes' quality.

Policy II.C.8.a, d, e: Policies a, d and e are furthered by this request because the landscaping will be improved, the unique visual environment will be respected and preserved, the landscaping will provide a space to collect storm water runoff and will

help to create a pleasing visual environment, and the building setbacks will minimize the visibility of the buildings.

II.C.8, Community Identity And Urban Design Goal, Section: The proposed amendment will enhance the natural characteristics of the area by preserving the views into Tijeras Canyon.

Policy II.C.9.c: The proposed amendments will help identify the area as a gateway and will strengthen the sense of place and enhance the character by providing views and enhanced landscaping.

Policy II.C.9.d: The area along the south side of Central Avenue is a Community Activity Center. The proposal will require pedestrian pathways and landscaping that will support the intent of this policy.

II.C.2 Water Quality Goal: The request will minimize the potential for contaminants to enter the community water supply. The enhanced landscaping buffer has the potential to act as a ponding area and allow water to settle before entering the storm drains and subsequently the river or water table.

Policy II.D.4d: The proposed pedestrian amenities in this amendment will help to create safe and pleasant pedestrian connections.

Policy II.D.6d: The proposed viewshed amendment may enhance the eastern portion of Central as a gateway and promote travel from I-40 onto Central Avenue.

East Gateway SDP, Goals 1, 3, and 4: The request will provide a more pleasant streetscape, improving Central Avenue and preserving the views, a community asset. The plan identifies pedestrian realm improvements as a way to transform Central and support pedestrian comfort and safety.

- D. The applicant has adequately justified the request by demonstrating that the requested zone change is more advantageous to the community as articulated in the Comprehensive Plan. The request furthers the preponderance of applicable Comprehensive Plan policies cited in Section C.
- E. The request will not change any of the uses currently allowed.
- F. This request will not require unprogrammed capital expenditures by the City. Any improvements will be made and maintained privately.
- G. The cost of land or other economic considerations is not used as the determining factor for a change of zone. The determining factor is the desire to preserve the panoramic views and the character of the area.
- H. The proposed change will not alter the commercial zoning in the subject area.
- I. This request will not create a spot zone.
- J. This request will not create a strip zone.

5. The East Gateway Coalition was notified along with following Homeowner's Associations: Coronado Terrace , Executive Hills ,Four Hills Village ,Terracita , Winterwood Park and the following neighborhood associations: Four Hills Village, ,Juan Tabo Hills ,La Mesa Community Improvement Assoc., Manzano Manor Assoc. Of Residents , Mirabella-Miravista, Sandia Vista.,Singing Arrow ,South Los Altos, Trumbull Village Assoc., Willow Wood . Property owners with 100 feet of the proposed changes were also notified.
6. Staff received one letter in opposition to this request and 3 letters with questions or concerns.
7. Council staff will meet with representatives from the Four Hills Home Owners Association and other interested parties before the November 8th hearing.

RECOMMENDATION - 12EPC-40062 NOVEMBER 8, 2012

That a Recommendation of APPROVAL of 12EPC-40062 to amend the text of the East Gateway Sector Development Plan, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – 12EPC-40062, November 8, 2012

1. The transition between the properties covered by the view shed zone and those not covered is not addressed. Since the setbacks will vary greatly, a transition should be considered, especially on the north side of Central where the regulation begins mid-block.
2. The requirements for the south side of Central only include a landscape buffer and do not address setbacks. The amendment should be clarified as to whether this is a 30 foot buffer and then the required setbacks or if 30 feet is the setback.
3. Include a diagram with the setback language to clarify how the setback is meant to be configured.
4. Further clarify what items are allowed in the landscaped buffer and address the issue of street trees.

5. Further clarify the issue of window height. Windows should not begin more than 4 feet from the sidewalk elevation.
 6. Clarify the need for the 90 foot maximum setback on the north side of Central.
 7. Address the issue of signage height.
 8. The text should address additional lighting in or near the setback areas to promote public safety. Lighting could be low level to protect the view and provide a measure of safety.
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***Maggie Gould
Planner***

Notice of Decision cc list:

City Council Services

Roger Mikelson, Four Hills Neighborhood Association

Joseph Zmuda, 1605 Wagontrain Dr. SE, ABQ, NM 87123

Attachments

Photos of the view area

Maps of the view area

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Long Range Planning

CITY ENGINEER

Transportation Development Services

Traffic Engineering Operations

Hydrology

DEPARTMENT OF MUNICIPAL DEVELOPMENT

Transportation Planning

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/PLANNING

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/PLANNING

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO