



***Environmental  
Planning  
Commission***

***Agenda Number: 6  
Project Number: 1001620  
Case #: 12EPC 40075  
February 14, 2013***

***Staff Report***

<b><i>Agent</i></b>	COA Planning Department
<b><i>Applicant</i></b>	City of Albuquerque
<b><i>Request</i></b>	<b>Text Amendment to the Zoning Code, §14-16-3-5 (A) (4)</b>
<b><i>Current Zoning</i></b>	Various; must be in CAN DOZ
<b><i>Proposed Zoning</i></b>	Same

***Staff Recommendation***

***That a recommendation of APPROVAL of 12EPC 40075 be forwarded to the City Council, based on the Findings on page 10, and subject to the Conditions of Approval on page 12.***

***Staff Planner***

***Christopher Hyer, Senior Planner***

***Summary of Analysis***

The purpose of this request is to amend the General Sign Regulations, §14-16-3-5 (A) (4), of the Zoning Code to allow a waiver of the sign fee for a neon sign in the Central Avenue Neon Sign Design Overlay Zone, or CAN DOZ. In order to qualify for the fee waiver, the sign must meet all requirements and regulations set forth by the CAN DOZ.

There are two other companion text amendments whose purpose is to create CAN DOZ, and a text amendment to the NHSDP that allows freestanding pole-mounted signs in the NHSDP area.

Staff has suggested additional language to this amendment to include building permit fees and plan check fees to be waived as part of the incentive for the neon sign utilization.

The Historic Preservation Staff has also made a suggested change to the General Sign Regulations: to exempt historic signs from provisions of the sign regulations that would otherwise prohibit their display. New language for this modification is also presented.

The modified text amendment furthers a preponderance of goals and policies of the Comprehensive Plan and staff is recommending that a recommendation of approval be forwarded to the City Council.

**CITY-WIDE**

City Departments and other interested agencies reviewed this application from 12/3/2012 to 12/14/2012.  
Agency comments used in the preparation of this report begin on Page 14.

## **I. INTRODUCTION**

### ***Request***

This is a request for a text amendment to the Zoning Code to allow a waiver of fees for signs that comply with the Central Avenue Neon Sign Design Overlay Zone (CAN DOZ). Specifically, the amendment will be to §14-16-3-5 (A) (4), General Sign Regulations, Fees, adding language which states that all signs meeting the requirements of the CAN DOZ shall have the sign fees waived.

### ***Purpose/Intent***

This request is a Planning Department-led initiative and is a companion to the other two requests that will: 1) create the Central Avenue Neon Sign Design Overlay Zone (CAN DOZ); and 2) provide an amendment to the Nob Hill Highland Sector Development Plan to allow freestanding pole-mounted signs. The Mayor began an initiative to make Central Avenue a more desired place to be in November, 2011. Several ideas were listed from improvements to the streetscape, such as having special signage along the entire Central Avenue corridor, to creating different types of “districts” along the corridor. These ideas were melded into the creation of a specific corridor zone that incentivizes neon signage. Hence, the CAN DOZ will create another unique area of the City that will attract a different form of visual art.

Currently, the Zoning Code requires \$.70 per square foot of the largest sign face of the sign or \$70, whichever is more. In order to provide an incentive to use neon signage along Central Avenue, this proposal is to waive such fees for neon signs erected in the CAN DOZ.

The CAN DOZ applies to applicants requesting to rehabilitate an existing neon sign or develop a sign with at least 50% of the sign illumination using neon. Another incentive the City will provide includes an allowance of a 50% increase in the sign face area, up to 250 sf.

### ***EPC Role***

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 amendment. The City Council is the City’s Zoning Authority and will make the final decision. (§14-16-4-1 (D))

### ***Background***

Central Avenue is one of Albuquerque’s oldest roadways lined with residential and non-residential properties. The intent is to encourage a unique and historic element to the streetscape that bisects the City from 106<sup>th</sup> Street on the west to the interchange with I-40 on the east. Signs using neon have given way to a more modern (and cheaper) box sign, which is used to fulfill the basic purpose of advertising a business. The City is creating the CAN DOZ as an incentivized overlay district for the use of simple advertising signs to be visual art. The hope is that people will want to be on Central Avenue because of the unique atmosphere created by the neon signs.

The text amendment will apply to property fronting Central Avenue providing an incentive to neon signs that only exist within the CAN DOZ.

**II. ANALYSIS OF PROPOSED TEXT AMENDMENT**

Policy Citations are in Regular Text; Additions are [+ underlined +]; Deletions are [- ~~stricken~~ -]  
**Staff Analysis is in Bold Italics**

The Planning Department in its role as applicant submitted a text amendment and memo dated 11/29/2012, which is summarized below and analyzed in the policy section of this staff report.

**Text Amendment**

The proposal consists of the following changes to the regulatory section of the Plan (new text is underlined):

**§14-16-3-5 General Sign Regulations**

**(A) Zoning Permits, Seals of Compliance**

(4) Fees. A sign permit fee shall be charged to cover the cost of enforcement of zoning regulations concerning signs erected after 1975 and for the costs associated with the enforcement of zoning regulations for all electronic signs. The fee for a sign permit shall be:

- (a) \$.70 per square foot of the largest face of the sign or \$70, whichever is more.
- (b) \$1.45 per square foot of the largest face of the sign or \$145, whichever is more, for signs erected without a permit when it has been determined by the Zoning Enforcement Officer that the sign erector had full knowledge of the permit requirements.

[+ (c) Signs within the Central Avenue Neon Sign Design Overlay Zone, which meet all the requirements shall have the sign fees waived.

~~(c)~~ (d) For electronic signs, the fee shall be paid annually.

~~(d)~~ (e) +] The Planning Director may adopt by regulation an additional fee to cover the costs associated with the inspection and enforcement of electronic signs.

This text amendment as written only waives the sign fees. Staff believes the Mayor’s intent, and a more complete incentive would be to waive all fees associated with placement of a neon sign within the CAN DOZ. The other relevant fees regarding the erection of a sign are the Building Permit Fee and the Plan Check Fee. The building Permit Fee is relative as to the size range of each sign and the Plan Check Fee is an additional 65% of this fee. This added to the Sign Fee of at least \$70.00 gives a total cost for erecting a sign. Costs for erecting a sign are presented below with an additional column showing the total cost:

<u>Size of Sign</u>	<u>Building Permit Fee</u>	<u>Plan Check Fee</u>	<u>Sign Fee</u>	<u>Total</u>
2 to 20 square feet	\$15.00	\$9.75	\$70.00	\$94.75
Over 20 to 100 square feet	\$30.00	\$19.50	\$70.00	\$119.50
Over 100 square feet	\$45.00	\$29.25	\$70.00<	\$144.25<

After reviewing the intent of providing City incentives for creating a neon sign overlay zone along Central Avenue, staff concludes that a fee waiver for signage fees should be expanded to the permit fees as well. The amount of money the City would forego is not a large sum when considering the text amendment is already waiving a substantial cost of the sign fee. That is, an average neon sign typically will not be larger than 100 square feet. The additional loss for a

small neon sign (up to 20 square feet) is \$24.75 and the additional loss for a larger sign greater than 20 square feet, but less than 100 square feet is \$49.50. Compared to the gain of having a design overlay zone where creative visual art is displayed along an important arterial throughout the City, the cost is minimal.

Therefore, the text amendment to the Zoning Code should be modified as follows:

(4) Fees. A sign permit fee shall be charged to cover the cost of enforcement of zoning regulations concerning signs erected after 1975 and for the costs associated with the enforcement of zoning regulations for all electronic signs. The fee for a sign permit shall be:

(a) \$.70 per square foot of the largest face of the sign or \$70, whichever is more.

(b) \$1.45 per square foot of the largest face of the sign or \$145, whichever is more, for signs erected without a permit when it has been determined by the Zoning Enforcement Officer that the sign erector had full knowledge of the permit requirements.

[+ (c) Signs within the Central Avenue Neon Sign Design Overlay Zone, which meet all the requirements, shall have the sign fees [+ building permit fees, and plan check fees+] waived.

(e) (d) For electronic signs, the fee shall be paid annually.

(d) (e) +] The Planning Director may adopt by regulation an additional fee to cover the costs associated with the inspection and enforcement of electronic signs.

This modification makes the cost of erecting a neon sign within the CAN DOZ relatively free as far as the City is concerned, and provides a greater incentive for the applicant.

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

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

#### A. 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.”

*Adding the additional language as stated above to the General Sign Regulations of the Zoning Code, ROA 1994, to waive the sign fees, permitting fees, and plan check fees for qualifying neon signs in the CAN DOZ is an exercise in local self-government and falls within the City's powers (City Charter, Article I). Allowing neon signs that are within the CAN DOZ and are following the specific regulations of the CAN DOZ to have the sign and permitting fees waived, expresses the Council's (the zoning authority of the City) desire to ensure the proper use and development of land, and promote and maintain an aesthetic urban environment (City Charter, Article IX).*

*Staff finds that the request is consistent with the City Charter.*

#### **B. Albuquerque Comprehensive Zoning Code**

The Preface of the Zoning Code includes the following applicable paragraphs:

Authority and Purpose, page v (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.

Role of Land Use Boards, page viii (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 amendment generally furthers the intent of the Zoning Code to promote the health, safety and general welfare of the public because it would create an incentive for the use of neon signs in the CAN DOZ and this would enhance the streetscape along Central Avenue, benefiting the general welfare of the public. However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.*

#### **C. Albuquerque/Bernalillo County Comprehensive Plan**

The Comprehensive Plan, the Rank I planning document for the City, contains goals and policies that provide a framework for development and service provision. The Plan's goals and policies serve as a means to evaluate development proposals and requests for text amendments such as this.

*Central Avenue is in the Central, Established and Developing Urban Areas of the Comprehensive Plan. The Goal and relevant policies for each of these areas will be presented. First will be the Central Urban Area Goal and its relevant policies and then the Established and Developing Urban Area Goal and relevant policies.* Applicable goals and policies include:

##### **CENTRAL URBAN AREA**

Goal: to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.

*The CAN DOZ is a new overlay zone, or “district”, that is to promote historic type neon signs. That is, Central Avenue is a part of the historic Route 66 and spans the entire City from 106<sup>th</sup> Street on the west side to the I-40 interchange on the east side, and the CAN DOZ will reestablish an important part of the historic culture that has been used less and less.*

Policy II.B.6.a: New public, cultural, and arts facilities should be located in the Central Urban Area and existing facilities preserved.

*The waiver of fees is for any signs that meet the regulations of the CAN DOZ. This includes all neon signs that are to be rehabilitated and/or new signs. Qualifying signs are those with 50% or more of the sign face using neon.*

Policy II.B.6.b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

*The creation of a design overlay zone of historic visual art that bisects the Central Urban Area will help to link the residential areas with a visually pleasing commercial area.*

#### DEVELOPING AND ESTABLISHED URBAN AREAS

Goal: To create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

*The CAN DOZ is another step toward creating a quality and visually pleasing urban environment while encouraging the integration of various communities within the metropolitan area.*

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

*The CAN DOZ allows for nostalgic relief of a historic era to be continued along the Central Avenue corridor. As there are other historic developments along this corridor, the incentive of waiving the sign and permitting fees required by the City will encourage the use of neon in signs lining the roadway and will add to the historic character surrounding Central Avenue. That is, neighborhoods surrounding Central will have another element to add to the already established/historic nature of their specific areas. Therefore, this text amendment respects neighborhood values because of the City incentive to add another historic element along the Central Avenue corridor.*

Policy II.B.5.i: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

*Neon signs are of higher quality than standard contemporary box signs. Each one is unique as they are usually made by hand. This directly implies that neon signs are of an older school of thought and thus, bring an older/historic feel to an area. As Central Avenue is one of the oldest roadways in the City, a neon sign overlay is appropriate along its alignment. Also, even though this policy asks for innovation in new development, the CAN DOZ allows the*

*rehabilitation of existing neon signs. Thus, certain uniqueness is brought in existence to Central Avenue by these types of signs, which helps to add a historic flair.*

Policy II.B.5.m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

*Neon signs will improve the quality of the visual environment along Central Avenue by the fact that each sign is in itself, unique. The CAN DOZ will provide an additional layer of uniqueness along Central Avenue as it traverses the City. The fee waivers proposed in this text amendment is a logical way to encourage improvement to the visual environment along this corridor.*

Policy II.B.5.o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

*The Central Avenue corridor bisects older, established neighborhoods and older buildings and developments. The redevelopment and rehabilitation of these older areas will be strengthened by allowing a neon sign overlay along this roadway and incentivized by the City.*

Policy II.B.5.p: Cost-effective redevelopment techniques shall be developed and utilized.

*The CAN DOZ provides incentives for property owners to utilize neon signs for advertising their place of business. This overlay will be all along Central Avenue from 106<sup>th</sup> Street to the I-40 interchange and will bisect various parts of the City. The offering of a fee waiver incentive will encourage placement of these types of signs.*

#### **Activity Centers**

The Goal is to expand and strengthen concentrations of moderate and high density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

*This request will have a beneficial impact on social and economic activities along Central Avenue as a whole, but more-so in the ten Activity Centers within the corridor because of the concentration of commercial activity. Shoppers are generally more excited about frequenting a commercial establishment the more unique it is and neon signs add an additional element of that uniqueness. The fee waiver should encourage the proliferation of these signs along this corridor on non-residential properties, which will intensify in the activity centers because of the denser development.*

### **C. ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION**

#### **5. Historic Resources**

The Goal is to protect, reuse, or enhance significant historic districts and buildings.

*The CAN DOZ is not an historic district, but is the creation of a corridor that provides the incentive of sign and permitting fee waivers for neon signs that are considered of historic significance.*

#### **8. Developed Landscape**

The Goal is to maintain and improve the natural and the developed landscapes' quality.

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*Creating incentives to encourage rapid utilization of the CAN DOZ along the Central Avenue corridor will enhance the quality and visual impact of the developed landscape around Central Avenue.*

#### **9. Community Identity and Urban Design**

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

*Encouraging neon signs to line Central Avenue enhances' the built environment. The CAN DOZ will create an identity within the City that doesn't exist today: a place that businesses can utilize neon signs as a way of signifying that they belong to a special district. This district will line the Central Avenue corridor from 106<sup>th</sup> Street on the west to the I-40 interchange on the east.*

Policy II.C.9.e: Roadway corridors (collectors, arterials, Enhanced Transit and Major Transit) within each community and that connect the community's Activity Centers shall be designed and developed to reinforce the community's unique identity; streetscape improvements to these roadways shall be designed to:

- create useful and attractive signage and building facades

*The creation of the CAN DOZ is a unique way to connect Activity Centers along the Central Avenue corridor. Special considerations should be made for each smaller community as to how the neon signs will relate to the already built environment and how pedestrian and vehicular circulation will be effected by their placements. Each smaller community along Central has a unique identity that should be maintained while creating such a useful and attractive neon sign design overlay zone. The sign and building permit fee waivers will encourage the use of these signs creating a unique identity and improving the streetscape along Central Avenue.*

#### **D. COMMUNITY RESOURCE MANAGEMENT**

#### **4. Transportation and Transit**

The Goal is to develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

*The request is in response to create an innovative way to enhance the streetscape by providing incentives for businesses to utilize neon signage along the Central Avenue corridor. The current form of the text amendment is straightforward: waive sign fees for signs that meet the requirements and regulations of the CAN DOZ. This will encourage more activity along the Central Avenue corridor as pedestrians and vehicles will frequent this corridor because of the increased usage of this amenity. The increase in pedestrianism will have a direct impact on increased transit ridership throughout the corridor as well. A balance of multi-modal transportation will encourage an increased amount of economic vitality, which is directly linked to an increase in employment and services along Central Avenue.*

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*In conclusion, staff finds that the modified proposed text amendment furthers applicable goals and policies of the Comprehensive Plan.*

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

The Metropolitan Redevelopment Section supports this text amendment.

There were also comments made by the Historic Preservation Section regarding the need to add language to the General Sign Regulations of the Zoning Code exempting historic signs from provisions of the sign regulations that would otherwise prohibit their display. The language would be added to Section 14-16-3-5 (C) (40 (k) and reads as follows:

[+**Historic signs that are associated with the historic use of a premises are exempt from provisions of the Zoning Code that would otherwise prohibit their display. For the purposes of this section, a historic sign is defined as a sign that is listed or determined to be eligible for listing in the New Mexico Register of Cultural Properties either individually or as a contributing part of a property, or a sign that contributes to the historic character of a designated City Landmark. Historic signs may be relocated on the premises to facilitate their preservation. If the copy or imagery of a historic sign is altered, the alterations shall preserve the historic integrity of the sign and any new portions of the sign may be considered in determining the number and size of signs permitted.**+]

The justification the staff provides for the additional language is this: *Historic signs give continuity to public spaces, becoming part of the community memory. They sometimes become landmarks in themselves, almost without regard for the building to which they are attached, or the property on which they stand. In an age of uniform franchise signs and generic plastic "box" signs, historic signs often attract by their individuality: by a clever detail, a daring use of color and motion, or a reference to particular people, shops, or events.*

*Historic signs should be exempted from provisions of the Zoning code that conflict with other adopted goals and policies that encourage the preservation of historic resources. The proposed amendments would also clarify that historic signs are not subject to regulations related to non-conforming signs.*

This new language will be added as a Condition of Recommendation of Approval at the end of this staff report.

#### V. NEIGHBORHOOD/PUBLIC CONCERNS

Neighborhood Associations City-Wide were notified via an article in the December 2012 Neighborhood News Newsletter distributed to all neighborhood representatives – December 18, 2012. Notification will be posted on ONC's homepage for the newsletter.

There was not a facilitated meeting and staff has received no communications from interested parties. Therefore, there is no known opposition or support of this request.

## **VI. CONCLUSION**

This is a request for a text amendment to the General Sign Regulations in the Zoning Code. The request proposes to waive the sign fees as an incentive to use neon signs; the signs must meet the requirements and regulations of the Central Avenue Neon Sign Design Overlay Zone to qualify for the waiver.

Staff is recommending that the proposed text amendment be modified in order to provide a more complete incentive of waiving the fees for the development of a sign. Additional language should be added that also waives the building permit fees and the plan check fee. This modification would encourage business owners to use neon signs over contemporary box signs when considering the development of a sign.

The amendment does not conflict with the City Charter and furthers a preponderance of applicable goals and policies in the Comprehensive Plan.

Also, staff has received a request by the Historic Preservation Section to add language to the General Sign Regulations that would exempt historic signs from provisions of the sign regulations that would otherwise prohibit their display. This additional language to the General Sign Regulations does not conflict with the City Charter, the Comprehensive Plan and its policies, or the Zoning Code or other City policies or documents.

Notification was presented in the December 2012 Neighborhood News Newsletter on December 18, 2012, and staff has received no communication from parties that either support or oppose this amendment. Notification has also been posted on ONC's homepage for the newsletter as well.

Staff recommends that the EPC forward a recommendation of approval of the attached text amendment ordinance to the City Council based on the following findings and subject to conditions of approval.

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***FINDINGS – 12EPC 40076 (February 14, 2013) – Text Amendment to the Zoning Code***

1. The City of Albuquerque Planning Department is proposing a text amendment to the Zoning Code in order waive sign fees for neon signs that abide by the requirements and regulations of the Central Avenue Neon Sign Design Overlay Zone (CAN DOZ). This text amendment is to facilitate the implementation of neon signs within the Central Avenue corridor.
2. The intent of this text amendment is for the City to waive the signage fee for neon signs within the CAN DOZ. There are other fees associated with the erection of a sign that should be considered to be included in such a waiver – building permit fees and plan check fees. Staff has suggested modifying the language of this text amendment to encourage the use of neon signs within the CAN DOZ by relieving these fees as well.
3. 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.
4. The Zoning Code requires notification and other procedures for text amendments to the text of the Zoning Code (§14-16-4-3 (A) (5), which refers to §14-16-4-1(D)). The EPC is charged with evaluating the request and forwarding a recommendation to the City Council.
5. The request meets the intent of the City Charter: Amending the text of the Zoning Ordinance is a proper act of self-governance and falls within the City’s powers (Article I). Waiving sign, building permit and plan check fees for neon signs within the CAN DOZ promotes and maintains an aesthetic and humane urban environment (Article IX).
6. The proposed text amendment generally furthers the intent of the Zoning Code to promote the health, safety and general welfare of the public because it would support improvements to the roadway corridor along Central Avenue. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.
7. The request is not in significant conflict with adopted elements of the Comprehensive Plan or other city master plans including the following:

**CENTRAL URBAN AREA POLICIES**

The CAN DOZ is a new overlay district that promotes historic neon signs to be sure that this historic culture does not get lost. This district includes all neon signs that are to be rehabilitated or new qualifying signs. The creation of a design overlay zone of historic visual art that bisects the Central Urban Area will help to link the residential areas with a visually pleasing commercial area. (Comprehensive Plan Goal for Central Urban Area and Policies II.B.6.a and b)

#### ESTABLISHED URBAN AREA POLICIES

- a) The location, intensity, and design of neon signs along the Central Avenue corridor adds to the historic character of old Route 66, which respects existing neighborhood values. The sign fee waiver will encourage additional neon signs, and in turn, they will enhance the visual urban environment. The CAN DOZ offers a level of innovation that is unique and appropriate to the area in a cost-effective manner that encourages the redevelopment of older neighborhoods. (Comprehensive Plan Policies II.B.5.d, l, m, o and p)
- b) This request will have a beneficial impact on social and economic activities along Central Avenue as a whole, but more-so in the ten Activity Centers that are along the Central Avenue corridor due to the increased concentration of commercial activity. (Comprehensive Plan Goal for Activity Centers)

#### C. Environmental Protection and Heritage Conservation

##### 5. Historic Resources

- a) The CAN DOZ is not an historic district, but is the creation of a corridor that provides incentives for neon signs that are considered of historic significance. The amendment to the Zoning Code that will allow the fee waiver will encourage this corridor to be realized. (Comprehensive Plan Goal for Historic Resources)

##### 8. Developed Landscape

- a) Creating mechanisms with incentives in order to allow the realization of the CAN DOZ along Central Avenue will enhance the quality and visual impact of the developed landscape. (Comprehensive Plan Goal for Historic Resources)

##### 9. Community Identity

- a) Encouraging neon signs to line Central Avenue enhances the built environment. The CAN DOZ will create an identity within the City that doesn't exist today: a place that businesses can utilize neon signs as a way of signifying that they belong to a special district. The CAN DOZ is also a unique way to connect Activity Centers along a Major Transit Corridor. (Comprehensive Plan Goal for Community Identity and Policy II.C.9.b and e)

#### D. Community Resource Management

##### 4. Transportation and Transit

- a) The request is in response to create an innovative way to enhance the streetscape by providing incentives for businesses to utilize neon signage along the Central Avenue corridor. The current form of the text amendment is straightforward: waive sign fees for signs that meet the requirements and regulations of the CAN DOZ. This will encourage more activity along the Central Avenue corridor as pedestrians and vehicles will frequent the corridor because of the increased usage of this amenity. The increase in pedestrianism will have a direct impact on increased transit ridership throughout the corridor as well. A balance of multi-modal transportation will encourage an increased amount of economic vitality, which is directly linked to an increase in employment and services along Central Avenue. (Comprehensive Plan Goal for Transportation and Transit)

8. The additional language that is added to the text amendment of the Zoning ordinance maintains the City's intent to offer a fee waiver as an incentive for the erection of a neon sign within the CAN DOZ. The new language is offered as a Condition for recommending approval to the City Council.
9. The Historic Preservation Staff has suggested an additional change to the General Sign Regulations: to exempt historic signs from provisions of the sign regulations that would otherwise prohibit their display. The suggested language reflecting this addition is a Condition of Recommendation For Approval.
10. Notification was presented in the December 2012 Neighborhood News Newsletter on December 18, 2012, and staff has received no communication from parties that either support or oppose this amendment. Notification has also been posted on ONC's homepage for the newsletter as well.
11. Staff has not received any communications supporting or opposing this request.

***RECOMMENDATION - 12EPC-40075 - Text Amendment to the Zoning Code***

***That a Recommendation of APPROVAL of 12EPC-40075, a Text Amendment to the Zoning Code §14-16-3-5 (A) (4), be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions.***

***RECOMMENDED CONDITIONS OF APPROVAL - 12EPC-40075, February 14, 2013, Text Amendment to the Zoning Code, §14-16-3-5 (A) (4)***

1. The following additional language should be added to the Zoning Code §14-16-3-5 (A) (4):
  - (4) Fees. A sign permit fee shall be charged to cover the cost of enforcement of zoning regulations concerning signs erected after 1975 and for the costs associated with the enforcement of zoning regulations for all electronic signs. The fee for a sign permit shall be:
    - (a) \$.70 per square foot of the largest face of the sign or \$70, whichever is more.
    - (b) \$1.45 per square foot of the largest face of the sign or \$145, whichever is more, for signs erected without a permit when it has been determined by the Zoning Enforcement Officer that the sign erector had full knowledge of the permit requirements.
    - [+ (c) Signs within the Central Avenue Neon Sign Design Overlay Zone, which meet all the requirements, shall have the sign fees, building permit fees, and plan check fees waived.**
    - ~~(e)~~ **(d)** For electronic signs, the fee shall be paid annually.
    - ~~(d)~~ **(e)** +]The Planning Director may adopt by regulation an additional fee to cover the costs associated with the inspection and enforcement of electronic signs.

2. The following additional language should be added to the Zoning Code §14-16-3-5 (C) (40 (k) and reads as follows:

[+**Historic signs that are associated with the historic use of a premises are exempt from provisions of the Zoning Code that would otherwise prohibit their display. For the purposes of this section, a historic sign is defined as a sign that is listed or determined to be eligible for listing in the New Mexico Register of Cultural Properties either individually or as a contributing part of a property, or a sign that contributes to the historic character of a designated City Landmark. Historic signs may be relocated on the premises to facilitate their preservation. If the copy or imagery of a historic sign is altered, the alterations shall preserve the historic integrity of the sign and any new portions of the sign may be considered in determining the number and size of signs permitted.**+]

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*Christopher Hyer*  
*Senior Planner*

**Notice of Decision cc list:**

This is a City-Wide amendment and therefore, the Notice of Decision will be presented in the Neighborhood News Newsletter.

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

### ***PLANNING DEPARTMENT***

#### **Zoning Enforcement**

No comments

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

Citywide

12/3/12 – Article to be in the Dec12/Jan13 “Neighborhood News” Newsletter for notification to NA/HOA’s and Coalitions - siw

#### **Long Range Planning**

No comments received.

#### **Metropolitan Redevelopment Section**

The subject properties affect several MRAs, including West Central, Historic Central, Soldiers and Sailors Park, Downtown, Albuquerque High, Sycamore, Highland Central, Near Heights, and East Gateway. The MR has supported the waiver of fees for certain types of development and redevelopment that demonstrates a clear public benefit. Provided that a set of review criteria are adopted against which to measure compliance of specific sign proposals, MR staff supports the waiver of permit fees.

### ***CITY ENGINEER***

#### **Transportation Development (City Engineer/Planning Department):**

- Reviewed, no comment.

#### **Hydrology Development (City Engineer/Planning Department):**

- Reviewed, no objection.

#### **Transportation Planning (Department of Municipal Development):**

- Reviewed, and no comments regarding on-street bikeways or roadway system facilities. The overhang and sign heights comply with the bicycle operating height (100 in.).

#### **Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

#### **Street Maintenance (Department of Municipal Development):**

- No comments received.

#### **New Mexico Department of Transportation (NMDOT):**

- No comments received.

#### **RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:**

None.

**WATER UTILITY AUTHORITY**

**Utility Services**

No comments received.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

No comments received.

**Environmental Services Division**

No comments received.

**PARKS AND RECREATION**

**Planning and Design**

No comments received.

**Open Space Division**

Reviewed and has no adverse comments.

**City Forester**

No comments received.

**POLICE DEPARTMENT/PLANNING**

This is a city-wide project

No Crime Prevention or CPTED comments concerning the proposed Amendment to Zoning Code or Subdivision Text - fee waiver - request at this time.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

Approved as long as they comply with SWMD Ordinance.

**FIRE DEPARTMENT/PLANNING**

No comments received.

**TRANSIT DEPARTMENT**

Adjacent and nearby routes	None.
Adjacent bus stops	None
Site plan requirements	None.
Large site TDM suggestions	None.
Other information	None

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

No comments received.

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comment.

**ALBUQUERQUE PUBLIC SCHOOLS**

The City of Albuquerque proposes a text amendment to allow a waiver of fees for signs that comply with the Central Avenue Neon Sign Design Overlay. APS does not oppose this proposal.

**MID-REGION COUNCIL OF GOVERNMENTS**

No comments received.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

No comments received.

**PUBLIC SERVICE COMPANY OF NEW MEXICO**

PNM supports the City's efforts to revitalize Central Avenue with the proposed Central Avenue Neon Design Overlay Zone. PNM is currently working with City staff to convey specific public and employee safety concerns and adequate safety clearances regarding potential locational conflicts with existing overhead electric facilities that parallel or cross Central Avenue. Additional comments will be forthcoming prior to the EPC January 10, 2013 hearing after further discussions with City staff.