



**Environmental
Planning
Commission**

**Agenda Number: 5
Project Number: 1008098
Case #: 13EPC-40109
May 9, 2013**

Staff Report

Agent	City of Albuquerque Planning Department
Applicant	City of Albuquerque
Request	Text Amendments to the Downtown 2010 Sector Development Plan
Size	Approximately 3,550 acres
Existing Zoning	As identified in Plan
Proposed Zoning	No Change

Staff Recommendation

That a recommendation of APPROVAL of 13EPC-40109 be forwarded to the City Council, based on the Findings beginning on Page 15, and subject to the Conditions of Approval beginning on Page 17.

Staff Planner

Carrie Barkhurst, Planner

Summary of Analysis

The purpose of this request is to provide text amendments to the Downtown 2010 Sector Development Plan (DSDP) to help clarify specific language in the Plan that is either unclear or inconsistent with other City requirements. The proposed amendments do not affect the established zoning or uses and are basically a “clean up” of the 2000 Plan.

The amendments consist of the following:

- 1) Defining the process for approving minor changes or deviations from the Building Types and Standards.
- 2) Revising the Approval Process flowchart to better depict the current process.
- 3) Clarifying that R-3 and C-2 Uses are allowed, while the other zoning regulations for each zone (setbacks, density, etc.) do not apply.
- 4) Clarifying building height, step-backs, and recommended parking configurations where there are internal inconsistencies.
- 5) Incorporating the 2005 Demolition Review Ordinance, §14-12-9, consistent with existing standards and requirements.

The Downtown Notify List was informed of the request. There is no known opposition to this request.

Staff is recommending that a Recommendation of Approval be forwarded to the City Council.



Downtown 2010 Sector Development Plan Area: located between Marble/Slate and Coal Ave.; and between 10th/9th/7th Streets and Railroad/Broadway Blvd.

I. INTRODUCTION

Request

This request is for text amendments to the Downtown Sector Development Plan (USDP). The amendments consist of the following:

- 1) Defining the process for approving minor changes or deviations from the Building Types and Standards.
- 2) Moving the Approval Process section to immediately follow the Development and Building Process section and revise the Approval Process Flowchart to better depict the current process.
- 3) Clarifying that R-3 and C-2 Uses are allowed, while the other zoning regulations for each zone (setbacks, density, etc.) do not apply.
- 4) Clarifying building height, step-backs, and recommended parking configurations where there are internal inconsistencies.
- 5) Incorporating the 2005 Demolition Review Ordinance, §14-12-9, consistent with existing standards and requirements.

Purpose/Intent

This request is a Planning Department led initiative to help clarify specific language in the Plan that is unclear, internally inconsistent, or inconsistent with other City policies and procedures. The majority of the amendments proposed are to help clarify the development and approval process. As it was written, the Development and Building Process is not closely linked with the Approval Process. The two sections are also organizationally removed from each other - separated by the extensive section of Building Types and Standards. This has made implementation of the Plan more challenging than it needs to be. Minor reorganization of the DSDP and the Approval Process Flowchart will make the development process more legible.

The Plan also allows for an administrative approval process for minor deviation to the design standards, “pursuant to regulations and procedures *to be adopted by the City*,” which has not yet been done. This text amendment will clarify that the process for minor deviations to the DSDP is through application to the Planning Director.

The other two proposed changes are all to clarify the current entitlements and requirements regarding the allowed uses and Building Type regulations. These text amendments propose criteria and procedures that are consistent with what has been adopted in other Sector Development Plans.

The requested text amendments are consistent with the Purpose of the DSDP to provide “the framework to guide public and private decision-making regarding land use, transportation, development regulations and public investment.” These text amendments are also consistent with the Goal of the DSDP “to make Downtown Albuquerque the best mid-sized downtown in the USA.”

History

The City Council adopted the Downtown 2010 Sector Development Plan by Resolution (Council Bill R-21) in 2000, which repealed and replaced the Downtown Core Revitalization Strategy (1989) and the Design Standards and Guidelines for Downtown Central Avenue (1992). The intent of the plan was to streamline the development process through easily understood design standards while protecting surrounding neighborhoods. The plan offered a streamlined development process in conjunction with removing all parking requirements, in favor of a “Park Once – Pedestrian First” development model. The plan amended the boundaries of several adjacent neighborhood area plans to enlarge the DSDP Area.

The DSDP has been amended twice since it was originally approved. It was amended in 2007 to prohibit adult amusement establishments in the Plan area (R-07-183). The Plan was amended in 2010 to prohibit new commercial surface parking lots and to establish requirements for lighting, landscaping, paving and buffering (R-2010-141/09EPC-40070).

Another text amendment to the Plan, proposed by City Council, is to change the time period within which non-conforming lighting fixtures on any existing commercial surface parking lot must be brought into conformance with the requirements for lighting, landscaping, paving and buffering (R-2013-126/13EPC-40087). The EPC recommended approval to the City Council on March 14, 2013. This request has not yet been scheduled for hearing at City Council.

Zoning and the Plan’s Format

The DSDP established five mixed-use zones for the Plan area: SU-3/Housing District, SU-3/Warehouse District, SU-3/Arts & Entertainment District, SU-3/Government/Financial/Hospitality District, and SU-3/Mixed-Use Corridors District, which are described on page 29 of the Plan. All zones are mixed use and allow a variety of housing, civic and commercial uses including retail, wholesale, restaurants, offices, hospitality, and entertainment. Uses are either permitted, require EPC review, or are prohibited by zone. The District/Use Matrix on page 32 of the Plan identifies the uses allowed by zone. There are also uses that are prohibited in all downtown Districts, listed on page 34.

The DSDP contains Building Types and Standards beginning on page 35. The Review and Approval Process begins on page 70 of the Plan; Pre-Application Meetings are required to determine the development process for any application. After that, the application proceeds with either an administrative project review by the Planning Director or EPC approval for “Review Required” uses.

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. Pursuant to §14-16-2-23 (SU-3 Special Neighborhood Zone) the EPC must make a recommendation to the City Council on a proposed Sector Development Plan amendment affecting an area exceeding one block.

For text amendments to sector development plans, the Zoning Code requires the same notification and other procedures as it does for changes to the text of the Zoning Code (§14-16-4-

3 (A) (5), which refers to §14-16-4-1(D)). The proposed text amendments are considered legislative in nature, because the proposed amendments do not affect current zoning or land uses.

II. ANALYSIS - PROPOSED TEXT AMENDMENTS

Note: New language is [underlined and bracketed]. Deleted language is [~~bracketed and struck through~~]. Planning Staff's explanation is in **Bolded Italics**. Changes from the original application submittal are noted in gray highlight.

1) The process for approving minor changes or deviations from the Building Types and Standards.

Page 28, Development and Building Process, 3rd Paragraph. The Downtown Development and Building Process is adopted to ensure that building development is predictable and real estate values are stable. This process puts the pedestrian first in all new projects and ensures that developments are compatible with each other and with the existing urban fabric. The Building Types and [~~Building~~] [Development] Standards set forth in this Plan are mandatory, however, the Planning Director, and/or the Director's designee, may approve minor changes or deviations from the Building Types and/or Building Standards [from any dimensional standard that is less than or equal to 25%. Any Deviation greater than 25% and up to 50% from any dimensional standard shall be reviewed by the EPC. Notification and advertisement shall be by the normal EPC process.] [~~pursuant to regulations and procedures to be adopted by the City.~~] [The approval shall be based on a written justification submitted by the applicant that describes consistency with the Goals of the Plan as well as compatibility with surrounding development.] [Deviations from the requirements of this Plan are to be reviewed by the Planning Director or the EPC, and not through application to the Zoning Hearing Examiner (ZHE).]

The DSDP uses a form based code that consists of Building Types and Standards. The Standards include items such as building and street relationships, pedestrian orientation and parking, plazas and courtyards, building facades, lighting and signage, and historic preservation. Describing these as "Development" Standards is more accurate, because they go beyond architectural or "Building" Standards.

The Building Types and Development Standards are intended to assure quality development in the Downtown Area. The DSDP requires full compliance with the regulations but also provides relief for minor changes or deviations from the Building Types and Development Standards. This paragraph states that the deviations may be allowed "pursuant to regulations and procedures to be adopted by the City." Despite this reference, the City has never adopted regulations and procedures for approving minor changes. Currently, applicants are requested to justify the deviation based on consistency with SDP goals and surrounding development. This text amendment will clarify that the process for minor deviations to the DSDP is through application to the Planning Director, proposing criteria and procedures to guide decision-making for minor changes or deviations that are consistent with current practice, which will provide guidance to the decision makers while upholding the intent of the DSDP. The proposed amendments will still provide certainty for applicants and neighborhoods but will allow flexibility within the framework of the regulations.

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- 2) The Approval Process section is proposed to immediately follow the Development and Building Process section and incorporate a revised Approval Process Flowchart to better depict the process.

Page 70, Approval Process – Moved to be a new Page 28b. A proposed Downtown development will be reviewed and approved within 30 – 34 days by adhering to the District’s Plan and Uses; the Building Types and Standards; and by preparing complete project documents. Below is a chart that outlines the process to obtain a building permit. It is mandatory that applicants present and discuss their project, in its entirety, with the appropriate departments at a Pre-Application Meeting. It is also critical for the applicant to understand if their proposed project is a permitted, review required, or prohibited use prior to starting the approval process [+ see the District Use Matrix as shown on page 32 +].

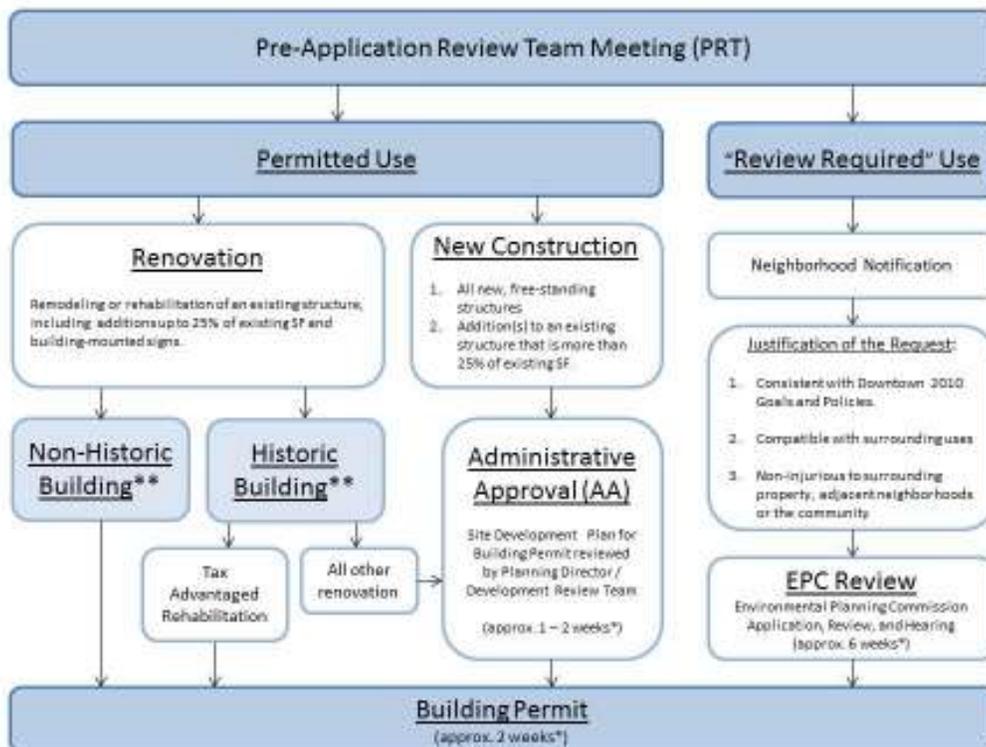
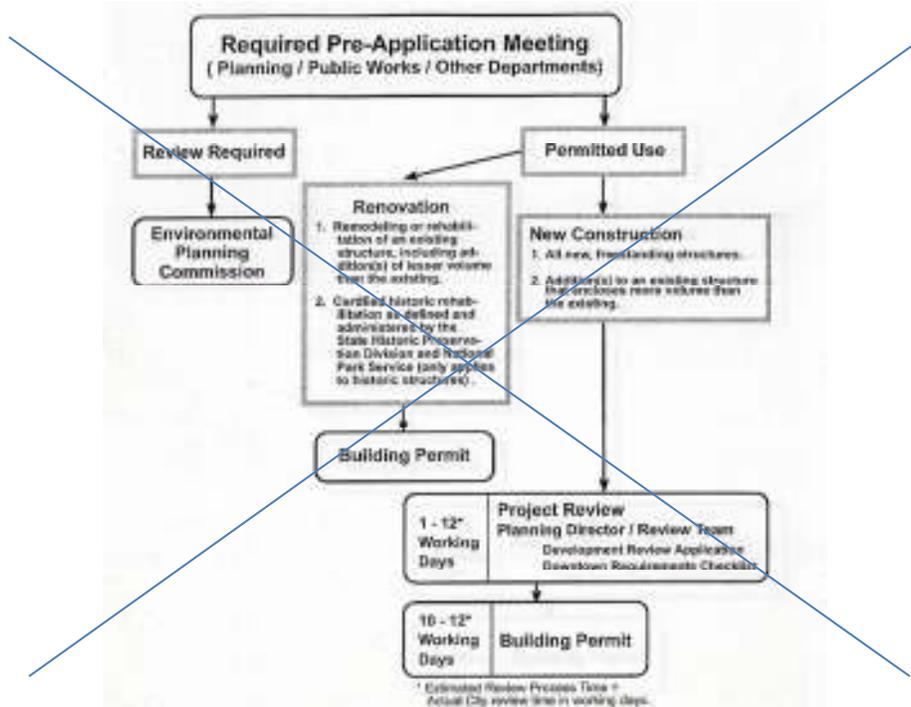
Permitted uses will go through either a renovation or a new construction process. “Review Required” uses must go through the Environmental Planning Commission (EPC) process and make a case as to why and how the proposed use fits into the Downtown Plan. The applicant for the proposed use must demonstrate that the use will be compatible with surrounding uses in the district and that it would not be injurious to surrounding properties, adjacent neighborhoods or the community. [+ Neighborhood notification is required for “EPC Review Required” proposals. +] The EPC may approve or disapprove the proposed use. The EPC’s decision is appealable to the City Council in accordance with Section 14-16-4-4 of the Zoning Code.

Relocating the Approval Process directly after the Development and Building Process will consolidate all of the process-related information into one section. When Sector Plans modify the typical development process, it is easier for reviewers and members of the public to be able to reference that information in one section, instead of spread throughout the Plan. The Step by Step development process, Building Types, and Development Standards would follow.

The new text in the first paragraph cross-references the District Use Matrix, which is where the applicant can find information about what uses are allowed in each zone.

The new text in the second paragraph clarifies that neighborhood notification is mandatory for EPC “Review Required” uses. This is consistent with the standard EPC review process and the current practice for “Review Required” DSDP requests, and simply clarifies this for applicants.

Page 70, Approval Process Flowchart – Moved to be a new Page 28b



* Estimated review time begins after a complete application has been submitted
 ** See Page 70 to determine if building is historic or non-historic, or if it qualifies as a Tax Advantaged Rehabilitation

The Approval Process Flowchart does not have enough information to clearly communicate the steps required for development within the DSDP. The chart maintains the first division between Permitted Uses and uses that are EPC “Review Required.” For uses that require EPC review, this flow chart specifies that neighborhood notification is mandatory, and also provides the criteria that are used to justify the request. The criteria are summarized from the approval paragraph above.

The second change is that this chart clearly distinguishes between Renovation and New Construction. The threshold was placed at additions up to 25% of the existing building square footage to be considered a renovation. Additions of 25% and above of the existing building square footage are considered new construction.

The third change is to clarify the development process for historic buildings. The process for non-historic and Tax Advantaged Rehabilitation, or “Certified Historic Rehabilitation” in the earlier version, remains the same and proceeds directly from Pre-Application meeting to Building Permit. For historic buildings, this Flowchart indicates that the process is through an Administrative Approval. That route is consistent with the historic preservation policies and would be the process for potentially triggering Landmarks and Urban Conservation Commission review, as required on page 33 of the plan, District Uses Additional Notes.

- 3) Clarification that R-3 and C-2 Uses are allowed, while the other zoning regulations for each zone (setbacks, density, etc.) do not apply.

Page 32, District Uses Matrix, Step 2, 1st Paragraph. The Downtown Core is zoned SU-3 Special Center, with uses allowed in the R-3 and C-2 zones of the Comprehensive City Zoning Code as further governed by this Sector Development Plan. [+Permissive and Conditional [+ R-3 and C-2 +] Uses are allowed permissively [+ as Regulated +] in the Zoning Code. The Regulations of the R-3 and the C-2 zones, including density, setbacks, open space, etc., do not apply within the Plan area. +] All uses are encouraged in the Downtown [+ , except for the prohibited uses, shown on Page 34. +] However, the principal uses are: residential, arts, entertainment, office, cultural, hospitality, and specialty retail. *The Plan strongly encourages a mixture of compatible land uses (office/residential, retail/office, arts/entertainment). Residential development is allowed and encouraged throughout all districts of Downtown.*

The zoning regulations do not clarify how the conditional uses in the R-3 and C-2 zones are treated – if they are allowed permissively or if they are allowed as regulated by those zones, meaning conditional uses need conditional use approval. Code Enforcement commented that the current practice is to require conditional uses to apply for a conditional use permit. They recommended that the amendments be modified to be consistent with previous practice. This change is shown above with grey highlighting.

As a Major Activity Center, Downtown is intended to be developed in an urban fashion with moderate and high density mixed land uses to help reduce auto travel needs and service costs. The density limits, setbacks, and open space requirements of the R-3 and C-2 zones contribute to a suburban development form, which is inappropriate in the urban core. This text amendment clarifies that only the uses of those zones are applicable to the DSDP area.

4) Clarification of building height, step-backs, and where there are internal inconsistencies.

Page 41, Type ‘F’ Terrace, Urban Regulations, Example. The image should be replaced with one that shows setbacks beginning at the third story, in order to be consistent with the Height and Profile regulation of “4 stories maximum with setback beginning at third story.”

The image shown for Terrace buildings is inconsistent with the regulation, which requires a setback at the third story. Allowing development that does not have a step-back would not provide a “Terrace” type of building form, and would be more similar to the building forms that are available outside of the Housing District – M through Q – that do not require a step-back.

Page 41 – 47, Changes to Allowable Building Height. The maximum building height was increased from 5 to 7 [- feet -] [+ stories +] for building Type [- F -] [+ M +] through Type Q.

The increase in building height was recommended to allow slightly higher buildings outside of the Housing District. The two corrections provided above are consistent with this intent. Most of the taller, iconic buildings that form the skyline of downtown are much higher than what is allowed through this Sector Development Plan. By restricting the building heights, future development will not be able to achieve the same density and intensity. The change proposed in this text amendment would allow development of a two-story concrete structure with five stories of wood-frame residential above. This building configuration is consistent with the goal of having commercial uses on the street level with residential uses above.

Future text amendments may consider further increasing the allowable building heights. However, these amendments were intended to be minor revisions and clean-up of the existing plan. It was determined that substantial changes could be made in the future, after more extensive public outreach.

5) Incorporation of the 2005 Demolition Review Ordinance, §14-12-9, which is consistent with existing policies and standards.

Page 69, Demolition Review

Buildings shall incorporate elements of the original façade into the renovation scheme:

1. Do not cover existing original façade details by covering them with panels, signs, or by painting them out.
2. Do not alter the shape of existing original openings. If a window must be blocked, maintain its original shape.
3. Restore, where possible, the original façade by removing later additions of materials.
4. [+ In order to limit the detrimental effect of demolition on the character of the Downtown district, the total removal or removal of substantial portions of historic

buildings shall be subject to the provisions of §14-12-9, ROA. This ordinance provides for demolition review of structures that are 50 years or more old if, during a public hearing, the Landmarks and Urban Conservation Commission invokes a demolition review period.+]

New Page 70, Demolition Review

[+ Historic buildings are those buildings that are listed on the National Register of Historic Places or the State Register of Cultural Properties, or those buildings that are determined to be eligible for listing by the appropriate agency.

Registered historic buildings in the Downtown 2010 Plan Area include*:

Atchison, Topeka & Santa Fe Railroad Freight House 314 1st St. SW
E.R. Berry Residence 415 6th St. NW
Champion Grocery Building 622-626 Tijeras NW
Eller Apartments 113-127 8th St. SW
Federal Building 421 Gold Ave. SW
First Methodist Episcopal Church 3rd St. & Lead Ave.
First National Bank Building 217-223 Central Ave. NW
Good Shepherd Refuge 601 2nd St. SW
Old Hilton Hotel 125 2nd St. NW
Hope Building 220 Gold Ave. SW
Hudson House 817 Gold Ave. SW
Kimo Theater 421 Central Ave. NW (City Landmark)
S.H. Kress Building 414-416 Central Ave. SW
Maisel's Indian Trading Post 510 Central Ave. SW
McCanna Hubbell Building 418-424 Central Ave. SW
New Mexico – Arizona Wool Warehouse 520 1st. St. NW
Occidental Insurance Company Building 119 3rd St. SW (City Landmark)
Pacific Desk Building 213-215 Gold Ave. SW
John Pearce House 718 Central Ave. SW
Old Post Office 123 4th St. SW
Puccini Building 620-624 Central Ave. SW
Rosenwald Building 320 Central Ave. SW (City Landmark)
Simms Building 400 Gold Ave. SW
Skinner Building 722-724 Central Ave. SW (City Landmark)
Southern Union Gas Building 723 Silver Ave. SW
Southwestern Brewery and Ice Company 601 Commercial St. NE
Springer Building 121 Tijeras Road NE
Sunshine Building 120 Central Ave. SW (City Landmark)
Yrisarri Block 400-402 Central Ave. SW

* The above list is current as of January 2013.

Many other buildings in the Downtown are eligible for listing on the historic registers under the registered historic context “Historic and Architectural Resources of Central Albuquerque 1880-1970”. Consult with Planning Department staff for assistance with registering your building. Read the document and learn about the development of Downtown and eligible buildings at www.cabq.gov/planning/boards-and-commissions/landmarks-and-urban-conservation-commission/historic-preservation-resources.

FINANCIAL INCENTIVES / TAX ADVANTAGED REHABILITATION

Rehabilitation of historic structures may qualify for a 50-percent credit with caps against state income taxes and 20-percent with no cap on federal income taxes. In the designated Arts & Culture District, the state tax credit is capped at twice the ordinary limit. In partnership with local commercial lenders and federal agencies, the Preservation Loan fund lends money at below the prime rate. Low-interest loans for buildings in the Downtown Albuquerque Main-Street district are also available. For additional information see nmhistoricpreservation.org. Standards for qualified rehabilitations do apply and applications must be approved prior to starting any work.+]

The Demolition Review component of the Landmark and Urban Conservation Ordinance was adopted in 2012 in order to allow the City time to review a demolition permit application for a significant historic building that is not regulated by historic overlay zoning. The purpose of the review period is to determine if any historic preservation strategies are appropriate. Through the ordinance, the Landmarks and Urban Conservation Commission would consider the significance of the building in relation to certain criteria and have the option to invoke a Demolition Review Period of up to 120 days. The Ordinance does not allow the City to deny a demolition permit application; it simply allows additional time in appropriate situations to provide notice to the public of a pending demolition permit application and to consider alternatives.

Demolition review applies only when specified in a sector plan. Because the demolition review procedure was enacted after the DSDP was adopted, staff finds that incorporating the demolition review process into this SDP is an appropriate strategy to implement the Historic Preservation Standard, “Maintain the existing fabric of historic building facades” (page 69). It is also supported by the Land Use and Design Policy 1, “Focus on preservation and quality building development” (page 8).

III. ANALYSIS - 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.”

Clarification of a sector development plan is an exercise in local self-government and falls within the City’s powers (City Charter, Article I). The text amendments of the DSDP “ensure the proper use and development of land, and promote and maintain an aesthetic and humane 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 DSDP is an extension of the Zoning Code through the SU-3 zone. Therefore, amendments made to the DSDP's zoning are amendments made to the zoning regulations and are reflected as amendments to the zoning ordinance. The zoning ordinance is codified in the Zoning Code with extensions of modified regulations for unique areas in sector plans.

The proposed text amendments generally further the intent of the Zoning Code to promote the health, safety and general welfare of the public because it will facilitate appropriate infill and revitalization of the City's central core. As the zoning authority for the City of Albuquerque, the City Council will make the final determination on any proposed amendment to the DSDP.

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.

As the entire Downtown 2010 Sector Development Plan is in the Central Urban Area, the Land Use Goal and Policies for this designation will be used. Applicable goals and policies include:

B. LAND USE

B.4 Central Urban Area: The Goal is "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 proposed text amendments would help promote the Central Urban Area through clarifications and clean-up of the DSDP. These text amendments will facilitate clarification of the development process, thereby and streamlining the process for establishing desired activities within the historic center of the City, and maintaining Downtown as the center for arts and culture while protecting the residential character of the surrounding neighborhoods. The proposed text amendments generally further the Central Urban Goal.

B.5. Established Urban 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.

These proposed text amendments have identified items in the sector plan that need modification to clarify the expectations and responsibilities for redevelopment. The proposed text amendments would make the DSDP development process more predictable for the downtown property owners and residents of the surrounding neighborhoods. The proposed text amendments would thereby promote development that respects existing neighborhood values.

Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

These text amendments would facilitate development and redevelopment in the Downtown area, where the full complement of urban facilities and services already exist. The modifications offered by the text amendments will streamline the development process and provide greater predictability for Downtown property owners and residents of the surrounding neighborhoods.

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

The proposed text amendments will facilitate development according to the Form Based Code established by the DSDP. The existing design regulations are intended to result in quality and innovation in design, and the proposed text amendments will maintain the same level of standards.

B.7. Activity Centers

Goal: 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.

The Downtown area is one of the major employment centers in the City of Albuquerque and is designated a Major Activity Center. One of the objectives of the text amendments is to ensure that the Downtown area continues to grow as a concentration of mixed uses and more intense social/economic activities. Downtown growth reduces urban sprawl by providing for such growth in an area of the City where multi-modal transportation opportunities exist and reliance on the automobile is reduced.

Policy II.B.7a: Activity centers are designated by the Centers and Corridors map where appropriate to help shape the built environment in a sustainable development pattern, create mixed-use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.

Major Activity Centers are only located where higher density/ intensity uses and concentrations of mixed-use, interrelated activities are appropriate and desirable. The more intense uses, often located in taller buildings (with a higher FARs), are to be concentrated in these Major Activity Centers. The proposed text amendments will simplify the development application process and in so doing will support on-going efforts to add to the concentration of mixed-use, interrelated activities in the Downtown Major Activity Center. Development in Downtown promotes transit and pedestrian access for workers and thereby maximizes the efficient use of City services.

Policy II.B.7c: Structures whose height, mass, or volume would be significantly larger than any others in their surroundings shall be located only in Major Activity Centers to provide for visual variety and functional diversity in the metropolitan area while preserving pleasing vistas and solar access.

The Zoning Code defines a Major Activity Center as a place that the most highly concentrated locations of commercial, service and employment uses are provided. The Downtown area is an identified Major Activity Center with one of the highest concentrations of these uses in the City. Since Major Activity Centers have been designated as the place for such intensity, promotion of development and redevelopment within this urban, pedestrian friendly area is appropriate.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

All of the comments and recommendations provided from the Agency Review process have been incorporated into the text recommended for City Council approval.

For the full comments, please see page 20 of the Staff Report.

Neighborhood/Public

The proposed text amendments were announced in the Neighborhood News and posted on the Planning Department's web page. The Office of Neighborhood Coordination (ONC) notified the affected neighborhood representatives pursuant to O-92, the Neighborhood Recognition Ordinance. Urban Design & Development Division notified the "Downtown Notify List" of the request via Certified Mail.

There have been no inquiries or comments received for this request. There is no known opposition to the request.

V. CONCLUSION

This is a request to amend the text in the Downtown 2010 Sector Development Plan (DSDP). This request is a Planning Department led initiative and is in response to applicants who are working within the Plan's framework since the Plan was adopted in 2000. Planning Staff has identified areas of concern for both the development community and City staff. These amendments are to alleviate these areas of concern and make the Plan's framework easier to use while maintaining the Intent and Goals of the sector plan.

This request is for text amendments to the Downtown Sector Development Plan (USDSP). The amendments consist of the following:

- 1) Defining the process for approving minor changes or deviations from the Building Types and Standards.
- 2) Moving the Approval Process section to immediately follow the Development and Building Process section and revise the Approval Process Flowchart to better depict the current process.

- 3) Clarifying that R-3 and C-2 Uses are allowed, while the other zoning regulations for each zone (setbacks, density, etc.) do not apply.
- 4) Clarifying building height, step-backs, and recommended parking configurations where there are internal inconsistencies.
- 5) Incorporating the 2005 Demolition Review Ordinance, §14-12-9, consistent with existing standards and requirements.

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

The affected neighborhood organizations and the Downtown 2010 Notify List were notified of the request. There is no known opposition to the requested amendments.

Staff recommends that the EPC forward a recommendation of approval of the text amendments to the City Council based on the following Findings and subject to the Conditions of a Recommendation of Approval.

FINDINGS – 13EPC-40109 – May 9, 2013 – Text Amendments to the Downtown 2010 Sector Development Plan

1. The City of Albuquerque Planning Department is proposing text amendments to the Downtown 2010 Sector Development Plan (DSDP) to help clarify specific language in the Plan and to allow more flexibility with the regulations in the Plan.
2. The proposed amendments are legislative in nature since they do not affect established zoning or land uses. The EPC is charged with evaluating the amendments and forwarding a recommendation to the City Council.
3. The amendments are sponsored by the City of Albuquerque Planning Department. The Planning Department has worked with the Downtown Action Team and other interested stakeholders in determining the text amendments.
4. The Charter of the City of Albuquerque, the Albuquerque Comprehensive Plan, the Downtown 2010 Sector Development Plan (DSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request meets the intent of the City Charter: Amending the text of an adopted sector development plan falls within the City’s powers (Article I). The text amendments of the DSDP “ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment” (Article IX).
6. The proposed text amendments generally further the intent of City policies and regulations to promote the health, safety and general welfare of the public. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.
7. The requested amendments are not in significant conflict with adopted elements of the Comprehensive Plan, the Downtown Sector Development Plan or other city master plans including the following:
 - B. Land Use
 5. Central & Established Urban Area
 - a) The proposed text amendments will help to promote new development and redevelopment that allows improvements to the quality of site connectivity and the design of sites within the Downtown area, which respects neighborhood values. The amendments will not result in adverse effects of noise, lighting, pollution or traffic on

residential environments and will encourage quality and innovation in design that is appropriate to the Downtown area. (Comprehensive Plan Policies II.B.5.d, i, and l)

- b) The Downtown area is designated as a Major Activity Center by the Comprehensive Plan. This request will have a beneficial impact on social and economic activities in this area as a whole, and the Downtown area will continue to grow in an urban fashion with higher density mixed use in buildings that are multi-story. This compact urban development will help to reduce urban sprawl, encourage multi-modal transportation and reduce the reliance on the automobile, while enhancing the identity of Albuquerque. (Comprehensive Plan Goal for Activity Centers and Policies II.B.7.a and c.)

C. Environmental Protection and Heritage Conservation

1. Air Quality:

The text amendments will help to improve air quality, safeguarding public health and enhancing the quality of life, by reducing automobile travel and promoting reliance on transit and other multi-modal means of travel. (Comprehensive Plan Goal for Air Quality and Policy II.C.1.d)

9. Community Identity

The text amendments regarding “deviations” will not affect the unique identity of the Downtown area since a request for a deviation will have to meet the intent, goals and policies of the Downtown SDP. (Comprehensive Plan Goal for Community Identity and Policy II.C.9.b and e)

D. Community Resource Management

6. Economic Development

The text amendments will encourage steady and diversified economic development, balanced with other important social, cultural and environmental goals of the Downtown Sector Plan. In addition, the amendments will help promote a balance of jobs with housing to reduce the need to travel. (Comprehensive Plan Goal for Economic Development and Policy II.D.6.g)

8. The text amendments are consistent with the intent of the Downtown SDP to streamline the development process through easily understood design standards while protecting surrounding neighborhoods.
9. The Downtown 2010 Notify List was notified and an article has been included in the April/May 2013 Neighborhood News Newsletter distributed to all neighborhood representatives. Notification was also posted on ONC’s homepage for the newsletter.

10. Staff has not received any communications supporting or opposing this request. There is no known opposition to the request.

RECOMMENDATION – 13EPC-40109 – May 9, 2013 – Text Amendments to the Downtown 2010 Sector Development Plan

That a RECOMMENDATION OF APPROVAL of 13EPC-40086, Text Amendments to the Downtown 2010 Sector Development Plan, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions.

CONDITIONS OF A RECOMMENDATION OF APPROVAL – 13EPC-40109 – May 9, 2013 – Text Amendments to the Downtown 2010 Sector Development Plan

1. The additional revisions provided in this staff report as a result of Agency Comments shall be incorporated into the text amendments to be considered by City Council.

2. Recommended Conditions of Approval from PNM:

- a. Please insert the following in a new Section, Electric Utilities to Serve the Downtown Area”, after the section entitled, “Districts Map” on page 30:

“Public Service Company of New Mexico (PNM) provides electric service to the City of Albuquerque. Safe, reliable electric power is a cornerstone of community growth and development and is important to the health, welfare, and safety of its citizens.

The electric transmission system that serves the Plan area consists of one 46 kV transmission line and one 115 kV transmission line, one substation and numerous overhead and underground distribution lines. The transmission and substation facilities shown in Map entitled PNM Electric Transmission Facilities 2013 The higher transmission voltage is “stepped down” to lower voltages fed through distribution lines called feeders that deliver electric service to business and residential customers. Like local streets that provide access to every residence, distribution lines provide service to every customer. When new residential, commercial and industrial development occurs, new infrastructure like new distribution lines is required.

Distribution lines are typically located within public utility easements or PUEs and are either constructed overhead or underground. They are compatible with other “dry” utilities such as cable, telephone and fiber optic facilities. The width of the PUE for electric distribution level is typically 10 feet in order to provide necessary clearances for safety purposes. Water lines, sewer lines and storm water drainage or “wet” utilities are not compatible with “dry” utilities and do not share the same trench.

Components of the electrical system in the Plan area may require upgrading in the future

due to the age of the existing electrical system and to meet growing electric service requirements of the City of Albuquerque.”

- b. Please add the underlined phrase below to the existing language in new Section G. General Development Standards for All Zones, Utilities, after Section F. on page 69:

“Adequate width for utility easements shall be provided. Projections such as, portals, stoops, colonnades, arcades, shop fronts, projecting signs in public utility easements and other projections should be coordinated with the electric utility to accommodate existing easements and to avoid conflicts with utility infrastructure. Infrastructure shall be coordinated as appropriate with all affected utility companies.

All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes.

Tree species, tree placement and height at maturity, sign location and height, and lighting height are to be considered in order to ensure sufficient safety clearances and to avoid interference with existing utility facilities. PNM’s standard is for trees to be planted outside the PNM easement. The standard for electric distribution public utility easements is 10 feet in width to ensure adequate, safe clearances.”

***K. Carrie Barkhurst
Planner***

Notice of Decision cc list:

Javier Benevidez, 1115 Barelaz SW, Albuquerque NM 87102
Dorothy Chavez, 612 10th St. SW, Albuquerque NM 87102
Randi McGinn, 201 Broadway SE, Albuquerque NM 87102
Rob Dickson, 401 Central NE Suite D, Albuquerque NM 87102
Jess R. Martinez, 501 Edith NE, Albuquerque NM 87102
Frank H. Martinez, 501 Edith NE, Albuquerque NM 87102
Susan Brych, 927 11th St. NW, Albuquerque NM 87102
Jacqeline Wright, 509 11th St. NW, Albuquerque NM 87102
Moises Gonzalez, 111 Walter NE, Albuquerque NM 87102
Ann L. Carson, 416 Walter SE, Albuquerque NM 87102

Loretta Naranjo-Lopez, 1127 Walter NE, Albuquerque NM 87102
Ivan Westergaard, 1008 Calle Garza NE, Albuquerque NM 87113
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Deborah Foster, 1307 Gold SW, Albuquerque NM 87102
Carol Pimentel, 340 Prospect NE, Albuquerque NM 87102
Christina J. Chavez, 517 Marble NE, Albuquerque NM 87102
Grace Gibson, 702 Broadway SE Unit A-6, Albuquerque NM 87102
Lorraine Smith, 1123 William SE, Albuquerque NM 87102
Deborah Stover, 100 Gold St. SW Suite 204, Albuquerque NM 87102
Rick Rennie, 100 Gold St. SW Suite 204, Albuquerque NM 87102
Chris Catechis, 5733 Guadalupe Trail NW, Albuquerque NM 87107
David Wood, 158 Pleasant NW, Albuquerque NM 87107

Attachments

1. Additional staff info:
 - a. Resolution adopting SDP / Zone Map
 - b. Notice of Decision
2. Application:
 - a. Cover Page
 - b. TIS form
 - c. Request letter
3. Neighborhood info/input:
 - a. ONC letter
 - b. Applicant letter & certified mail receipts
 - c. ONC newsletter article

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

If approved, the amendment to pg. 32 of the plan for the allowance of both permissive and conditional uses of the C-2 zone would allow grocery package liquor and package liquor sales adjacent to residential zone, churches, homeless shelters/food pantries, dog/animal kennels, outdoor storage, outdoor activities, community residential programs, mobile home developments, parking of more than 2 semi-truck tractors and trailers with no time limits, year-round outdoor firewood sales, year-round activities in a tent, etc. - without a special exception process.

Office of Neighborhood Coordination

Downtown NA List consisting of the following: Barelans NA (R), Broadway Central Corridors Partnership, Inc. (R), Citizen's Information Committee of Martineztown (R), Downtown NA (R), Huning Highland Historic District Assoc. (R), Martineztown Work Group, Raynold Addition NA (R), Santa Barbara-Martineztown Assoc. (R), South Broadway NA (R), Downtown Action Team; North Valley Coalition

Long Range Planning

Overall these amendments are an improvement to the plan and will support the continued development of downtown.

Specifying that R-3 and C-2 zones are referencing only uses will make the development process for this plan more clear and will facilitate a better development process.

The demolition review will preserve the urban fabric and character of our downtown so that it continues to be a unique and valuable part of our city

Metropolitan Redevelopment

The proposed text amendments apply to the Downtown area, which is fully within a Redevelopment Area. In general, the proposed changes would streamline the development process for proposals that are consistent with the applicable policies of the Downtown 2010 Sector Development Plan, by giving the Department more latitude in reviewing applications and thereby shortening the process timeline. In addition, the proposed text amendments clarify a set of ambiguous standards in the Downtown 2010 Sector Development Plan regarding the applicability of regulations for the R-3 and C-2 zones. Metropolitan Redevelopment Section staff support this application, and provides a suggestion for further clarity:

Within the new language to be added under p. 32, Uses Matrix, Step 2, 1st paragraph, clarify that the "permissive and conditional uses are allowed permissively in the Plan area" refers to permissive and conditional uses in the C-2 and R-3 zones.

Regarding the allowable building height changes (pp. 41-47), it is assumed that the maximum height was increased from 5 to 7 stories, not 5-7 feet.

CITY ENGINEER

Transportation Development

- “Minor changes” may be approved. Is a minor change defined within the text?
- According to the text, historic buildings should not have the original openings altered. If the intention is to maintain the appearance of a window, whether it is block or not, does the sector plan need to clarify that glazing will be required in window openings?

Hydrology Development

Hydrology has no adverse comments.

Conditions of approval for the proposed Amendment of Amndt to Sector Dev, Area, FAC, or Comp shall include: No conditions provided.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Reviewed, and no comments regarding on-street bikeways or roadway system facilities.

Traffic Engineering Operations

No comments received.

Street Maintenance

No comments received.

Conditions of approval for the proposed Amendment of Amndt to Sector Dev, Area, FAC, or Comp shall include: No conditions provided.

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

Reviewed, no objection.

Open Space Division

No comments received.

POLICE DEPARTMENT/Planning

This project is in the Valley Area Command. No Crime Prevention or CPTED comments concerning the proposed Amendment Sector Development, Area, Facility or Comprehensive Plan request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved as long as they have compactors call for detail 681-2766

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Project # 1008098 13EPC-40109 SITE DEVELOPMENT - SUBDIVISION DOWNTOWN SDP AREA.	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 text amendments to the Downtown 2010 Sector Plan that clarify the development review process. 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

With the Downtown 2010 Sector Development Plan currently being amended, PNM recommends that the following language is added to address the location of existing transmission corridors and facilities, electric utility easements, clearances, and screening in order to meet the requirements of the adopted Facility Plan Electric System Transmission and Generation (2010-2020). Please include the following items:

1. Please insert the following in a new Section, Electric Utilities to Serve the Downtown Area”, after the section entitled, “Districts Map” on page 30:

“Public Service Company of New Mexico (PNM) provides electric service to the City of Albuquerque. Safe, reliable electric power is a cornerstone of community growth and development and is important to the health, welfare, and safety of its citizens.

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Components of the electrical system in the Plan area may require upgrading in the future due to the age of the existing electrical system and to meet growing electric service requirements of the City of Albuquerque.”

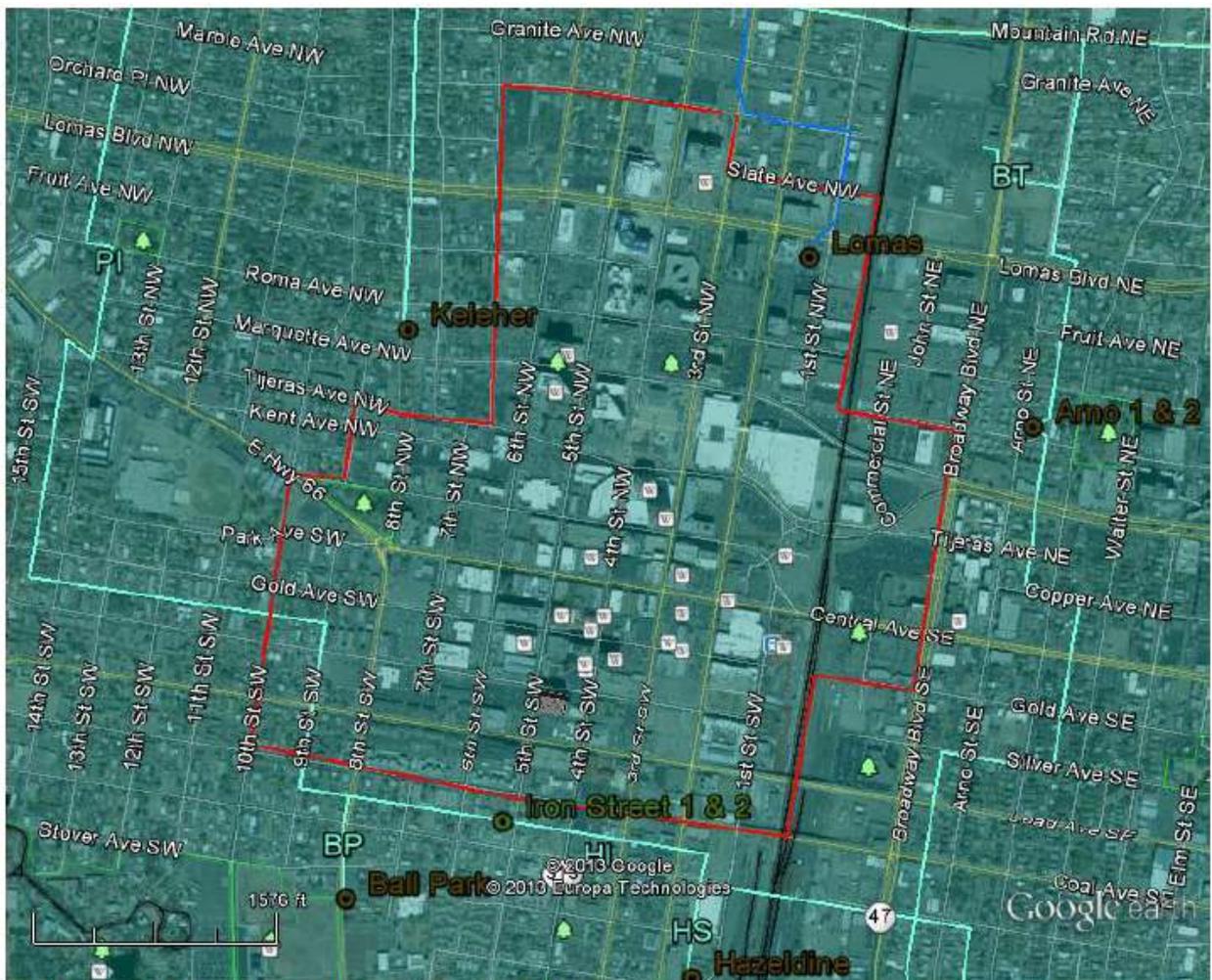
2. Please add the underlined phrase below to the existing language in new Section G. General Development Standards for All Zones, Utilities, after Section F. on page 69:

“Adequate width for utility easements shall be provided. Projections such as, portals, stoops, colonnades, arcades, shop fronts, projecting signs in public utility easements and other projections should be coordinated with the electric utility to accommodate existing easements and to avoid conflicts with utility infrastructure. Infrastructure shall be coordinated as appropriate with all affected utility companies.

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PNM Electric Transmission Facilities 2013



PNM Electric Transmission Facilities 2013
Plan Area is outlined in red, 46 kV transmission noted in turquoise, 115 kV transmissions noted in blue and substations are noted as brown dots.