



**Environmental
Planning
Commission**

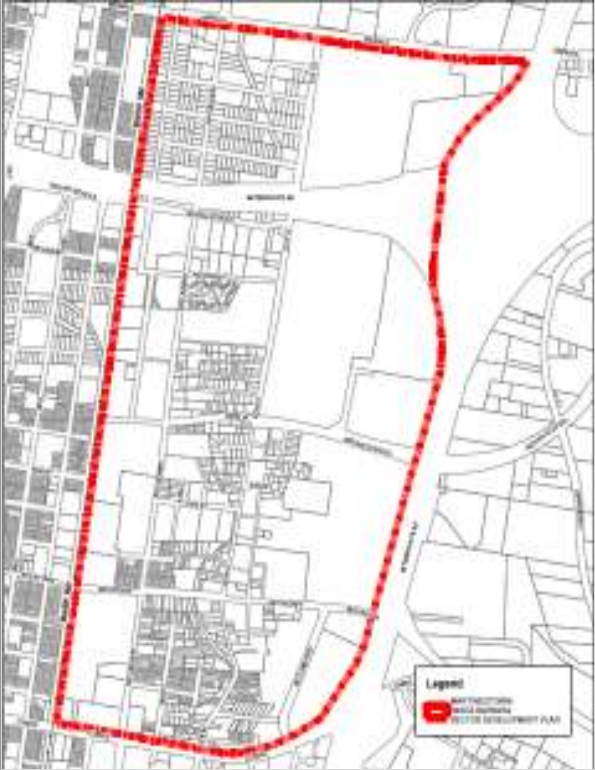
**Agenda Number: 2
Project Number: 1009119
Case #12EPC 40003
August 2, 2012**

Supplemental Staff Report II

Agent	Planning Department
Applicant	City of Albuquerque
Request	Amendment to the Martineztown/ Santa Barbara Sector Development Plan
Location	This Plan area is bounded by Menaul Boulevard on the north, Lomas Boulevard on the south, the New Mexico Railrunner Express Railway tracks (NMRX) on the west, and Interstate 25 on the east.
Size	Approximately 548 acres
Existing Zoning	SU-2/Various Uses (or) R-1 Single Family Residential R-T Houses/Townhouses R-2 Houses/Townhouses/Apartments RCM Residential/Commercial O-1 Office/Institution NRC Neighborhood Residential/Commercial C-3 Heavy Commercial M-1 Light Manufacturing HM Heavy Manufacturing P Parking SU-1 Special Use (Cemetery/Church/Park/PRD)
Proposed Zoning	SU-2/MTSB: R-1 Single Family Residential NR Neighborhood Residential R-T Residential Townhouse RI Residential Infill R-2 Medium Density Residential O-1 Office VC Village Center MX Mixed Use C-2 Community Commercial C/LI Commercial/Light Industrial C/I Commercial Industrial SU-1 Special Use (Cemetery/Church/Park/PRD)

Staff Recommendation

That a RECOMMENDATION OF APPROVAL be forwarded to the City Council for 12EPC 40003 (#1009119), based on the Findings beginning on Page 11 and the Conditions on Page 23.



Staff Planner

Lorena Patten-Quintana, Staff Planner

Summary of Analysis

This Environmental Planning Commission (EPC) Hearing for the Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) is a continuance from May 3, 2012.

This plan establishes land development regulations and recommends capital improvements to preserve and protect the neighborhood's historic residential core and existing commercial properties. This short range action plan addresses the immediate needs of the neighborhood and serves as a guide for future development.

The EPC heard this case at a special public hearing on March 1, 2012. Many community stakeholders provided testimony. It was evident that various stakeholders were not in agreement with the zoning and land use proposals. The Commission voted to continue this case for 60 days to a special public hearing on May 3, 2012 to allow additional time to address outstanding zoning and land use issues.

Since the March hearing, the community formed 3 stakeholder groups and held several meetings to negotiate and develop a memorandum of understanding to address formation of a land use committee, code enforcement issues, crime and safety, rights-of-way, neighborhood clean-up and zoning. At the May 3, 2012 hearing the stakeholder groups requested a 30-day continuance to June 7, 2012 in order to complete their negotiations. The Commission granted a 90-day continuance to August 2, 2012. Staff has not yet received an agreement from the stakeholder groups.

Planning staff has received public and agency comments and has met with agency staff. A spreadsheet was created of all the comments for the March 1, 2012 hearing, and since the March hearing all subsequent comments have been added. Based on the input received prior to, at, and since the previous hearings, this staff report offers proposed amendments to the MTSB SDP in the form of Recommended Conditions of Approval. Accompanying this staff report is a redline version of the plan, illustrating the conditions proposed in this staff report.

The Planning Department requests that the Environmental Planning Commission (EPC) recommend to City Council approval of the Martineztown/Santa Barbara Sector Development Plan (MTSB SDP).

This supplemental staff report should be read in conjunction with the March 1 2012 and May 3, 2012 staff reports.

City Departments and other interested agencies reviewed this application from November 2011 to February 2012. Comments received were used in the preparation of this report and are found in the spreadsheet attached.

I. BACKGROUND

On March 1, 2012 the EPC heard the Martineztown/Santa Barbara Sector Development Plan (MTSB SDP). The EPC expressed concerns about the time and money spent on the 34 public meetings that were conducted to gain support from the community. Based on the testimony at that first EPC hearing, the various community stakeholders remained in conflict regarding land use and zoning issues. The EPC voted to continue the hearing 60 days, to May 3, 2012 to allow the stakeholders' time to reach consensus on zoning and land use proposals.

The community stakeholders' groups were identified as the Santa Barbara Martineztown Neighborhood Association, the Albuquerque Interfaith Group and the Santa Barbara Martineztown Business Association. The City was not a part of these negotiations but it was reported that several meetings were held to negotiate zoning and land use.

At the May 3, 2012 hearing, the stakeholders' groups requested a continuance in order to finalize their agreement and the EPC granted an additional 90 days to August 2, 2012. Staff has not received an agreement from the stakeholders' groups.

The two major zoning issues were opposition to commercial rezoning and requests for more single-family residential zoning coupled with the desire for more retail and services. The zone changes challenged at the March 1, 2012 hearing were HM to M-1 and C-3 to C-2.

In response to the neighborhood's zoning concerns, the planning team developed three new zones to best meet the various interests.

Instead of rezoning from HM to M-1, a Commercial/Industrial (C/I) zone was developed that retains industrial uses and adds commercial and residential uses, but removes noxious uses incompatible with residential areas.

Instead of rezoning M-1 to C-2 east of Broadway or C-3 to C-2 east of Broadway and north of Mountain, a Commercial/Light Industrial (C/LI) zone was developed that retains some industrial uses, adds commercial and residential uses, and makes more intense uses abutting residential conditional.

Instead of rezoning NR (proposed March 3, 2012) to R-1 while trying to attract more retail and services, NR retains R-1 uses while a newly developed Residential Infill (RI) zone allows higher density on existing undeveloped properties within the NR zone with height limits and solar protections to ensure compatibility with the character of surrounding single-family houses.

A spreadsheet was created of all the comments received for the March 3, 2012 hearing, and since the March hearing all subsequent comments have been added. The spreadsheet includes commissioner, agency and public comments and recommendations that were received. The spreadsheet is attached as Attachment 1.

Based on all the input received prior to, at and since the previous hearings, this staff report offers proposed amendments to the MTSB SDP in the form of Recommended Conditions of Approval, found on page 23 of this staff report.

Accompanying this staff report is a redline version of draft MTSB SDP, attachment 4. This redline version reflects and illustrates the conditions proposed in this staff report. Each change has the related line number in the spreadsheet [#]. Each condition refers to a line in the spreadsheet. The page numbers in the Recommended Conditions of Approval and the spreadsheet refer to the EPC Draft submitted in March and not to the redline version. *In the redline version of the plan, dated August 2012, some of the page numbers have changed due to formatting and added text.*

II. SUPPLEMENTAL ANALYSIS OF RESOLUTION 270-1980, SECTION D

The March 03, 2012 Staff Report analyzed the sector plan's proposed zone changes per Resolution 270-1980. Staff argued that different use categories would be more advantageous to the community as articulated in the Comprehensive Plan and applicable Rank II plans (Section D.3).

There are three new zones that were developed since the March Hearing.

With one exception, the proposed changes to the zoning for the MTSB SDP do not single out individual properties; rather, the changes proposed are area wide. The majority of changes are proposed to individual zones in the 1990 MTSB SDP and to the entire sector plan map, rather than to individual properties.

There is a new change however, to undeveloped properties within the proposed Neighborhood Residential Zone. Due to anticipated future demand from the University of New Mexico Hospital expansion to the immediate east and the neighborhood's need to attract more retail and services with additional "rooftops," a new Residential Infill (RI) zone was developed. The RI zone allows higher-density on existing vacant properties and imposes height limits and solar protections to ensure compatibility with the character of surrounding single-family homes. This measure is intended to reduce redevelopment pressures on the existing single-family neighborhood core by providing limited opportunities on undeveloped land.

The new proposed RI zone furthers the Housing Goal and Policies II.D.5a of the Comprehensive Plan. The proposed zone change to RI will allow for a greater variety of housing types while acknowledging the community's desire to preserve existing low-density housing and conserve and improve it (Goal). Affordable housing is addressed by supporting zone categories that allow smaller lots and higher densities that are generally more affordable than single, larger lots (II.D.5a).

Proposed Use Changes from Proposed SU-2/MTSB NR to SU-2/MTSB RI

Uses	NR	RI
Permissive Uses		
Single-family house	Yes, R-1	Yes
Townhouse	No	Yes
Apartment	No	Yes
No density cap	No	Yes
Maximum height		
a. 18 feet for lots 1/4 acre and smaller	18'	18'
b. 22 feet for lots over 1/4 acre	18'	22'

Two new commercial zones were tailored in response to opposition to the rezoning proposed at the March 03, 2012 Hearing. The affected property owners expressed concern about losing existing entitlements. The new commercial zones add additional entitlements and provide flexibility while removing manufacturing uses that are not currently being used and are incompatible with nearby residential uses.

Instead of rezoning from HM to M-1, a Commercial/Industrial (C/I) zone was developed that retains industrial uses and adds commercial and residential uses, but removes noxious uses incompatible with residential areas.

Proposed Changes to Uses from SU-2/MTSB HM to SU-2/MTSB C/I

Uses	HM (existing)	C/I Proposed
Permissive		
Permissive C-3 Zone	Yes	Yes, per C-2 conditional except cold storage

Permissive IP Zone	Yes	Yes, except air separation plant not permitted, and cold storage per C-2 conditional
Antenna no height limit	Yes	Yes
Automotive sales, rentals, service, repair, and storage (major repair must be conducted in a completely enclosed building)	Yes	Yes
Automobile dismantling (in fully enclosed building or enclosed by solid wall 6' high)	Yes	Yes as C-2 conditional
Commercial agricultural activity	Yes	No
Emergency shelter	Yes	Yes as C-2 conditional
Manufacturing, assembling, treating, repairing, or rebuilding articles (in fully enclosed building)	Yes	Yes
Incidental uses within a building (e.g., news, cigar or candy stand- up to 10% of total floor area.)	Yes	Yes
Parking lot	No	No
Recycling bins as an accessory use	Yes	Yes
Sign-off premise	Yes	Yes
Sign-on premise	Yes	Yes
Storage structure or yard for equipment, material or activity incidental to a specific construction project (temporary)	Yes	Yes
Trailer sales, rentals, service, repair, and storage.	Yes	Yes
Within a fully enclosed building: blacksmith shop, poultry or rabbit live storage or killing and dressing.	Yes	No
Within a fully enclosed building:		
a. Concrete or cement products manufacturing, batching plant, processing of stone	Yes	No
b. Gravel, sand, or dirt removal, stockpiling, processing, or distribution	Yes	No
c. Truck terminal, tractor trailer, or truck storage	Yes	Yes

Conditional		
C-2 Conditional	No	Yes
M-1 conditional uses	Yes	No
M-2 permissive uses	Yes	No
Existing residential uses that are non-conforming upon adoption of the 1990 plan.	Yes	Existing uses that are non-conforming upon adoption of this 2012 plan
Cold storage plant	Yes, permissive C-3 and IP	Yes, C-2 conditional
Automobile dismantling	No	Yes
Emergency shelter	No	Yes
Additions		
R-3 permissive uses with no density cap	No	Yes
C-2 permissive minus parking lots	No	Yes
M-2 use: Railroad repair	No	Yes
Off street parking requirements reduced	No	Yes
Landscaping standard reduced	No	Yes
Buffering requirement more flexible	No	Yes

Instead of rezoning M-1 to C-2 or C-3 to C-2, a Commercial/Light Industrial (C/LI) zone was developed that retains some industrial uses, adds commercial and residential uses, and makes more intense uses that abut residential conditional uses.

Proposed Use Changes from SU-2/MTSB M-1 to SU-2/MTSB C/LI

Uses	M-1 (existing)	C/LI (proposed)
SU-2/M-1		
M-1 Permissive uses		
Permissive in the C-3 zone	Yes	Yes, except cold storage per C-2 conditional
IP permissive uses	Yes	Yes, per C-2 and C-3 except air separation plant and sales/display rooms for wholesalers, etc.

Antenna, with out height limit	Yes	Yes, except height limit 65 feet
Automotive sales, rentals, service, and storage	Yes	Yes, per C-2 conditional
Automobile dismantling	Yes	Yes, per C-2 conditional
Commercial agriculture	Yes	No
Emergency shelter	Yes	Yes, per C-2 conditional
Manufacturing, assembling, treating, repairing or rebuilding articles within a completely enclose building	Yes	Yes, per C-3
Incidental uses within a building (e.g. news, cigar or candy stand-up to 10% of total floor area)	Yes	Yes, per C-2
Parking lot	Yes	No
Recycling bins as an accessory use	Yes	Yes, per C-2
Sign, off-premise	Yes	Yes, per C-2
Sign, on-premise	Yes	Yes, per C-2
Storage structure for yard equipment, material or activity incidental to a specific construction project	Yes	Yes, per C-2
Trailer sales, rentals, service, repair, and storage	Yes	Yes, per C-2
Blacksmith shop, and poultry or rabbit live storage or killing and dressing, within a completely enclosed building.	Yes	No
Within a fully enclosed building or within a completely enclosed area:		
a. Concrete or cement products manufacturing, batching plant, processing of stone	Yes	No
b. Gravel, sand, or dirt removal, stockpiling, processing, or distribution	Yes	No
c. Truck terminal, tractor trailer, or truck storage	Yes	No, except where existing
Conditional Uses		
M-1 conditional	Yes	No
C-2 conditional	No	Yes
Additions		

R-3 permissive uses with no density cap	No	Yes
Off-street parking requirements are reduced	No	Yes
Landscaping standards are reduced	No	Yes
Buffer requirement more flexible	No	Yes

Proposed Use Changes from SU-2/MTSB C-3 to SU-2/MTSB C/LI

Uses	C-3 (existing)	C/LI (proposed)
SU-2C-3		
C-3 Permissive Uses	Yes, except food products, tire recapping or retreading, and warehousing are not permitted	Yes
Permissive in C-2 zone	Yes, except parking lots	Yes, except parking lots
Antenna up to 65'	Yes	Yes
Uses that must be conducted in an enclosed building:		
a. Automotive engine manufacturing, wholesale assembling or rebuilding of auto vehicles or parts.	Yes	Yes
b. Dry cleaning, clothes pressing	Yes	Yes
c. Manufacturing, assembling, treating, repairing, or rebuilding or products, as follows:		
(1) Building (structure) subassembly	Yes	Yes
(2) Electrical appliances, electronic instruments and devices,	Yes	Yes
(3) Food products	No	Yes
(4) Jewelry, curios	Yes	Yes
(5) Metal stamps	Yes	Yes
(6) Plumbing, assembly only	Yes	Yes
(7) Pottery, ceramics	Yes	Yes
(8) Sewed items	Yes	Yes
(9) Signs, commercial advertising structures	Yes	Yes

d. Sheet metal working (light)	Yes	Yes
e. Tire recapping or retreading	No	Yes
f. Upholstering	Yes	Yes
g. Warehousing	No	Yes
h. Welding as a principal activity	Yes	Yes
i. Printing, publishing, lithographing, or blueprinting	Yes	Yes
j. Wholesaling	Yes	Yes
Permissive in R-2 zone	Yes	Yes, except no new single-family houses
Permissive in R-3 zone	No	Yes, with no density limit
Conditional Uses		
C-3 conditional uses	Yes	No
C-2 conditional	Yes	Yes
Additions		
Off-street parking requirements are reduced	No	Yes
Landscaping standards are reduced	No	Yes
Buffer requirement more flexible	No	Yes

Commercial activity continues to be desired, provided that operations do not diminish quality of life for nearby residents. The new proposed commercial zones will minimize the incompatibility between certain permissive uses and nearby residential uses. Proposed zoning will ensure that commercial uses will not adversely affect adjacent and nearby residential uses.

These two new zones are designed to implement a primary MTSB SDP goal- to encourage commercial and industrial development without compromising residents' quality of life.

The two new zones also introduce the opportunity for higher-density residential development. This action offers increased flexibility for redevelopment for property owners and helps add rooftops to this area, which can attract new services and retail activity, which some neighborhood residents have requested.

All of the new proposed changes are more advantageous to the community as articulated in the analysis of applicable Rank I, II and III plans, as detailed in the March 03, 2012 staff report. The public need for this change is illustrated through the policies of the Albuquerque Bernalillo County Comprehensive Plan that this plan supports. This area is distinct from other areas in the City of Albuquerque because of its designation as Central Urban and its location between the

University of New Mexico and the Downtown area, two designated Activity Centers. Comprehensive Plan Policy II.B.6: Central Urban Area notes that development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.

The zoning proposed is not a taking nor are property owners denied “substantial beneficial use of their property.” The proposed zoning substantially increases property owners’ entitlements. In addition, the plan addresses existing non-conforming zoning and does not create new non-conforming uses. The plan proposes to establish existing non-conforming uses and uses made non-conforming by the proposed zoning as approved conditional uses. The plan further extends the time period from one to two years that the use can be discontinued before the zoning reverts to the new proposed uses.

III. NEIGHBORHOOD CONCERNS

Since the March 03, 2012 EPC hearing, staff has received three additional letters of concern regarding zone changes. The letters were included in the attached spreadsheet. It is staffs’ understanding that the community stakeholders’ groups have continued to meet to negotiate their own land use and zoning proposals. However, at the time this staff report was written, no agreement has been reached and submitted.

On July 26, 2012 staff received a letter addressed to Commissioner Floyd and Ms. Patten-Quintana requesting a six month continuance, Attachment 1. The letter is signed by representatives of the Business Association, Neighborhood Association and the Martineztown Work Group.

VI. CONCLUSION

The MTSB SDP provides policies and regulations to guide development and redevelopment. The plan adopts zoning and policies that address land use, transportation, drainage, public facilities and community services. The MTSB SDP celebrates the history of the neighborhood and the diversity of residents and seeks to preserve what is best about the neighborhood, while continuing to make improvements to ensure that the residents’ long-term vision for the neighborhood is achieved.

Since the March 3, 2012 EPC hearing, all comments have been reviewed and analyzed. Staff proposes revisions and changes to address the concerns and comments received from the public, agencies and the Commissioners. The changes are detailed in the attached spreadsheet (Attachment 1) and are reflected in the recommended conditions and illustrated in the redline version of the plan, Attachment 4.

The Planning Department requests an Environmental Planning Commission (EPC) recommendation to City Council to approve the Martineztown/Santa Barbara Sector Development Plan.

FINDINGS – 12PC- 40003, August 02, 2012. Recommendation of adoption of the Martineztown/Santa Barbara Sector Development Plan.

1. The Martineztown/Santa Barbara Sector Development Plan covers an area of approximately 548 acres. This Plan area is bounded by Menaul Boulevard on the north, Lomas Boulevard on the south, the New Mexico Railrunner Express Railway tracks (NMRX) on the west, and Interstate 25 on the east.
2. The Martineztown/Santa Barbara Sector Development Plan currently contains currently contains the following SU-2 zones: R-1, R-T, R-2, RCM, O-1, NRC, C-3, M-1, HM, P, SU-1. The MTSB SDP proposes the following zones: SU-2/MTSB: R-1, NR, R-T, RI, R-2, SU-1 for NRC, VC, MX, O-1, C-2, C/LI, and C/I.
3. The Martineztown/Santa Barbara Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.B.5. Developing and Established Urban Areas goal and policies a, d, e, g, h, i, j, k, l and o. The MTSB SDP supports the Martineztown/Santa Barbara neighborhood as an identifiable and varied neighborhood that has a visually pleasing environment and maximum choice in housing, transportation work areas, and life styles through the proposed implementation policies and the accompanying proposed zoning.
4. The Martineztown/Santa Barbara Sector Development Plan supports Albuquerque/Bernalillo County Comprehensive Plan Policy II.B.6 Central Urban Goal and policy b. The specific policies related to Central Urban are to enhance the character of the residential neighborhoods, recognize the importance of the historic center of the city and increase development intensities in the area. The MTSB SDP proposes to achieve this through proposed zoning that will increase compatibility and consistency between the existing land uses and zoning.
5. The Martineztown/Santa Barbara Sector Development Plan supports Albuquerque/Bernalillo County Comprehensive Plan Policy II.B.7 Activity Centers Goal and policy i. The MTSB SDP proposes higher density multi-unit housing and mixed land uses within a proposed Village Center.
6. The Martineztown/Santa Barbara Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan Policy II.C.5. Historic Resources goal and policy a. The MTSB

SDP includes policies to protect and promote the historically significant buildings, the historic character of the neighborhood, and the neighborhood's traditional development pattern.

7. The Martineztown/Santa Barbara Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.C. 9. Community Identity and Urban Design goal and policies a and b. The zoning and policies proposed in the MTSB SDP are written to better match the existing land use with zoning and allow for appropriately scaled and designed infill development to enhance the area's social, cultural and historical features.
8. The Martineztown/Santa Barbara Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan Policy II.D.4. Transportation and Transit goal and policies b, c, g, j, p, and q. The MTSB SDP proposes policies to encourage additional housing and employment along Lomas and Menaul, both Enhanced Transit Corridors. The MTSB SDP includes policies that promote additional pedestrian amenities and opportunities.
9. The Martineztown/Santa Barbara Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan Policy II.D.5. Housing goal and policy a. The MTSB SDP includes policies and proposed zone changes that will allow for a variety of housing types, including market-rate and mixed-income dwelling units.
10. The Martineztown/Santa Barbara Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan Policy II.D.6. Economic Development and policies a, f and g. The MTSB SDP proposes a Village Center zone to create and promote a neighborhood activity center intended to create jobs and balance those jobs with housing and population. The proposed zoning expands potential uses that reflect changes in market demands with the potential for new employment opportunities.
11. The Martineztown/Santa Barbara Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan Policy II.D.9. Public Safety goal and policy d. Policies included in the MTSB SDP promote a safe and secure community in cooperation with governmental agencies.
12. The Martineztown/Santa Barbara Sector Development Plan supports the Rank II North Valley Area Plan, 1993, because the MTSB SDP encourages quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial industrial zones and areas. Additionally, future commercial/industrial developments on lots not already zoned commercial/industrial are discouraged.
13. The Martineztown/Santa Barbara Sector Development Plan supports the Rank II Trails and Bikeways Facility Plan, 1993, revised 1996, through policy recommendations to provide critical connections to the existing bikeways system.

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14. The Martineztown/Santa Barbara Sector Development Plan supports the Rank II Facility Plan for Electric Service Transmission and Subtransmission Facilities, through the addition of language provided by PNM to address the address utility easements, landscaping and access to public utility facilities.
 15. The Albuquerque Bernalillo County Comprehensive Plan, the Rank II North Valley Area Plan, the Rank II Trails and Bikeways Facility Plan, the Rank II Facility Plan for Electronic Transmission and Subtransmission Facilities, and the City of Albuquerque Comprehensive Zoning Code are incorporated herein by reference and made part of the record for all purposes.
 16. Resolution 270-1980 (Policies for Zone Map Change Applications)

Resolution 270-1980 establishes policies and requirements, pursuant to the Comprehensive City Zoning Code, for deciding whether or not a zone change request is justified. This resolution which was based on a court case (Miller v. City of Albuquerque), establishes several tests (1A-1J) that must be met to justify a proposed zone change. The burden is on the applicant to provide sound justification for the proposed change.

Subsection 1D provides reasons that can be used to demonstrate that existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Note: Staff's analysis is in bold italics.

The Martineztown/Santa Barbara Sector Development Plan (MSBSDP) is justified pursuant to Resolution 270-1980. The proposed sector development plan map amendments (zone changes) are more advantageous to the community because they further a preponderance of applicable Goals and policies in the Comprehensive Plan and pertinent Rank II facility plans.

The proposed zone changes meet the R270-1980 criteria, 1A – 1J, as follows:

- 1A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The MTSB SDP proposes zone changes that are consistent with the health, safety, morals and general welfare of the City. The proposed zone changes further a preponderance of applicable Goals and policies in the Comprehensive Plan and pertinent Rank II facility plans, including the Facility Plan for Arroyos and the Trails and Bikeways Facilities Plan. The purpose of such plans is to address the City's health, safety, morals and general welfare through Goals and policies; since the proposed zone changes are consistent with applicable Goals and

policies in these plans, they are therefore consistent with the City's health, safety, morals and general welfare.

The purpose of the proposed zone changes is to address the continuing incompatibility of land use and zoning, such as existing residential uses on commercially zoned properties and manufacturing uses adjacent to residential uses. The MTSB SDP proposes new zones and design regulations to ensure that new development will further Comprehensive Plan Goals, policies and the Community Vision in the MTSB SDP and therefore will be consistent with the City's health, safety, morals and general welfare.

- 1B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The proposed zone changes will stabilize the area by helping to remedy incompatibility between existing land uses and zoning, such as instances when a zoning category does not reflect an existing use and/or community vision for the area. Aligning zone categories with existing uses will create consistency, establish consistent expectations and ensure that new development or redevelopment is appropriate given the area's historic, residential and commercial characteristics. This will create stability of land use and zoning.

Each proposed zone category has been carefully tailored to ensure compatibility with existing uses and community value, and to avoid future land use and zoning conflicts that would have a destabilizing effect. The proposed zoning will reinforce the neighborhood's primarily residential character while encouraging commercial development that does not adversely affect quality of life for residents. The General Design Regulations, which apply to all properties in the Plan area, will improve and create compatibility of proximate residential, commercial, institutional and industrial land uses through requirements for site design, off-street parking, signage and utilities.

Mixed use zones will facilitate development of corridors and a neighborhood activity center that will focus commercial and residential uses in appropriate locations that will not destabilize land use and zoning. Maintaining the existing zoning could result in new development that destabilizes the neighborhood by continuing to allow heavy commercial and industrial uses adjacent to established residential uses.

- 1C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

The zone changes proposed in the MSBSDP further applicable Goals and policies in the Comprehensive Plan, North Valley Area Plan, the Facility Plan for Arroyos, and the Trails and Bikeways Facility Plan, as follows:

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) furthers the Central Urban Goal and Policy II.B.6b of the Comprehensive Plan. The proposed zone changes will address incompatibility of land use and zoning and provide opportunities for compatible development, which will enhance the character of residential neighborhoods (Goal). Doing so constitutes an effort to upgrade Central Urban neighborhoods and strengthen linkages between neighborhoods and cultural/arts/recreation facilities (Policy II.B.6b).

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) furthers the Developing and Established Urban Area Goal and Policies II.B.5d, e, h, i, j, k, l and o of the Comprehensive Plan. The proposed zone changes will help create a quality urban environment that perpetuates the area as identifiable by strengthening its residential character while encouraging compatible non-residential development.

The proposed zone changes further Policy II.B.5d because the proposed zones and the general design regulations combine to ensure that the location, intensity and design of new development will respect neighborhood values and be compatible with existing land uses. Policy II.B.5e and o are furthered. The proposed zones will facilitate development in an area with existing urban facilities, without affecting neighborhood integrity (II.B.5e), and will promote continued and strengthened redevelopment efforts (II.B.5o). Policy II.B.5h is furthered because the proposed zone changes would allow for a housing density higher than single-family in areas with excellent access to the major street network, and where a mixed density pattern is already established by use.

The proposed zone changes further Policies II.B.5i and l. The proposed zones that allow employment and service uses, combined with the general design regulations, will help ensure that such uses are located to complement residential areas and minimize adverse effects (II.B.5i); the design regulations apply to all properties and are intended to promote quality design that is appropriate to the Plan area (II.B.5l). Policies II.B.5j and k are also furthered. The proposed zone changes would allow commercially zoned areas to remain and expand, and create larger commercial areas at intersections and in a neighborhood-oriented center (II.B.5j). Land adjacent to arterial streets, where most traffic is, would be mostly for mixed-uses and commercial uses and would protect established residential neighborhoods by providing a buffer and transition area (II.B.5k).

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) furthers the Activity Centers Goal and Policy II.B.7i of the Comprehensive Plan. The proposed mixed-use zones, SU-2/MTSB MX and SU-2/MTSB VC, will strengthen concentrations of moderate density mixed land uses and social/economic activities along portions of the Broadway Blvd. and

Lomas Blvd. corridors and in the proposed neighborhood activity center near Broadway Blvd. and Mountain Rd. Such concentrations are intended to help reduce auto travel needs and service costs (Goal). Policy II.B.7i is furthered because medium-density multi-unit housing would be allowed and encouraged in the proposed neighborhood activity center.

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) furthers the Historic Resources Goal and Policy II.C.5a of the Comprehensive Plan. The Plan area contains several buildings with significant historic and architectural value that contribute to the area's character; preservation of historic architectural character is part of the overarching Community Vision (Goal). The proposed zones acknowledge the importance of existing residential character and will ensure that development and redevelopment are compatible with existing structures, thereby protecting and enhancing this significant historic area (Goal, Policy II.C.5a).

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) furthers the Community Identity and Urban Design Goal and Policies II.C.9a, b, and c of the Comprehensive Plan. The proposed zone changes will support the Community Vision, which aligns with the goal of preserving and enhancing the built and social characteristics of the area (Goal). In this community area, planning efforts have addressed the built environment, local history and culture and are reflected in the proposed plan's design regulations and recognition of characteristic history and culture (II.B.9b). The unique character of the area, as embodied in the neighborhoods, is respected because the proposed zone changes will support existing uses while providing opportunities for new, compatible development (II.C.9a). A proposed neighborhood activity center, with an appropriate scale, design and location, will be created through a new zone category and would reinforce the area's character.

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) furthers the Transportation and Transit Goal and Policies II.D.9b, c, g, p and q of the Comprehensive Plan. The proposed zone changes will facilitate development of corridors along Lomas and Broadway Boulevards that will result in an efficient placement of employment and services and will encourage alternatives to automobile travel (Goal). Such land use regulations, and the associated design standards, will support creating additional housing and jobs along Lomas Boulevard, an Enhanced Transit Corridor (II.D.9b). Development of additional dwelling units, in a manner that would not destabilize existing neighborhoods, is intended to result from the proposed zone changes along the Enhanced Transit Corridor (II.D.9c.) The Plan proposes pedestrian and bicycle connections and sidewalk improvements, which will be particularly important in the mixed-use areas that can result from the proposed zone changes (II.D.9g). The improved connectivity will support efficient transfers between all modes of transportation and will link land uses, as well as emphasize overall mobility needs and choice among modes (II.D.9p and q).

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) furthers the Housing Goal and Policies II.D.5a of the Comprehensive Plan. The proposed zone changes will allow for a variety of housing types and mix of uses while acknowledging the community's desire to preserve existing low-density housing and conserve and improve it (Goal). Affordable housing is addressed by Plan recommendations regarding incentives and support services, and in a broader sense by supporting zone categories that allow smaller lots and higher densities which are generally more affordable than single, larger lots (II.D.5a).

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) generally furthers the Economic Development Goal and Policy II.D.6g of the Comprehensive Plan. The proposed zone changes will address disinvestment in the area and will foster economic development that will be balanced with the community desire to protect residential areas (Goal). The new SU-2 MTSB VC zone is intended to create and promote a neighborhood activity center, which will help create jobs and thereby balance jobs with housing and population (II.D.6g). Existing uses in the SU-2/HM and SU-2/C-3 zones will become approved conditional uses.

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) furthers the Goals of the Rank II North Valley Area Plan. The proposed zone changes encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial industrial zones and areas (Goal). Additionally, future commercial/industrial developments on lots not already zoned commercial/industrial are discouraged (Goal).

The Martineztown/Santa Barbara Sector Development Plan (MTSB SDP) furthers the Goal of the Rank II Trails and Bikeways Facility Plan to facilitate commuter cycling by supporting an increased number of bicycle routes and bicycle trails in the area. The proposed zone changes will generally help provide a mixture of land uses; mixed-uses generally promote non-vehicular transportation modes by allowing a variety of uses in close proximity.

In sum, the proposed MTSB SDP and the zone changes therein further a preponderance of applicable Goals and policies in the Comprehensive Plan. Also furthered are applicable Goals and policies in the Trails and Bikeways Facility Plan.

1D. The applicant must demonstrate that the existing zoning is in appropriate because:

- 1) there was an error when the existing zone map pattern was created, or
- 2) changed neighborhood or community conditions justify the change, or
- 3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) and (2) above do not apply.”

Regarding the proposed zone changes:

- (1) There was no error when the existing zone map pattern was created; an error does not justify the proposed zone changes.*
- (2) Though some conditions have changed in the neighborhood and/or community, many significant issues regarding land use and zoning have not: incompatibility of land use and zoning is still prevalent, and heavy commercial or industrial development continues to be possible next to established residential areas.*
- (3) The proposed zone changes will result in different land use categories that will be more advantageous to the community because they further a preponderance of applicable Comprehensive Plan Goals and policies, and applicable Rank II plan Goals and policies, and reflect the community's vision for the area. Please refer to Subsection 1.C herein for an analysis of applicable Goals and policies.*

The proposed zone changes will create different land use categories through the establishment of the following new zones: SU-2/MTSB NR (Neighborhood Residential), SU-2/MTSB RI (Residential Infill), SU-2/MTSB MX (Mixed Use), SU-2/MTSB VC (Village Center), SU-2/MTSB C/LI (Commercial Light Industrial) and SU-2/MTSB C/I (Commercial Industrial) . These zones are designed to implement a primary MTSB SDP goal- to encourage commercial and industrial development without compromising residents' quality of life.

The proposed zone changes promote and support the overall Community Vision of the MTSB SDP, which is supported by specific Land Use and Zoning Goals and Objectives. Zone changes to SU-2/MTSB NR, SU-2/MTSB RI, SU-2/MTSB MX, SU-2/MTSB VC, SU-2/MTSB C/LI and SU-2/MTSB C/I can accommodate a range of residential possibilities, from single-family to high density residential including infill development and affordable housing. Existing uses, not allowed by new zones, will become approved, conditional uses.

The community also desires commercial activity, as long as its operations do not diminish residents' quality of life. The new SU-2/MTSB VC zone is a mechanism for creating a Neighborhood Activity Center along a portion of Mountain Road and for encouraging mixed-use development. The SU-2/MTSB MX zone would provide a mixed-use setting along Lomas Boulevard, a designated Transit corridor. Both zones would support services and businesses to serve the neighborhood and the wider community and would also provide an opportunity for medium density housing in appropriate locations.

The new SU-2/MTSB RI zone is proposed for undeveloped properties within the proposed SU-2/MTSB NR Zone. The RI zone allows higher-density on existing, vacant properties and imposes height limits and solar protections to ensure compatibility with the character of surrounding single-family homes. This new zone furthers the Housing Goal and Policies

II.D.5a of the Comprehensive Plan. The proposed zone change to RI will allow for a greater variety of housing types while acknowledging the community's desire to preserve existing low-density housing and conserve and improve it (Goal). Affordable housing is addressed by supporting zone categories that allow smaller lots and higher densities which are generally more affordable than single, larger lots (II.D.5a).

New SU-2/MTSB C/LI and SU-2/MTSB CI zones are proposed to replace SU-2/C-3, SU-2/M-1 and SU-2/HM zones.

The 1990 plan restricted uses in the C-3 Heavy Commercial zone to C-2 uses, with some additional C-3 uses allowed only in an existing building. The C-3 uses that would be allowed without the proposed zone change, even when conducted in an enclosed building, have the potential to be harmful and are not desired close to residential uses, which are a defining characteristic of the neighborhood.

Existing SU-2/M-1 allows all permissive and conditional uses listed in the City of Albuquerque Comprehensive Zoning Code. Some of the allowable, higher-intensity manufacturing uses are incompatible close to residential areas.

The SU-2/HM (Heavy Manufacturing) zone was applied in 1990 to properties where the actual uses were light manufacturing and heavy commercial. The intention was to make land use and zoning more compatible. However, incompatibility of land use and zoning remains a significant concern in the Plan area.

The SU-2/MTSB C/LI and SU-2/MTSB CI zones, by limiting the highest intensity uses, will reconcile the discrepancy between existing uses and zoning and will ensure that commercial uses will not adversely affect adjacent and nearby residential uses. These zoning categories also greatly expand allowable uses to include retail, office, higher-density residential and mixed uses to give property owners greater flexibility to deal with changing market conditions.

Existing SU-2/HM, SU-2/M-1 and SU-2/C-3 uses that are not allowed by the SU-2/MTSB C/LI and SU-2/MTSB CI zones will become approved, conditional uses.

Recent Comprehensive Plan amendments (2002), commonly referred to as "Centers and Corridors," are policies that clearly point to promoting infill and redevelopment of underutilized properties, increasing density along corridors in order to support transit, increasing intensity (height) in the corridors, and promoting mixed uses along the corridor.

The current zoning along Lomas Boulevard is inappropriate because it allows uses that conflict with the Comprehensive Plan's Centers and Corridors policies as follows:

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- i. *The current zoning of SU-2/M-1 and SU-2/C-3 allows manufacturing uses and heavy commercial uses in distinct locations. A mixture of uses by area, which is considered more conducive to supporting centers and corridors, would not occur.*
 - ii. *Auto-oriented uses, which conflict with the creation of pedestrian friendly, transit oriented corridors, dominate.*
 - iii. *Design regulations that provide adequate setback provisions to protect adjacent residential neighborhoods are not included.*
 - iv. *Building heights that are determined by angle planes, without restriction, allow very tall structures regardless of adjacent uses or structures.*

The proposed SU-2/MTSB MX and SU-2/MTSB VC zones address and propose to remedy the above points.

The proposed zone changes are a mechanism for fulfilling the Community Vision articulated in the MTSB SDP; they also further a preponderance of applicable Comprehensive Plan Goals and policies. By doing so, the resulting zone changes will be more advantageous to the community overall than the current zoning and therefore are justified.

- 1E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

The zoning categories utilized by the proposed zone changes will not contain permissive uses that would be harmful to adjacent properties, the neighborhood or the community. The proposed zones of SU-2/MTSB NR, SU-2/MTSB RI, SU-2/MTSB MX, SU-2/MTSB VC, SU-2/MTSB C/LI and SU-2/MTSB C/I are designed to implement one of the MTSB SDP's primary goals- to support and encourage commercial and industrial development without compromising quality of life for residents.

Permissive uses in the SU-2/MTSB NR zone correspond to permissive uses in the Zoning Code's R-1 zone except along Edith Blvd. and Mountain Road, where RC uses would also be permitted. Both are low impact zones.

The proposed SU-2/MTSBRI zone would allow single-family, townhouses and apartments.

The SU-2/MTSB MX form-based zone prohibits several permissive uses from the M-1, M-2, P and PR zones, and several SU-1 uses such as adult amusement, campground and refining, among others, that could be harmful.

The SU-2/MTSB VC zone, also form-based, allows permissive R-2 uses and permissive C-1 uses, but prohibits potentially harmful uses such as retail auto parts sales and gasoline sales.

The SU-2/MTSB C/LI zone allows most R-3, C-2 and C-3 uses (conditional use permit if abutting residential) and truck terminal is allowed where existing.

The SU-2/MTSB C/I zone allows most R-3, C-2, C-3, IP and M-1 (with restrictions, within a fully enclosed building).

All zones are subject to the Plan's Design Requirements, which are intended to improve the compatibility of residential, commercial and industrial uses and thereby reduce the potential for harm to adjacent properties, the neighborhood or the community. In addition, individual zone categories contain requirements for open space and setbacks to create further compatibility between uses.

1F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be:

- 1) denied due to lack of capital funds, or
- 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

The proposed zone changes do not require any major and unprogrammed capital expenditures by the City.

1G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The cost of land or other economic considerations are not the determining factor for the proposed zone changes. Rather, the significant factors are that the proposed zone changes are more advantageous to the community as articulated in the Comprehensive and applicable Rank II facility plans (see response to Section 1C.), are therefore consistent with the City's health, safety, morals and general welfare (see response to Section 1A.).

Adjacent zoning with compatible uses may help stabilize and improve the desirability of land in the Plan area, which could have a positive effect on property values.

1H. Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.

The location of mixed use and higher density residential zoning on a collector or major street is not being used in itself to justify the proposed zone changes. The location of the proposed mixed-use zones (SU-2/MTSB MX, SU-2/MTSB VC) along the principal arterials of Lomas Boulevard and Broadway Boulevard is one of several considerations that figure into the

primary reason that the proposed zone changes are justified; they are more advantageous to the community because they further a preponderance of applicable Goals and policies.

II. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only premise is involved, is generally called a ‘spot zone’. Such a change of zone may be approved only when:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby, or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The proposed zone changes will create spot zones within the proposed NR zone. The proposed spot zones are justified because:

(1) the proposed zoning will clearly facilitate realization of applicable Comprehensive Plan Goals and policies as demonstrated in the response to Section 1.C and I.D herein.

IJ. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called ‘strip zoning’. Strip commercial zoning will be approved only where:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, and
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The proposed zone changes will create strip zones along a portion of Lomas Boulevard, Mountain Road, Broadway Boulevard, Edith Boulevard and fronting Interstate 40. The proposed strip zones are justified because:

(1) the proposed zoning will clearly facilitate realization of applicable Comprehensive Plan Goals and policies as detailed in the response to Section 1.C herein; and

(2) The area of the proposed zoning is different from surrounding land because it will function as a transition between adjacent zones; the proposed zoning categories establish and facilitate transitions between adjacent zones within the Plan area. The proposed locations of zone boundaries along the major corridors of Lomas Boulevard, Mountain Road, Broadway Boulevard, Edith Boulevard and Interstate 40 will function as a transition between

the roadway and neighborhood residential uses and between the roadway and various, existing special uses.

Each zone corresponds to the desire for commercial development to serve neighborhood residents and the amount of vehicular traffic that each corridor can carry. The zones contain specific requirements intended to maximize compatibility with adjacent development and less intense zoning districts in the Plan area.

Conclusion: Staff has demonstrated herein that the proposed zone changes are justified pursuant to Resolution 270-1980. The proposed zone changes meet all of the tests (1A – 1J). The proposed zone changes are more advantageous to the community because they further a preponderance of applicable Goals and policies in the Comprehensive Plan and applicable Rank II Facility Plans and are consistent with the health, safety, morals and general welfare of the City.

RECOMMENDATION – 12EPC- 40003 August 2, 2012

That a RECOMMENDATION OF APPROVAL BE FORWARDED TO CITY COUNCIL for 12EPC-40003, the Martineztown/Santa Barbara Sector Development Plan, based on the preceding Findings and subject to the following Conditions.

CONDITIONS FOR RECOMMENDATION OF APPROVAL- Project # 1009119 Case# 12EPC 40003 August 02, 2011

Note: *The brackets at the end of each condition correspond to the line in the spreadsheet for easy cross reference to the originating comment, staff response generating each condition, and referenced condition number in the redline draft (e.g. [1] refers to line 1 in the spreadsheet and in the redline draft).*

1. On page 83, amend section 6.4.3 as follows: "Existing legal uses that become non-conforming upon adoption of the plan shall be treated as APPROVED CONDITIONAL USES per the requirements in the City Zoning Code except, with respect to Section 14-16-4-2(D)(3), an approved conditional use shall be void if it ceases on the approved site for a continuous period of two years or more. Upon expiration of the approved conditional use, the property owner is required to comply with the regulations of this zone." In each zone, replace the language in the "Existing Uses" section with the revised language above. On page 22, replace subsection 2.3.6(ix) with the language above. [1]
2. On page 102, replace section 7.11 SU-2/MTSB M-1 (Light Manufacturing Zone) with a new zone called SU-2/MTSB C/I (Commercial / Industrial Zone). See redline for language. [2]

3. After page 101, insert a new zone as section 7.11 SU-2/MTSB C/LI (Commercial / Light Industrial Zone). See redline for proposed language. [4]
4. On page 101, section 7.10, revise the first sentence as follows: "The SU-2/MTSB C-2 (Community Commercial) zone is intended to provide opportunities for community-serving commercial development along major corridors in the southern-most portion of the Plan area. This zone is tailored to acknowledge the existing built environment and mix of uses along the corridors and the need for area employment, services, and retail." [14]
5. In Exhibit 7.1 on page 86, change the zoning of 828 Arno NE from NR to C-2. [16]
6. In Exhibit 7.1 on page 86, change the "C2" on Menaul east of Edith to "C/I." [18]
7. In Exhibit 7.1 on page 86, change "C2" on the east side of Edith at Mountain to "VC." [24]
8. In Exhibit 7.1 on page 86, change "C2" on the east side of Edith at Mountain to "VC." [25]
9. In Exhibit 7.1 on page 86, change the northwest corner of Broadway and Mountain from "VC" to "MX." [26]
10. In Exhibit 7.1 on page 86, change the zoning of 901 and 903 Franciscan NE from NR to C-2. [30]
11. On page 81, delete section 6.3 in its entirety and renumber subsequent sections accordingly. In the NR, VC, MX, C-2, C/LI and C/I zones, add "Buffering" requirement - see redline for language, tailored for each zone. Delete reference to 6.3 Code Enforcement. [50]
12. On page 82, replace Table 6.2 with a revised Table 6.2. See redline. [56]
13. On page 105, section 8.7.2, delete everything after "not less than 50%" and replace with "of the main façade with the primary entrance with frontage on a public right-of-way shall be windows, display cases, and/or doors. Not less than 30% of the façade of upper floors of the primary facade shall be windows. Not less than 25% of all other facades shall be windows, display cases, and/or doors." [59]
14. On page 104, delete section 8.5. See line 55 for replacement with a buffering requirement between residential and non-residential uses. [60]
15. On page 89, Section 7.3, revise the first sentence as follows: "The SU-2/MTSB R-1 (Single Family Residential) zone is intended for areas with single-family, low-density residential development. This zone corresponds to the R-1 zone in the City Zoning Code 14-16-2-6 with the following additions and exception." Also, change 7.3.2 from "Conditional Uses" to "Permissive Uses." [62]

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16. In Exhibit 1.1 on page 5, add street names for I-40, Odelia, Indian School, and add a label for Broadway oriented north-south. [68]
 17. On page 12, add a new section 2.1 that discusses general neighborhood history, including historic structures and a corresponding map. Include a reference to Appendix B. Renumber subsequent sections accordingly. [69]
 18. Change the title of the map in Exhibit 2.2 from "Pre-Existing Zoning" to "1990 Zoning" [70]
 19. In Exhibit 7.1 on page 86, change the northwest corner of Broadway and Mountain from "VC" to "MX." [72]
 20. On page 52, delete Exhibit 4.1. On page 106, delete Exhibit 8.1. On page 107, delete Exhibits 8.2 and 8.3. On page 108, delete Exhibit 8.4. On page 109, delete Exhibits 8.5 and 8.6. Renumber subsequent exhibits accordingly. On page 105, in Section 8.9, remove references to Exhibits 8.1-8.6. Replace sections 8.9.1-8.9.6 with language to read, "Street improvements to Broadway Boulevard, Odelia Road, Edith Boulevard, and Mountain Road shall follow the standards in the ITE Walkable Urban Thoroughfares manual and use minimum widths for travel lanes in order to minimize roadway widths and best balance multiple modes of travel." [73]
 21. On page 93, in a new Section 7.6, insert a new zone, SU-2/MTSB RI (Residential Infill). See redline for language. Renumber subsequent sections accordingly. [84]
 22. On page 91, delete subsection 7.4.4(ii) a. See line 55 for buffer replacement. [85]
 23. On page 91, delete subsection 7.4.6(iv) in its entirety. See line 55 for buffer replacement. [86]
 24. In Exhibit 7.1 on page 86, add R-T to the legend, add a label for R-T to the map and clearly identify the parcel that is zoned R-T on the east side of Broadway, south of Menaul (2406 Broadway NE). [87]
 25. On page 94, section 7.7.4(ii), replace "10 feet" with "20 feet." On page 94, Exhibit 7.3, change dimension from 10 feet to 20 feet and change the corresponding note. [88]
 26. On page 95, delete section 7.7.5(ii) in its entirety. On page 98, delete section 7.8.6(iii) in its entirety. [89]
 27. On page 96, in section 7.7.8(ii), add "credit" after "On-street parking." On page 99, in section 7.8.9(ii), add "credit" after "On-street parking." [91]
 28. On page 97, section 7.8.8(iii), replace "10 feet" with "20 feet." On page 97, Exhibit 7.5, change dimension from 10 feet to 20 feet and change the corresponding note. [94]
 29. On page 104, delete language from 8.6.1 and renumber subsequent sections accordingly. [103]

30. In section 8.6.5 on page 104, add "or onto a porch facing the street" at the end of the first sentence. [106]
31. Prior to adoption, update this section with more current information. [109]
32. In Chapter II, Section 4, reformat policies so that the policy statement is more easily discernable. See red-line. [110]
33. Before Plan adoption, revise Table 5.1 to include a column for "Timeframe" with each item categorized as Short-term, Medium-term, or Long-term. [112]
34. Prior to adoption, add a glossary to the Plan. [113]
35. Table 5.2, line P-25, revise as follows: "Establish a community-based group to work with the City's Code Compliance Division to identify nonconforming properties and assist owners in bringing their properties up to code." Under the "Lead Agency" column, list "Planning - Code Enforcement" before "Neighborhood Association". [114]
36. On page 87, section 7.2.1, revise residential zone descriptions to reflect heights proposed. See redline for proposed language. [116]
37. On page 81, section 6.4.2, replace existing language with the following: "6.4.2. In addition to the standard application materials required based on the applicable procedure that must be followed (see Table 6.2), applicants shall submit, with their application, a written explanation describing how the proposed development complies with the zoning requirements, particularly usable open space and buffering, where applicable, and General Standards (see Section 8.0)." Delete subsections (i)-(iii). On page 83, add a new subsection 6.4.4 with the language shown in the redline and delete section 6.5.3 in its entirety. [121]
38. On page 104, revise 8.6.5 as follows: "Primary entrances shall face the street. In townhouse and multiple dwelling unit [delete] developments, the dwelling unit(s) adjacent to the public right-of-way shall have its (their) front door(s) oriented toward the street or have a street fronting porch. In multiple dwelling unit developments, there shall be at least once common entrance that shall be oriented toward the street. [123]
39. On page 53, section 4.3.5, add "short-term" prior to "impact" in the final sentence. Add the following sentence: "However, as the installation of LID features divert sufficient discharge, the necessity for extensive drainage system infrastructure may be reduced in the long-term." [133]
40. On page 53, section 4.3.5(iii), replace language with the following: "For existing sites, the amount of runoff after development should be the same as before development." [134]
41. Revise # 8 under "Micro" to read: "Parking lots, including unused or rarely used areas" [136]

42. On page 56, section 4.3.7, add "parking lots and" between "Multifamily" and "green space areas." [137]
43. Prior to adoption, update Section 2.3.17 with the information provided, including adjustments to the map in Exhibit 2.6. [138]
44. On page 105, in Section 8.9, add a new section 8.9.3 that shall read, "In order to accommodate transit needs and encourage transit use in this area, intersection improvements at Mountain/Broadway, Odelia/Broadway, and Lomas/Broadway shall be coordinated with ABQRide to incorporate right turn lanes and left-turn lanes adequate for buses where space permits." [142]
45. On page 29, section 2.3.9, in paragraph 2 after (i) and (ii), replace "Table 2.2" with correct Table number cross reference. [144]
46. On pages 30 and 32, replace "bicycle trail" with "multi-use trail" wherever it appears. In the first sentence, add "and pedestrians" to the end of the sentence. In the third sentence, delete "pedestrian or." In section 2.3.13(ii), replace "Middle" with "Mid-" and replace "Long Range Bike Map" with "Bikeways System Map." In section 2.3.13 (ii)b, replace existing language with the following: "A trail connection from 6th Street to University Boulevard along I-40 and I-25 to connect to the existing trail at Odelia Road and Indian School Road is programmed. Funds need to be allocated in the Transportation Improvement Program for design in 2018 and construction in 2019." [145]
47. On page 37, in Recommendation 1, add "Martineztown-" prior to "Santa Barbara Park." [146]
48. On page 39, section 2.5.2(ii), replace the last sentence with the following: "Council funding could be appropriated to upgrade the park with new playground equipment." [159]
49. On page 44, section 3.3.3(iv), add a new sentence at the end: "Coordinate with City Parks prior to design and implementation to determine maintenance responsibilities and maintenance issues." On page 59, section 5.1.4(ix), add the sentence noted above between the first and second sentence. On page 60, section 5.1.8(i), add the sentence noted above before the last sentence. [161]
50. On page 71, Table 5.1, item D-4, include "/Parks" to "DMD" in the Lead Agency category. [164]
51. On page 58, insert the following new section 5.1.1 and renumber subsequent sections accordingly: "5.1.1 Maintenance Responsibility: Features that are installed by the City that require ongoing maintenance (e.g., parkway landscaping) are the responsibility of the abutting property owner." [165]

52. On page 105, in section 8.8.2, add a new (v) with the following language: "Design of landscape with consideration for safety clearances in regard to overhead facilities, both distribution and transmission." [166]
53. On page 41, add a new section 2.6 with new language as shown in the redline. [167]
54. On page 91, section 7.4.4, add a new subsection "Minimum Lot Size and Width," with the following language: "If platted prior to the adoption of this Plan, lots less than 5000 SF and/or less than 50 feet wide may develop as long as they meet setback and usable open space requirements. Lots may be measured by plat lines, metes and bounds, or ownership lines per the definition of lot in City Zoning Code 14-16-1-5." [168]
55. In Exhibit 7.1 on page 86, change "M1" and "HM" to "C/I." [169]
56. In Exhibit 7.1 on page 86, change all "C2" north of Mountain and West of Edith to "C/LI." See also line 2 for C/I and line 4 for C/LI. [170]
57. On page 87, Section 7.2, add the following sentence after the sentence inside the brackets: "As of 2012, there is only 1 SU-2/SU-1 for MTSB NRC property in the Plan area. The following information is included here for the singular purpose of referring to regulations on that property, which is controlled primarily by site plan." On page 94 in a new Section 7.7, include zoning description of NRC as it appears in the 1990 plan to accommodate the SU-1 NRC property that will retain its zoning upon adoption of this Plan. Renumber subsequent sections accordingly. [171]
58. In Exhibit 7.1 on page 86, revise the legend by adding "SU-2/MTSB" before each zone descriptor and adding the full zone name after the descriptor. [172]
59. On page 17, in section 2.2.2 (ii), delete the sixth bullet that begins "Misleading zone category name..." and insert in lieu thereof the following: "The zone names in the 1990 Sector Development Plan did not accurately reflect the allowed and conditional uses or the desired character of each zone." [173]
60. On page 87, section 7.2.1(ii), delete "Martineztown" on the first line. [174]
61. On page 87, section 7.2.1(iii), in the first sentence, delete everything after "R-T zone." In the second sentence, add "In order to respect and preserve the neighborhood's unique character and traditional development patterns," before "All new development..." [175]
62. On page 91, section 7.4.5(i), delete "Structure." [176]
63. On page 98, section 7.8.6(i)b and (ii) change "Structure" to "Building." [177]

64. On page 89, insert a new section 7.3.3 as follows and renumber subsequent sections accordingly: "7.3.3 Height: Buildings shall comply with the Building Height Limitations to Preserve Solar Access, § 14-16-3-3(A)(7) of the Zoning Code. The additional height limitations of this section shall apply to any lot regardless of the age of the building, except that structures existing as of the date of adoption of the Plan are allowed, subject to Zoning Code regulations for buildings that are nonconforming as to height." [178]
65. Switch the order of MX and VC so that VC comes first, as it is a less intense zone. [179]
66. On page 94 in the MX zone, section 7.7.2(ii), add the following new section "a" and re-letter subsequent sections accordingly: "a. Parking lot, including commercial surface parking lot."
- On page 97 in the VC zone, revise section 7.8.2 by renaming the section "Permissive/Prohibited Uses," and adding a new subsection (iv) as follows: "(iv) The following use is prohibited: Parking lot, including commercial surface parking lot."
 - On page 100, add a new section 7.9.2 as follows and renumber subsequent sections accordingly: "7.9.2 Prohibited Use: Parking lot, including commercial surface parking lot."
 - On page 101, add a new section 7.10.2 as follows and renumber subsequent sections accordingly: "7.10.2 Prohibited Use: Parking lot, including commercial surface parking lot." [181]
 - On page 96, Section 7.7.7(i), add "stoops" before "patios." After "courtyards," add "in addition to the features defined in § 14-16-1-5." [182]
67. On page 80, section 6.1, add the following language as a new paragraph: "The regulations and standards of this plan prevail where they conflict with applicable City regulations and standards (i.e. City Zoning Code, DPM, etc.), unless otherwise noted in this Plan. Where this Plan is silent, applicable City regulations and standards prevail." [183]
68. On page 38, delete 2.5.1(iii)f. [184]
69. On page 61, prior to section 5.1.11, insert Exhibit 5.1 illustrating recommended transportation actions. [185]
70. On page 87, Table 7.1, revise per attachment. [186]
71. On page 90, Exhibit 7.2, add labels for shaded areas. [187]
72. On page 94, revise Exhibit 7.3 to label shaded areas and property line. [188]
73. On page 95, revise Exhibit 7.4 to illustrate building envelope allowed and label property line. [189]

74. On page 101, insert a new section 7.10.2 as follows and renumber subsequent sections accordingly: "7.10.2 Permissive/Prohibited Uses:
- (i) R-3 permissive uses, with the following exceptions and addition:
 - a. New single-family houses are not allowed.
 - b. The number of dwelling units per acre is not limited to 30.
 - c. Apartment development shall comply with the requirements of 14-16-2-17(A)(8)(e)8.
 - (ii) C-2 permissive uses with the following exception:
 - a. Parking lots, including commercial surface parking lots, are prohibited." [190]
75. On page 22, revise section 2.3.6 to reflect zoning changes, including the addition of RI, C/I, and C/LI. See redline for proposed language. [191]
76. On page 97, revise Exhibit 7.5 to label shaded areas and property line. [192]
77. On page A-2, add a reference to the 1976 MTSB SDP and the Mid-Valley Drainage Master Plan. [193]
78. On page C-1, delete Appendix. Renumber subsequent Appendix items. [194]
79. Add a new subsection at the end of each zone, or replace "Site Development Plan" language with the following language: "Development Review Process: See Section 6.4 and Table 6.2." [195]
80. On pages 74-75, fill in blank fields with information. See redline. [196]
81. On page 99, section 7.8.8(i), add the following sentence at the end of the existing language: "Of this 10% usable open space, a minimum of 75% shall be a landscaped area in the form of living plant materials or hardscaped areas, such as those listed above." Add a new section 7.8.8(ii) with the following language: "Living materials shall be defined as trees, grasses, vines, spreading shrubs, or flowers, over at least 75% of the required landscape area. Coverage will be calculated from the mature spread of the trees or plants. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Any non-living ground cover areas not intended as mulch around spreading plants must be clearly delineated on the landscaping plan." Renumber subsequent sections accordingly. [197]
82. On page 88, section 7.2.4, delete language from (iii) and replace with the following new (iii) and (iv):
- "(iii) SU-2/MTSB C/LI Commercial/Light Industrial Zone: This new zone provides opportunities for multifamily residential (R-3), community commercial (C-2), and limited light industrial uses (C-3) in appropriate locations with adequate buffering from existing single-family residential areas.

- (iv) SU-2/MTSB C/I Commercial/Industrial Zone: This new zone provides opportunities for multifamily residential (R-3), community commercial (C-2), and limited light industrial uses (C-3, IP, and M-1) and acknowledges the existing built environment and mix of uses in the neighborhood as well as the need for area employment while ensuring the health, safety, and general welfare of residents." [198]
83. On page 95, section 7.7.5, delete exception to 60 feet height limit and delete corresponding Exhibit 7.4. [199]
84. On page 90, section 7.4.2(ii), add "one structure with up to" prior to "four dwelling units" and delete "per structure" following "(4du)". [200]
85. On pages 103-109, remove "Design" where it appears in the section heading. Replace cross references to section 8 with "8.0 General Standards." [201]
86. On page 96, section 7.7.7(i), add the following sentence at the end of the existing language: "Of this 10% usable open space, a minimum of 75% shall be a landscaped area in the form of living plant materials or hardscaped areas, such as those listed above." Add a new section 7.7.7(ii) with the following language: "Living materials shall be defined as trees, grasses, vines, spreading shrubs, or flowers, over at least 75% of the required landscape area. Coverage will be calculated from the mature spread of the trees or plants. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Any non-living ground cover areas not intended as mulch around spreading plants must be clearly delineated on the landscaping plan." Renumber subsequent sections accordingly. [202]
87. On pages E-2 and E-3, delete letter to survey participants. [203]
88. On page 6, Exhibit 1.2, add labels for NMRX, Broadway, and Lomas. [205]
89. Delete text from 7.5.1 and renumber subsequent sections accordingly. [206]
90. On page 15, Exhibit 2.2, Replace "BSNF" labels with NMRX. Add zoning descriptions. Reorder zones from least to most intense. Use symbols and/or colors consistent with Exhibit 7.1 where zones are the same. [207]
91. On page 16, Exhibit 2.3, change the map title to "Existing Land Use." Replace "BSNF" labels with NMRX. [208]
92. Prior to adoption, on page 25, Exhibit 2.4, revise graphic for readability in black and white. [209]
93. On page 31, Exhibit 2.5, change map title to "Existing and Proposed Bikeways." Update data with information from the MTP 2035. Insert symbols for I-25 and I-40. [210]

94. On page 33, Exhibit 2.6, change map title to "Transit Routes." Replace "BSNF" label with NMRX. Add symbols for I-25 and I-40. Make "Martineztown" one word and add "/Santa Barbara." [211]
 95. On page 54, delete Exhibit 4.2. [212]
 96. On page 55, update graphics in Exhibit 4.3. [213]
 97. On page 86, Exhibit 7.1, replace "BSNF" labels with "NMRX." Add "SU-2 MTSB" and zone descriptions to all zones in the legend. [214]
 98. On page 90, Exhibit 7.2, revise the graphic to show maximum building height as measured to the midline of the pitch, not the ridgeline. [215]
 99. On page 21, section 2.2.5, revise language to reflect recent proposed changes. See redline for language. [216]
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***Lorena Patten-Quintana
Staff Planner***

Attachments

Attachment 1: Stakeholders' groups request for continuance.

Attachment 2: Spreadsheet of comments received to date, responses and conditions generated.

Attachment 3: Letters received after the March 03, 2012 hearing and prior to the issuance of the Staff Report.

Attachment 4: Redline version of the DRAFT MTSB SDP.