



**Environmental
Planning
Commission**

*Agenda Number: 3
Project Number: 1009415
Case #: 12EPC-40062
December 13, 2012*

Supplemental Staff Report

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

Staff Recommendation

That a recommendation of APPROVAL 12EPC-40062 be forwarded to the City Council, based on the Findings on page 6, and subject to the Conditions of Approval on page 9.

Staff Planner
Maggie Gould, Planner

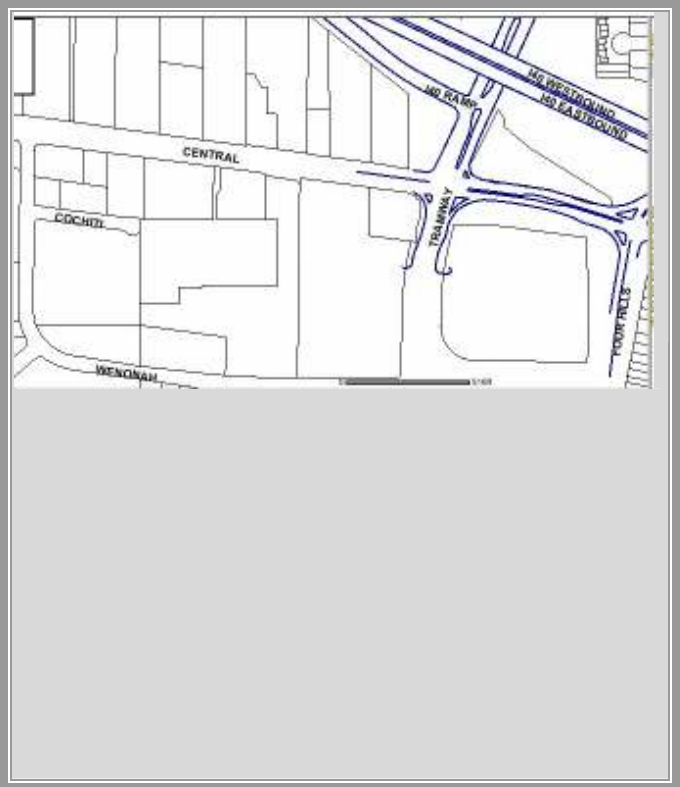
Summary of Analysis

To be read with the October 11, 2012, Staff Report and the November 8, 2012 supplemental Staff report.

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

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

Staff recommends approval with some minor conditions to ensure that concerns are addressed as this request moves through City Council.



Request

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

This case was heard by the EPC on November 8th. The case was deferred to allow Council staff and Planning staff time meet with concerned property owners. The commissioners expressed a desire for further information and further input and response from property owners.

Property owner concerns included triggers for compliance, signage, parking and landscaping.

The new proposed resolution addresses the previous issues as follows:

Views

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

This has not changed since the November 8th, 2012 hearing.

Setbacks

The new proposed setbacks are a minimum of 30 feet and maximum of 85feet. The previous request was for a 30-foot minimum and a 90-foot maximum. The 30-foot minimum was proposed in the Interim Design regulations, see previous staff report. The minimum setback is still greater than the allowed setbacks in most of the other zones within the plan area. However, the setback is similar to the existing development in the area. The maximum setback is still much greater than what is allowed in the plan.

Setbacks now apply to both the north and south side of Central.

The new resolution uses the word, “structure“, rather than building in section 2.B.1., regarding setbacks. Structure is a defined term in the Zoning Code,

“Anything constructed or erected above ground level which requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, or public utility pole or line.”

Parking

One row of parking and a drive lane are allowed between the landscaped setback and the structure fronting Central. If parking is provided behind the front set back there shall be a sidewalk provided along the length of the façade as required in § 14-16-3-18 of the zoning code.

A 30 foot combination landscape buffer and sidewalk is still required behind the back of the curb. The sidewalk shall be located a minimum of 7 feet and a maximum of 20 feet behind the curb.

Lighting

Pedestrian lighting is required adjacent to the sidewalk. Light poles may not be more than 10 feet in height.

Landscaping

Landscaping must meet the requirements of section, 14-16-3-10 of the Zoning Code and must also provide rocks and gravel to match the color of the nearby foothills. Plants used in landscaping must be native to the Manzano or Sandia Mountain Ranges. The additional specifications add to the special character of the area and help to define it as a special gateway into the City.

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

The new resolution addresses tree height. This was a condition of the previous staff report.

The resolution requires that trees planted after the adoption of this amendment not exceed 15 feet in height and be located at least 20 feet behind the curb line. It allows for existing trees to stay, even if a property redevelops.

The amendment now includes language requiring coordination between property owners at the western end of the view area in order have infrastructure that is consistent.

Glazing

The new proposal requires that if any part of the window is located above the mid-point of the building , the windows must be 8 feet in height.

The previous version of this request would allow glazing to be provided per the underlying zone or to cover 40% of the front and side facades. Windows located above the midpoint of the wall would need to be a minimum of 8 feet in height.

The design regulations in the EGSDP would require windows on 40% of the ground story between the sidewalk elevation and nine feet above the sidewalk elevation. The plan requires that windows begin no lower than 36 inches from the sidewalk elevation. The new proposal would allow windows to begin at the mid-point of the wall. This would be significantly higher than the currently allowed 36 inches. This new proposal still provides adequate glazing to allow light into the building, but does not provide the “eyes on street” or visual interest that is intended in the plan.

According the plan, the intent of the window requirements is to provide interest on the street and safety for pedestrians. The higher windows may not have that effect. Since the buildings will be allowed to be set back quite a distance from Central Ave. staff supports a taller threshold for the windows but does not support a midpoint start. In the previous staff report we recommend a compromise of a four foot start. Staff would reiterate this request (see condition 2).

Signage

The new amendment would still require signs to be setback 20 feet, but, has been modified to include only signs installed after the adoption of this amendment.

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

The current signage regulations in the East Gateway Plan refer to the O-1 zone, which does not include a setback for signage and allows a maximum height of 26 feet. (see condition 3)

Non-conformance

Non-conformance is still addressed by referring to the existing provisions in the East Gateway Sector Development Plan. However the wording has been clarified so that it refers to section 5.3.1, the entire section regarding development triggers and compliance.

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

The regulations would now apply to both sides of Central.

Analysis of revised View Regulations

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

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

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

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

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

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

The new proposed maximum 85 foot setback has been reduced from 90 feet. The angled setback in order to maintain buildings on Central is 115 feet. It is still much greater than most of the setbacks in the plan area. The EG-C zone is the most intense of the SU-2 zones in the EGSDP, but the zone intent is still to have a multimodal environment and to support legitimate activity on the street.

The setback could contain the 30 foot landscaping buffer, an 18 foot row of parking, a 24 foot drive aisle and the 10 foot side in front of the building. The amenities could balance out the setback and provide some space on the sidewalk and the landscaping area for the kind of activity called for in the plan.

The new resolution uses the word, “structure“, rather than building in section 2.B.1., regarding setbacks. This language would apply to shade structures, carports or porte cocheres, freestanding signs, cells towers and many other items. This could cause conflicts with the signage regulations of the amendment and the allowance for transit shelters in the landscape.

Signage placement is addressed in the proposed legislation, but height is not. The proposed setback for signs moves the sign away from the street and somewhat out of the view area. A sign of up to 75 square feet at a height of 26 feet, per the O-1 zone, would be allowed. This has the potential to block views. Staff would recommend addressing the issue of height in order further the goals of view preservation. This was a condition of the previous staff report. (See condition1)

The changes to the glazing requirements do not seem to be necessary to implement the goals of view preservation. This was also stated in the previous report.

The reference to the non-conformance regulations in the EGSDP will provide clarity in the enforcement of the proposed legislation. The amendment now refers to the entire section 5.3.1. This keeps the triggers for compliance the same for all properties in the plan area.

The new proposal applies to both sides of Central.

This means that parking would be allowed in front of buildings on both sides of the street. The Four Hills shopping center is zoned SU-1 PDA or SU-2, CAC. If the property develops under the SU-1 PDA, the parking requirements of the East Gateway Sector Plan would apply if an addition of 15% or more is added to the gross building square footage. If the property develops under the SU-2 EG CAC zone then this amendment would change the parking location requirements.

The allowance for parking in front of the building is a significant change from the standards in the current plan. The plan requires that parking be distributed on the site in rear and side yards. The new resolution allows for a single row of parking and a drive lane. This is preferable to significant parking in the front of the building. The single row of parking will allow the “teaser” parking that many businesses find desirable, but will not require pedestrians to cross a large parking lot. However the term drive lane is not a defined term. Staff recommends amending section 2.B.2, line 30 to add language that clarifies that the drive lane is not to be used for queuing (See condition 4). The Plan prohibits queuing between the building frontage and the street.

Resolution 270-1980

The applicant has added the following as part of the justification for this amendment.

The proposed changes correct an omission in the plan. During the Plan’s development it was determined by the Council through Resolution-2010-033 that a view zone within the boundaries proposed for this plan would provide a community amenity that would help define a unique identify for the East Gateway.

Staff found that there was sufficient policy justification for approval of the original proposal, however there were concerns about implementation and unintended consequences of the proposed legislation.

Neighborhood Outreach

City Council staff met with the Four Hills Homeowners Association on November 8th, the Four Hill Homeowners Association did not take a formal position on this request.

Conclusion

The applicant has worked with planning staff and the public to try to address the issues with the resolution. There are still some concerns from property owners, but they are working with Council staff to address them. Other issues are clearly stated in the findings and conditions of this report and will provide guidance for future action.

FINDINGS - 12EPC-40062, December 13, 2012, Amendments to the East Gateway Sector Dev. Plan

1. This is a request to amend the East Gateway Sector Development Plan to add new design regulations in the area surrounding Central and Tramway in order to protect and preserve panoramic views from this area.
2. The legislation pertaining to this request, F/S/R-12-88, was introduced to City Council on August 8, 2012. The EPC is charged with making a recommendation to the City Council regarding the proposed amendments. This resolution contains background information in Section 1, to assist the EPC in making their recommendation.
3. The concept of a viewshed protection area was included in the Interim Design Regulations of the East Gateway Sector Development Plan.
4. The request was deferred from the October 8, 2012 EPC hearing in order to address concerns and questions raised by the public and by Planning Staff. As a result, Planning staff and Council staff visited the site on October 18, 2012 to further assess the location of the views.
5. This request was heard by the EPC on November 8th, 2012 hearing and was deferred.
6. The request provides additional design regulations affecting properties zoned SU-2/EG-CAC and EG-C in the area of Tramway and Central NE. The additional design regulations are justified per R-270-1980 as noted below:
 - A. There will be minimal impact to existing infrastructure and services. The request will protect views that were recognized as important in the Interim Design Regulations of the East Gateway Sector Development Plan (R-09-275) but were not carried over to the current Plan. The request is consistent with the health, safety, morals, and welfare of the city.
 - B. The proposed regulations may bring stability to the neighborhood by creating a sense of place. The request does not change any of the uses in the existing zones.
 - C. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan and the East Gateway SDP as demonstrated below:

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

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

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

Policy II.C.8.a, d, e: Policies a, d and e are furthered by this request because the landscaping will be improved, the unique visual environment will be respected and preserved, the landscaping will provide a space to collect storm water runoff and will help to create a pleasing visual environment, and the building setbacks will minimize the visibility of the buildings.

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

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

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

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

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

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

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

- D. The applicant has adequately justified the request by demonstrating that the requested zone change is more advantageous to the community as articulated in the Comprehensive Plan. The request furthers the preponderance of applicable Comprehensive Plan policies cited in Section C.
- E. The request will not change any of the uses currently allowed.
- F. This request will not require un-programmed capital expenditures by the City. Any improvements will be made and maintained privately.

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- G. The cost of land or other economic considerations is not used as the determining factor for a change of zone. The determining factor is the desire to preserve the panoramic views and the character of the area.
 - H. The proposed change will not alter the commercial zoning in the subject area.
 - I. This request will not create a spot zone.
 - J. This request will not create a strip zone.
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- 7. The East Gateway Coalition was notified along with following Homeowner's Associations: Coronado Terrace , Executive Hills ,Four Hills Village ,Terracita , Winterwood Park and the following neighborhood associations: Four Hills Village, ,Juan Tabo Hills ,La Mesa Community Improvement Assoc., Manzano Manor Assoc. Of Residents , Mirabella-Miravista, Sandia Vista.,Singing Arrow ,South Los Altos, Trumbull Village Assoc., Willow Wood . Property owners with 100 feet of the proposed changes were also notified.
 - 8. Staff received one letter in opposition to this request and 3 letters with questions or concerns.
 - 9. Council staff met with members of the Four Hill Homeowners Association on November 8th, the Four Hills HOA has not taken an official position on this request.
 - 10. Council staff and Planning staff met with concerned property owners on November 20, 2012.
 - 11. The owner of the Four Hills Shopping Center neither supports nor opposes this request.
 - 12. The proposed glazing requirements do not seem to be directly related to the view preservation goal.

RECOMMENDATION - 12EPC-40062 DECEMBER 13, 2012

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

CONDITIONS OF APPROVAL – 12EPC-40062, December 13, 2012

1. Include a diagram with the setback language to clarify how the angled setback in Section 2.B.1 is meant to be configured.
2. Further clarify the issue of window height. Windows should not begin more than 4 feet from the sidewalk elevation.
3. Address the issue of signage height.
4. Amend section 2.B.2, line 30 to add language that clarifies that the drive lane is not to be used for queuing.
5. Before final adoption of the resolution, any grammar, spelling, punctuation or errata issues will be resolved.

Maggie Gould
Planner

Notice of Decision cc list:

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CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Long Range Planning

CITY ENGINEER

Transportation Development Services

Traffic Engineering Operations

Hydrology

DEPARTMENT OF MUNICIPAL DEVELOPMENT

Transportation Planning

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/PLANNING

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/PLANNING

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO