R-12-122: Adopting the West Route 66 Sector Development Plan (Sanchez, Benton) ksr/aw

*****Note:** Certain land use regulations may require adoption through a quasi-judicial proceeding. This matter may not necessitate such a proceeding, but on advice of counsel, quasi-judicial procedures should be used even if not required to ensure that all parties are afforded any appropriate due process protections. The use of quasi-judicial procedures may help avoid challenges on these grounds.***

Summary: R-12-122 proposes to replace the 1987 West Route 66 Sector Development Plan (WR66 SDP or the Plan) with a new Rank 3 plan that would adopt new policies and zoning regulations for the West Route 66 Plan area, which generally includes properties along and within about one block of Central Avenue between Rio Grande Blvd. on the east and approximately 106th St., or city limits, on the west.

The primary function of a Sector Development Plan is to adopt special zoning that is tailored to a specific area whose needs cannot be met and fullest potential cannot be realized under existing zoning. Sector Development Plans oftentimes also contain transportation system policies and identify priority capital improvement projects that, along with tailored development regulations, can help further adopted City goals and policies for particular areas of the city.

Existing zoning in the WR66 SDP area dates to 1987 and neither reflects nor furthers the goals and policies in the City's Rank 1 Master Plan (also known as the Albuquerque/Bernalillo County Comprehensive Plan, or Comp Plan), adopted in 1988 and amended in 2001 to adopt the "Centers & Corridors" goals and policies, the West Side Strategic Plan (WSSP) as amended in 2009, and other ranked City plans. One of the primary goals of this proposed replacement of the 1987 WR66 SDP is to bring the Plan into conformance with the goals and policies of higher-ranking plans, as called for in the City's Planning Ordinance, and help better position the West Route 66 corridor for reinvestment and new development.

History of the Planning Process

See pages 270-271 of the Record for a concise overview of the public process used to develop this Plan.

Summary of the Plan's Zoning

The 11.1.2012 Red-Line of Chapter 4 of the WR66 SDP attached to R-12-122 affects the zoning of all properties within its boundaries through either rezoning properties to a new zoning district and/or the establishment of General Development Standards. The Plan does, however, honor owners' existing entitlements, including uses, structures, and approved site development plans. The overall approach of the Plan with respect to zoning is to designate different types of activity centers along the corridor, in accordance with the recommendations of higher-ranking plans and as refined through this planning process, and create tailored strategies to support the development of those centers. Activity center zones within the Plan include:

- The **Special Activity Center** zone (SU-2/W66 SAC) on the east end to strengthen connections between Old Town and the BioPark;

- The **Community Activity Center** zone (SU-2/W66 CAC) at Central and Atrisco as originally designated in 2001 and refined in the updated WR66 SDP; and
- The **Major Activity Center** zone (SU-2/W66 MAC) that spans from Coors Blvd. to west of Unser and is intended to encourage the development of employment, commercial service, and residential uses in a mixed-use environment that will take advantage of and help support high-quality transit service along one of the city's only designated Major Transit Corridors.

All of the above zones use a form-based approach, meaning that they allow a wider range and more flexible mix of uses than "conventional" zones in our Comprehensive City Zoning Code and focus more on the form, placement, articulation, and orientation of development in order to encourage high-quality, pedestrian-oriented, and transit-supportive development that is contextually sensitive.

Areas not within the designated activity centers of the Plan are proposed to be zoned one of the following zoning districts:

- **SU-2/W66 C-2:** This zone is a modified version of the Comprehensive City Zoning Code's C-2 (Community Commercial) zone. NOTE: This zone does not propose to eliminate drive-up service windows (a.k.a. drive-through facilities) as a permissive use. There is a general development standard that addresses the placement and screening of queuing lanes for drive-up/drive-through facilities, but such facilities are permissively allowed in the SU-2/W66 C-2 zone, which covers the majority of properties that front Central Avenue and are not within a designated activity center area. The Record indicates that there was a common misunderstanding about this particular issue during the EPC hearing process, which prompted many of the negative comments about the Plan during that process.
- **SU-2/W66 IP:** Per the Zoning Code's IP (Industrial Park) zone.
- **SU-2/W66 MX:** A modified version of the Zoning Code's SU-1/MX form-based zone, this zone is applied to a limited number of properties just to the west of the Community Activity Center. The regulations of this zone are tailored to reflect the existing development patterns and characteristics of properties within it, such as small platted lots and buildings that are located close to and oriented towards the street. NOTE: This is the only zone within the Plan that proposes a prohibition on drive-up service windows in order to maintain a high-quality pedestrian-friendly environment in a constrained area.
- **SU-2/W66 River Activity:** This form-based zone was developed to acknowledge the special character and opportunities associated with proximity to the river and Bosque and, commensurately, prescribes low-intensity development to complement the natural environment of the area.
- **SU-2/W66 EPR:** This zone was developed specifically for this Plan to create targeted opportunities for employment uses to develop in areas that are mixed use and allow multi-family residential development in close proximity to employment centers.

The record contains extensive analysis of the proposed new zoning's conformance with and furtherance of adopted City plans and policies. See pages 276-295 of the Record.

Summary of Other Key Sections of the Plan

The WR66 SDP contains extensive discussion of the existing conditions of and opportunities to improve the transportation system along the Central Avenue corridor with the goal of making the corridor more multi-modal and capitalize on its Route 66 legacy and assets. The "Recommendations" chapter (Chapter 5) contains extensive recommendations related to the transportation system and other much-needed infrastructure, such as streetscape improvements, integrated drainage facilities, trail connections and Bosque access.

The final chapter of the Plan identifies specific projects, which, if implemented, "would significantly advance the development of the area as envisioned by this Plan" (WR66 SDP, 2.23.12 EPC draft, p.158). The list of projects has undergone refinement and prioritization through an online survey that was conducted during the EPC process.

Comments: EPC Process: The Environmental Planning Commission (EPC), which is a recommending body to the City Council in the case of this particular Sector Development Plan, considered the WR66 SDP at two meetings (July 5, 2012, and November 1, 2012). [There was actually a first hearing held on April 5, 2012, that had to be voided because of a recording problem. See page 406 of the Record.]

The EPC took testimony from property owners, owners' representatives, and other interested parties, such as neighborhood associations, the Mid-Region Council of Governments, and the Middle Rio Grande Conservancy District. The WR66 SDP area includes approximately 500 parcels represented by 300 property owners. A total of twelve (12) people addressed the EPC at its July 5th hearing, and eight (8) people, including three (3) who had also spoken at the first hearing, at the November 1st hearing. The Record also includes written communications from a number of other parties.

The EPC ultimately voted 4-2 to recommend denial of the Plan and related amendments to other plans to the City Council at its November 1st meeting. The EPC's complete findings recommending denial can be found in the Official Notification of Decision on pages 82-91 of the Record. The EPC's findings cited four (4) specific policies in the Comprehensive Plan that it felt would be furthered if the Plan were denied. By comparison, Planning staff's July 5, 2012, staff report to the EPC cited twenty-three (23) goals and policies in the Comprehensive Plan, seven (7) goals and policies in the West Side Strategic Plan, and goals from two (2) other Rank 2 plans that would be furthered by adopting the zoning and policy recommendations in the updated Plan.

Outstanding Issues

The Interoffice Memorandum that accompanied the transmittal packet from the Planning Department contains the following summary of **"Outstanding Issues"**: "Certain property owners are opposed to the Plan due to concerns

about actual or perceived effects of the zoning on their development entitlements and development potential...However, the November 1, 2012 staff report and staff responses to public comment at the full hearings in July and November offer explanations and solutions to a preponderance of the issues raised, including unclear regulations and restrictions on high value uses like drive-up restaurants (see Red-Line of Chapter 4 Zoning and Development Regulations, Recommended Conditions of Approval and EPC hearing minutes in the Record). The record contains no other significant public or agency opposition to the Plan that has not been addressed by staff (see matrix of comments and responses in the November 1, 2012 staff report in the Record)…"

It should be noted that there continues to be opposition to certain zoning provisions of the Plan, specifically limitations on drive-up windows, requirements for the provision of on-site open space, and the placement of parking to the side of or behind buildings. While, as Planning staff pointed out in the Interoffice Memorandum, most of these issues have been addressed through proposed revisions to the Plan (contained in the Red-Line of Chapter 4, which has been available on the project website for months) or, in the case of the location of parking, are called for/supported by adopted City policies and have, therefore, not been recommended for revision, there seems to persist a misunderstanding of what is being proposed or, in some cases, a fundamental disagreement with how the Plan proposes to implement adopted City goals and policies. The LUPZ committee and, ultimately, the City Council will have to decide whether the Plan as recommended, or as yet-to-be-amended, complies with and generally furthers applicable goals and policies in higher-ranking plans and meets the requirements of R-270-1980, the City's policies guiding zone map amendments.

Another issue that has been raised but not yet resolved is the eastern boundary of the Plan. There is both objection to and support for extending the eastern boundary of the Plan across the river to Rio Grande Boulevard noted in the Record (for objection, see pages 80, 542, and 543 of the Record; for support, see pages 99 and 185 of the Record). Objections to the boundary expansion included a concern that, by including properties on the east side of the river within the Plan area, the areas further west will receive less priority in terms of City services and capital improvements. Support for the expansion stemmed from a perception of an historic connection between the Atrisco and Old Town areas and the river as a uniting, rather than dividing, feature.

Adoption Process

The LUPZ Committee is required, per the Council's Rules of Procedure, to hold at least two hearings on a new plan being considered for adoption. While a West Route 66 SDP already exists, staff is treating this as a "new" plan rather than an amendment to an existing plan given the extensive modifications to zoning and policies it contains.

Typically, the first LUPZ hearing is an opportunity for the Planning Department to provide an overview presentation and for the public to comment on the Plan. Council staff documents concerns expressed and issues raised then works with Planning staff to respond to issues. Council staff will provide written responses in advance of the next LUPZ hearing so that parties have the

opportunity to submit additional comments or address staff's responses at the hearing. Staff will also take direction from the committee and prepare possible amendments for the committee's consideration at a future hearing.
Fiscal Impact: None.
Questions: None.