



Environmental Planning Commission

**Agenda Number: 3
Project Number: 1008660
Case Number: 11EPC-40003
March 10, 2011**

Staff Report

Agent	John A. Myers-Myers, Oliver & Price, P.C.
Applicant	Hunt Uptown II, LLC
Request	Text Amendment to the Uptown Sector Development Plan (UTSDP)
Description	Text amendment to allow buildings, for any single user or Establishment, to exceed 90,000 square feet (sf) provided certain requirements are met
Location	The SU-3 for MU-UPT zone: South of Menaul Blvd., North of Interstate 40, East of San Pedro Dr., and West of Prospect Pl., Uptown Loop Rd. and the eastern edge of Winrock Mall.
Size	Approximately 390 square acres
Zoning	SU-3 for MU-UPT

Staff Recommendation

That a recommendation of Conditional APPROVAL of 11EPC-40003, be forwarded to the City Council based on the Findings beginning on Page 24, and subject to the Conditions of Approval beginning on Page 28.

Staff Planner, Planning Department:

Catalina Lehner-Senior Planner

Summary of Analysis

This request is for text amendments to the Uptown Sector Development Plan (USDP) to allow single-user buildings to exceed 90,000 sf provided that an approved site development plan demonstrates a floor area ratio (FAR) of 0.5 or greater and 50% of parking within a structure.

The proposed text amendment would apply to the SU-3 for MU-UPT Zone and not to the SU-3 MU-UPT Buffer Zone. Uptown is designated as a Major Activity Center. The request conflicts with applicable Activity Center policies, but generally furthers economic development policies and the intent of the 2008 USDP.

Neighborhood associations and property owners were notified. Notice was published in the Neighborhood News and on the Planning Department website. A facilitated meeting was held. There is both support and opposition for the proposed text amendments.

Conditions are needed to mitigate the effects of large, single-user buildings on the Major Activity Center and to create consistency within the USDP. The Planning Department recommends that an approval recommendation, subject to conditions, be forwarded to the City Council.

City Departments and other interested agencies reviewed this application from 01/31/11 to 02/11/11.
Agency comments used in the preparation of this report begin on Page 33.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU-3 for MU-UPT	Established Urban Area Uptown Sector Development Plan	Commercial, parking, multi-family residential, undeveloped
<i>North</i>	SU-3 for MU-UPT/Buffer Zone	Established Urban Area Uptown Sector Development Plan	Commercial, public/ institutional, single-family residential
<i>South</i>	SU-3 for MU-UPT/Buffer Zone	Established Urban Area Uptown Sector Development Plan	Parks/recreation, single-family residential, multi-family residential, commercial
<i>East</i>	SU-3 for MU-UPT/Buffer Zone	Established Urban Area Uptown Sector Development Plan	Multi-family residential, commercial
<i>West</i>	SU-3 for MU-UPT/Buffer Zone	Established Urban Area Uptown Sector Development Plan	Single-family residential, multi-family residential, commercial

II. INTRODUCTION

Request

This request is for text amendments to the Uptown Sector Development Plan (USDP). The USDP (p. 53) requires that “The maximum square footage allowable for any one level of a building for any single user or Establishment shall not exceed 90,000 square feet.”

The proposed text amendments would increase the maximum allowable building size, 90,000 square feet (sf) for any one user or establishment, provided that there is an approved site development plan which demonstrates that a proposed project has: a) a Floor Area Ratio (FAR) of 0.5 or greater, and b) and at least 50% of parking within a structure. Primary vehicular access would have to be from a street classified as a Collector or greater. Applicants would be required to provide notice consistent with the USDP notice requirements. Site Development Plans for such buildings would be reviewed by the Environmental Planning Commission (EPC).

Context

The proposed text amendments would apply to the USDP area zoned SU-3 for MU-UPT (mixed-use Uptown) and would not apply to the area zoned SU-3 for MU-UPT/Buffer (mixed-use Uptown Buffer Zone).

The SU-3 for MU-UPT area is the approximately 321 acres (0.61 sq. mi.) within the following boundaries: South of Menaul Blvd., North of Interstate 40, East of San Pedro Dr., and West of Prospect Pl., Uptown Loop Rd. and the eastern edge of Winrock Mall. The SU-3 for MU-UPT/Buffer area, which varies in size, surrounds the SU-3 for MU-UPT area (USDP, p. 44). The proposed text amendments would not apply to it.

Environmental Planning Commission (EPC) Role

The proposed text amendments to the Uptown Sector Development Plan (USDP) were initiated at the applicant's request. The EPC is a recommending body with review authority and is tasked with making a recommendation to the City Council. Also, pursuant to §14-16-2-24 (SU-3 Special Center Zone), the EPC is required to make a recommendation regarding a sector development plan, such as the USDP, which pertains to an urban center. As the City's Zoning Authority, the City Council will make the final decision.

III. OVERVIEW

History

The Uptown area has one of the highest concentrations of retail and office uses in the City and is an employment center. The Comprehensive Plan designated Downtown, Uptown and the University of Albuquerque as Urban Centers. All have adopted sector development plans and utilize SU-3 zoning.

The Uptown Sector Development Plan (USDP) generally encompasses properties surrounding and between Interstate-40, Menaul Boulevard, San Pedro Drive, and Pennsylvania Avenue. Specific boundaries are shown in Appendix C of the Plan, except for the addition made in 2000 at the northwest corner of the Plan area. The boundaries are the same as for the 1995 USDP.

The Uptown Sector Development Plan (USDP) was first adopted in 1981, subsequently amended in 1988 and re-issued in 1995 (Enactment No. 94-1995). Additional amendments occurred in 1999 and 2000. More significantly, the USDP underwent a comprehensive revision in 2008 and was adopted as the "2008 USDP" in January 2009 (R-08-141, Enactment R-2009-001).

The purpose of the 2008 USDP is to provide new zoning and design regulations to facilitate opportunities for development and redevelopment of Uptown as an environmentally sustainable, business and pedestrian friendly Major Activity Center. The 2008 USDP established two new, mixed-use zones for the Plan area: SU-3 for MU-UPT and SU-3 for MU-UPT Buffer. Also established were Zoning and Design Regulations (beginning on p. 57), a specific Review and Approval Process (beginning on p. 95) and Intent and Goals (beginning on p. 33).

Zoning

All properties in the Uptown Sector Development Plan (USDP) boundaries are zoned wither SU-3 for MU-UPT (Mixed Use Uptown) or SU-3 for MU-UPT/Buffer Zone (Mixed Use Uptown Buffer Zone). (USDP, p. 45). Both are mixed use zones that allow a variety of housing, civic and commercial uses including retail, wholesale, restaurants, offices, hospitality and entertainment. Uses are either permissive or prohibited in each zone; there are no conditional uses. The proposed text amendments would apply only to the area zoned SU-3 for MU-UPT.

Pursuant to Zoning Code §14-16-2-24 , the SU-3 Special Center Zone "allows a variety of uses controlled by a plan which tailors development to an Urban Center; these include centers of employment, institutional uses, commerce and high density dwelling."

Definitions

Zoning Code definitions (§14-16-1-5) apply throughout the City. The USDP definitions, which apply in this case, are used instead of general Zoning Code definitions.

ESTABLISHMENT. A place of business for a single user where business is conducted or services are performed. In the case of a Mall or an Establishment is that space that is used by one business and does not include all of the businesses within the Mall (USDP, p. 18).

FLOOR AREA RATIO (FAR). FAR = $\frac{\text{Total Building Floor Area}}{\text{Total Lot Area}}$ Ex. FAR 0.3 = $\frac{13,068 \text{ sf (building size)}}{43,560 \text{ sf (1 acre lot)}}$ (USDP, p. 18)

LARGE RETAIL FACILITY. A single tenant structure with at least 75,000 square feet of net leasable area for the purpose of retailing. A Shopping Center Site with a Main Structure of 75,000 square feet or more is a Large Retail Facility. Refer to §14-16-3-2 for Large Retail Facility Regulations.

PUBLIC CONNECTIVITY INFRASTRUCTURE (PCI). New Uptown Infrastructure designed to foster the redevelopment of the Uptown Area into a cohesive, environmentally conscious, economically vibrant area. Public Connectivity Infrastructure includes, but is not limited to, Parking Structures, Streets, Walkways, Pedestrian Plazas, Uptown Circulators, civic spaces, a Wayfinding system, and Bikeways (USDP, p. 25).

SITE DEVELOPMENT PLAN. A shortened phrase, which can be used interchangeably with the defined phrase “Site Development Plan for Building Permit” [Site Development Plan cannot be used interchangeably with Site Development Plan for Subdivision” (USDP, p. 28).

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT. An accurate Plan at a scale of at least 1 inch to 100 feet, which covers a specific site. The Site Development Plan shall allow land uses, exact structure locations, structure elevations and dimensions, parking, loading facilities, any energy conservation features of the Site Plan and the proposed scheduled for development including any phases. A Site Development Plan for Building Permit shall also include a Landscape Plan and a Signage Plan as described in Chapter V. of the 2008 USDP (USDP, p. 28).

IV. ANALYSIS- APPLICABLE ORDINANCES, PLANS AND POLICIES

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

Note: Analysis of applicable plans and policies is found in the R270-1980 discussion (Section V of this report).

A) CHARTER OF THE CITY OF ALBUQUERQUE

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. *The purpose of this Charter is to provide for maximum local self government.* A liberal construction shall be given to the powers granted by this Charter.” [emphasis added]

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, *ensure the proper use and development of land*, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.” [emphasis added]

The request to amend the Uptown Sector Development Plan (USDP) is a general exercise in local self government (City Charter, Article 1). Consideration of the request to allow single-user buildings greater than 90,000 sf, in contrast to the USDP’s current prohibition of such buildings, is germane to the Council’s role to ensure the proper use and development of land (City Charter, Article IX).

B) COMPREHENSIVE CITY ZONING CODE

Preface & Intents

Authority and Purpose (summarized): The Zoning Code is Article 16 within Chapter 14 of the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 (often cited as ROA 1994). The administration and enforcement of the Zoning Code is within the City’s general police power authority for the purposes of promoting the health, safety, and general welfare of the public. As such, the Zoning Code is a regulatory instrument for controlling land use activities for general public benefit.

Role of Land Use Boards (aka Amendment Procedure, summarized): The City Council is the zoning authority for the City of Albuquerque and has sole authority to amend the Zoning Code. Through the City Charter, the City Council has delegated broad planning and zoning authorities to the Environmental Planning Commission (EPC). The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

Regulations applicable to the USDP area are found in Appendix H of the Zoning Code. The proposed text amendments to the Uptown Sector Development Plan (USDP), in general, partially further the intent of the Zoning Code. The proposed requirements associated with single-user buildings greater than 90,000 sf can be considered a foundation for promoting health, safety and welfare in the Uptown Area in a general sense. However, additional

requirements are needed to ensure that relevant Comprehensive Plan goals and policies (the purpose of which is to promote health, safety and welfare) are fulfilled. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.

V. SECTOR DEVELOPMENT PLAN MAP AMENDMENT

RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)

Requirements

Resolution 270-1980 establishes policies to use when evaluating a zone map amendment (zone change) request. The burden is on the applicant to provide sound justification for the proposed change and demonstrate that several tests (Sections 1A-1J) have been met. The applicant must demonstrate that the existing zoning is inappropriate 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 land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Context

The request for the proposed text amendments must be justified pursuant to R270-1980, Sections 1A-1J, because this is a quasi-judicial matter. The proposed text amendments would apply to properties in the area zoned SU-3 for MU-UPT (Mixed Use Uptown), but would not apply to properties in the area zoned SU-3 for MU-UPT/Buffer.

Of the four vacant properties in the USDP area, two are in the Buffer Zone where the proposed text amendments would not apply: an approx. 2.5 acre site east of Uptown Loop and south of Indian School Rd., and an approx. 1.5 acre site comprised of 7 small lots north of Prospect and south of Menaul Blvd.)

In the SU-3 for MU-UPT area, there are two vacant properties to which the proposed text amendments would apply now: an approx. 7.5 acre site at the SE corner of Louisiana Blvd. and Indian School Rd., and an approx. 3.1 acre site at the SW corner of Pennsylvania and Indian School Rds.

It is important to understand, however, that additional properties may become available for redevelopment in the future and that the proposed text amendments would apply to them.

Justification

The February 23, 2011 justification letter (see attachment), which includes supplemented responses, is summarized below. Analysis is in **bold text**. Quotations are from R270-1980.

SECTION 1A:

“A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City.”

Applicant (summarized): The proposed amendment will have no adverse impact on the health, safety, morals, or general welfare of the City. A single tenant single story facility is limited to 90,000 sf, but one could develop a multi-tenant shopping center with unlimited square footage. This distinction is inexplicable; therefore, removing it would not have an adverse impact on the health, safety, morals or general welfare of the City.

Staff: Consistency with the City’s health, safety, morals and general welfare is typically shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and, in this case, the Uptown Sector Development Plan (USDP). A cross-reference to a policy-based discussion in the justification letter is needed.

The distinction between single-tenant and multi-tenant, as related to square footage, is explicable. Regardless, the applicant does not discuss how the distinction relates to health, safety and welfare but merely states that the distinction is inexplicable. Even supposing that the distinction is inexplicable does not mean that removing it from the USDP would automatically result in no adverse impact to health, safety, morals and general welfare. (Section 1A uses “and”, not “or”).

SECTION 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.”

Applicant (summarized): The amendment is justified because the distinction between large multi tenant developments and single tenant developments has no sound basis, allowing large single tenant developments will provide greater retail opportunities, and single-level, single-tenant facilities would be required to have a more urban form.

Staff: Though the applicant stated other reasons which they believe justify the request, there is no explanation of how the reasons relate to stability of land use and zoning.

SECTION 1C: (Note: full policy analysis is usually in 1C, but in this case is found in 1D.)

“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.”

Applicant (summarized): The amendment will not be in significant conflict with adopted elements of the Comprehensive Plan or the City master plans. The Comprehensive Plan does not mandate a distinction between single and multi tenant developments. Refer to Section 1D regarding the Comprehensive Plan and other City master plans.

Staff: The test under Section 1C is whether or not there is “significant conflict” with adopted elements of the Comprehensive Plan or other City master plan such as a sector development plan. Though there are conflicts with specific Activity Center policies of the Comprehensive Plan, general consistency with other, applicable Comprehensive Plan policies and the Uptown Sector Development Plan can be demonstrated. Therefore, there is not a “significant conflict” with applicable policies overall.

SECTION 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.”

Applicant’s citations: Comprehensive Plan- Introduction, Land Use: p. I-33 and I-34. Activity Center Goal, Table 22, Policy A: Types of Activity Centers, Techniques for Implementing Activity Centers, Land Use Policies II.B.5a, 5d, 5e, 5i, 5j and 5l.

Uptown Sector Development Plan (USDP)- Purpose, Chapter III, Section F- Parking, Chapter VI, Section C- Parking Structures.

Staff (citations): Other, relevant Comprehensive Plan Goals and policies should be cited, particularly regarding Activity Centers. Portions of Section I: Introduction & Context are used, but the phrases are truncated. The portions of Land Use policies II.B.5d, II.B.5i and II.B.5l that address design and siting issues, respectively, cannot be fully evaluated at this time because there is no site development plan.

Staff (full policy analysis):

1) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)

The Comprehensive Plan, the Rank I planning document for the City, contains goals and policies that provide a framework for land use development and service provision and a means to evaluate development proposals. Uptown is located in an area that the Comprehensive Plan has designated Established Urban. Applicable goals and policies are listed below:

Land Use-

Developing and Established Urban Areas Goal: The Goal is “to create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

Generally, the proposed text amendments would allow for variety and maximum choice to be offered. The “visually pleasing built environment” and “quality urban environment” would depend upon site development plan specifics which cannot be fully evaluated at this time. The request generally furthers the Developing and Established Urban Area Goal.

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

The proposed text amendments would permit development that is not intense, especially in a Major Activity Center. Such development would, in the broadest sense, generally respect the existing separation of surrounding neighborhoods and more intense uses because it would not be allowed in the SU-3 for MU-UPT/Buffer zone. Some neighbors express support for the request and others do not. Evaluation of site and building design, and its relationship to the environment and other resources, cannot be conducted without a site development plan showing site specifics. The request partially furthers Policy II.B.5d.

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

The request would facilitate development in the SU-3 for MU-UPT area of Uptown, a developed area where urban facilities and services exist. The proposed text amendment would not apply to the SU-3 for MU-UPT Buffer area which, to a certain extent, would help ensure neighborhood integrity. The request generally furthers Policy II.B.5e.

Policy II.B.5.i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

In general, the request would not allow an employment use to locate in the SU-3 for MU-UPT/Buffer zone which is intended to provide a buffer neighboring residential areas from such uses. There is no site development plan, so specific siting issues cannot be evaluated at this time. Site development plan review should be the task of the EPC and should occur with specific applications at a later time. The request partially furthers Policy II.B.5.i.

Policy II.B.5.j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.

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- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
 - In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

The proposed text amendments would facilitate a certain type of new commercial development (buildings for a single-user or establishment greater than 90,000 sf) in the SU-3 MU-UPT zone, an area in which commercial uses are already allowed. The request furthers Policy II.B.5.j.

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

The applicant cited this policy, though it doesn't apply directly to the proposed text amendments. The request does not include design standards that specifically address issues commonly associated with a building type that is currently prohibited by existing regulations. There is no site development plan, so quality and innovation in design cannot be evaluated. Site development plan review is the task of the EPC and should occur with specific applications at a later time. Policy II.B.5.i does not apply.

Activity Centers

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

The proposed text amendments would allow single-user buildings in excess of 90,000 sf with a minimum 0.5 FAR and at least 50% of parking in a structure. For a Major Activity Center such as Uptown, a 0.5 FAR is half the desired FAR of 1.0 (see Table 22) which is needed to create “concentrations of moderate and high density land use” and, in turn, reduce urban sprawl. The request may expand and strengthen concentrations of moderate land use and social/economic activities, but would not expand and strengthen concentrations of high-density, mixed-use development throughout the SU-3 for MU-UPT area. The request partially furthers the Activity Centers Goal.

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

Major Activity Centers are only located where higher density and concentrations of mixed-use, interrelated activities are appropriate and desirable. Most land in the City does not have an Activity Center designation purposefully- so that the more intense uses, such as taller buildings (higher FARs), can concentrate in the same place. The proposed text amendments would not contribute to creating a concentration of mixed-use, interrelated activities that promote transit

and pedestrian access in support of Uptown as a Major Activity Center. The request does not father Policy II.B.7a.

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

The proposed text amendments would allow single-user, single-level buildings larger than 90,000 sf. The size of such buildings may not be significantly larger than others in the surrounding area. Major Activity Centers are places where significantly larger, buildings are desired. Single-level buildings are more appropriately located outside of Major Activity Centers, but are not prohibited in such areas. The request does not further Policy II.B.7c.

Environmental Protection & Heritage Conservation-

Economic Development Goal: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The proposed text amendments would generally result in economic development. At the same time, they would allow single-user retail, which is not diversified economic development. At this time it cannot be determined if the resulting economic development would be balanced with important social, cultural and environmental goals. The request partially furthers the Economic Development Goal.

Policy II.D.6g: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

Though the proposed text amendments would create jobs, they would not contribute to employment concentration in the Uptown Major Activity Center. Employment concentration is created through promoting density, which means higher FARs and buildings closer together, in contrast to the lower density urban form the request would foster. The request partially furthers Policy II.D.6g.

2) UPTOWN SECTOR DEVELOPMENT PLAN (USDP)(RANK III)

⇒ See the History section of this report for background on the USDP.

The following intentions and goals from the 2008 USDP apply to the request:

Chapter I. Introduction & Purpose

The purpose of the 2008 USDP is to encourage and facilitate the infill redevelopment of the Uptown Area as an economically and environmentally sustainable, business and pedestrian friendly area where people can live, work and play (p. 11).

The overarching goal of this Uptown Sector Development Plan is to ensure the Uptown Area thrives economically, provides exciting opportunities for the public and creates an attractive built environment for everyone to enjoy (p. 12).

The proposed text amendments would facilitate infill redevelopment of Uptown and provide opportunities for the public and therefore generally further the purpose and overarching Goal of the USDP. However, without evaluation of a site development plan, it is not possible to determine if a particular development would contribute to pedestrian friendliness or an attractive built environment without specific design standards that are tailored to address issues associated with the type of development that the proposed text amendments would allow.

Chapter III, Section F. Parking

The intention of the 2008 USDP is to ensure adequate parking for the Uptown Area while being sensitive to the environmental goals of “Park Once” behavior (p. 37).

The proposed text amendments would require that 50% of parking be in a structure, but there are no associated design standards to ensure that the parking arrangement is adequate to encourage “park once” behavior. Though half of the parking would be in a structure, such parking would be for a particular business and would not likely contribute to “park once” behavior, especially since the 0.5 FAR (on large sites) is likely to create long distances between businesses that discourage walking. The request does not further the Parking intention.

Chapter III, Section G. Transportation

The intent of the 2008 USDP in regard to transportation is to create a safe environment for people to travel in and around the Uptown Area using various modes of transportation.

Elements of site design, such as setbacks, circulation patterns, plazas and pedestrian connections promote various modes of transportation and safety. However, without specific design standards or a site development plan it is not possible to determine if a given development would result further the Transportation intent or not.

Chapter IV, Section E. Building Size

The maximum square footage allowable for any one level of a Building for any single user or Establishment shall not exceed 90,000 square feet.

This square footage limitation was written to ensure that large retail facilities (LRFs) do not locate in the Uptown Major Activity Center. LRFs are currently appropriate outside of this Major Activity Center. Allowing buildings to exceed 90,000 sf, and locate in Uptown at all, would be a significant change to the USDP. Should such a change be allowed, conditions of approval are necessary to ensure that LRFs contribute to Uptown in terms of site and building

design, and begin to fulfill applicable Comprehensive Plan policies that apply to Activity Centers throughout the City.

Applicant (summarized): The amendment is more advantageous to the community (D.3), as articulated in the Comprehensive Plan and the Uptown Sector Development Plan, for the following reasons: the diversity of uses will expand and increased intensity would be permitted; increased FAR requirements would result in more concentrated development resulting in greater transit usage and pedestrian access; greater FAR will enhance the intensity of Uptown development and reduce urban sprawl; substantial infrastructure and urban facilities exist; and quality and innovation in design would result.

Staff: As written, the proposed text amendments would not necessarily be more advantageous to the community as a whole, which is the test under Section 1D.3. While the increased FAR requirement (from 0.3 to 0.5) and some integrated parking are steps in the right direction, additional, complimentary measures are needed to ensure that the proposed text amendments result in development fitting of a Major Activity Center as envisioned by Comprehensive Plan policies.

Generally, urban sprawl can be reduced by infill development. However, the form that the infill development takes will affect transit usage and pedestrian accessibility, and the “park once” philosophy. While true that infrastructure and urban facilities already exist in Uptown, at this stage there is no guarantee that quality and innovation in design would result. Specific design standards, site development plan review at the EPC, and a public hearing are needed.

SECTION 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.”

Applicant (summarized): The amendment would not result in permissive uses which would be harmful to adjacent property, the neighborhood or community. Such impact is indistinguishable between a large multi-tenant, single-story development and a single-tenant, single-story development.

Staff: A variety of retail and service uses are permissive in the SU-3 for MU-UPT zone. The impact of a large building, regardless of the number of tenants it has, can be mitigated through conditions of approval and therefore would generally not be harmful to adjacent property or the community.

SECTION 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.”

Applicant: The proposed amendment will not result in major or unprogrammed expenditures by the City. Infrastructure is already in place and is underutilized and appropriate for denser development.

***Staff:* Staff agrees, and further states that the Uptown Major Activity Center is intended for development that is denser than in other parts of the City. It is likely that existing infrastructure would support FARs higher than 0.5, as evidenced by sites with multi-story buildings.**

SECTION 1G:

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

Applicant (summarized): Neither the cost of land or other economic considerations are the determining factor. The purpose of the amendment is to provide a greater variety of retail uses in Uptown subject to the requirement of having an urban form.

***Staff:* Staff acknowledges the applicant’s response. The proposed amendment, as written, is a start but may not result in the urban form intended for a Major Activity Center. Conditions of approval are recommended to bring the proposed text amendment closer to full compliance with Comprehensive Plan policies for Major Activity Centers.**

SECTION 1H:

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

Applicant (summarized): Uptown is served by several major arterials and Interstate 40, which contributed to it being designated an Activity Center. Proximity to these major streets is not the basis for the amendment. Uptown is already zoned for commercial uses.

***Staff:* Location on a collector or major street is not being used to justify the request.**

SECTION 1I:

“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.”

Applicant: The Amendment does not propose to give one small area a zone different from surrounding zoning. The Amendment applies to all of the MU-UPT zone in Uptown.

Staff: Staff generally agrees, and further points out that the proposed text amendment does not apply to the SU-3 for MU-UPT/Buffer zone area.

SECTION 1J:

“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.”

Applicant: The Amendment does not propose to give a zone difference from surrounding zoning to a strip of land along a street. The Amendment applies to all of the MU-UPT zone in Uptown.

Staff: Staff agrees that the proposed amendment is not for a “strip of land along a street”.

Conclusion: Staff’s analysis and recommended conditions, supplemented by the applicant’s justification, demonstrate how the proposed text amendment can further the criteria and policies of R270-1980.

VI. IMPLICATIONS & ISSUES

A) Approval Process

The Uptown Sector Development Plan (USDP) establishes a review and approval process (Chapter VII, beginning on p. 95) intended to expedite review of proposed projects. Applicants for site development plans are required to attend an Uptown Review Team (URT) meeting. A planner is assigned to conduct a detailed compliance review and produce a report. If compliance is found, a Development Review Board (DRB) hearing is scheduled. At this stage, the applicant is required to notify neighborhood organizations. The public can comment at the DRB hearing. If compliance is not found, another URT meeting can be scheduled or the DRB can provide the applicant with a list of outstanding issues. The DRB may issue a denial upon finding that a proposed site development plan is non-compliant; this site development plan may not be resubmitted for 12 months.

Two issues come to the forefront: First, the DRB is a technical review board with a relatively narrow focus, mostly on engineering-type concerns such as infrastructure, with design and aesthetics as a secondary concern. Conversely, the application of Plan intentions and Goals to a proposed project is a broader task that occurs at the Environmental Planning Commission (EPC). As a second step in the process, the DRB follows up on technical details.

Administrative review by a planner is customarily done only for minor approvals pursuant to Zoning Code 14-16-2-22(A)(6) (ex. a request that does not increase building square footage by more than 10%). A proposed project that exceeds 90,000 sf is likely to have a much greater impact on its surroundings (ex. transportation, parking, design) and would benefit from evaluation by the EPC. Also, if a project is appealed, the record created through the EPC process provides substantial evidence for consideration by decision makers.

Second, the EPC provides a different type of forum for public comment than the DRB. Typically, members of the public are afforded more of an opportunity to comment on issues of a broader scope than at the DRB. The appropriate place to express such concerns is the EPC, especially since a proposed project that exceeds 90,000 sf is likely to generate more public interest and concern than smaller projects.

B) Large Retail Facility (LRF) Regulations

The Large Retail Facility (LRF) regulations, which apply throughout the City to facilities 75,000 sf and greater, are intended to preserve the ability to develop LRFs while minimizing potential adverse impacts of LRFs. The LRF regulations establish requirements regarding site design to create pedestrian connections throughout the site and to other sites, and to provide landscape compatible with the site's scale and meet the Goals of the Comprehensive Plan. The design requirements create quality development which benefits the public and the City as a whole, and is especially important in significant areas of the City such as Uptown. A maintenance agreement, stating that the applicant will maintain vacant property, is required.

Uptown is a designated Major Activity Center. According to the Comprehensive Plan, Major Activity Centers are intended to have the "most highly concentrated locations of commercial, service, and employment uses" in the City. Large scale plazas and paths, and connectivity between uses, is desired (see Table 22). LRFs, with their low FARs and isolation from other uses, are not necessarily the best fit for a Major Activity Center.

Therefore, if LRFs are to locate in a Major Activity Center such as Uptown, it is quite appropriate that the LRF regulations apply because: 1) Uptown is a significant part of the City that is intended to have an attractive built environment and be pedestrian friendly; and 2) an LRF in Uptown should not be treated preferentially compared to LRFs in other parts of the City; to do so could create a disincentive for development that is appropriately located outside of the Major Activity Centers. The application of the LRF regulations would help mitigate the LRF by increasing its quality and integrating it into the more urban setting of a Major Activity Center.

C) Building Size and Floor Area Ratio (FAR)

Floor Area Ratio (FAR), the ratio of building size to lot size, is used to understand the relationship between the building footprint and the size of a site. Generally, the higher the FAR, the denser a use can be. For instance, higher FARs (ex. 0.7, 1.0 and greater) generally indicate multi-story buildings or a building footprint that is almost the same size as the site. An FAR of 0.5 means that the building, if it is a single level, is one-half the size of the site; a 0.5 FAR could also be a two level building with a footprint that is one-quarter the size of the site.

D) Air Quality

Council Bill O-10-9, passed by the City Council on October 4, 2010, removed the requirement for a Carbon Monoxide (CO) study (aka an Air Quality Impact Analysis-AQIA) found in Zoning Code §14-16-3-14, and revised associated Zoning Code sections accordingly.

The land development requirement for a CO study (or AQIA), adopted locally in 1990 when CO levels were much higher, does not provide a public benefit. Since the last local violation of the Federal 8-hour CO standard in 1991, local CO levels have been steadily in decline and now measure less than half the Federal standards as documented in the Federally-approved Limited Maintenance Plan (LMP) for CO. Only one area in the nation (Las Vegas Valley Hydrographic Area 212) is currently in non-attainment status for CO. The downward national trend in CO levels is due primarily to improved vehicle emissions control technology and cleaner fuels. Therefore, there is no longer a need for land development requirements, which attempt to control CO, in the City- including Uptown.

VII. ANALYSIS- SUGGESTED REVISIONS TO THE PROPOSED TEXT AMENDMENTS

New suggested language is [+underlined and bracketed+]. Deleted language is [underlined, bracketed and struck through]. Planning Staff's explanation is in ***Bold Italics***. Planning Staff's suggestions are indicated by grey highlighting. Any page references are to the Uptown Sector Development Plan (USDP).

A) TEXT AMENDMENT AS PROPOSED (see the March 1, 2011 letter from the applicant)

- 1 CHAPTER IV E. Building Size: The maximum square footage allowable for any one
- 2 level of a Building for any single user or Establishment shall not exceed
- 3 90,000 square feet, **[unless the Building or Establishment is subject to**
- 4 **an approved Site Development Plan which has: (i) a Floor Area Ratio**
- 5 **of .5 or greater and (ii) at least 50% of the parking is within a**
- 6 **structure, which may include a freestanding parking structure,**
- 7 **parking on the roof of a building, or parking below a building.**

- 8 **One level buildings for a single user or Establishment in excess of**
- 9 **90,000 square feet are not permitted in the MU-UPT Buffer**
- 10 **Zone and must have their primary vehicular access to and from a**
- 11 **collector street, or a street having a greater capacity.**

12 Applicants for a one level Building for any single user or
13 Establishment greater than 90,000 square feet shall, prior to making
14 a Site Development Plan application, give notice of such proposed
15 action in accordance with Section VII B(13) hereof. Approval, or
16 amendments, of Site Development Plans for one level Buildings for a
17 single user or Establishment greater than 90,000 square feet shall be
18 by the Planning Commission.

B) SUGGESTED REVISIONS & CLARIFICATIONS

1. Lines 4 & 5 (become 4, 5 and 6):

4 an approved Site Development Plan which has: (i) a Floor Area Ratio
5 of ~~5~~ [+0.5+] or greater and (ii) at least 50% of the parking [~~is~~] within a
6 structure, which may include a freestanding parking structure,

This revision is a minor clarification.

2. Lines 7 through 9:

7 parking on the roof of a building, or parking below a building [-] [+ , and (iii) must have [~~their~~]
8 primary vehicular access to and from a collector street, or a street having a greater
9 capacity.] (moved here from Lines 10 and 11, creating a new Lines 8 and 9)

Primary vehicular access from at least a collector street is another requirement and should be listed alongside requirements (i) and (ii).

3. New Lines 9 (continued) through 14:

9 [+and (iv) for any Building or Establishment, any part of the occupiable area of which
10 is within ¼ mile of the centerline of Louisiana or Menaul Boulevard, one façade and
11 one major public entrance of the Building or Establishment shall be set back from
12 either Louisiana Boulevard, Menaul Boulevard, or any other bounding arterial street no
13 further than the minimum setback set forth in Chapter IV, .1.a of the Uptown
14 Sector Development Plan (USDP).+]

The USDP requires a 10 ft. pathway and a 4 ft. landscape strip between a building and the back of a curb (p. 55). This proposed new language would result in one side or entrance of the >90,000 sf building being closer to a Transit Corridor street. This would promote transit and walkability, and help create compliance with Activity Center policies which call for Major Activity Centers to be accessible by all modes of travel and connect to Transit.

4. Renumber Lines 8 & 9 as 15 & 16:

- 8 (renumber as 15) [~~One-level~~] Buildings for a single user or Establishment in excess of 90,000 square feet
- 9 (renumber as 16) are not permitted in the [~~+~~SU-3 for~~+~~] MU-UPT Buffer Zone [~~+~~ . ~~+~~] ~~and must have their primary vehicular access to and from a collector street, or a street having a greater capacity.~~

The prohibition in the SU-3 for MU-UPT Buffer Zone should stand alone as conceptually distinct; no buildings exceeding 90,000 sf should be allowed in the Buffer zone, which is meant to be a transition between the SU-3 for MU-UPT area and surrounding neighborhoods.

5. Lines 17 through 21 (renumbered as such):

- 17 [~~+~~Prior to~~+~~] making [~~+~~submitting an application for~~+~~] [~~+~~a Site Development Plan, ~~+~~
- 18 [~~application~~], applicants for a [~~one-level~~] building for any single user or Establishment greater
- 19 than 90,000 square feet shall [~~+, prior to making a Site Development Plan application,~~] give
- 20 notice of such proposed action in accordance with [~~Section VII B(13) hereof~~] [~~+~~the notification
- 21 requirements of the Environmental Planning Commission (EPC) process.~~+~~]

The suggested phrasing makes the paragraph read more smoothly. [Note: Prior language about “schematic or preliminary” information to be provided to neighbors is not in the applicant’s revised request, which is analyzed here]. The reference to Section VII B(13) of the USDP is stricken. Since the request refers to the Environmental Planning Commission (EPC) process (see next lines), the notification procedures of the EPC process would apply.

6. Lines 21 (continued) through 27 (renumbered as such):

- 21[Approval, or
- 22 amendments, of Site Development Plans for one-level Buildings for a
- 23 single user or Establishment greater than 90,000 square feet shall be
- 24 by the Planning Commission.]

- 22 [~~+~~Site development Plans, and site development plan amendments, for a building for
- 23 any single-user or Establishment that exceeds 90,000 sf, shall be reviewed through the
- 24 Environmental Planning Commission (EPC) process and not through the process
- 25 described in Chapter VII of the USDP. The Large Retail Facility (LRF) regulations shall apply
- 26 (see Chapter V, Section N of the USDP). Where they are more stringent than the LRF
- 27 regulations, the Zoning and Design Regulations of the USDP shall apply.~~+~~]

Proposed buildings that exceed 90,000 sf in size should be reviewed in the EPC process because they are: a) more likely than smaller projects to impact the surrounding area. Such impacts are properly considered within the framework of applicable Goals and policies, which is EPC (not DRB) purview; b) more likely to cause neighborhood and public concern. The most appropriate forum to express such concerns is the EPC public hearing; c) likely to be complex and would

benefit from EPC evaluation. The aforementioned is relevant to buildings that exceed 90,000 sf regardless of the number of levels.

C) SUMMARY- SUGGESTED REVISIONS TO PROPOSED TEXT AMENDMENT

1 E. Building Size: The maximum square footage allowable for any one
2 level of a Building for any single user or Establishment shall not exceed
3 90,000 square feet, unless the Building or Establishment is subject to
4 an approved Site Development Plan which has: (i) a Floor Area Ratio
5 of ~~5~~ [+0.5+] or greater and (ii) at least 50% of the parking ~~is~~
6 structure, which may include a freestanding parking structure,
7 parking on the roof of a building, or parking below a building ~~[-]~~
8 [+ , and (iii) must have ~~their~~ primary vehicular access to and from a collector
9 street, or a street having a greater capacity, and (iv) for any Building or Establishment,
10 any part of the occupiable area of which is within 1/4 mile of the centerline
11 of Louisiana or Menaul Boulevard, one major façade and one major public entrance
12 of the Building or Establishment shall be set back from either Louisiana Boulevard,
13 Menaul Boulevard, or any other bounding arterial street no further than the minimum
14 setback set forth in Chapter IV, H.1.a of the Uptown Sector Development Plan (USDP).+]

15 ~~[One level]~~ Buildings for a single user or Establishment in excess of 90,000 square feet
16 are not permitted in the ~~[+SU-3 for+]~~ MU-UPT Buffer Zone ~~[+ . +]~~ and must have their primary
17 vehicular access to and from a collector street, or a street having a greater capacity.
18 ~~[+Prior to+]~~ making [+submitting an application for a Site Development Plan, +]
19 ~~[application],~~ applicants for a ~~[one level]~~ building for any single user or Establishment greater than
20 than 90,000 square feet shall ~~[-, prior to making a Site Development Plan application,]~~ give
21 notice of such proposed action in accordance with ~~[Section VII B(13) hereof]~~ [+the notification
22 requirements of the Environmental Planning Commission (EPC) process.+]

21~~[Approval, or~~
22 ~~amendments, of Site Development Plans for one level Buildings for a~~
23 ~~single user or Establishment greater than 90,000 square feet shall be~~
24 ~~by the Planning Commission.]~~

22 [+Site development Plans, and site development plan amendments, for a building for
23 any single-user or Establishment that exceeds 90,000 sf, shall be reviewed through the
24 Environmental Planning Commission (EPC) process and not through the process described
25 in Chapter VII of the USDP. The Large Retail Facility (LRF) regulations shall apply
26 (see Chapter V, Section N of the USDP). Where they are more stringent than the LRF
27 regulations, the Zoning and Design Regulations of the USDP shall apply.+]

D) ASSOCIATED REVISIONS

The following revisions are needed to mitigate the effects of locating LRFs in a Major Activity Center and to avoid creating internal inconsistencies within the Uptown Sector Development Plan (USDP). Application of the suggested revisions will help to create compliance with Activity Center policies and implement Comprehensive Plan Goal and intentions for Major Activity Centers such as Uptown.

1. Chapter IV, Mixed Use Zone: Section A, SU-3 for MU-UPT and SU-3 for MU-UPT Buffer, shall be amended as follows:
 - A. Item 1. All properties within the Uptown Sector Development Plan boundaries shall be zoned SU-3 for MU-UPT or SU-3 for MU-UPT Buffer. [~~Because of the new Mixed Use Zones created in the 2008 SUSDP, terms such as “Large Retail Facility” or “Shopping Center” are not applicable to this Sector Development Plan and neither are regulations written for those facilities such as Section 14-8-2-7 ROA 1994 and Section 14-16-3-2 ROA 1994.~~]
 - B. Item 3. All New Construction and or Redevelopment must comply with all the zoning and design regulations of the 2008 USDP except where specifically exempted [+and/or as otherwise required+].
 - C. Item 5. SU-3 for MU-UPT and SU-3 for MU-UPT Buffer are Mixed-Use Zones that allow housing, civic and commercial uses including: retail, wholesale, restaurants, offices, hospitality and entertainment. These uses may be located on the same Site and may be contained in the same Structure. There are no specific Mixed-Use requirements for each Site and single land use Sites are allowed. Each New Construction or Redevelopment Site shall be governed by a Site Development Plan that has been approved by the City using the process described in Chapter VII. of the 2008 USDP [+or another applicable process.+]

2. Chapter IV, Mixed Use Zone: Section F, Floor Area Ratio (FAR) shall be amended as follows:
 - A. Item 2. For properties 7 acres in size or larger [+,+] the minimum FAR shall be [~~0.3~~] [+0.5+].
 - B. Item 2. If the owner/ representative of any property of at least 7 acres in size puts forth a completed application to obtain a TIDD from the City of Albuquerque and/or Bernalillo County and/or the State of New Mexico and is turned down, that property is not subject to a minimum FAR. [~~If the Tax Increment Allotment awarded is not sufficient to build the infrastructure as proposed and the owner/representative of the property rejects the Tax Increment Allotment that property is not subject to a minimum FAR.~~]
 - C. Item 3. Properties [~~of~~] less than [~~7~~] [+5+] acres [+in size+] have no minimum FAR. [+Properties between 5 and 6.99 acres in size shall have a minimum FAR of 0.3.+]

3. The following new subsection shall be added to Chapter IV, Mixed Use Zone: Section F, Floor Area Ratio (FAR):

[+4. For sites that have a building in excess of 90,000 sf for any single-user or Establishment, the minimum FAR shall be 0.5.+]

4. Chapter IV, Mixed Use Zone: Section H, Setbacks: Add the following language:

Item 1.a. A zero foot setback is permissive as long as a 10 foot Walkway and a 4 foot landscaped Planting Strip shall be provided between the Building Façade and the back of curb. [+For a building in excess of 90,000 sf for any single-user or Establishment, the preceding language is a requirement on at least one side of the building.+]

5. The following language shall be added to Chapter V, Zoning & Design Regulation:

A. Item 2. All New Construction and or Redevelopment must comply with all the zoning and design regulations of the 2008 USDP except where specifically exempt [+and/or as otherwise required+].

B. [+7. The Large Retail Facility (LRF) regulations apply to buildings in excess of 90,000 sf for any single-user or Establishment. Upon application for such a building, the applicant shall provide a written demonstration of how a proposed development complies and/or does not comply with the LRF regulations and, where more stringent, the USDP regulations.+]

6. The following language shall be added to Chapter VII, Review and Approval Process, Section A:

[+ , except for site development plans for a building in excess of 90,000 sf for any single-user or Establishment which shall be reviewed and considered in the Environmental Planning Commission (EPC) process.+]

7. A new Section N shall be added to Chapter V, Zoning & Design Regulation:

[+N. Large Retail Facilities (LRFs) in Uptown

Large Retail Facilities (LRFs) are only allowed in the SU-3 for MU-UPT zoned area. As in other areas of the City, LRFs in Uptown are subject to the requirements of the Large Retail Facilities (LRF) Regulations and to the following, additional regulations specific to Uptown:

1. There shall be no more than one LRF per premise.
2. An LRF site shall not be located within one-half mile of another LRF site.
3. The LRF Maintenance Agreement shall be provided upon application.
4. All LRFs, including those less than 125,000, shall provide open space according to the requirements in the LRF regulations.
5. The plaza area shall be located adjacent to the main building entrance(s).

6. Loading docks and facilities shall be screened from public view and, where parking is provided beneath a building, shall be integrated with the parking structure.
7. Where they are more stringent than the LRF regulations, the Zoning and Design Regulations of the USDP shall apply.
8. The following shall be added to Chapter II. Definitions:
 - A. **LARGE RETAIL FACILITY.** A single tenant structure with at least 90,000 square feet of net leasable area for the purpose of retailing. A Shopping Center Site with a Main Structure of 90,000 square feet or more is a Large Retail Facility. Refer to §14-16-3-2 for Large Retail Facility Regulations.
 - B. **SHOPPING CENTER SITE.** A premises containing five or more acres; zoned P, C-1, C-2, C-3, M-1, M-2, or a combination thereof; or a Large Retail Facility; but excluding premises used and proposed to be used only for manufacturing, assembling, treating, repairing, rebuilding, wholesaling, and warehousing. Shopping Center Sites are subject to the Shopping Center Regulations of the Zoning Code, §14-16-3-2.

VIII. AGENCY & NEIGHBORHOOD CONCERNS

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Few agency comments were received. Most indicated that the request would not affect their agencies. There were no comments from Code Enforcement. Long Range Planning, however, raised the following points: the request does not include a maximum building square footage, existing design regulations would apply to such projects, clarification/specification of “schematic or preliminary” is requested.

The Transit Department offered several comments, mainly that the request would permit stand-alone developments that do not promote connectivity. Urban context and connectivity are key elements of Major Activity Centers, which are intended to support transit and walkability (see attachment). The pre-hearing discussion meeting was held on February 16, 2011. Agency comments begin on p. 33.

NEIGHBORHOOD CONCERNS

The proposed text amendments were announced in the Neighborhood News and posted on the Planning Department’s web page. The applicant notified the affected neighborhood representatives by mail pursuant to O-92, the Neighborhood Recognition Ordinance. The City notified property owners in the SU-3 for MU-UPT area and within 100 feet of it (see attachments).

A facilitated meeting was held on February 23, 2011 (see attachment). There is both support and opposition to the proposed text amendments. Concern was expressed that all buildings over 90,000 sf should go to the EPC and that there should be a cap on square footage. It appears that those supporting the proposed text amendments do so because of an associated development proposal which, though not part of the text amendment request, was extensively discussed at the meeting.

Staff received some e-mail correspondence (see attachments). One expresses concerns about traffic and air quality (see Section VI of this report). The other poses a series of questions about the request's effect upon urban form and implications for housing, transit, traffic and parking in Uptown. Staff received a letter of general support from the Snowheights Neighborhood Association (NA) (see attachment).

The Inez NA submitted a letter of concern that raises some significant points (see attachment). They are opposed to overturning a central provision of the USDP. The Inez NA favors a square footage cap and usage of the EPC process. They are also concerned about the impact to existing businesses, the long-term effects on Uptown and neighborhood notification.

Letters of general support were forwarded by the applicant (see attachments). Included was a letter of support from the Uptown Progress Team.

IX. CONCLUSION

This request is for text amendments to the Uptown Sector Development Plan (USDP) to increase the maximum allowable building size, 90,000 square feet (sf) for any one user or establishment, provided that an approved site development plan demonstrates that a proposed project has: a) a Floor Area Ratio (FAR) of 0.5 or greater, and b) and at least 50% of parking within a structure. Primary vehicular access would be from a street classified as a Collector or greater. Applicants would be required to provide notice consistent with the USDP notice requirements.

The EPC's role is to make a recommendation to the City Council regarding the proposed text amendments.

Neighborhood associations and property owners were notified. Notice was published in the Neighborhood News and on the Planning Department website. A facilitated meeting was held. There is both support and opposition for the proposed text amendments. Staff has received some e-mail correspondence as of this writing.

The request generally furthers some of the applicable goals and policies in the Comprehensive Plan and has been justified, pursuant to R270-1980, based on the USDP. The intent and purpose of the Uptown Sector Development Plan is generally furthered. Though there are conflicts with the Activity Center Goal and policies, conditions of approval are proposed to mitigate the effects of a large, relatively low density building in a Major Activity Center and to include the public in the development review process. The conditions would also improve the proposed language and create internal consistency in the USDP.

Staff recommends that an approval recommendation, subject to conditions, be forwarded to the City Council.

RECOMMENDED FINDINGS- 11EPC-40003, March 10, 2011- Uptown Sector Development Plan Text Amendments

1. This request is for text amendments to the Uptown Sector Development Plan (USDP), which the City Council adopted on January 5, 2009 (Council Bill No. R-08-141, Enactment No. R-2009-001). The text amendment would be inserted in Chapter IV. Mixed-Use Zone, Section E. Building Size.

2. The proposed text amendments would allow the maximum building size to exceed 90,000 square feet (sf) for any single user or establishment provided there is an approved site development plan which demonstrates: a) a Floor Area Ratio (FAR) of 0.5 or greater, and b) and at least 50% of parking within a structure, c) primary vehicular access from a street classified as a Collector or greater. Notice consistent with the USDP notice requirements and site development plan approval by the Environmental Planning Commission (EPC) would be required.

3. The proposed text amendments would apply to properties in the area zoned SU-3 for MU-UPT (Mixed Use Uptown), but would not apply to properties in the area zoned SU-3 for MU-UPT/Buffer.

4. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's Zoning Authority and therefore will make the final decision. The EPC is a recommending body.

5. The Albuquerque/Bernalillo County Comprehensive Plan, the Uptown Sector Development Plan (USDP), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

6. Intent of the City Charter:

The request to amend the Uptown Sector Development Plan (USDP) is a general exercise in local self government (City Charter, Article 1). Consideration of the request to allow single-user buildings greater than 90,000 sf, in contrast to the USDP's current prohibition of such buildings, is germane to the Council's role to ensure the proper use and development of land (City Charter, Article IX).

7. Intent of the Zoning Code (Section 14-16-1-3):

The proposed text amendments partially further the intent of the Zoning Code. The proposed requirements for single-user buildings greater than 90,000 sf can be considered a foundation for promoting health, safety and welfare in a general sense. However, additional requirements are needed to ensure that relevant

Comprehensive Plan goals and policies (the purpose of which is to promote health, safety and welfare) are fulfilled.

8. The request generally furthers the Developing and Established Urban Area Goal. Generally the proposed text amendments would allow for variety and maximum choice in the Uptown area. The “visually pleasing built environment” and “quality urban environment” would depend upon site development plan specifics which cannot be evaluated at this time.

9. The request furthers the following, applicable Comprehensive Plan Goal and policies:

A. Developing and Established Urban Area Goal. Generally the proposed text amendments would allow for variety and maximum choice to be offered. The “visually pleasing built environment” and “quality urban environment” would depend upon site development plan specifics which cannot be evaluated at this time.

B. Policy II.B.5e-programmed facilities/neighborhood integrity. The proposed text amendments would facilitate development in the SU-3 for MU-UPT area of Uptown, where urban facilities and services exist, and would not apply to the SU-3 for MU-UPT/Buffer area to help ensure neighborhood integrity.

C. Policy II.B.5.j-location of new commercial development. The proposed text amendments would facilitate a certain type of new commercial development in the SU-3 MU-UPT zone, an area in which commercial uses are already allowed.

10. The request partially furthers the following Comprehensive Plan Goals:

A. Economic Development. The proposed text amendments would generally promote economic development, but single-user retail is not diversified economic development and may or may not be balanced with important social, cultural and environmental goals.

B. Activity Centers. The proposed text amendments may expand and strengthen concentrations of moderate land use and social/economic activities, but would not expand and strengthen concentrations of high-density, mixed-use development throughout the SU-3 for MU-UPT area.

11. The request partially furthers the following applicable Comprehensive Plan Land Use policies:

A. Policy II.B.5d- new development/neighborhood values/resources. The request would permit development that is not intense, especially for a Major Activity Center. Such development would not be allowed in the SU-3 for MU-UPT/Buffer zone, thereby respecting the existing separation of nearby residential uses. Some neighbors support the request and others do not. Evaluation of

design, the environment and other resources, cannot be conducted without a site development plan.

- B. Policy II.B.5.i-employment/service use location. The request would prohibit employment and/or service uses in the SU-3 for MU-UPT/Buffer zone, which buffers neighboring residential areas. Siting issues cannot be evaluated without a site development.

12. The request generally furthers the overarching purpose and Goal of the Uptown Sector Development Plan (USDP). The proposed text amendments would facilitate infill redevelopment of the Uptown area (purpose), and would provide opportunities for the public and contribute to economic growth in Uptown (Goal).

13. The applicant has adequately justified the request pursuant to Resolution 270-1980:

- A. Section 1A: Consistency with the City's health, safety, morals and general welfare can be demonstrated because the request generally furthers applicable Goals and policies. Where it does not, the application of conditions of approval will improve the extent to which Goals and policies are furthered.
- B. Section 1B: Though the applicant has provided a generally acceptable justification overall, additional and complimentary mitigation measures are needed to ensure that stability of land use and zoning can be ensured.
- C. Section 1C: General consistency with the overarching intentions of the Comprehensive Plan and the Uptown Sector Development Plan (USDP) can be demonstrated. Therefore, any conflict with an adopted element of the Comprehensive Plan or other City master plan, such as a sector development plan, is not considered significant.
- D. Section 1D: The proposed text amendments would generally be more advantageous to the community because they would increase the diversity of uses in Uptown and promote economic development. While the FAR and parking requirements are steps in the right direction, additional, complimentary measures are needed to ensure that the proposed text amendments foster more concentrated development fitting of a Major Activity Center as envisioned by the Comprehensive Plan.
- E. Section 1E: A variety of retail and service uses are permissive in the SU-3 for MU-UPT zone. Conditions of approval can be applied to mitigate the impact of a large building, which would render it generally not harmful to adjacent property or the community.
- F. Section 1F: The proposed zone change requires no major or unprogrammed capital expenditures by the City.

- G. Section 1G: Neither the cost of land nor other economic considerations are the determining factor. The purpose of the text amendments is to provide a greater variety of retail uses in Uptown, subject to requirements that would create an urban form appropriate for Uptown.
- H. Section 1H: Location on a collector or major street is not being used to justify the request.
- I. Section 1I: The proposed text amendments do not apply to one small area and would not result in a spot zone; rather, they would apply to the SU-3 for MU-UPT zoned area but not to the SU-3 for MU-UPT/Buffer zone area.
- J. Section 1J: The proposed text amendments are not applicable to a “strip of land along a street”.

14. The proposed text amendments warrant clarification and revision in order to improve compliance with the Activity Center goal and applicable Activity Center policies, and create internal consistency within the Uptown Sector Development Plan (USDP). Application of the proposed conditions of approval will achieve this.

15. The proposed text amendments would necessitate corresponding revisions to the following, other chapters of the Uptown Sector Development Plan (USDP): Chapter II, Definitions; Chapter IV, Mixed Use Zone; Chapter V, Zoning & Design Regulation; and Chapter VII, Review and Approval Process.

16. Proposed buildings that exceed 90,000 sf in size should be reviewed and considered in the EPC process for several reasons. Such projects are: a) more likely than smaller projects to generate impacts to the surrounding area, which are properly considered within the framework of applicable Goals and policies, which is the purview of the EPC (not the DRB); b) more likely to cause neighborhood and public concern. The most appropriate forum to express such concerns is the EPC public hearing; and c) likely to be complex to evaluate and would benefit from EPC input.

17. The proposed text amendments were announced in the Neighborhood News and posted on the Planning Department’s web page. The applicant notified the affected neighborhood representatives by mail. The City notified property owners in the SU-3 for MU-UPT area and within 100 feet of it.

18. A facilitated meeting was held on February 23, 2011. There is both support and opposition to the proposed text amendments. Those supporting the proposed text amendments do so mostly because of an associated development proposal which, though not part of this request, was extensively discussed at the meeting.

19. As of this writing, Staff has received various e-mail correspondences, letters of general support from the Snowheights Neighborhood Association (NA) and the Uptown Progress Team, and a letter of opposition from the Inez NA. Those opposed are concerned about overturning a central provision of the USDP, the impact to existing businesses, the long-term effects on Uptown and neighborhood notification.

RECOMMENDATION

That a recommendation of APPROVAL of Text Amendments to the Uptown Sector Development Plan (USDP), be forwarded to the City Council based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL- 11EPC-40003, March 10, 2011- Uptown Sector Development Plan Text Amendments

1. Lines 4 through 6 of the proposed text amendments shall be revised as follows:
 - 4 an approved Site Development Plan which has: (i) a Floor Area Ratio
 - 5 of ~~±~~ [+0.5+] or greater and (ii) at least 50% of the parking [~~is~~] within a
 - 6 structure, which may include a freestanding parking structure,

2. Lines 7 through 9 of the proposed text amendments shall be revised as follows:
 - 7 parking on the roof of a building, or parking below a building [-] [+ , and (iii) must have
 - 8 [~~their~~] primary vehicular access to and from a collector street, or a street having a greater
 - 9 capacity.+] (moved here from Lines 10 and 11, creating a new Lines 8 and 9)

3. Lines 9 through 14 of the proposed text amendments shall read as follows:
 - 9 [+and (iv) for any Building or Establishment, any part of the occupiable area of which
 - 10 is within ¼ mile of the centerline of Louisiana or Menaul Boulevard, one major façade and
 - 11 one major public entrance of the Building or Establishment shall be set back from
 - 12 either Louisiana Boulevard, Menaul Boulevard, or any other bounding arterial street no
 - 13 further than the minimum setback set forth in Chapter IV, H.1.a of the Uptown
 - 14 Sector Development Plan (USDP).+]

4. Lines 8 & 9 of the proposed text amendments shall be renumbered and revised as follows:
 - 8 (renumber as 15) [One level] Buildings for a single user or Establishment in excess of 90,000 square feet

9 (renumber as 16) are not permitted in the [+SU-3 for+] MU-UPT Buffer Zone [+ . +] and must have their primary vehicular access to and from a collector street, or a street having a greater capacity.

5. Lines 17 through 21 of the proposed text amendments shall be renumbered and revised as follows:

17 [+Prior to+] making [+submitting an application for+] [+a Site Development Plan, +]
18 [application], applicants for a [one-level] building for any single user or Establishment greater
19 than 90,000 square feet shall [, prior to making a Site Development Plan application,] give
20 notice of such proposed action in accordance with [Section VII B(13) hereof] [+the notification
21 requirements of the Environmental Planning Commission (EPC) process.+]

6. Lines 21 through 27 of the proposed text amendments shall be renumbered and revised as follows:

21[Approval, or
22 amendments, of Site Development Plans for one-level Buildings for a
23 single user or Establishment greater than 90,000 square feet shall be
24 by the Planning Commission.]

22 [+Site development Plans, and site development plan amendments, for a building for
23 any single-user or Establishment that exceeds 90,000 sf, shall be reviewed through the
24 Environmental Planning Commission (EPC) process and not through the process
25 described in Chapter VII of the USDP. The Large Retail Facility (LRF) regulations shall apply
26 (see Chapter V, Section N of the USDP). Where they are more stringent than the LRF
27 regulations, the Zoning and Design Regulations of the USDP shall apply.+]

7. Chapter IV, Mixed Use Zone: Section A, SU-3 for MU-UPT and SU-3 for MU-UPT Buffer, shall be amended as follows:

- A. Item 1. All properties within the Uptown Sector Development Plan boundaries shall be zoned SU-3 for MU-UPT or SU-3 for MU-UPT Buffer. ~~[Because of the new Mixed Use Zones created in the 2008 SUSDP, terms such as “Large Retail Facility” or “Shopping Center” are not applicable to this Sector Development Plan and neither are regulations written for those facilities such as Section 14-8-2-7 ROA 1994 and Section 14-16-3-2 ROA 1994.]~~
- B. Item 3. All New Construction and or Redevelopment must comply with all the zoning and design regulations of the 2008 USDP except where specifically exempted [+and/or as otherwise required+].
- C. Item 5. SU-3 for MU-UPT and SU-3 for MU-UPT Buffer are Mixed-Use Zones that allow housing, civic and commercial uses including: retail, wholesale, restaurants, offices, hospitality and entertainment. These uses may be located on the same Site and may be contained in the same Structure. There are no specific Mixed-Use requirements for each Site

and single land use Sites are allowed. Each New Construction or Redevelopment Site shall be governed by a Site Development Plan that has been approved by the City using the process described in Chapter VII. of the 2008 USDP [+or another applicable process.+]

8. Chapter IV, Mixed Use Zone: Section F, Floor Area Ratio (FAR) shall be amended as follows:
- A. Item 2. For properties 7 acres in size or larger [+,+] the minimum FAR shall be [0.3] [+0.5+].
 - B. Item 2. If the owner/ representative of any property of at least 7 acres in size puts forth a completed application to obtain a TIDD from the City of Albuquerque and/or Bernalillo County and/or the State of New Mexico and is turned down, that property is not subject to a minimum FAR. ~~[If the Tax Increment Allotment awarded is not sufficient to build the infrastructure as proposed and the owner/representative of the property rejects the Tax Increment Allotment that property is not subject to a minimum FAR.]~~
 - C. Item 3. Properties ~~[of]~~ less than [7] [+5+] acres [+in size+] have no minimum FAR. [+Properties between 5 and 6.99 acres in size shall have a minimum FAR of 0.3.+]
9. The following new subsection shall be added to Chapter IV, Mixed Use Zone: Section F, Floor Area Ratio (FAR):
- [+4. For sites that have a building in excess of 90,000 sf for any single-user or Establishment, the minimum FAR shall be 0.5.+]
10. The following language shall be added to Chapter IV, Mixed Use Zone: Section H, Setbacks:
- Item 1.a. A zero foot setback is permissive as long as a 10 foot Walkway and a 4 foot landscaped Planting Strip shall be provided between the Building Façade and the back of curb. [+For a building in excess of 90,000 sf for any single-user or Establishment, the preceding language is a requirement on at least one side of the building.+]
11. The following language shall be added to Chapter V, Zoning & Design Regulation:
- A. Item 2. All New Construction and or Redevelopment must comply with all the zoning and design regulations of the 2008 USDP except where specifically exempt [+and/or as otherwise required+].
 - B. [+7. The Large Retail Facility (LRF) regulations apply to buildings in excess of 90,000 sf for any single-user or Establishment. Upon application for such a building, the applicant shall provide a written demonstration of how a proposed development complies and/or does not comply with the LRF regulations and, where more stringent, the USDP regulations.+]

12. The following language shall be added to Chapter VII, Review and Approval Process, Section A:

[+ , except for site development plans for a building in excess of 90,000 sf for any single-user or Establishment which shall be reviewed and considered in the Environmental Planning Commission (EPC) process.+]

13. A new Section N shall be added to Chapter V, Zoning & Design Regulation:

[+N. Large Retail Facilities (LRFs) in Uptown

Large Retail Facilities (LRFs) are only allowed in the SU-3 for MU-UPT zoned area. As in other areas of the City, LRFs in Uptown are subject to the requirements of the Large Retail Facilities (LRF) Regulations and to the following, additional regulations specific to Uptown:

1. There shall be no more than one LRF per premise.
2. An LRF site shall not be located within one-half mile of another LRF site.
3. The LRF Maintenance Agreement shall be provided upon application.
4. All LRFs, including those less than 125,000, shall provide open space according to the requirements in the LRF regulations.
5. The plaza area shall be located adjacent to the main building entrance(s).
6. Loading docks and facilities shall be screened from public view and, where parking is provided beneath a building, shall be integrated with the parking structure.
7. Where they are more stringent than the LRF regulations, the Zoning and Design Regulations of the USDP shall apply.

14. The following shall be added to Chapter II. Definitions:

- A. **LARGE RETAIL FACILITY.** A single tenant structure with at least 90,000 square feet of net leasable area for the purpose of retailing. A Shopping Center Site with a Main Structure of 90,000 square feet or more is a Large Retail Facility. Refer to §14-16-3-2 for Large Retail Facility Regulations.
 - B. **SHOPPING CENTER SITE.** A premises containing five or more acres; zoned P, C-1, C-2, C-3, M-1, M-2, or a combination thereof; or a Large Retail Facility; but excluding premises used and proposed to be used only for manufacturing, assembling, treating, repairing, rebuilding, wholesaling, and warehousing. Shopping Center Sites are subject to the Shopping Center Regulations of the Zoning Code, §14-16-3-2.
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***Catalina Lehner, Senior Planner
Planning Department***

cc: Hunt Uptown LLC, II, 201 3rd St.NW, Suite 1150, Albuquerque, NM 87102
Myers, Oliver & Price, P.C. Attn: John Myers, 1401 Central Ave. NW, Albuquerque, NM 87104
Bill Sterchi, Alvarado Park NA, 5607 Princess Jeanne NE, Albuquerque, NM 87110
Natasha Carty, Alvarado Park NA, 5907 Princess Jeanne NE, Albuquerque, NM 87110
Stephen Verchinski, Classic Uptown NA, 2700 Espanola NE, Albuquerque, NM 87110
Todd Sloan, Classic Uptown NA, 2925 Dallas NE, Albuquerque, NM 87110
Evelyn B. Feltner, Inez NA, 2014 Utah St. NE, Albuquerque, NM 87110
Bette Weber, Inez NA, 1927 Virginia St. NE, Albuquerque, NM 87110
Julie Jones, Jerry Cline Park NA, 7625 Winter Ave. NE, Albuquerque, NM 87110
Ron Goldsmith, Jerry Cline Park NA, 1216 Alcazar St. NE, Albuquerque, NM 87110
Winnie Schmidt, Quigley Park NA, 2916 Cuervo Dr. NE, Albuquerque, NM 87110
Maureen Maher, Quigley Park NA, 2935 Cardenas Dr. NE, Albuquerque, NM 87110
Laura Heitman, Snow Heights NA, 8011 Princess Jeanne NE, Albuquerque, NM 87110
Laura Garcia, Snow Heights NA, 1404 Katie NE, Albuquerque, NM 87110
David Shaffer, Uptown Progress Team, 2703-G Broadbent Parkway, Albuquerque, NM 87107
Marcy Cook, Uptown Progress Team, 6565 Americas Parkway NE, #200, Albuquerque, NM 87110
Richard Peterson, Winrock South NA, 7110 Constitution Ave. NE, Albuquerque, NM 87110
Virginia Kinney, Winrock South NA, 7110 Constitution Ave. NE, Albuquerque, NM 87110
Ron Berlind, Zuni NA, 7516 Euclid NE, Albuquerque, NM 87110
Allan Smith, Zuni NA, 7522 Euclid NE, Albuquerque, NM 87110
Bill Hoch, 813 Calle del Corte NE, Albuquerque, NM 87110
Lynne Martin, 1531 Espejo NE, Albuquerque, NM 87112

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Code Enforcement

Reviewed, no comment.

Office of Neighborhood Coordination

Alvarado Park Neighborhood Association (NA)
Classic Uptown NA
Inez NA
Jerry Cline Park NA
Quigley Park NA
Snow Heights NA
Uptown Progress Team, Inc.
Winrock South NA
Zuni Neighborhood NA
District 7 Coalition of NAs

Long Range Planning

The currently Uptown Sector Development Plan restricts building square footage to 90,000 square feet for a single user or one level of a building. The proposed text amendment would allow new development to exceed that square footage under certain conditions. The proposal does not offer a new maximum square footage or any other cap on building square footage; a new maximum square footage for those buildings that meet the conditions should be considered.

The existing USDP provides regulations for parking structures on page 75 of the Plan; any parking garage construction would be required to comply with these regulations. Parking structures are also encouraged as part the Public Connectivity Infrastructure.

The FAR requirement will encourage more compact development. The existing design regulations of the USDP would still apply to projects allowed by this proposed amendment.

The change would not affect the SU-3 MU-UPT buffer zone, the area closest to the residential development. The site plan requirements and notification requirements will offer the public a chance to comment through the Development Review Board process.

The last sentence of the proposed text amendment requires notice to include information provided “in a schematic or preliminary form.” Clarification/specification of what the this information should entail may be necessary to ensure that there is a consistent application of the language and that noticed persons have enough detail in order to make informed comments prior to and during the site development plan review process.

CITY ENGINEER

Transportation Development

- Reviewed, no comments.

Hydrology

- The Hydrology section has no objection to the Sector Plan Amendment.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Information:

- Louisiana Boulevard is a principal arterial with a *minimum* right-of-way width of 156 feet as designated on the Long Range Roadway System map.
- Louisiana Boulevard is identified to contain on-street bicycle lanes as designated on the Long Range Bikeway System map.
- Indian School Road is a minor arterial with a *minimum* right-of-way width of 86 feet as designated on the Long Range Roadway System map.
- Indian School Road is identified to contain on-street bicycle lanes as designated on the Long Range Bikeway System map.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Sector Development Plan Text Amendment shall include:

- a. None.

WATER UTILITY AUTHORITY

Utility Services

No adverse comment.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Reviewed, no objection. Request does not affect our facilities.

Open Space Division

City Forester

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

POLICE DEPARTMENT/Planning

This project is in the SE and NE Area Commands. No Crime Prevention or CPTED comments concerning the proposed Amendment Sector Development Plan request at this time.

FIRE DEPARTMENT/Planning

No comments.

TRANSIT DEPARTMENT

See attached letter.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MRCOG staff have no comment on the proposed application.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comment based on information provided to date.