

**CITY COUNCIL  
OF THE  
CITY OF ALBUQUERQUE**

**March 28, 2012**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO C/S R-11-225**

**AMENDMENT SPONSORED BY COUNCILLOR \_\_\_\_\_**

*[NOTE: The following amendments are clarifications that generally do not substantively change or make more restrictive the regulations of the Plan. This amendment has been formatted in such a way that any of its parts (A, B, C, D, E, F, G) can be removed, should the Council feel that a particular part should be considered and voted on separately, while still allowing the remaining parts to be adopted with one motion.]*

**PART A**

On page 13, in the paragraph subtitled “Decline Amid Suburbanization, 1950-1970,” amend the sentence that begins, “The widening of Lomas Boulevard...” as follows: “The widening of Lomas Boulevard ~~circa 1977~~ in the early 1960s to carry more cross-town traffic took out a row of houses and businesses along the north side of the road.”

**Explanation:** This change corrects the timeframe for the widening of Lomas Boulevard and is based on recent research into the history of the area.

**PART B**

1. On page 87, in section 1. b., amend the sentence “This street segment has a posted speed limit of 25 mph, an unusual characteristic for streets classified above a collector,” to read as follows: “This street segment has a posted speed limit of 30 mph.”
2. On page 87, in section 1.b., in the sentence that begins “The 12<sup>th</sup> Street corridor is pedestrian-friendly with residential frontage...,” delete the word “the” after “ensure that” and before “slow travel speeds are maintained.”

**Explanation:** This amendment corrects an error in the document and provides a minor clarification. Though the speed limit on 12<sup>th</sup> Street south of Lomas is 25 mph, it is 30 mph between Lomas and Mountain, which is the segment being discussed in this section. It also removes the reference to the speed limit as “unusual,” since 30 mph is not unusual for a street classified above a collector.

## PART C

1. On page 92, in the SU-2/DNA-SF zone, amend Section C by adding the following sentence after the sentence that begins “Conditional Uses shall...”: “Conditional uses are per the R-1 zone of the Comprehensive City Zoning Code, with the following exceptions:”
2. On page 95, in the SU-2/DNA-TH zone, amend Section C by adding the following sentence after the sentence that begins “Conditional Uses shall...” : “Conditional uses are per the R-T zone of the Comprehensive City Zoning Code, with the following exceptions:”

**Explanation:** This amendment would clarify EPC Recommended Condition of Approval #46, which was drafted in response to the following comment from Zoning Enforcement: “C. Conditional Uses - There appears to be a conflict between the two sentences under C. The first sentence indicates that all conditional uses need to comply with section 14-16-4-2 and the second sentence indicates that no conditional uses are allowed. Will conditional uses be allowed?” (found in Line 155 of the EPC Comments Spreadsheet of the record). This amendment clarifies that conditional uses in the SF and TH zones are the same as those allowed in the zones in the Comprehensive City Zoning Code to which they correspond, or the R-1 and R-T zones, respectively.

## PART D

On page 92, Section D shall be renamed “Lot Area and Setbacks” and there shall be a new D.1 that reads as follows: “D.1 The minimum lot area shall be 5,000 square feet.” Renumber subsequent sections accordingly.

**Explanation:** This amendment would clarify the minimum lot size in the SU-2/DNA-SF, Single Family Zone. As written the lot size would be governed by the R-1 zone in the Comprehensive City Zoning Code. However, the DNASDP area is characterized by smaller lot sizes than elsewhere in the city. While the lot size required in the Zoning Code is currently 5,000 square feet, this may change in the future. This amendment seeks to ensure that future development is compatible with the character of the area by allowing this smaller lot size.

## PART E

1. On page 93, in the SU-2/DNA-SF zone, amend Section E.1, by adding the following new subsection: “c. Buildings shall comply with the Building Height Limitations to Preserve Solar Access, § 14-16-3-3(A)(7) of the

Zoning Code. The additional height limitations of this section shall apply to any lot regardless of the age of the building, except that structures existing as of the date of adoption of the Plan are allowed, subject to Zoning Code regulations for buildings that are nonconforming as to height.

2. On page 96, in the SU-2/DNA-TH zone, amend Section E.1, by adding the following new subsection: “c. Buildings shall comply with the Building Height Limitations to Preserve Solar Access, § 14-16-3-3(A)(7) of the Zoning Code. The additional height limitations of this section shall apply to any lot regardless of the age of the building, except that structures existing as of the date of adoption of the Plan are allowed, subject to Zoning Code regulations for buildings that are nonconforming as to height.”

**Explanation:** This amendment will address the preservation of solar access within the residential area of the plan. The language in the Zoning Code in § 14-16-3-3(A)(7) only applies to areas platted after February 1, 1981; however, the language proposed states “regardless of the age of the building” in order to extend preservation of solar access to this older neighborhood. A similar regulation exists in two of the city’s older neighborhoods, Nob Hill and the University area, and the proposed language comes from the Nob Hill Highland Sector Development Plan (2007).

## **PART F**

On pages 131-134, delete all of the text that follows the heading “Demolition Regulations” and insert in lieu thereof the following:

“In order to limit the detrimental effect of demolition on the character of the Downtown Neighborhood Area and provide the time necessary to determine whether a structure that meets certain criteria shall be designated as a City Landmark in accordance with Article 14, Section 12 ROA 1994, all properties zoned SU-2/DNA-SF, SU-2/DNA-TH, SU-2/DNA-MR, SU-2/DNA-OR, SU-2/DNA-MUL, SU-2/DNA-MUM, SU-2/DNA-NC, or SU-2/DNA-CC must comply with § 14-12-9 ROA 1994, which provides for a demolition review process by the Landmarks and Urban Conservation Commission.”

**Explanation:** This amendment brings the Demolition Review Regulations in the DNASDP into conformance with a newly-adopted section of the Landmarks and Urban Conservation Ordinance (§ 14-12-9, Enactment #O-2012-005), which made demolition review within SDP areas the purview of the Landmarks and Urban Conservation Commission and set forth the specific procedure that is to be followed when properties meeting certain criteria are proposed to be demolished.

## PART G

On page 146, amend the definition of *SECONDARY DWELLING UNIT*, as follows: “Living quarters within an accessory building containing kitchen facilities; and does not exceed 650 net square feet in area. A garage or shed attached to the Secondary Dwelling Unit shall not count towards the limit of 650 square feet. There shall be no more than either one Secondary Dwelling Unit or one Accessory Living Quarters per premise. The Secondary Dwelling Unit may be used as a source of rental income for property owners.”

**Explanation:** In response to questions from the public regarding the size limit of SDUs and the ability to use SDUs as rental properties, this amendment simply clarifies the definition of Secondary Dwelling Unit to make it clear that 1) a garage or shed that is part of the accessory structure does not count towards the 650 sqft maximum of the SDU, and 2) SDUs can be used as rental units. The language regarding using an SDU as a rental comes from the Sawmill Wells Park SDP, which also allows SDUs within its lowest-density residential zone.

**Part H**

Page 100, Section A.1.a of the SU-2/DNA-MR zone shall be amended to read as follows: “Townhouses shall be as regulated in all respects per the SU-2/DNA-TH zone in this Plan, except maximum building height is 40 feet and minimum lot area shall be 1,500 square feet and there shall be a distance of not less than 5 feet between residential buildings.”

**Explanation:** A letter was received from a property owner, expressing concern about the impact of the side and rear setbacks in the SU-2/DNA-MR zone on smaller lots that are already platted within the neighborhood. Upon checking with Code Enforcement on the interpretation of the setback language within the SU-2/DNA-MR zone, the following clarification was proposed “in all respects per...” to clarify that the setbacks (among the other regulations) in the SU-2/DNA-TH zone would apply for someone developing in the SU-2/DNA-MR zone. As the TH zone in the MR includes several exceptions reflecting the more intense nature of the MR zone, staff feels it is appropriate to suggest a closer relationship between buildings. This would allow a wider building to be built on a narrow lot. Staff did not feel that amending the rear setback was appropriate as this is consistent throughout the plan, and the variable front setback would allow someone to gain more space by pushing a development closer to the property line.

**Part I**

On page 14, line 1 of the enacting resolution, insert the following new Section 5 and renumber subsequent sections accordingly:

“Section 5: With respect to any overlap that exists between the Downtown Neighborhood Area Sector Development Plan and the Downtown 2010 Plan and where the regulations of the two Plans conflict, the regulations of the Downtown Neighborhood Area Sector Development Plan shall prevail.”

**Explanation:** This amendment to the enacting resolution is needed to clarify the relationship between the DNASDP and the Downtown 2010 Plan. The DNASDP proposes to amend its boundaries to include certain properties that are currently located within the boundaries of the Downtown 2010 Plan. The boundaries of the 2010 Plan will need to be amended at a future date, and this amendment clarifies that the regulations contained in the DNASDP prevail over the 2010 Plan’s with respect to the properties that would temporarily fall within both plan’s boundaries.