City of Albuquerque
Planning Department
Current Planning Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: April 7, 2011

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1008570**
10EPC-40063 SEC DEV PLAN PHSE 2,
DOWNTOWN NEIGHBORHOOD AREA

City of Albuquerque
Planning Department
PO Box 1293
Albuquerque NM 87102

LEGAL DESCRIPTION:
CITY OF ALBUQUERQUE PLANNING DEPARTMENT requests the above actions for the Downtown Neighborhood Area, boundaries are Mountain Road to the north, Central Avenue to the south, 19th Street to the west and 4th, 5th, 7th and 8th Streets to the east. Currently zoned SU2 SU1, SU2 RT, SU2 MR/O, SU2 CC, SU2 HDA, SU2 MDA, SU2 NC, SU2 O, SU2 Office, SU2 Park, SU2 R/C, SU2 SF, SU2 TH, SU3 Housing Focus, SU3 Mixed-Use Corridor and proposed to be zoned SU2 SU1, SU2 SF, SU2 TH, SU2 MR, SU2 OR, SU2 MUL, SU2 MUM, SU2 CC, SU2 NC, SU2 Park, containing approximately 280 acres. Petra Morris, Staff Planner (Zone Atlas Maps: J-13, J-14, K-13, & K-14)

On April 7, 2011, the Environmental Planning Commission voted that a RECOMMENDATION OF APPROVAL be forwarded to City Council for Project #1008570 / 10EPC-40063, a Sector Development Plan Phase 2, Downtown Neighborhood Area, based on the following Findings and subject to the following Conditions:

FINDINGS:

FINDINGS – 10EPC- 40063, April 7, 2011. Recommendation of adoption of the Downtown Neighborhood Area Sector Development Plan.

1. The Downtown Neighborhood Area Sector Development Plan covers an area of approximately 280 acres. The plan boundaries are Mountain Road to the North, 19th Street to the West, Central Avenue to the South and 4th/ 5th/ 7th and 8th Street to the East.

2. The Downtown Neighborhood Area Sector Development Plan currently contains currently contains the following zones: SU2 SU1, SU2 RT, SU2 MR/O, SU2 CC, SU2 HDA, SU2 MDA, SU2 NC, SU2 O, SU2 Office, SU2 Park, SU2 R/C, SU2 SF, SU2 TH, SU3 Housing Focus, SU3 Mixed-Use Corridor. The DNA SDP proposes the following zones: SU2 SU1, SU2 SF, SU2 TH, SU2 MR, SU2 OR, SU2 MUL, SU2 MUM, SU2 CC, SU2 NC, SU2 Park.

3. The Downtown Neighborhood Area Sector Development Plan proposes a change to the boundary to include Robinson Park within the DNA SDP boundaries. This will result in the removal of Robinson Park from the Downtown 2010 SDP.

4. The Downtown Neighborhood Area Sector Development Plan supports Albuquerque/Bernalillo County Comprehensive Plan, Policy II.B.6 Central Urban Goal, and policy b. The specific policies related to Central Urban area discuss enhancing the character of the residential neighborhoods, recognizing the importance of the historic center of the city and increasing intensities in the area. The DNA SDP proposes to achieve this through proposed zoning that will increase compatibility and consistency between the existing land use, and zoning, and between properties that are covered by a Historic Overlay Zone and properties that are not.

5. The Downtown Neighborhood Area Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.B.5. Developing and Established Urban Areas policies d, e, h, i, j, k, l and o. The DNA SDP supports the Downtown Neighborhood Area as an identifiable and varied neighborhood that has a visually pleasing environment through the proposed Implementation policies and the accompanying proposed zoning.

6. The Downtown Neighborhood Area Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.C.5. Historic Resources policies a, b, and c. The DNA SDP boundaries contain thirty four Registered Historic Properties, five Registered Historic Districts and two Historic Overlay Districts. Historic preservation is at the forefront of the DNA SDP. The DNA SDP does not propose any changes to the boundaries or design regulations of the Historic Overlay Zones. However, the DNA SDP proposes changes to the zoning in the area to ensure that development and redevelopment in the surrounding areas are compatible with the two HOZs. The DNA SDP proposes to remove much of the Townhouse zoning as this does not reflect the existing single family nature of the neighborhood. The DNA SDP also proposes a Demolition Review process to allow time for review of properties that are slated for demolition but aren't covered by the HOZ. The DNA SDP supports the HOZs through increased consistency and compatibility between areas within an HOZ and those without.

7. The Downtown Neighborhood Area Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.C. 9. Community Identity and Urban Design policies a, and b. The zoning and policies proposed in the DNA SDP are written to achieve certain goals: to better match the existing land use with the zoning, to allow for

appropriately scaled and designed infill development, to preserve and celebrate the historic character and to reinforce the area as primarily residential with mixed use corridors.

8. The Downtown Neighborhood Area Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.D.4. Transportation and Transit policies b, c, g and i. The DNA SDP proposes policies to address transportation and the zoning for Central and Lomas that reflect their designations as a Major Transit Corridor and a Enhanced Transit Corridor respectively.

9. The Downtown Neighborhood Area Sector Development Plan supports the Proposed Trails Map on page 22 and the intent of the Rank II Trails and Bikeways Facility Plan through increasing the network and facilities for cyclists in the area.

10. The Downtown Neighborhood Area Sector Development Plan supports the Rank II Facility Plan for Electric Service Transmission and Subtransmission Facilities, through the addition of language provided by PNM to address the address utility easements, landscaping and access to public utility facilities.

11. The Downtown Neighborhood Area Sector Development Plan supports the Sawmill Wells Park Sector Plan (Rank 3), 1996, 2000, 2003 because it proposes to use similar zoning and criteria to the SU2 MRN zone in the SU2 MUL zone. This will provide some consistency between the two sides of Mountain Road.

12. The Downtown Neighborhood Area Sector Development Plan supports the Huning Castle Raynolds Addition Sector Development Plan (Rank 3), 1981, 1993, because in allowing residential and commercial uses on the north side of Central and restricting the height to 40 feet (and 52 feet conditionally) through the SU2 CC zone, the DNA SDP proposes to provide some consistency between the north and south side of Central Avenue.

13. The Downtown Neighborhood Area Sector Development Plan supports the Downtown 2010 (Rank 3), 2000, through the creation of an appropriate transition from the downtown core to the residential neighborhood to the west.

14. The Downtown Neighborhood Area Sector Development Plan supports the McClellan Park Sector Development Plan, 1984, through the proposed zoning in the area adjacent to McClellan Park that allows a range of uses, SU2 MUM and SU2 MUL, which reflect the variety of uses in the area and removes the percentage requirements in the existing zoning, while restricting certain uses that are not as compatible with the neighborhood. This will make the zones more compatible.

15. The Downtown Neighborhood Area Sector Development Plan supports the Fourth Ward Historic Overlay Zone, 1991 and the Eighth and Forrester Historic Overlay Zone, 1991, through increased consistency and compatibility between areas within an HOZ and those beyond these zones.

16. The Albuquerque Bernalillo County Comprehensive Plan, the Rank II Trails and Bikeways Facility Plan, the Rank II Facility Plan for Electronic Transmission and Subtransmission Facilities, the Sawmill Wells Park Sector Plan, the Huning Castle Raynolds Addition Sector Development Plan, the Downtown 2010 plan, the McClellan Park Sector Development Plan, the Fourth Ward Historic Overlay Zone and the Eighth and Forrester Historic Overlay Zone, the 1976 Downtown Neighborhood Area Sector Development Plan and the City of Albuquerque Zone Code are incorporated herein by reference and made part of the record for all purposes.

17. The Downtown Neighborhood Area Sector Development Plan is justified per Resolution 270-1980. The proposed zoning is more advantageous to the community because it furthers applicable goals and policies in the Comprehensive Plan, and through changed conditions. The proposed zoning meets R270-1980 criteria as follows:

    A. The zone changes proposed by the DNA SDP are consistent with furthering the health, safety, morals and general welfare of the city. The purpose of the zone map amendments contained in the SDP is to ensure that development and redevelopment within the Downtown Neighborhood Area is compatible with the residential and historic nature of the neighborhood. The SDP proposes regulations to ensure that development furthers the goals and policies of the Comprehensive Plan.

    B. The proposed zoning changes will provide the area with stability by better reflecting the existing land use and built form of the neighborhood and to ensure that redevelopment and infill development within the neighborhood are appropriate given the historic nature, residential character, and density of the area. The proposed zoning is designed to reinforce the primarily residential character of the neighborhood, while encouraging a mix of uses along the major corridors that will serve the neighborhood and surrounding areas. Permissive and conditional uses have been carefully crafted in each of the proposed zone categories to ensure compatibility with existing uses and community values, and to avoid future conflicts. Criteria is proposed for certain land uses (e.g., bail bond offices) and building forms (e.g. height) to allow greater community input and City oversight when new development is proposed. The SDP also proposes to include and zone a small area at the southeast corner of the Plan area in order to bring a key neighborhood asset, Robinson Park, into the Plan boundary.

    The disconnect between the existing land uses and the existing zoning, the Plan boundary, and changed neighborhood conditions are documented on pages 30-36 of the SDP. The conclusion of the SDP's analysis is that maintaining the existing zoning could allow new development that destabilizes the neighborhood.

    C. The proposed DNA SDP supports applicable goals and policies in the Comprehensive Plan, Facility Plan for Electric Service Transmission and Subtransmission Facilities and the Trails and

Bikeways Facility Plan. The DNA SDP complements the adjacent Sector Plans: Sawmill Wells Park SDP, Huning Castle Raynolds Addition SDP, Downtown 2010 SDP and McClellan Park SDP. The plan does not propose any changes to the Fourth Ward or Eighth and Forrester Historic Overlay Zones boundaries or regulations. Please see the analysis above.

D. The City has adopted Resolution 270-1980, which was based on a court case (Miller v. City of Albuquerque). This resolution provides the basis by which a zone change – up or down – can be justified. While there are a number of criteria that are listed, the key one is "D" which lists three options that can be used to determine that the existing zoning is inappropriate.

There was no error that justifies the proposed zone changes. Changed conditions are noted on pages 34-36 of the SDP. The proposed zone changes rely squarely on them being more advantageous to the community by helping to further the applicable goals and policies in the Comprehensive Plan and reflect the community's vision for the future (R-270 1980 D.3.). Prior to adoption of the original 1976 Sector Plan, the area was predominantly zoned for office. The 1976 land use categories reflected the desire for community redevelopment, thereby encouraging demolition of structures and the development of higher density residential including large areas of townhouse zoning and R-3 and R-4 zoning. The neighborhood has evolved since that time to more highly value its historic structures, and property owners have worked hard to improve their homes. High density residential development was never realized in the neighborhood and few existing buildings are taller than 2-stories.

The residential zones, SU-2/SF and SU-2/TH, are intended to allow for new development that responds to its immediate context within the neighborhood. Setbacks are determined by the existing structures on the subject block. Requirements for building articulation, windows and doors, entries and porches will help ensure compatibility between new and existing development. Access to and placement of garages is carefully articulated so that they do not dominate the street view.

In relation to the proposed SU2 CC, SU2 MUM and SU2 MUL zones, the proposed zoning is designed to create mixed use zones along the main corridors- Central, Lomas and Mountain- that would support services and businesses to serve the neighborhood and the wider community. These mixed use zones would also provide an opportunity for higher density housing in the appropriate locations. The Comprehensive Plan contains recent amendments (2002), which are commonly referred to as "Centers and Corridors". These policies clearly point to promoting infill and redevelopment of underutilized properties, increasing density in the corridors in order to support transit, increasing intensity (height) in the corridors, and promoting mixed uses along the corridor.

The current zoning along Central Avenue, Lomas Boulevard, and Mountain Road is inappropriate because the current zoning allows uses that are in conflict with the Comprehensive Plan's Centers and Corridors as follows:

a. Mixed Use is not permitted along Central Avenue. The mixed use provisions in the zoning along Lomas Boulevard and Mountain Road (RC and MRO) are unnecessarily burdened

by restrictions on the amount of residential versus non-residential uses and the process in which they have to abide by to allow 100% non-residential use. This has created a problem with zoning enforcement,

b. Allows auto oriented uses that are in conflict with the creation of pedestrian friendly, transit oriented corridors,

c. Does not have design standards that promote the creation of pedestrian friendly, transit oriented corridors,

d. Does not include adequate setback provisions to protect the adjacent residential neighborhoods,

e. Does not have setback or parking restrictions adjacent to Central Avenue to ensure a pedestrian friendly street edge, and

f. Building heights that are determined by angle planes (Central Avenue) allow very tall structures regardless of adjacent uses or structures.

The proposed SU2 CC, SU2 MUM and SU2 MUL zones address and propose to remedy all of the above points.

Section 3, page 34-36, of the draft DNA SDP, discusses the changed conditions in the area in relation to R270-1980. In relation to the proposed SU2 MR, SU2 OR, SU2 SF and SU2 TH zones, the proposed zoning is in response to changed neighborhood conditions (R270 1980 D.2). The following discusses the changed conditions in the neighborhood, page 34. "As previously noted, the primary intent of the Sector Plan [1976] was to address the blighting issues within the neighborhood and provide incentives for redevelopment. Zoning districts contained in the Sector Plan were specifically crafted to encourage redevelopment and increase the affordable housing stock. In large part, the blighting condition that was present in the neighborhood no longer exists. Broad-scale redevelopment never occurred in the neighborhood; instead, property owners have more commonly rehabilitated their buildings. The zoning districts were never utilized to their intended or fullest potential and, as a result, there is a significant disconnect between existing zoning and existing land use in the Downtown Neighborhood Area. The existing zoning for many portions of the Downtown Neighborhood Area are contrary to the goals and objectives of the neighborhood."

SU2 MR is proposed to replace the SU2 HDA and the SU2 MDA, which allow for high density residential and some limited non-residential uses. There are no apartment developments taller than 3 stories in the area. The proposed SU2 MR, which relates to the R2 zone would still allow a mix of residential uses but includes regulations to guide the form of development and proposes development that is less dense.

SU2 MRO and SU2 RC allow for a mix of uses, however, if the residential use is greater than 50% a conditional use is required. These zones have been difficult to enforce and this difficulty has engendered some ill will between the neighborhood and property owners. The draft plan proposes to recognize that there are areas where office uses exist and are appropriate. The SU2 MRO and RC have been replaced by SU2 OR, SU2 MUM and SU2 MUL, each zone removes the percentage of non-residential allowed and instead proposes a list of uses that are permissive and conditional. The zones are written to reflect the area in which they are located, what uses and what form is appropriate.

SU2 TH is located throughout the neighborhood. This zone corresponds to the RT in the zone code. This zone was originally proposed to encourage redevelopment in the plan area. It does not reflect the single family character of the area, nor does it encourage the rehabilitation of the existing housing stock- which is seen by many as historic. Some of the areas currently zoned SU2 TH are within the two Historic Overlay Zones, others are not in officially recognized historic areas. The draft DNA SDP proposes to replace much of the SU2 TH zoning with SU2 SF to reflect the existing land use. Where the SU2 TH zoning is kept, regulations on the form and of new development and the locations of garages are proposed to ensure more compatible design.

E. The proposed zoning does not contain uses that would be harmful to adjacent properties, neighbors or the community. Where residential and commercial properties are adjacent, the proposed zones contain requirements to ensure appropriate transitions and buffers. For example, in the SU2 CC zone, the rear setback is 25 feet when abutting SU2 SF and SU2 TH. The SU2 MUM zone is proposed for most of Lomas Blvd., because the platting means that these lots are often quite shallow, with a residential lot abutting, the SU2 MUM has a rear setback of 20 feet when adjacent to SU2 SF and SU2 TH, heights are limits between 26 feet and 40 feet are conditional. In both the SU2 MUL and SU2 MUM the retail of food and drink, on or off premise consumption is conditional due to the sensitivity of such a use with residential in close proximity. The SU2 MR is designed to act as a transition from the core of downtown Albuquerque to the residential neighborhood.

F. None of the Plan's zone changes require major capital expenditures.

G. The cost of land is not discussed in the Plan.

H. The location of mixed use and higher density residential zoning is related to the vision proposed for the whole downtown area. The mixed use zones along Mountain, Lomas, and Central are intended to provide more activity in these areas by integrating residential use with neighborhood scaled commercial services for the area residents. Central Avenue is a Enhanced Transit Corridor, but is currently dominated by vacant and/or underutilized buildings and land. The intention is to provide incentives for redevelopment and reuse of structures and properties.

I. The proposed zone changes will create spot zones that are justified as follows:

1. The proposed zoning clearly facilitates realization of the Comprehensive Plan goals and policies as detailed above in the response to R-270-1980, Section 1.C.; and

2. The proposed zoning and their individual, component regulations within the plan area and the plan area itself are different from surrounding land. The proposed locations of zone boundaries create differences between adjacent lands and zones as well as differences between zones within the plan area. The proposed zoning categories establish and facilitate transitions between adjacent zones within the plan area and where adjacent to existing zoning. Even where residential and non-residential zoning abut or are adjacent, there are specific requirements within the more intense zone category so as to maximize compatibility with the less intense zone category.

J. The proposed zone changes will create strip zones that are justified as follows:

1. The proposed zoning clearly facilitates realization of the Comprehensive Plan goals and policies as detailed above in the response to R-270-1980, Section 1.C.; and
2. The proposed zoning and their individual, component regulations within the plan area and the plan area itself are different from surrounding land. The proposed locations of zone boundaries along the major corridors (Central Avenue, Mountain Road, and Lomas Boulevard) function as a transition between the roadway and the primarily single family development in the neighborhood core. Each of these zones correspond to existing development, overall lot size and depth, the desire for commercial development to serve the neighborhood residents, and the amount of vehicular traffic that each of these corridors carry. The zones contain specific requirements that are intended to maximize compatibility with adjacent development and less intense zoning districts. The proposed locations of zone boundaries create differences between adjacent lands and zones as well as differences between zones within the plan area. The proposed zoning categories establish and facilitate transitions between adjacent zones within the plan area and where adjacent to existing zoning. Even where residential and non-residential zoning abut or are adjacent, there are specific requirements within the more intense zone category so as to maximize compatibility with the less intense zone category. Furthermore, the location of many of the "strip zones" is in response to traffic potentials on established corridors, Central Avenue, Lomas Boulevard and Mountain Road.

18. Supplemental analysis of Section D of Resolution 270-1980: The proposed changes to the zoning for the DNA SDP do not single out any individual property; rather, the changes proposed are area wide. Changes are proposed to individual zones in the 1976 DNA SDP and to the entire sector plan map, rather than to individual properties. The proposed change is more advantageous to the community as articulated in the analysis of applicable Rank I, II and III plans, as detailed in the December 2, 2010 staff report. The public need for this change is illustrated through the policies of the Albuquerque Bernalillo County Comprehensive Plan that this plan supports. This area is distinct from other areas in the City of Albuquerque because of its adjacency to the Downtown core and the historic nature of the neighborhood. The adjacency to the Downtown core impacts the neighborhood in very distinct ways, through the transportation impacts, the pressure for offices in the area and the location of Bail Bond agents in the area. The historic nature of the neighborhood is illustrated in the five Historic Districts, two Historic Overlay Zones and 34 individual properties listed on the State and or National Register within the boundaries of the Sector Plan. No other area of the city has this concentration of historic properties, districts and HOZs. An inventory of the existing land use was conducted for the entire plan area, looking at every property within the

boundary. This analysis was used in the drafting of the proposed DNA SDP. The map generated from this is found on page 31 of the EPC Draft 10-28-2010 of the DNA SDP.

It has been suggested that some of the proposed zoning in the plan will constitute a down zoning. The proposed change from the SU2 TH zoning (established per the 1976 Plan) to SU2 SF zoning (per the proposed draft) is a decrease in land use intensity, or a down zone. This proposed change in land use intensity is a justified down zone due to the area-wide, changed conditions in the community: the Downtown Neighborhood Area is no longer considered blighted and in need of redevelopment, but rather the desire expressed by residents and reflected in the current land uses is to preserve structures and continue to recognize the sector's historic character and single family character. The disconnect between the existing land uses and the existing zoning, and changed neighborhood conditions are documented on pages 30-36 of the SDP. The conclusion of the SDP's analysis is that maintaining the existing zoning could allow new development that destabilizes the neighborhood, the community has expressed a desire to preserve the single family character and historic nature of the area.

In the proposed SU2 SF zone the construction of a secondary dwelling unit is allowed. This means each property could have two dwelling units constructed. Therefore, while the change is from a zone that reflects the uses of the RT zone to a zone that somewhat relates to the R1 zone, the proposed uses will not be as limited as those in the R1 zoning found in the Zoning Code. The proposed change from SU2 HDA zoning per the 1976 DNA SDP to SU2 MR, is also a down zone, though not to the same degree as this zoning is a change from one form of multi family zoning to another. The SU2 HDA zone relates to the R4 zone, a zone that is no longer current in the Zoning Code. The proposed SU2 MR zone relates to the R2 zone with some exceptions. Staff is proposing to retain certain key elements of the SU2 HDA zone in order to maintain the integrity of the more intense urban form in this area, as a transition from the downtown core to the existing single-family, residential neighborhood. The SU2 MR zone is proposed to retain the open space requirements and parking requirements of the SU2 HDA zone (see Condition 32, Line 63 in the spread sheet). The SU2 MR zone differs from the SU2 HDA zone by including regulations related to building form that are designed to ensure development that is more compatible with the scale, form, and character for the area. The existing SU2 HDA zone is outdated and does not include such regulations.

The zoning proposed is not a taking nor are property owners denied "substantial beneficial use of their property". Property owners still have entitlement. In addition, the plan both addresses existing non-conforming zoning and it does not create new non-conforming uses. The plan proposes to convert existing non-conforming uses into approved conditional uses, with the exception of the commercial parking lots, the commercial bus terminal and in one zone, bail bonds businesses. A property may have certain entitled uses or built forms, but until an application for the use or built form is submitted and approved, that entitlement is not realized. No realized entitlements are being taken away or limited.

19. The Environmental Planning Commission has treated this application in a quasi-judicial manner.

RECOMMENDATION – 10EPC- 40063 April 7, 2011

That a RECOMMENDATION OF APPROVAL BE FORWARDED TO CITY COUNCIL for 10EPC 40063, the Downtown Neighborhood Area Sector Development Plan, based on the preceding Findings and subject to the following Conditions.

CONDITIONS FOR RECOMMENDATION OF APPROVAL- Project # 1008570 Case# 10EPC 40063 April 7, 2011

1. Page 93 D3, P.96 D5 and P.101 C4 shall read "In addition, to the building separation requirement, the following minimum setbacks from the property line shall apply:" Line 2 (of the spread sheet)

2. On page 92, 95, 100, 105, 111, 117 switch the two dimensioned structures to the right of the subject lot. Line 7

3. Change D3b on page 93, D5b on P.96, C4b on P.101 to read Rear: 0 feet minimum. Line 8

4. P.94 The following sentence shall be added to section I1b. The parking standards in the zone code cited above shall be the maximum. Line 9

5. P.97 H1 "and shall be the predominant façade feature" shall be struck. Line 11

6. P.97 I4 revise garage door width to 9'. Line 12

7. P. 97 J1a shall include the following sentence "The maximum number of off street parking spaces allowed is 2 per dwelling unit. Line 13

8. P99, L.1 and P.119 L.1 Shall read as follows" The usable open space requirement is 360 square feet per dwelling unit, except where there is no alley access for the garages the usable open space requirement is 500 square feet per dwelling unit. " Line 14

9. P.100 Add "B3 Structures which were originally built for non-conforming use." Line 15

10. P.101 F1 shall read 30% instead of 50%. Add the following sentence "Garage doors shall not be counted towards this requirement." Line 16

11. P.102 K add to b "and electronic display panels are not permitted in this zone." Line 18

12. P.105 D.4 and P.121 C.5 the sentence shall end "is 10 feet from the property line where it fronts a public street, 0 feet from an alley." Line 21

13. P.106 G1 and P.112 G1 and P.117 G.1 shall read the underlined titles as "Non- residential development" and "Apartments and Townhouses". Line 22

14. P.107 I1 Strike "and shall be the predominant façade feature"; and I2 change connectionwidth minimum from 6 feet to 4 feet. P.107 K2 add to first sentence, after “3 foot solid wall or evergreen landscaping”. Line 23

15. P.109 A.4. Add 4.A.J Office machines, equipment, sales and repair. And Add 4.A.K Musical instruments and supplies. Line 24

16. P.112 D.3 Shall include the following sentence "The minimum rear yard setback adjacent to an alley is 0 feet." Line 26

17. P.112 H.1 strike "and shall be the predominant facade feature." Line 28

18. P.115 A. Permissive uses shall include Professional Office and conditional use C6 retail sale of food and drink. Line 32

19. P.104 A.3a and P.115 A.3a Change 60% to 50% and A.3b on P.104 and 115 change to read “a non-residential use for a minimum of 6 of the past 10 years;”. P.115 A. remove reference to Mountain Road and have the language read per A.3.a on P.104. Line 33

20. P.121 D.3 strike "abutting 1-story buildings". Line 39

21. P.123 I.3 strike "for non-residential development only." and "provided the on-street parking spaces are approved by the Traffic Engineer, in conjunction with a site plan approval for off-street parking." Line 40

22. P.123 J.1.d shall read "EXCEPT neon signs (building mounted and marquee, perpendicular to traffic) are permitted along Central Avenue only. Line 41

23. P.125 E.1 strike "and shall be the predominant façade feature." Line 42

24. P.127 Change 919 Copper to SU2 MUM, also change 909 Copper to SU2 MUM. Contact 903 and 913 Copper to check if they are comfortable changing from SU2 MR to SU2 MUM at City Council. Line 47

25. P.127 Change 915 Copper to SU2 MUM. Line 49

26. P.127 Change 917 Copper to SU2 MUM. Line 50

27. P. 125 add to Permissive uses “A.2 Retail sale of alcoholic drink for consumption off-premises, provided that such use is associated with a full service grocery store.” Line 52

28. P.127 Change 317 and 319 16th Street from SU1 for Bed and Breakfast to SU2 MUM. Line 54

29. P.127 Two blocks on Tijeras/Kent that are proposed to be zoned SU2 MUM, shall be zoned SU2 MUL. Line 58

30. P.127 Change 715 Marquette from SU2 MR to SU2 OR. Line 59

31. P.127 Change 727 Tijeras NW from SU2 OR to SU2 MUL. Line 61

32. P.102 J. a. and b. parking for Townhouses and Apartment shall read: 1 space per unit minimum, 2 spaces per unit maximum. P.103 and P.124 add new section Useable Open Space. The useable open space requirement is 150 sqft per efficiency/one bedroom or 200sqft per two bedroom or more. Line 63

33. P.127 Change 1201 Lomas from SU2 MUM to SU2 NC. Line 67

34. Throughout the plan change references to reflective glass to mirrored or opaque glass. Add "at the ground floor". Line 68

35. P.79 Strategy 2.b. 12th Street/Lomas Boulevard, strike this strategy and any reference earlier in the strategy on p.78. Add new language to page 78 that describes the bulb outs and pedestrian crossings proposed for Lomas at 12th. Line 78

36. P.104 Remove Bail Bonds from Conditional Uses. P.110, and P.125 Move BB from Conditional to Permissive Uses. P.111C.9 delete except Bail Bonds. P.110, P.116, P.120 and P.125 Under Bail Bond Criteria, C. shall now read "Shall not be located further 1,000 feet from the Metropolitan Courthouse, the Bernalillo County Courthouse or Federal Courthouse. Please see map Appendix D." Add map to Appendix D. In all Bail Bond sections remove the limit to hours of operation. Council and Planning staff shall investigate signage and lighting standards that minimize adverse effects on nearby and adjacent residential. Line 98

37. P.60 add Land Use Goal Objective 2: Objective 2.4 shall now read “Encourage public/private partnerships and provide incentives for redevelopment of distressed properties and opportunity sites, and adaptive reuse of buildings.” Add the following to the Off Street Parking in every zone: "Buildings constructed before October 22, 1965 need supply such parking only to the extent on-premise ground space is available, including occasions where there is a change in use. If there is a building addition, and the addition is equal to or less than 400 square feet then no additional parking is required; if the addition is greater than 400 square feet, parking shall be provided for the additional square footage only." Line 135

38. P 61: Community Character, Objective 2.2 last line, after size, add in “scale, cadence”. Line 136

39. P 62 Goal 5, Objective 5.3, insert the word “only” after vacate. Consider striking entirely. See also P 86. Line 138

40. P 74 Implementation Policy 8: Add ahead of existing sentence: “The City shall enlarge upon the excellent examples of the friendly and attractive streetscapes in place in the Plan area.” Line 140

41. P 78 Strategy 1: last line, add after operations “transit, bicycle,” Line 141

42. P 86 Implementation Policy 16: add “and to ensure they are not neglected.” Line 143

43. P 131: 8.a. add (ahead of 5): The structure’s contribution to the fabric of the district, and in particular to the wholeness and continuity of the street. Line 146
44. When the DRAFT DNA SDP moves to City Council for adoption there should be accompanying legislation to amend the Downtown 2010 SDP boundaries. Line 150

45. P.144 strike number of occupants from definition of secondary dwelling unit and strike one bedroom, one living room, one closet and one mechanical room from the definition and change 500 square feet to 650 net square feet. Line 154

46. P.92 C, and P.95 C, strike second sentence of the opening paragraph, beginning "The following uses…" and add sentence "Carports and walls, except they shall be consistent with B.1 and B.2 above.” P.144 Secondary Dwelling Unit, add the following sentence "There shall be no more than one Secondary Dwelling Unit or Accessory Living quarters per premise." Line 155

47. P.93 add D.3.c. and P.96 D.5.c and P.101 C.4.c. On corner lots the street side setback shall be 10 feet minimum. Line161

48. P.93 E.1.a. P.96 E.1.a clarify sentence to read if there is a front porch. Line 162

49. P.93 H. Garages – 3. Add the word “front” before the words “building face.” Line 163

50. P.94 K.2 and P.99 M.2 and P.103 M.4 and P.108 N.1.c and P.113 M.c. and P.119 M.1.c and P.124.L.1.c P.126.H.1.c Street Trees The word “area” should be removed from this sentence. Line 165

51. P.93 D.2 and 96 D.4 and P.101C4 Add to garage setback off alley, for detached and attached. Line 175

52. P.95. A1 and P.100 A.1.d. and P.104 A.1 and P.109 A.1. and P.115 A.1 and P.120 A.1 and 125A.1 Single family homes shall be as regulated in the SU2 SF zone. Line 183

53. P.101 C.5. and P.112.D.4 and P.125.C.1 Add 10 feet from the property line along a public street, except 0 feet from an alley. Line 191

54. P.102 H.2 and P.112 H.2 and P.118 H.2. and P.123.G.2 Building Entries – Add the word “wide” after 6 foot. Line 196

55. P.104 A. and P.109 A.3. P.115.A. Permissive Uses – 2. c. The word “professional” needs to be removed. Line 203

56. P.109 A. and P.115.A. Permissive Uses – 4. b. The word “adult book store” is no longer a defined term and recommend using the revised terms related to this activity. Line 219

57. P.109A. and P.115 A. Permissive Uses – 5. Should the word activity be added to this sentence so that it reads “… no outdoor storage or activity, except parking. Line 220

58. P.109 A. and P.115. A Permissive Uses – 5. f. The word “adult photo studio” is no longer a defined term and recommend using the revised terms related to this activity. Line 221

59. P.112 I. Off-street Parking Standards – b. the words “per unit” should be added after the word “maximum.” Line 230

60. P.121 C3 Shall read as follows: The minimum side yard setback for building s is 0 feet, except minimum corner side yard setback is 5 feet. The minimum side yard setback from adjacent residential use is 10 feet. Line 258

61. P.125 D. Windows and Doors – 2. This second sentence should be added to a separate section regarding signage. Line 271

62. P.129 There should be some language added indicating that all existing and future SU-1 sites need to comply with Section 14-16-3-30, of the Comprehensive City Zoning Code. Line 276

63. P.130 The word assent should be replaced with consent and in section 3 change (H)(1) to A.8.a.. Line 278

64. Add section: SU2 Park. Permissive Use, Public Park. Line 282

65. P.144 The following sentence shall be added to the Senior Housing definition. "The property shall be operated only as "Housing for Older Persons" as defined in the Federal Housing for Older Persons Act (42U.S.S., §3607(b) (2)) and uses will include related facilities. Line 284

66. P.113 I.3 strike "for non-residential development only." and "provided the on-street parking spaces are approved by the Traffic Engineer, in conjunction with a site plan approval for off-street parking.". Line 302

67. P.120 A.1.b. and to the end of the sentence "or maximum dwelling units per acre." Line 304

68. P.121 Add the following to the Conditional Uses, “B.4 Retail business in which products may be manufactured, processed, or assembled, as an accessory use, including catering, baking, confectionary making , or jewelry or curio making, provided: a. All activities are conducted within a completely enclosed building. b. The number of persons engaged in the manufacturing, processing or assembly of products is limited to ten. c. Activities or products are not objectionable due to odor, dust, smoke, noise, vibration, or other cause.” Line 308

69. P.124 Add M.1.d The landscape design shall reflect the more urban character of this area in its programming, detailing, and planting intensity. Line 310

70. P.45 Correct map to match with the Long Range Roadway System map adopted by the Mid-Region Council of Governments and correct text through out to reflect the new map. Line 314

71. P.127 Change 712 Marquette from MR and OR to only OR and correct the land use map on P.31. Line 333

72. P.124 Add new section Useable Open Space. The useable open space requirement is 30 sqft per unit, which may be satisfied in balconies, shared private roof top gardens, and so on. Line 306

73. P.41 Picture label, change address to read 8th and Slate. Line 336

74. P.81 change illustration to show: eliminate right turn lane for westbound Lomas, and replace with on-street parking and bulb-out to match other three corners. Line 337

75. P.109 A.4 remove "or activity". P.111 D.1 add the following sentence: Front setback areas along Lomas Boulevard may be used for the display of retail merchandise. Line 339

76. P.111 D.2. replace "5" with "0" in the first line to make the side setback as 0 minimum. Line 340

77. P.121 C.1 add the following sentence: "Front setback areas along Central Avenue may be used for the display of retail merchandise." Line 342

78. P.129 shall read as follows: 1. Unless otherwise provided, a structure or land which is non-conforming as to use must be converted to a conforming use within 5 years. The time period for the conversion of a non-conformance shall be computed from the date the Downtown Neighborhood Area Sector Development Plan is adopted by City Council. P. 143 shall read as follows "Non-conforming Use. Use of a structure or land which does not conform to this article and which was in conformity with any zoning ordinance in effect at the time it was created." Line 345

79. P.127 change 415 and 417 7th Street from SU2 MR to SU2 OR. Please note that this condition is not reflected in the Red Line version date 4.7.2011 due to time constraints. Line 379

80. P.113 L.1 Useable Open Space. The useable open space requirement is 30 sqft per dwelling unit which may be satisfied in balconies, shared private roof top gardens, and so on.

81. P.127 Change 709, 707, 705 Granite and 1105 and 1103 7th Street from SU2 SF to SU2 TH.

82. P.127 Change 918-924 Tijeras Ave NW, 200-208 10th Street NW and 919-921 Kent Ave NW from SU2 MR to SU2 HDA per the 1976 Downtown Neighborhood Area Sector Development Plan. The plan shall include reference material to address this property and it's retention of the existing zone category.

83. P.127 Change 1808 Old Town Road NW to SU2 TH.

84. Throughout the plan remove any references to Historic Overlay Zones as HOZ and instead use HO.

85. The April 2011 red-line version of the DNA SDP reflects the recommended conditions of approval. Where the conditions are silent and/or where the language does not exactly coincide, the text contained in the red-line version shall prevail. Please note page numbers in the conditions above relate to the EPC DRAFT dated 10.28.2010.

PROTEST: IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION, WHICH IS BY **APRIL 21, 2011.**

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY **APRIL 21, 2011** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,

Deborah Stover
Planning Director

RD/pm/mc

cc: Stephanie Landry, 300 10th St SW, Alb., NM 87102
Jane Carlton, 800 Valverde SE, Alb., NM 87108
Paul Melendres, 1017 5th St NW, Alb, NM 87102
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Eric Kilmer, 1416 6th St NW, Alb., NM 87102
Jim Clark, 516 11th St NW, Alb., NM 87102
Roman Romero, 1001 5th St NW, Alb., NM 87102
Lee Blaugrund, 1503 Central NW, Alb., NM 87104
Dan Chavez, 1723 Stanford NE, Alb., NM 87106
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David McCain, 811 7th St NW, Alb., NM 87102
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G Campos and C Crandall, 1215 Fruit NW, 87102
Sharon Kayne, 516 12th St NW, 87102
Jacqueline Guilbault, 1211 Fruit NW, 87102
Mirian Ortiz y Pino
Jim Linke, 514 13th NW, 87102
Sigmund Bloom, 712 Marquette NW, 87102
Joe Sackett, 905 Fruit NW, 87102
William Kraemer, 600 1st St. #211, 87102
Mark Hirsch, 400 Darthmouth Dr NE, 87106
Richard, Schzlk, 1606 Old Town Rd NW, 87104
Bruce and Mary Caird, 1525 Granite NW, 87104
Michelle Henrie, 1011 Fruit NW, 87102
David Keleher, 231 Adams St NE, 87108