

LAND USE PLANNING AND ZONING COMMITTEE  
OF THE  
CITY COUNCIL

TA1

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

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

1. On page 110, in the SU-2/DNA-MUL zone, amend section C.3.c as follows:  
"c. Shall not be located further than ~~4,000~~ 500 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings (see map, Appendix D).
2. On page 115, in the SU-2/DNA-MUM zone, amend section A.6.c as follows:  
"c. Shall not be located further than ~~4,000~~ 500 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings (see map, Appendix D).
3. On page 120, in the SU-2/DNA-NC zone, amend section A.4.c as follows:  
"c. Shall not be located further than ~~4,000~~ 500 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings (see map, Appendix D).
4. On pages 123-124, in the SU-2/DNA-CC zone, amend section B.1.c as follows:  
"c. Shall not be located further than ~~4,000~~ 500 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings (see map, Appendix D).

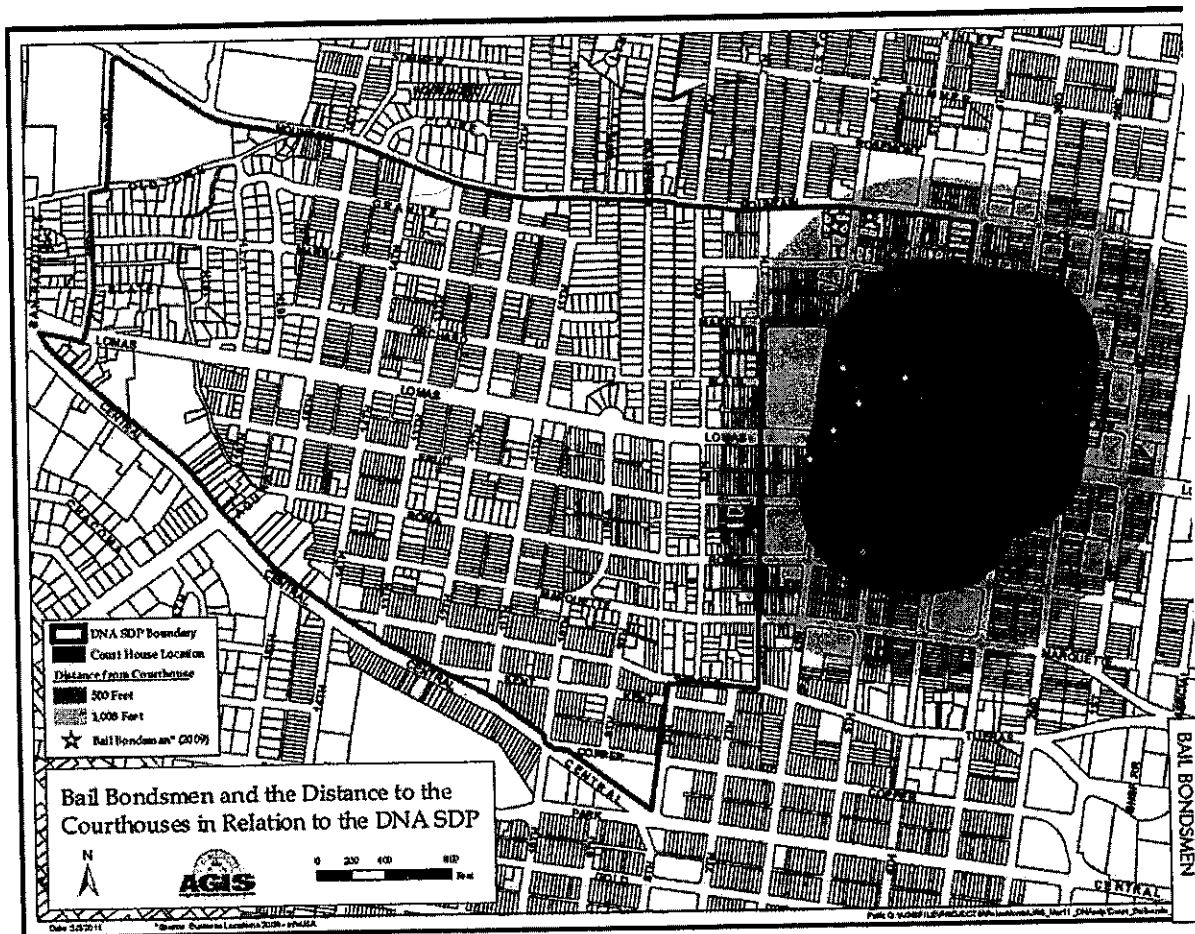
**Explanation:** This amendment would limit the location of bail bonds offices to within 500 feet, rather than 1,000 feet, of the courthouse buildings in downtown (see map below).

The original draft of the DNASDP that was submitted to the EPC (EPC Draft 10.28.2010) proposed to allow bail bond offices as a conditional use in certain zones (SU-2/MUL, SU-2/MUM, SU-2/NC, and SU-2/CC), subject to the following criteria: (1) must be located on a street classified as collector or higher, (2) not permitted on a block face with more than 30% residential uses, (3) not located within 500' of another bail bond office, (4) the number of employees is limited to 5, and (5) the hours of operation are limited to 7 AM to 10 PM. During the EPC review process, criterion (3) was changed to "Shall not be located further than 1,000 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings" and criterion (5) was removed entirely. Also, "bail bond" was moved from being a conditional use to being allowed as a permissive use in the SU-2/MUM and SU-2/NC zones but would

remain a conditional use in the SU-2/MUL and SU-2/CC zones.

Numerous people have requested, both in writing and at the August 10 LUPZ hearing, that criterion (3) be amended to restrict bail bond offices to within 500' of the courthouses, citing concerns that the 1000' radius would allow an incompatible use to expand too far into residential areas.

Council legal staff provided a separate memo in response to the latter concern dealing with state law and preemption; that memo concludes "The city is not preempted from regulating the location and hours of operations of bail bond businesses." From the perspective of land-use planning, the City's Rank 1 Comprehensive Plan appears to support limiting the location of bail bond offices to within 500' of the courthouses. Specifically, Section II.B.5 Policy i provides the following: "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." Clearly, this policy establishes the need for appropriate separation between residential and non-residential uses and deters the intrusion of non-residential uses that create negative impacts into residential environments. Including a regulation in the 2011 DNASDP to limit bail bond offices to within 500' of the courthouses is consistent with the applicable, above-cited policy of the Comprehensive Plan.



LAND USE PLANNING AND ZONING COMMITTEE  
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TA-2

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

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

On page 126, in the SU-2/DNA-CC (Central Corridor) zone, amend section H. Vehicular Ingress/Egress as follows:

~~1. Vehicular access is allowed from Central Avenue, but shall be minimized by shared access agreements where feasible.~~

"1. For properties east of 14<sup>th</sup> Street, primary vehicular access shall not be from Central Avenue. Where vehicular access from Central Avenue is already provided, it shall be minimized by shared access agreements where feasible.

2. For properties west of 14<sup>th</sup> Street, primary vehicular access shall be from Central Avenue. Non-residential vehicular access to and/or from 15<sup>th</sup> Street, 16<sup>th</sup> Street, and Fruit Avenue is prohibited."

**Explanation:** This amendment is in response to a concern that was raised about vehicular traffic on small, residential streets that "dead end" at properties in the SU-2/DNA-CC (Central Corridor) zone. An area resident suggested prohibiting vehicular access from SU-2/CC properties to 15<sup>th</sup> Street, 16<sup>th</sup> Street, and Fruit Avenue except for single-family homes located in the SU-2/CC zone. Upon taking a closer look at the regulation of ingress/egress contained in the Post-EPC draft of the DNASDP, staff realized that the regulation of ingress/egress in the CC zone needed further refinement in other ways, as well, and offers this amendment as a result.

Staff's analysis led to the conclusion that ingress/egress for properties along Central Avenue needs to be treated differently based on whether the property is located east or west of 14<sup>th</sup> Street. East of 14<sup>th</sup> Street, CC-zoned properties have access from side streets, so it would be preferable to limit access (i.e., curb cuts and driveways) from Central Avenue in order to maintain a more pedestrian-friendly environment along Central. West of 14<sup>th</sup> Street, properties that are located anywhere other than on a corner do not have other outlet options and, for the most part, must take their access from Central. However, as was raised as a concern by an area resident, a handful of lots have access at their rear to residential streets, which is why staff is recommending a prohibition on all non-residential vehicular access to/from those particular streets because it is not appropriate to have heavy truck traffic on narrow, residential streets.

**From:** CHRIS ISENGARD [mailto:csisengard@msn.com]  
**Sent:** Monday, September 12, 2011 2:55 PM  
**To:** Ortega, Crystal  
**Subject:** RE: Second LUPZ hearing for the DNA SDP Page 126

I have a comment on the DNA SDP regarding vehicular traffic from properties SU-2 CC zone into residential neighborhoods. I plan to attend the Wednesday hearing to express my concern.

On page 126 of the plan (H. Vehicular Ingress/Egress), The current language permits access to Central Avenue, but does not prohibit access to residential Streets at the rear of the lots.

This affects 16<sup>th</sup> Street south of Fruit (Where I live), Fruit west of 16<sup>th</sup> Street, 15<sup>th</sup> Street south of Roma (currently closed, fenced and Signed) and may affect properties backing on to Kent and Tijeras.

Focusing on the 16<sup>th</sup> Street and Fruit issue, only one property, a single family home belonging to an elderly woman, currently has access. It is used by her family, Caregivers, and Meals on Wheels and is not a problem. Other owners have expressed interest in access for their business use, which the residents have successfully opposed.

In addition to commercial traffic, which might include heavy truck deliveries to businesses, at some future date, there could be extremely high traffic from Manzano Day School for Student pick-up and delivery. This has the potential to change the character of our quiet Historical Neighborhood, La Orilla de la Acequia, which the Plan recognizes and seeks to protect. Access to both Central and residential streets could also result in drivers seeking short cuts to Central through commercial properties, a problem which the fencing and signage on 15th Street addressed.

Suggested Language: add the following to H. on page 126: "Vehicular Traffic from SU-2 CC property to residential streets (Or to Fruit Ave., 15th Street, and 16th Street shall be prohibited, except for single family homes located in the SU-2 CC zone."

If you have language that would accomplish the same goal I would accept that language.

LAND USE PLANNING AND ZONING COMMITTEE  
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TA-3

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

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

On page 124, in the SU-2/DNA-CC (Central Corridor) zone, amend section C.2 by deleting "parking" from the second sentence and, correspondingly, amend the diagram that illustrates the Setbacks regulation:

"2. A minimum of 50% of the Central Avenue frontage shall be building. The remaining 50% may be parking, courtyard, landscaping, outdoor restaurant seating, or a combination thereof."

**Explanation:** This amendment would remove the allowance for off-street parking to front Central Avenue. According to the record, Planning staff included this allowance in response to an objection raised by the property owners of 1433-35-45 Central Ave., NW: "Staff tried to work with the concerns raised by this property owner and proposed some modifications to the zoning, for example a maximum of 50% of the parking is allowed to face Central, prior to this no parking was allowed to face Central" ("DNASDP COMMENTS" spreadsheet, line 66, p. 378). Also, the existing development pattern for this section of Central Avenue contains parking lots that face the street.

However, this provision is clearly inconsistent with the Comprehensive Plan, which provides that parking should be "Separated from the street by the building" for development along Major Transit Corridors, which Central Avenue is so designated (see Albuquerque/Bernalillo County Comprehensive Plan, II.d.4, Policy a/Table 11). Therefore, Council staff is recommending this amendment in order to provide required consistency with the City's Rank 1 Plan.

LAND USE PLANNING AND ZONING COMMITTEE  
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TA-4

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

AMENDMENT SPONSORED BY COUNCILLOR \_\_\_\_\_.

On page 109, in the SU-2/DNA-MUL (Mixed Use Light) zone, amend section A.2.b as follows:

"b. School, including uses or activities in a tent, if the uses or activities are listed elsewhere in this subsection, provided:

- 1) The tent may not be erected for more than seven days at a time and may not be erected more than three times a year on a given premises; and
- 2) There is sufficient paved off-street parking available on the premises to meet the parking requirements for all uses on the premises, including the activity in the tent. The Zoning Enforcement Officer shall approve the site plan for the tent, which shall demonstrate adequate parking and vehicle circulation, prior to erection of the tent; and
- 3) There are toilet facilities on the premises available to the users of the tent; and
- 4) The City Fire Marshal or his authorized representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code."

**Explanation:** This amendment has been prepared in response to a request from the Escuela del Sol Montessori/Harwood Art Center, which holds events 2-3 times per year for which they like to erect tents/canopies in their parking lot to provide shade. This language corresponds to the C-1 zone of the Comprehensive City Zoning Code, § 14-16-2-16(A)(14), except it allows for tents to be erected up to three times per year instead of two. Requestor's letter is attached for reference.

**From:** Friedje vanGils [mailto:[friedje@edelsol.org](mailto:friedje@edelsol.org)]  
**Sent:** Friday, November 18, 2011 2:09 PM  
**To:** Morris, Petra A.  
**Cc:** Wade Patterson  
**Subject:** canopies / zoning

Hello, Ms. Morris-

Thank you so much for alerting us via Wade Patterson to weigh in on some zoning issues that may effect The Harwood Art Center and Escuela del Sol Montessori. The issue I am talking about addresses the use of tents and/or canopies for special events. We do have occasion, 2 - 3 times / year, to host large events, some of which are for the neighborhood and/or the community at large. For these events the use of large canopies (like those rentable from Garcia's Tents), is necessary either to protect participants from the sun, or to provide a structure for hanging decorations, lights, etc. At our last large function (to celebrate the Harwood's 20th Anniversary) we erected two large canopies in the courtyard between our buildings --- so that they were entirely on our property and not effecting neighborhood sight, sounds, etc. On another occasion (Carnuel Parade) we erected smaller, but still large (maybe 12' x 12') canopies to host this neighborhood event which celebrates the history of Mountain Rd. In this case the canopies provided shade from the hot sun we so often have here in Albuquerque.

I very much hope the folks involved in making zoning decisions can take into consideration the need for temporary tents and/or canopies and the positive contribution public and/or large private events can make. The permits for such covers always include permits and inspections by the Fire Department to ensure safety. I very much appreciate you taking our concerns and requests to the zoning board.

Please let me know if you or anyone else involved needs more information or has questions.

Thank You!

*Friedje vanGils*  
Executive Director

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