



**Environmental
Planning
Commission**

**Agenda Number: 5
Project Number: 1001620
Case #: 12EPC-40077
February 14, 2013**

Staff Report

Agent	Planning Department
Applicant	City of Albuquerque
Request	Zone Code Map Amendment to Establish a Central Avenue Neon Design Overlay Zone All properties that have direct frontage on Central Avenue; and sign locations within 300-feet of the edge of Central Ave. right-of-way on properties that front Tramway, Juan Tabo, Eubank, Wyoming, Louisiana, San Pedro, San Mateo, Yale, University, I-25, Broadway, Atrisco, Old Coors, Coors, Unser, and 98 th Street
Location / Legal Description	
Existing Zoning	Various – No Change to Underlying Zones
Proposed Zoning	Design Overlay Zone

Staff Recommendation
That a RECOMMENDATION OF APPROVAL of 12EPC-40077 be forwarded to the City Council, based on the Findings on page 14.

**Staff Planner
Carrie Barkhurst**

Summary of Analysis

This request is for a zone map amendment to adopt the Central Avenue Neon Design Overlay Zone (CAN DOZ). Mayor Berry’s initiative, ABQ the Plan, considered several large public projects that will shape the future of our community. One of the projects is an effort to revitalize and promote Central Avenue through the Route 66 Action Plan. The CAN DOZ is one strategy for revitalization along Central Avenue through the use of Neon signs to promote Route 66 history and identity for locals and visitors.

The CAN DOZ is a stand-alone document that is adopted as part of the Zoning Code, and will be mapped as a Design Overlay Zone. The regulations and incentives apply to applicants requesting to rehabilitate an existing neon sign or develop a sign with at least 50% of the sign face area using neon. The Design Overlay Zone proposes to incentivize neon signs by 1) allowing up to a 50% increase in the size of the sign face area, 2) allowing a height increase, 3) allowing animated signs, and 4) waiving application fees.

This request is accompanied by two concurrent related requests to amend the sign fees in §14-16-3-5(A)(4) of the Zoning Code (12EPC-40075) and to amend the Nob Hill Highland Sector Development Plan (12EPC-40076).

As a result of comments received during the Agency Review process, several changes were made to improve the formatting and organization of the CAN DOZ; to make the regulations more clear and enforceable; and to incorporate changes suggested by PNM to ensure adequate clearance for electric facilities. These changes are provided in the red-line version of the CAN DOZ, attached to this staff report.

The proposed design overlay zone furthers a preponderance of goals and policies of the Comprehensive Plan. Since the DOZ will establish new zoning regulations for properties along Central Avenue, the request has also been justified pursuant to R-270-1980. Two communications regarding this request were received — one in support and one in opposition to the request. Staff is recommending that a RECOMMENDATION OF APPROVAL be forwarded to the City Council.

City Departments and other interested agencies reviewed this application from 12/3/12 to 12/14/12. Agency comments used in the preparation of this report begin on Page 20.

I. INTRODUCTION

Request

This is a request for a Zone Map Amendment to adopt a Design Overlay Zone, which aims to encourage the use of neon lighting and signage along Central Avenue. The Central Avenue Neon Design Overlay Zone (CAN DOZ) would cover properties with frontage along Central Avenue from Tramway Boulevard to 118th Street. The request applies to all properties that have direct frontage on Central Avenue; and sign locations within 300-feet of the edge of Central Avenue right-of-way on properties that front Tramway, Juan Tabo, Eubank, Wyoming, Louisiana, San Pedro, San Mateo, Yale, University, I-25, Broadway, Atrisco, Old Coors, Coors, Unser, and 98th Street. The CAN DOZ will be a stand-alone document that is an extension of the Zoning Code.

This request is accompanied by two related, concurrent requests to amend the sign fees in §14-16-3-5(A)(4) of the Zoning Code (12EPC-40075) and to amend the Nob Hill Highland Sector Development Plan (12EPC-40076).

Environmental Planning Commission (EPC) Role

The EPC is a recommending body with review authority and is therefore, charged with evaluating the request and forwarding a recommendation to the City Council. The EPC's task is to make a recommendation to the City Council regarding the proposed Design Overlay Zone. The City Council is the City's Zoning Authority and will make the final decision (§14-16-4-1(D)).

Overview

The Planning Department in its role as applicant submitted the proposed Central Avenue Neon Design Overlay Zone text amendment and R-270-1980 justification, dated 11/29/2012, which is analyzed in the policy section of this staff report.

The CAN DOZ applies to applicants requesting to rehabilitate an existing neon sign or develop a sign with at least 50% of the sign face using neon. The Design Overlay Zone proposes to incentivize neon signs by 1) allowing up to a 50% increase in the size of the sign face area, 2) allowing up to 25% height increase for free-standing signs, 3) allowing animated signs, and 4) waiving application fees for signs that comply with the CAN DOZ Design Criteria.

Background & Intent

Mayor Berry's initiative, ABQ the Plan, considered several large public projects that will shape the future of our community. One of the projects is an effort to revitalize and promote Central Avenue through the Route 66 Action Plan. The CAN DOZ is one strategy for revitalization along Central Avenue through the use of Neon signs to promote Route 66 history and identity for locals and visitors.

This proposal is the first piece of the City's Route 66 Action Plan that was the subject of several town hall meetings in 2012 where this and other ideas were presented to the community for

comment. The idea to incentivize neon along Route 66 was one of the best-received ideas, which resulted in the CAN DOZ.

The proposed Design Overlay Zone is intended to incentivize the refurbishment of existing neon signs and the development of new neon signs and lighting for properties along historic Route 66. The CAN DOZ proposes to provide special design guidance for signage along Route 66, but without unduly interfering with other design controls that may exist with existing zoning and/or sector development plans. Larger neon signs have a more dramatic impact and are more costly, which is why the City should offer increased incentives to design and install neon signs provided they comply with the Qualifying Design Criteria provided in the CAN DOZ.

Context

Central Avenue is one of the original Route 66 road alignments, traversing the City from 106th Street on the west to Tramway Boulevard on the east. Signs using neon have given way to a more modern (and cheaper) plastic backlit sign, which is used to fulfill the base purpose of advertising a business. The City proposes the CAN DOZ to develop Route 66/Central Avenue as a distinct district through the use of historic sign types that bring a sense of vibrancy to the streetscape. The intent is that people will be attracted to Central Avenue because of the unique atmosphere created by the neon signs.

II. ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

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

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)

Adoption of a design overlay zone is an exercise in local self-government and falls within the City’s powers.

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.”

Providing incentives and allowances for a neon lights and signs through a design overlay zone allows the City to encourage the development of an aesthetic urban environment that celebrates the historic forms of Route 66. The design overlay zone provides criteria and regulations that ensure the proper use and development of land.

Staff finds that the request is consistent with the City Charter.

B. Albuquerque/Bernalillo County Comprehensive Plan

The Comprehensive Plan, the City’s Rank I Master Plan, contains goals and policies that provide a framework for development and service provision. The Plan’s goals and policies serve as a means to evaluate development proposals and requests for text amendments such as this.

Central Avenue is a linear corridor in the Central, Established, and Developing Urban Areas of the Comprehensive Plan. The Goal and relevant policies for each of these areas will be analyzed. Applicable goals and policies include:

LAND USE, II.B

Central Urban Area, II.B.6

II.B.6 Goal: Promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.

The CAN DOZ is a new overlay district that creates an incentive for the use of neon signs in the historic Route 66 corridor and aims to enhance the streetscape along Central Avenue. The request furthers the Central Urban Area Goal.

Policy II.B.6.a: New public, cultural, and arts facilities should be located in the Central Urban Area and existing facilities preserved.

The CAN DOZ proposes a sign size bonus and waiver of fees for signs with 20% or more of the sign face area using neon. These incentives are designed to both encourage the preservation and rehabilitation of existing historic signs as well as new signs that use a historic sign material. The request furthers Policy II.B.6.a.

Developing and Established Urban Areas, II.B.5

Goal: 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.

The CAN DOZ is a step toward creating a high-quality and visually-pleasing urban environment while encouraging the integration of various communities within the metropolitan area.

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, recreational concern.

The CAN DOZ aims to encourage an intensity and design of new signage and lighting along the Central Avenue corridor that will enhance existing historic and cultural resources. The design guidelines and regulations are written to allow a proportional size increase for signs that exhibit innovative design and at least 20% use of neon lighting. This allowance for an increased size assures that the signs will remain in context with other signs in the same neighborhood and zone.

By providing incentives for providing new and rehabilitated neon signs, the City will strengthen a neon theme that already exists along Central Avenue. This will further develop the historic character of the former Route 66. In this way, the request respects existing neighborhood values and cultural resources.

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.

Policy II.B.5.m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The primary intent of the CAN DOZ is to enhance the quality of the visual environment of Central Avenue. The proposed incentives are tied to design criteria that will result in creative and innovative signs. The sign material, neon, and the larger sign size are appropriate for this corridor, because they will develop the historic sign theme existing along Central Ave. One comment was received that did not support larger neon signs because they could be distracting and block vistas to the mountains. However, the larger sign sizes available are proportional to what is currently available in each Sector Plan Area. The request generally furthers Policies II.B.5.l and II.B.5.m.

Policy II.B.5.o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

Central Avenue traverses older, established neighborhoods across the city. Redevelopment and rehabilitation of these older areas will be strengthened and incentivized by the City by allowing a neon design overlay zone along this corridor.

Policy II.B.5.p: Cost-effective redevelopment techniques shall be developed and utilized.

The CAN DOZ provides incentives for property owners to utilize neon signs, which may encourage redevelopment of older signs and repair or improvement of existing neon signs.

The design overlay zone is accompanied with a request to waive sign permit fees for neon signs that are compliant with the design overlay zone regulations and guidelines. The loss of fees for these signs is a minor cost for the City, but one that is balanced by the benefits of an improved visual environment and streetscape.

ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION, II.C

Historic Resources, II.C.5

The Goal is to protect, reuse, or enhance significant historic districts and buildings.

The CAN DOZ aims to protect historic neon signs through providing incentives for their preservation and reuse. The design overlay zone also aims to enhance the character and vitality of the historic Route 66 corridor.

Developed Landscape, II.C.8

The Goal is to maintain and improve the natural and the developed landscapes' quality.

The CAN DOZ will enhance the quality of the developed landscape around Central Avenue by creating incentives for new and rehabilitated neon signs. The design regulations and guidelines aim to encourage creative and artistic signs, which will improve the visual quality of the corridor.

Community Identity and Urban Design, II.C.9

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

The CAN DOZ will help to preserve and enhance historical signs along Central Avenue. Cultivating new neon signs through the CAN DOZ is a strategy for creating an identifiable and distinct character for the Route 66 corridor.

Policy II.C.9.e: Roadway corridors (collectors, arterials, Enhanced Transit and Major Transit) within each community and that connect the community's Activity Centers shall be designed and developed to reinforce the community's unique identity; streetscape improvements to these roadways shall be designed to:

- create useful and attractive signage and building facades

The creation of the CAN DOZ is a unique way to connect Activity Centers along the Central Avenue corridor. By providing financial, size, and location incentives, this design overlay zone aims to foster a unique identity for Central Avenue as Route 66. The design overlay zone provides specific regulations and guidance that aims to improve the streetscape and encourage creative and attractive signage.

In conclusion, staff finds that the modified proposed text amendment furthers applicable goals and policies of the Comprehensive Plan.

C. Albuquerque Comprehensive Zoning Code

Authority and Purpose, page v (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.

Amendment Process, page viii (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.

The proposed text amendment generally furthers the intent of the Zoning Code to promote the health, safety and general welfare of the public because it would create an incentive for the use of neon signs in the historic Route 66 corridor and may enhance the streetscape along Central Avenue. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan. **Note:** Policy is in regular text; *Applicant's justification is in bold italics*

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

The establishment of the CAN DOZ along historic Route 66 will be consistent with the health, safety, morals and general welfare of the City by furthering applicable Master Plan Goals and Policies and strengthening the identity of Albuquerque's 15-mile urbanized stretch of Route 66.

- B. 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.

The proposed DOZ will not destabilize land use or zoning as it will not affect allowed land uses, and may provide more stability to existing and future businesses along the Route 66 corridor by developing a sense of place through a neon theme.

- C. 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.

The proposed change will not be in conflict with the adopted elements of the Comprehensive Plan or other Sector Development Plans along the Route 66 Corridor.

- D. 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 use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The existing zoning is not affected by the proposed DOZ, which encourages the use of neon that is contextually appropriate for the Route 66 corridor. The additional allowances of the CAN DOZ will:

- 1) Respond to changed neighborhood and community conditions that have taken place over the past 50 years since retail and residential uses have declined in number and viability along Route 66.***
- 2) The CAN DOZ and its design standards will be more advantageous to the community as articulated in the Comprehensive Plan, and will play a strong role in the development of the form of the metropolitan area along this arterial street corridor that links urban centers and historic zones.***

- E. 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.

This new DOZ and its design standards will not be harmful to adjacent property, the neighborhood, or the community.

- F. 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.

The CAN DOZ will not require major or unprogrammed capital expenditures.

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

Economic considerations are not the determining factor for the CAN DOZ.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The CAN DOZ does not establish new uses.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one 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.

The CAN DOZ is not a spot zone.

- J. 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 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.

The CAN DOZ is a legitimate type of strip zoning because:

- 1) ***The change will clearly facilitate the realization of the Comprehensive Plan; and***
- 2) ***The Central Avenue corridor is different than surrounding land because it is part of historic Route 66.***

III. ANALYSIS OF PROPOSED TEXT AMENDMENTS

Below is a summary of the proposed Central Avenue Design Overlay Zone. The sign regulation changes that are proposed in the CAN DOZ are discussed, as well as an analysis of the implications. This is followed with a section that addresses outstanding issues and implementation concerns related to the proposed changes.

Plan Summary

Introduction

The introduction of the CAN DOZ describes the purpose of the overlay zone, which is to encourage the use of neon signs along Central Avenue. The intent is to increase the vibrancy of Central Avenue by developing the existing neon-theme along the corridor. The DOZ also aims to attract locals back to Central and develop destination tourism related to Route 66. Neon signs are incentivized by providing flexibility with existing sign regulations and waiver of application fees if the sign meets the qualifying design criteria, including neon use on 50% of sign face area.

The introduction defines animated signs, historic signs, and neon signs.

The introduction also describes the extent of the DOZ. It includes all properties within the City that front Central Avenue, as well as locations within 300 feet of Central Avenue on major cross streets including: Tramway, Juan Tabo, Eubank, Wyoming, Louisiana, San Pedro, San Mateo, Yale, University, I-25, Broadway, Atrisco, Old Coors, Unser, and 98th Street.

Finally, the introduction justifies the DOZ according to the criteria for a Design Overlay Zone. The proposed DOZ includes approximately 1,150 acres of land, which is greater than the minimum 320-acre threshold. The DOZ also meets all three of the required conditions: Central Avenue has a strong role in the development of the form of the metropolitan area, it has a scenic physical setting representing a range of architectural styles and periods, and it has development potential which is likely to require unusually complex coordination.

Process & Administration of the CAN DOZ

The second section of the plan defines the application and review process. A Pre-application Review Team Meeting is required in order to make a determination if a proposed sign is within the DOZ boundaries and meets the design criteria that qualify a sign for the CAN DOZ incentives. If the sign meets the requirements, it qualifies for an application fee waiver. The review process is through an Administrative Approval by the Planning Director or his/her designee prior to the standard sign permit approval.

This section also addresses the Sign Design Criteria that are required to qualify an application for the incentives offered in the CAN DOZ. The criteria require the sign face area to consist of a minimum of 50% neon, including lettering and/or images. The process for measuring the neon portion of the sign is described – which is the same way the total sign face area is measured. The criteria require that the sign not obscure architectural features of the building or encroach into the minimum required clearance area for electric facilities (PNM). The criteria require at least one of four optional design elements to be met – expressive design, unique mounting structure, 100% neon illumination, or rehabilitation of an historic sign. Finally, the criteria allow LED tubing if it has the continuous lit appearance of neon.

Incentives & Flexibility with Existing Regulations

The third section of the CAN DOZ identifies all of the incentives offered for signs that meet the design criteria. The sign location, number, size, type and height are governed by the underlying zone, as well as through the General Sign Regulations, §14-16-3-5. The CAN DOZ offers greater flexibility with regulations governing size, height, and animation (motion). A brief comparison is made between the proposed incentives and the current C-2 zone, which is the predominant zone along Central Avenue.

- **Size.** Free-Standing and Projecting Signs may be up to 50% larger than allowed in the underlying zone, up to a maximum of 250 SF. Building-Mounted Signs may be up to 25% larger than allowed in the underlying zone. Sign letter size is allowed a proportionate size bonus. Currently in the C-2 zone, free-standing signs fronting Central Avenue may be up to 250 SF, but this maximum size is frequently restricted through Sector Development Plans.
- **Height.** Free-Standing Signs are allowed to be up to 30 feet. Building-Mounted Signs may be up to 110% of the building height, or 35 feet, whichever is lower. Currently in the C-2 zone, free-standing signs may be up to 26 feet and building-mounted signs are limited to 5 feet above the building height or 30 feet, whichever is lower.
- **Animation.** Except in the Nob Hill/Highlands Neighborhood, animated signs are prohibited by the General Sign Regulations, §14-16-3-5(D)(3). Qualifying signs in the CAN DOZ are allowed to have change of illumination that produces apparent motion of the visual image.

Finally, the incentives section identifies that signs that meet the design criteria qualify for a waiver of fees for sign review and permitting.

Issues and Implementation

Minimum Quantity of Neon

The most challenging aspect of implementing the CAN DOZ is determining an appropriate minimum level of neon to be used in a sign, in order for it to qualify for the incentives offered. The intent of the DOZ is to encourage signs that substantially rely on neon tubing. Originally, a minimum of 20% neon was considered as the threshold for a sign to qualify. Upon further consideration of existing neon signs, up to 80% of the sign face area could be other forms of illumination.

After review of a photographic inventory of neon signs on Central Avenue, staff noticed that the neon only served as an accent for signs containing 20% of neon. Planning Staff felt that a higher proportion of neon should be used to qualify for the incentives offered through this DOZ. The minimum threshold was revised to 50% of the sign face area should contain either words or imagery. This measurement is more consistent with the intent of creating a sign that appears to be predominantly neon.

Measurement of Neon

A related concern is how the amount of neon is to be measured. The total sign face area is measured as “the area of one rectangle or of two contiguous rectangles in the same plane, drawn with horizontal and vertical lines so as to include the entire sign except sign supports” for free-

standing signs, and “the area enclosed with a sign border, or the sum of the areas of the minimum imaginary rectangles enclosing each word or non-verbal symbol if there is no sign border” for building-mounted signs.

When measuring the amount of neon, if the same methodology is used, a neon border around the sign would result in a measurement of 100% neon. This is clearly not the intention of the CAN DOZ. One option to resolve this dilemma was to require 50%, or more, of the illumination to be from neon tubes. This measurement would control the ratio of neon illumination to other forms of lighting. Neon signs typically use painted metal as the background for the neon tubing. During the day, the sign would have one appearance, and night, only the portions with neon would be illuminated. As long as the other forms of illumination were limited, the sign would have a neon appearance, regardless of the actual quantity of neon on the sign face. Eventually, this was added as one of the Qualifying Sign Design Criteria – a sign that uses 100% neon illumination automatically qualifies for the incentives offered in the CAN DOZ.

An alternate way of avoiding the dilemma of a neon border only sign was to require that the neon portion of the sign includes at a minimum, lettering and/or images. The definition of a neon sign was revised to require neon letters and/or images for a sign to be considered “neon.”

Planning Staff also considered other measurement techniques, such as requiring a minimum length of neon tubing to be used by sign face area, or a minimum percentage of the lettering and/or images to be illuminated by neon tubing. These methods had the potential to be overly prescriptive in the sign design, and were not utilized. It was determined that the design of the neon sign should take into account both the areas illuminated by neon tubing and the “white space” between the text or images that forms the background for the neon illumination or the visual space between sign elements. In conclusion, the standard methods for measuring sign face area will be applied to measure the neon portion of the sign face, which provides consistency with current practice for measuring sign face area. Appendix B has several examples of existing neon signs, with an illustration of how the neon portion is measured.

Administration of the CAN DOZ

Metropolitan Redevelopment commented that it is unclear if there is a “relief” mechanism for those wishing to appeal a decision made by the Planning Director. In response, the Review Process, Section II.B, was modified to include notification of the Planning Director’s decision to property-owners within 100 feet of the proposed subject site. The notice of decision letters sent out by the City will include information about how to appeal the decision, which is a process already established by the Zoning Code, §14-16-4-4 ROA 1944.

Allowable Sign Types

Metropolitan Redevelopment commented that clarification should be made as to whether or not the CAN DOZ would apply to off-premise advertising signs. The most substantial incentive, the 50% size increase bonus, is not available to off-premise signs, pursuant to §14-16-3-5(A)(1)(g). As the DOZ is written, off-premise signs could qualify for the application fee waiver, the height bonus, and animation.

A concurrent request, 12EPC-40076, proposes to allow pole-mounted signs as an allowable sign type in the Nob Hill/Highland Sector Development Plan area. Pole-mounted signs are currently not allowed. There is the concern that allowing free-standing signs may result in new commercial development desiring free-standing signage and resisting build-to front lot lines. Because the CAN DOZ does not propose to modify allowable sign types, this matter is more appropriately discussed in conjunction with Case 12EPC-40076.

Sign Location

An earlier incentive considered was to allow neon signs to encroach into the public right-of-way. ROW encroachment is not something that the City encourages. Minor encroachment of signs into the right-of-way is already allowed in most zones, and requires a revocable encroachment permit and annual fees. The initially proposed 4 feet of permissive encroachment may have been misleading to applicants to imply that a revocable permit and fees were waived through the adoption of the CAN DOZ. Because these fees and permit are not proposed to be waived, the CAN DOZ cannot really offer any incentive.

The Public Service Company of New Mexico (PNM) suggested revising the regulations to clarify that a minimum separation distance is required for all PNM electrical facilities. This comment was particularly aimed at the proposed incentive to allow neon signs to encroach into the public right-of-way, which was later determined to not be a desirable incentive. PNM was concerned that if larger signs were allowed to encroach into the ROW, applicants would not be aware of potential conflicts with existing utility infrastructure. Staff added the comment from PNM to the list of Qualifying Sign Design Criteria, so that applicants are aware of this issue early on in the design process. Additionally, Appendix E was created to provide additional information about the requirements and considerations for signs near electric utility facilities.

Refurbishment of Historic Signs

The original draft of the CAN DOZ included a section regulating Historic Signs. Upon further analysis, it was determined that it would be preferable to address Historic Signs city-wide as a separate, concurrent text amendment to the General Sign Regulations (12EPC-40075).

Other Related Incentive Programs

Metropolitan Redevelopment has proposed a Façade Improvement Program, whereby a property owner may apply for a matching loan or grant to make exterior street-side improvements to the property. These could include refurbishment of significant historic signs.

Other cities have created design competitions as a way of recognizing and encouraging innovative and artistic designs for architecture, landscaping, etc. The City of Albuquerque should consider developing a Neon Sign Design Competition as another low-cost strategy for encouraging good sign design along Central Avenue.

IV. CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

PNM and Metropolitan Redevelopment provided substantive comments or concerns regarding this zoning code text amendment. Their concerns were discussed and addressed in Section III,

Analysis of Proposed Text Amendments. The agency comments in their entirety are provided at the end of the staff report, beginning on page 20.

V. NEIGHBORHOOD/PUBLIC CONCERNS

Neighborhood Associations along the Central Avenue corridor were notified and an article has been included in the December 2012 Neighborhood News Newsletter. The Newsletter was distributed to all neighborhood representatives on December 18, 2012, and it is also posted on ONC's homepage.

There was not a facilitated meeting and staff has received two communications from interested parties. There was one letter written in opposition to the increased size allowances and the promotion of increased neon usage. The letter also noted: "Larger and more distracting signs hardly beautify the drive, divert motorists' attention, and block views of the Sandias." There was one phone call from a community member in support of the request to increase the number and size of neon signs along Central Avenue.

VI. CONCLUSION

This is a request for a Zone Map Amendment to adopt the Central Avenue Neon Design Overlay Zone (CAN DOZ) to revitalize Central Avenue through the use of Neon signs and to promote Route 66 history and identity for locals and visitors. The proposed Design Overlay Zone is intended to incentivize the refurbishment of existing neon signs and the development of new neon signs and lighting for properties along historic Route 66.

The CAN DOZ applies to applicants requesting to rehabilitate an existing neon sign or develop a sign with at least 50% of the sign face area using neon. The Design Overlay Zone proposes to incentivize neon signs by 1) allowing up to a 50% increase in the size of the sign face area, 2) allowing up to 25% height increase for free-standing signs, 3) allowing animated signs, and 4) waiving application fees for signs that comply with the CAN DOZ Design Criteria.

This request is accompanied by two concurrent related requests to amend the sign fees in §14-16-3-5(A)(4) of the Zoning Code (12EPC-40075) and to amend the Nob Hill Highland Sector Development Plan (12EPC-40076).

As a result of comments received during the Agency Review process, several changes were made to improve the formatting and organization of the CAN DOZ; to make the regulations more clear and enforceable; and to incorporate changes suggested by PNM to ensure adequate clearance for electric facilities. These changes are provided in the revised version of the CAN DOZ, included with this staff report.

The proposed design overlay zone furthers a preponderance of goals and policies of the Comprehensive Plan and is justified pursuant to R-270-1980. Two communications regarding this request were received — one in support and one in opposition to the request. Staff is recommending that a recommendation of approval of the CAN DOZ to be forwarded to the City Council.

FINDINGS – 12EPC-40077 – February 14, 2013 – Zone Map Amendment

1. This is a request for a Map Amendment to the Zoning Code to adopt the Central Avenue Neon Sign Design Overlay Zone (CAN DOZ). The CAN DOZ will be a stand-alone document that is an extension of the Zoning Code.
2. The City of Albuquerque Planning Department has prepared the design overlay zone as a component of the Mayor's "ABQ the Plan" initiative to revitalize Route 66. The intent of the CAN DOZ is to encourage the development of neon signs and lighting within the Central Avenue corridor to promote Route 66 history and identity for locals and visitors.
3. The CAN DOZ applies to all properties that have direct frontage on Central Avenue; and sign locations within 300-feet of the edge of Central right-of-way on properties that front Tramway, Juan Tabo, Eubank, Wyoming, Louisiana, San Pedro, San Mateo, Yale, University, I-25, Broadway, Atrisco, Old Coors, Coors, Unser, and 98th Street
4. The Charter of the City of Albuquerque, the Albuquerque Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The EPC is a recommending body with review authority and is therefore, charged with evaluating the request and forwarding a recommendation to the City Council. The EPC's task is to make a recommendation to the City Council regarding the proposed Design Overlay Zone. The City Council is the City's Zoning Authority and will make the final decision (§14-16-4-1(D)).
6. The request meets the intent of the City Charter. Amending the Zoning Ordinance through a Zone Map Amendment is an act of self-governance and falls within the City's powers (Article I). Providing incentives for the preservation of existing neon signs and creating new neon signs and lighting through the CAN DOZ promotes and maintains an aesthetic and humane urban environment (Article IX).
7. The proposed text amendment generally furthers the intent of the Zoning Code to promote the health, safety and general welfare of the public because it would support improvements to the roadway corridor along Central Avenue to develop an historic neon theme that already exists along the former Route 66. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.

8. The proposed text amendment does not significantly conflict with any of goals or policies and generally furthers the intent of the Comprehensive Plan.
 - i. Goal II.B.6 - Promote the Central Urban Area as the historic center of the City. The CAN DOZ is a new overlay district that creates an incentive for the use of neon signs in the historic Route 66 corridor and aims to enhance the streetscape along Central Avenue.
 - ii. Policy II.B.6.a – Preserve existing and attract new public, cultural, and arts facilities. The CAN DOZ proposes incentives to both encourage the preservation and rehabilitation of existing historic signs as well as new signs that use a historic sign material.
 - iii. Goal II.B.5 - Create a quality urban environment while creating a visually pleasing built environment. The CAN DOZ is a step toward creating a high-quality and visually-pleasing urban environment while encouraging the integration of various communities within the metropolitan area.
 - iv. Policy II.B.5.d – Location, intensity, and design of new development shall respect neighborhood values. By providing incentives for providing new and rehabilitated neon signs, the City will strengthen a neon theme that already exists along Central Avenue. This will further develop the historic character of the former Route 66. In this way, the request respects existing neighborhood values and cultural resources.
 - v. Policy II.B.5.l and 5.m – Quality and innovation in design shall be encouraged; design shall be encouraged which is appropriate to the Plan area; design that improves the quality of the visual environment shall be encouraged. The primary intent of the CAN DOZ is to enhance the quality of the visual environment of Central Avenue. The proposed incentives are tied to design criteria that will result in creative and innovative signs. The sign material, neon, and the larger sign size are appropriate for this corridor, because they will develop the historic sign theme existing along Central Ave.
 - vi. Policy II.B.5.o – Redevelopment and rehabilitation shall be encouraged. Central Avenue traverses older, established neighborhoods across the city. Redevelopment and rehabilitation of these older areas will be strengthened and incentivized by the City by allowing a neon design overlay zone along this corridor.
 - vii. Policy II.B.5.p – Cost-effective redevelopment techniques. The CAN DOZ provides incentives for property owners to utilize neon signs, which may encourage redevelopment of older signs and repair or improvement of existing neon signs.
 - viii. Goal II.C.5 – Protect, reuse, or enhance significant historic districts and buildings. The CAN DOZ aims to protect historic neon signs through providing incentives for their preservation and reuse. The design overlay zone also aims to enhance the character and vitality of the historic Route 66 corridor.
 - ix. Goal II.C.8 – Maintain and improve the natural and the developed landscapes' quality. The CAN DOZ will enhance the quality of the developed landscape around Central Avenue by creating incentives for new and rehabilitated neon signs. The design regulations and guidelines aim to encourage creative and artistic signs, which will improve the visual quality of the corridor.

- x. Goal II.C.9 – preserve and enhance the distinct community identities. The CAN DOZ will help to preserve and enhance historical signs along Central Avenue. Cultivating new neon signs through the CAN DOZ is a strategy for creating an identifiable and distinct character for the Route 66 corridor.
 - xi. Policy II.C.9.e – Roadway corridors shall be designed and developed to reinforce the community’s unique identity. By providing financial, size, and location incentives, this design overlay zone aims to foster a unique identity for Central Avenue as Route 66.
9. The request has been adequately justified pursuant to R-270-1980:
- i. Section 1.A. The establishment of the CAN DOZ along historic Route 66 will be consistent with the health, safety, morals, and general welfare of the City by furthering applicable Master Plan Goals and Policies and strengthening the identity of Albuquerque's 15-mile, urbanized stretch of Route 66.
 - ii. Section 1.B. The proposed DOZ will not destabilize land use or zoning as it will not affect allowed land uses, and may provide more stability to existing and future businesses along the Route 66 corridor.
 - iii. Section 1.C. The proposed change will not be in conflict with the adopted elements of the Comprehensive Plan or other Sector Development Plans along the Route 66 Corridor.
 - iv. Section 1.D. The existing zoning is not affected. The additional allowances of the CAN DOZ will:
 - a. Respond to changed neighborhood and community conditions that have taken place over the past 50 years since retail and residential uses have declined in number and viability along Route 66.
 - b. The CAN DOZ and its design standards will be more advantageous to the community as articulated in the Comprehensive Plan, and will play a strong role in the development of the form of the metropolitan area along this arterial street corridor that links urban centers and historic zones.
 - v. Section 1.E. This new DOZ and its design standards will not be harmful to adjacent property, the neighborhood or the community.
 - vi. Section 1.F. The CAN DOZ will not require major and unprogrammed capital expenditures.
 - vii. Section 1.G. Economic considerations are not the determining factor for the CAN DOZ.
 - viii. Section 1.H. The CAN DOZ does not establish new uses.
 - ix. Section 1.I. The CAN DOZ is not a spot zone.
 - x. Section 1.J. The CAN DOZ is a legitimate type of strip zoning because the change will clearly facilitate the realization of the Comprehensive Plan and the Central Avenue corridor is different than surrounding land because it is part of historic Route 66.

10. As a result of comments provided through the Agency Review process, several changes were made to improve the formatting and organization of the CAN DOZ document; to make the regulations more clear and enforceable; and to incorporate changes suggested by PNM to ensure the placement of the signs maintains adequate distances from electric facilities. These changes are provided in the attached version of the CAN DOZ.

11. Sixteen neighborhood associations along Central Avenue were notified of this request via certified mail. An article was included in the December 2012 Neighborhood News Newsletter on December 18, 2012, and notification for the newsletter was posted on Office of Neighborhood Coordination's homepage.

12. Two communications regarding this request were received — one in support and one in opposition to the request.

RECOMMENDATION – 12EPC-40077 – February 14, 2013 – Zone Map Amendment

That a Recommendation of APPROVAL of Case 12EPC-40077, a Zone Map Amendment, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

***K. Carrie Barkhurst
Planner***

Notice of Decision CC List:

BARELAS N.A. (BRL) “R”

Dorothy Chavez, 612 10th St. SW/87102

Javier Benavidez, 1115 Barelas SW/87102

BROADWAY CENTRAL CORRIDORS PARTNERSHIP, INC. (BCC) “R”

Randi McGinn, 201 Broadway SE/87102

Rob Dickson, 401 Central NE, Ste. D/87102

CITIZEN’S INFORMATION COMMITTEE OF MARTINEZTOWN (COM) “R”

Jess R. Martinez, 501 Edith NE/87102

Frank H. Martinez, 501 Edith NE/87102

DOWNTOWN N.A. (DNA) “R”

Susan Brych, 927 11th St. NW/87102-1877
Jacqueline Wright, 509 11th St. NW/87102

HUNING CASTLE N.A. (HCS) "R"
Ranne B. Miller, 1521 Park SW/87104
Bill Biffle, 401 Laguna SW/87104

HUNING HIGHLAND HISTORIC DISTRICT ASSOC. (HHH) "R"
Moises Gonzalez, 111 Walter NE/87102
Ann L. Carson, 416 Walter SE/87102

MARTINEZTOWN WORK GROUP (MWG)
Loretta Naranjo Lopez, 1127 Walter NE/87102
Ivan Westergaard, 1008 Calle Garza NE/87113

RAYNOLDS ADDITION N.A. (RNA) "R"
Christopher Frechette, 1315 Gold SW/87102
Deborah Foster, 1307 Gold SW/87102

SANTA BARBARA-MARTINEZTOWN ASSOC. (SBM) "R"
Carol Carrillo Pimentel, 340 Prospect Ave. NE/87102
Christina Chavez, 517 Marble NE/87102

SAWMILL AREA N.A. (SMA) "R"
Betsy Najjar, 916 19th St. NW/87104
Janis Johnson, 990 18th St. NW, #101/87104

SAWMILL COMMUNITY LAND TRUST (SCL)
Connie Chavez, P.O. Box 25181/87125
Wendy Statkus, P.O. Box 25181/87125

SOUTH BROADWAY N.A. (SBW) "R"
Lorraine Smith, 1123 William SE/87102
Grace Gibson, 702 Broadway SE, Condo A-6/87102

WELLS PARK N.A. (WPK) "R"
Jerry Miller, 1715 5th St. NW/87102
Peter Eller, 1006 Lynch Ct. NW/87102

WEST PARK N.A. (WPR) "R"
Kevin Hagen, 2021 Alhambra SW/87104
Elaine Faust, 204 Gallup Ave. SW/87104

DOWNTOWN ACTION TEAM

Rick Rennie, 100 Gold St. SW/87102

NORTH VALLEY COALITION

Chris Catechis, 5733 Guadalupe Trail NW/87107

David Wood, 158 Pleasant NW/87107

Attachments

Staff Information

Design Overlay Zone, §14-16-2-28

Staff Report, 1/10/2012

Official Notification of Decision, 1/10/3013

Application

Application, 11/29/2012

TIS form

R-270-1980 Justification

Neighborhood Notification Information

ONC Attachment "A"

Certified Mail Receipts

Neighborhood notification letter

Resident letter in response to request

Central Avenue Design Overlay Zone

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No comments.

Office of Neighborhood Coordination

Alamosa NA (R), Avalon NA (R), Barelans NA (R), Broadway Central Corridors Partnership, Inc. (R), Citizen's Information Committee of Martineztown (R), Crestview Bluff NA (R), Downtown NA (R), Fair West NA (R), Highland Business & NA (R), Historic Old Town Property Owners Assoc., Huning Castle NA (R), Huning Highland Historic District Assoc. (R), La Mesa Comm. Improvement Assoc. (R), Los Volcanes NA (R), Martineztown Work Group, Mirabella-Miravista NA (R), Nob Hill NA (R), Pat Hurley NA (R), Raynolds Addition NA (R), Sandia Vista NA (R), Santa Barbara-Martineztown Assoc. (R), Silver Hill NA (R), Singing Arrow NA (R), Skyview West NA (R), South Broadway NA (R), South Los Altos NA (R), South San Pedro NA (R), Southeast Heights NA (R), Spruce Park NA (R), Sunrise HOA (R), Sycamore NA (R), Terracita HOA, Trumbull Village Assoc. (R), University Heights NA (R), Vecinos Del Bosque NA (R), West Mesa NA (R), West Old Town NA (R), West Park NA (R), Willow Wood NA (R), District 6 Coalition of NA's, Downtown Action Team, East Gateway Coalition, The Federation of University Neighborhoods, South Valley Coalition of NA's, South West Alliance of Neighbors (SWAN), Westside Coalition of NA's

12/3/12 – Article to be in the Dec12/Jan13 “Neighborhood News” Newsletter - siw

Long Range Planning

No comments received.

Metropolitan Redevelopment

Project No. 1001620. Amendments to Zone Map for Central Ave. Neon Design Overlay Zone. The subject properties affected by the proposed map amendment span several MRAs, including West Central, Historic Central, Soldiers and Sailors Park, Downtown, Albuquerque High, Sycamore, Highland Central, Near Heights, and East Gateway. MR staff offer the following comments and questions:

- Clarification should be made as to whether or not these criteria would apply to off-premise advertising signs.
- Definitions: Add definition for marquee sign differentiated from ‘projecting sign.’
- Will there be circumstances where a conflict may occur between the proposed regulations and regulations already in place under an SU-1 zone? If so, do the proposed overlay regulations trump the SU-1 standards?

- Freestanding signs. While incentives for use of neon in free-standing signs will contribute to the desired nighttime character of Central Ave., the likelihood is that new commercial development will desire freestanding signage and thereby resist build-to front lot lines.
- Refurbishment of historic signs. The MR has proposed a Façade Improvement Program, whereby a property owner may apply for a matching loan or grant to make exterior streetside improvements to the property. These could include refurbishment of significant historic signs.
- Appeal process. What will be the ‘relief’ process for those wishing to challenge a decision made by the Administrator?

CITY ENGINEER

Transportation Development Services

Reviewed, no comment

Hydrology Development

Reviewed, no objection

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Reviewed, and no comments regarding on-street bikeways or roadway system facilities.

Street Maintenance

No comments received.

Traffic Engineering Operations

No comments received.

WATER UTILITY AUTHORITY

Utility Services

No comments received.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No comments received.

Environmental Services Division

No comments received.

PARKS AND RECREATION

Planning and Design

Open Space Division has reviewed the following submittal: 12EPC-40077 Amendment to Zone Map and has no adverse comments.

Open Space Division

No comments received.

POLICE DEPARTMENT/Planning

No Crime Prevention or CPTED comments concerning the proposed Amendment to Zone Map change - neon signs - request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved as long as they comply with SWMD Ordinance.

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

Project # 1001620 12EOC-40077 AMNDT TO ZONE MAP (ESTB. A CENTRAL AVENUW NEON DESIGN OVERLAY ZONE.)	Adjacent and nearby routes	None
	Adjacent bus stops	None.
	Site plan requirements	None.
	Large site TDM suggestions	None.
	Other information	None.

COMMENTS FROM OTHER AGENCIES

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

The proposed Design Overlay Zone will cause no adverse impacts to the APS district.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

No comment received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM supports the City's efforts to revitalize Central Avenue with the proposed Central Avenue Neon Design Overlay Zone. PNM is currently working with City staff to convey specific public and employee safety concerns and adequate safety clearances regarding potential locational conflicts with existing overhead electric facilities that parallel or cross Central Avenue.

Typically in many areas along Central Avenue, PNM overhead distribution lines are located along the back lot line; however in some instances they are also located along Central. Some distribution lines may be underground. There is one electric transmission line that parallels Central Ave on west Central. Many transmission and distribution electric lines also cross Central in various locations between Tramway and 118th Streets.

Some streetlight circuits along Central are overhead. Streetlight circuits not overhead are underground. Some streetlights are not owned by PNM but are owned by the CoA.

Identify limitations/restrictions for neon around electric facilities:

- Refer to the PNM Electric Service Guide found at www.PNM.com for all neon sign project clearance requirements.
- Safety clearances are required by the National Electric Safety Code (NESC) to ensure utility worker and public safety which is adopted by the CoA.
- In addition to PNM electric service on the distribution poles, there are other third party co-locations attached to PNM poles, like telephone, cable, and internet providers.
- Neon cannot be added to PNM-owned light poles.
- Electric distribution facilities are exempt in the zone code and are not defined.

Proposed Language for Design Overlay Zone:

“Electric overhead transmission lines are located perpendicular and parallel to Central Ave within the DOZ. Electric overhead distribution lines are frequently located in the public right-of-way, overhanging or in public road right-of-way, generally crossing or paralleling Central Avenue. All proposed neon installations at these locations must be approved by PNM through the CoA sign permitting process to ensure vertical and horizontal safety clearances.”