



Environmental Planning Commission

Agenda Number: 8
Project Number: 1008660
Case #: 13EPC 40086
April 11, 2013

Staff Report

Agent	City of Albuquerque Planning Dept.
Applicant	City of Albuquerque
Request	Text Amendments to the Uptown Sector Development Plan
Current Zoning	MU-UPT & MU-UPT/Buffer
Proposed Zoning	No Change

Staff Recommendation

That a recommendation of APPROVAL of 13EPC 40086 be forwarded to the City Council, based on the Findings on page 19, and subject to the Conditions of Approval on page 21.

*Staff Planner
Christopher Hyer, Senior Planner*

Summary of Analysis

The purpose of this request is to provide text amendments to the Uptown Sector Development Plan (USDP) to help clarify specific language in the Plan that is either unclear or inconsistent with other City requirements. The proposed amendments do not affect established zoning or uses and are basically a “cleanup” of the 2009 Plan.

The amendments mainly deal with the following:

- 1) Less restrictive requirements for organic mulch and other materials in landscape areas;
- 2) Establishment of Open Space requirements for Residential Uses, separate from Open Space requirements for Non-Residential Uses;
- 3) Full credit allowance for on-street parking as part of the required parking; and,
- 4) Establishment of a Deviation Process.

Staff is recommending that a Recommendation of Approval be forwarded to the City Council.



City Departments and other interested agencies reviewed this application from 2/4/2012 to 2/15/2013.
Agency comments used in the preparation of this report begin on Page 26.

I. INTRODUCTION

Request

This request is for text amendments to the Uptown Sector Development Plan (USDP). The amendments mainly deal with the following:

1. **Less restrictive requirements for organic mulch and other materials in landscape areas** – currently the sector plan requires 95% of a site’s mulch be organic;
2. **Establishment of Open Space requirements for Residential Uses, separate from Open Space requirements for Non-Residential Uses** – currently there is not a differentiation between residential and non-residential open space requirements;
3. **Full credit allowance for on-street parking as part of the required parking** – the intent of the sector plan is a more urban and connected area with less land dedicated to parking lots;
4. **Establishment of a Deviation Process** – currently there are no provisions for any sort of deviation from the requirements of the Plan; and,

Purpose/Intent

This request is a Planning Department led initiative and is in response to working with applicants who are working within the Plan’s framework since the Plan was adopted in January 2009. The Plan provides a large array of specific regulations for site design (pages 57-85) and in a few instances, is silent where regulations are needed. Occasionally, an applicant’s proposal has an element that goes outside of the Plan’s limitations without a mechanism to accommodate for their specific request.

Upon implementation of the sector plan, the Planning Department identified a few areas that need modification to make certain areas of the Plan easier to work with. Also, the lack of the Plan’s flexibility has prompted a need for a deviation process, and further, a provision for projects to be reviewed by the EPC when the requested deviation is greater than 25% and less than 50%.

The requested text amendments are consistent with the Purpose of the USDP “to encourage and facilitate the infill redevelopment of the Uptown Area as an economically and environmentally sustainable, business and pedestrian-friendly area where people can *live, work and play.*” Further, these text amendments will help “to ensure that the Plan reflects predictable, workable regulations that will be relevant for years come.” (2008 USDP, Intent and Goals – Page 33-42)

History

The first Uptown Sector Development Plan (USDP) was adopted in 1981, subsequently amended in 1988 and re-issued in 1995 (Enactment No. 94-1995). Additional amendments occurred in 1999 and 2000. In the mid-2000s, after the Albuquerque Commons Partnership case, the sector plan underwent a comprehensive revision. This most recent version is referred to as the 2008 USDP, or USDP - adopted January 15, 2009 (R-08-141, Enactment No. R-2009-001).

There has only been one text amendment since adoption of the current Plan (F/S R-11-210, Enactment No. R-2011-056). This text amendment is specific to allow single-user

buildings to exceed 90,000 square feet provided that an approved site development plan demonstrates a floor area ratio (FAR) of 0.5 or greater and 50% of parking for the site is within a structure. There have been no other amendments to this Plan.

Zoning and the Plan's Format

The 2008 USDP established two new, mixed-use zones for the Plan area: SU-3 for MU-UPT and SU-3 for MU-UPT/Buffer, which are the only zones in this sector plan and are described on page 45. Both are mixed use zones that allow a variety of housing, civic and commercial uses including retail, wholesale, restaurants, offices, hospitality and entertainment. Uses are either permissive or prohibited in each zone; there are no conditional uses.

The USDP contains Zoning and Design Regulations for site development plans beginning on page 57. The Review and Approval Process begins on page 95. The USDP requires review of site plans by the Uptown Review Team (URT) made up of various City staff, with final approval by the Development Review Board (DRB). EPC approval of site development plans is not required. The USDP also allows administrative approval of amended site plans.

EPC Role

For text amendments to sector development plans, the Zoning Code requires the same notification and other procedures as it does for changes to the text of the Zoning Code (§14-16-4-3 (A) (5), which refers to §14-16-4-1(D)). Legal Department Staff were consulted about the nature of the request and they believe that the proposed text amendments are legislative in nature since the proposed amendments do not affect current zoning or land uses.

The EPC is a recommending body with review authority and is charged with evaluating the request and forwarding a recommendation to the City Council. The City Council is the City's Zoning Authority and will make the final decision.

II. ANALYSIS- PROPOSED TEXT AMENDMENTS

The proposed text amendments to the 2008 USDP are meant to be a "clean up" of text. There is also a provision for a deviation process that provides a mechanism for an applicant to ask for a specific regulation in the plan to be modified for a particular site.

As the text amendments are comprehensive in depth, several pieces of language must be modified, so there is not a conflict from one regulation to another within the Plan. Planning Staff has categorized the text amendments into four topics. These topics are presented above in the first section and will be analyzed in the same order in this section. The analysis follows below.

Planning staff has worked with members of the Uptown Progress Team on the final wording of the amendments. As such, the language has changed slightly from what was originally provided on the application deadline. Changes from the original application submittal are noted in **gray highlights**.

In order to make the analysis easier to follow, staff has organized the proposed changes by the related topic. For a chronological view of the changes (changes ascending by section in the Plan), the proposed text amendments are attached at the end of this staff report.

Note: New language is [underlined and bracketed]. Deleted language is [~~bracketed and struck through~~]. Planning Staff's explanation is in ***Bolded Italics***.

1) Proposing less restrictive requirements for organic mulch and other materials in landscape areas – this also includes some other minor adjustments to the landscape regulations in the Plan.

DEFINITIONS

- A. [**Boulder:** A large rounded or worn stone or mass of rock, too large for a person to move.]
- B. **Mulch:** A protective [~~organic~~] covering spread or left on the ground to reduce evaporation, moderate soil temperature [and] retain moisture [~~and add nutrients to~~] [in the] soil. Many materials are available for use but should not [result in the following:] have undesirable odors, particle size over 6 inches, be applied at a [~~thickness~~] [depth] over 4 inches, [~~should not touch plant material,~~] [contain] [~~no~~] metal or trash in the mix, or [be] placed in areas of directed rainwater flow. Mulch [shall][~~be organic and~~] [not include] rubber [or] pavement, [but may include decorative] rocks, and [non-gray standard] crusher fine or gravel. Areas landscaped with a spreading groundcover are not required to apply or re-apply mulch under existing groundcover.
- C. **Permeable Surface:** Any surface which allows water and air to penetrate through the surface. Examples are bare soil, grass, natural stone, Permeable Paving, [~~organic~~] Mulch, interlocking pavers, cobbles etc.
- D. **Tree Well:** A thirty-six (36) square foot space created in paved areas for tree planting in order to provide desirable rooting volume in a confined area. [~~Organic~~] Mulch shall be applied over the entire Tree Well surface but not touching the tree trunk. Tree wells should be created so finish grade will maximize rainwater usage for vegetation. Soil Connections should be used to increase rooting volume. A Tree Well can be designed for rooftop Parking Structures for small trees and shrubs using Engineered Soil basically as a large container.
- E. **Chapter III, Section E, Item 5 (Page 37):**
5. Protecting landscaping by using [~~organic~~] Mulch and providing ample Rooting Volume and permeable areas for tree roots to ensure that the trees and landscaping flourish.

ZONING AND DESIGN REGULATIONS

- F. **Chapter V, Section E, page 63: New Item #6 to be inserted between existing #5 and #6; renumber items 8-17 accordingly.** [The use of Boulders is acceptable as important landscape elements in pedestrian plazas.+]]
- * Note: The above amendment should be deleted since Section E already allows boulders as a seating option.*
- G. **Chapter V, Section F, Item #9, Page 65:** [~~Organic~~] Mulch shall be provided in areas around the living plants to reduce heat and conserve moisture. [~~Gravel, rocks, crusher fine and rubber are not Organic Muleh.~~]
- H. **Chapter V, Section F, Item #10, Page 65:** [~~The use of gravel, including rocks and crusher fine as ground cover, is limited to 5% or less of any Landscape Area, Planting Strip or Open Space area.~~]
- I. **Chapter V, Section F, New Item #10 - to replace the current #10, Page 65:** [The use of river stones to be used as Mulch in areas of drainage and water runoff is allowed in landscape areas.+]]
- J. **Chapter V, Section F, Item #12, Page 65:** The minimum acceptable sizes of plants, trees or amounts of seed, at the time of planting, are as follows:
- [Deciduous] [~~T~~][t]rees must be two inches in caliper[or larger.]
Coniferous trees shall be a minimum of six feet tall.+]]
 - Shrubs, bushes and low-growing evergreens shall be at least one gallon in size.
 - Ground cover and turf must be adequate to provide 75% ground coverage within two growing seasons after planting.
- K. **Chapter V, Section G, Page 66: add a second sentence:** [A list of permissive trees is found in Appendix A of this Plan. Similar trees, not on the list, may be approved by the Planning Director.+]]
- L. **Chapter V, Section G, Item #5, Page 67:** [Deciduous t] [~~T~~]rees shall be a minimum of two (2) inches in caliper [or larger] at the time of planting. [Coniferous trees shall be a minimum of six feet tall at the time of planting.+]]
- M. **Chapter V, Section G, Item #7, Page 67:** Trees shall be irrigated so as to encourage a deep and wide root system that will provide healthy growth and structural stability. [~~Trees shall be on separate irrigation zones from other vegetation because trees require water over a larger area than other plants, deeper into the soil, and less frequently than other vegetation.~~]
- N. **Chapter V, Section K, Item #2, Page 76-77:** A statement describing how the proposed landscaping meets all the landscape requirements in the 2008 USDP including but not limited to:
- the minimum of forty (40%) percent of required Open Space being Landscape Area

- b. the minimum of seventy-five (75%) percent of Landscape Area and sixty (60%) percent or seventy-five (75%) percent of Planting Strips being covered with living, vegetative materials, such as trees, grasses, vines, flowers and/or bushes/shrubs
- c. the minimum of ten (10%) percent of the required Landscape Area and Planting Strips being filled with flowers or flowering plants. This is not in addition to the required seventy-five (75%) percent, it is contained within the seventy-five (75%) percent.
- ~~d. gravel, including rocks and crusher fine, only being used on five (5%) percent of Open Space.~~

Summary:

The main purpose of the above amendments is to allow mulches, other than organic, to reduce evaporation, moderate soil temperature and retain moisture in the soil. Organic mulches tend to either blow away or wash away over a short period of time. Organic mulches require more maintenance and are not sustainable over time. Landscape architects working within the Uptown area have offered other alternatives for appropriate mulches including decorative rocks, non-gray standard crusher fine or gravel, and river stones.

The above amendments will also allow trees and other vegetation to be irrigated under one irrigation system rather than separate systems. This is a standard practice for most development throughout the city.

The amendments also allow some flexibility with regard to the tree species required in the Uptown area. Local landscape architects found that the tree list in Appendix A was too restrictive and that other similar trees could be used to meet the intent of the USDP. As such, the amendments allow similar type trees as listed in Appendix A, with the approval of the Planning Director.

- 2) Establish Open Space requirements for Residential Uses, separate from Open Space requirements for Non-Residential Uses and related items.

DEFINITIONS

A. [+Urban Park: a public space available to the general public that contains benches, recreational benefit and open space as defined. Space must contain a minimum of a third (1/3) of an acre or approximately 15,000 square feet. +]

B. Open Space:

[+ For Residential Uses: Outdoor space that is open and accessible to the residents involved which does not contain Buildings and serves as a counterbalance to the built environment. On-site Open Space is not required to be open and accessible to the general public.]

For Non-Residential Uses:+ Outdoor space that is open and accessible to the general public which does not contain Buildings and serves as a counterbalance to the built environment. Open Space may be any combination of Pedestrian Plazas,

Landscaped Areas, parks or other recreation features that are open and accessible to the public either physically or [+visually+], as in the case of a landscaped traffic circle. [~~-, visually. -~~]

ZONING AND DESIGN REGULATIONS

C. Chapter V, Section D. Open Space, page 60: new Item #2, after Item 1

[+2. Open Space Requirements for Residential Uses: In addition to the elements listed in subsection 14 of this Section, Open Space may include a park, Urban Park, plaza or other designated open space that is within 500 feet of the site, at least one third acre in size and is accessible to the residents involved. Pedestrian Plazas shall comply with Chapter V, Section E of the USDP. Open Space may also include, but is not limited to: balconies, patios, on-site landscaped areas except landscape strips for street trees, internal walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, and water courses. The following elements shall not be included as Open Space for the purpose of meeting the Open Space requirement: drainage ponds, driveways, drive aisles internal streets, parking in any form, public sidewalks, Uptown Circulator and/or City Transit Stops, or all undeveloped areas such as dirt lots. Residential development is not required to comply with the Open Space Regulations in subsections 5-17 in this Section.]

D. Chapter V, Section D. Open Space, Item #6, Page 60: Open Space shall be either Developed Open Space, as defined in the 2008 USDP or a completely Landscaped Area, as defined in the 2008 USDP [+, or a combination thereof+].

E. Chapter V, Section D. Open Space, Item #7, Page 60: [~~Required~~] Developed Open Space areas such as Pedestrian Plazas shall have a Landscaped Area equal to 40% of the Site. A minimum of 15% of all Developed Open Space must be shaded from the summer sun with landscaping including trees and/or permanent or temporary shade structures. Each [+Developed+] Open Space area must have landscaping and shade.

F. Chapter V, Section D, Page 61: Delete Item #13 – renumber accordingly: [~~The use of gravel including rocks and crusher fine as ground cover is limited to a maximum five 5% percent of any Open Space including any gravel used in Landscaped Areas and/or Planting Strips.~~]

G. Chapter V, Section D. Open Space, Item #17 (Page 62): [~~Required~~] Developed Open Space areas shall include a minimum of two of the following amenities:

- a. Bicycle amenities such as bicycle racks or bicycle lockers
- b. Dog-friendly amenities
- c. Drinking fountains
- d. Low-water use fountain or water feature
- e. Playground equipment or other recreational amenity
- f. Sculpture or other artwork
- g. Seating
- h. Any other amenities that meet the intent of this Section and the approval of the Planning Director

Summary

The Uptown area is a designated Major Activity Center with a goal to provide for mixed-use concentrations of interrelated activities. As such, the USDP was written to allow for a variety of uses at a greater density, dispersed with pockets of Open Space. The proposed amendments to the Open Space Regulations will expand the options for providing open space as part of a residential development. The intention is to utilize existing parks, urban plazas and public spaces to provide physical and visual relief from the built environment, provided they are within 500 feet of the residential site and at least one third of an acre. This will allow for a true urban form.

The amendments also allow for balconies, patios and on-site landscape areas to be counted towards the open space requirement for residential development. This is consistent with the Zoning Code requirements for residential open space.

And finally, the proposed amendments will allow on-site open space for residential development to be accessible to the residents of the development only. Currently, the USDP requires that all open space be accessible to the public, which may not be appropriate in a residential setting.

3) **Full credit allowance for on-street parking as part of the required parking** – there are also minor changes regarding walkways that are listed here.

A. **Chapter V, Section H. Walkways, Item #11 (Page 71):** All Site Development Plans shall demonstrate Walkway interconnectivity to other Sites in the Uptown Area. All Walkways [~~must~~] [should] connect to other Walkways within the Site and to public Right of Ways abutting the Site [to create logical interconnectivity for pedestrians that results in a safe route with minimal pedestrian/vehicle conflicts. The Planning Director, or his/her designee, and/or the DRB shall determine if redundant walkways can be eliminated.+]]

b. **Chapter V, Section H. Walkways, New Item #12 (Page 71):** [Sites that abut other sites that are not utilized by pedestrians are not required to have walkways for interconnectivity. An example of such an exception is property that abuts the I-40 right-of-way.+]]

** Note: The above should be deleted since it conflicts with the main intent of the USDP – to provide connectivity between sites and to public right of ways that have sidewalks. Also, Item A above changes “must” to “should” to allow more flexibility with design.*

c. **Chapter V, Section J. Parking, New Item #6 - to be inserted between existing #5 and #6; renumber items 6-19 accordingly (Page 73):** [On-street parking as per §14-16-3-1 (E) (6) (d), except allowable credit shall be one space per available, adjacent on-street parking space.+]]

Summary

As a Major Activity Center, Uptown is intended to be developed in an urban fashion with moderate and high density mixed land uses to help reduce auto travel needs and service

costs. The focus is on people and the movement of people. Vehicles and parking should be secondary when planning the area. The proposed amendments will encourage on-street parking, where appropriate, and will allow full credit where on-street parking is provided adjacent to a site. The amendment will free up more land for development and put parking on the streets where it can buffer pedestrians from traffic and aid in slowing traffic speed.

Section H, regarding Walkways, is being amended to allow more flexibility with design of a site. Where walkways do not make sense or lead to nowhere, the Planning Director or the DRB, depending on the approval process, can allow deviations from the strict literal interpretation of the Walkway Regulations.

4) Establishment of a Deviation Process

A. DEFINITIONS

[+Deviation: Deviation from the strict, literal application of any requirements of the USDP. Deviations do not require approval from the Zoning Hearing Examiner and are not referred to as a variance.+]

B. Chapter VII, Section B., Review and Approval Process, Item #10 (Page 96): If the URT and the Assigned Case Planner find that the Site Development Plan is in compliance or very close to compliance with the 2008 USDP, the Applicant may make an Application for Site Development Plan Approval and schedule a Hearing with the Development Review Board (DRB). [+An Applicant may apply for a Deviation as described in Section F of this chapter in order to achieve compliance with the 2008 USDP. +] Compliance with the URT and/or Assigned Case Planner's list of issues does not create or imply any vested rights or Entitlements until the proposed Site Development Plan is signed-off on and dated as Approved by the DRB.

C. Chapter VII, Section B., Review and Approval Process, Item #19 (Page 98): If the DRB finds that the Site Development Plan is not in compliance with the 2008 USDP and/or City requirements and regulations, but does not issue a Denial, the DRB shall provide the Applicant with a written list including the areas of non-compliance and reasons for delaying the Approval. [+A Deviation may be approved per Section F. of this chapter.+] The Applicant must bring the Site Development regulations before he can request a second or subsequent DRB Hearing. Compliance with the DRB list of issues does not create or imply any vested rights or Entitlements until the Application for Site Development Plan Approval has been signed-off on and dated as Approved by the DRB.

D. Chapter VII: Add new Section F

[+F. Deviation Process

The Deviation process allows review by the Planning Director, or his/her designee, or the EPC, limited to the requested deviation only.

- 1) The Planning Director, or his/her designee, may approve Deviations from any dimensional standard that is less than or equal to 25%. Notification may be

required at the discretion of the Planning Director. Any Deviations pertaining to building height in the MU-UPT/Buffer Zone will require Notification.

- 2) Any Deviation greater than 25% and up to 50% from any dimensional standard shall be reviewed by the EPC. Notification and advertisement shall be by the normal EPC process. Deviations greater than 50% shall not be approved.
- 3) Any non-dimensional Deviation from the USDP shall be considered on a case-by-case basis. An example of a non-dimensional deviation may be non-listed building articulation elements.

In order for the Planning Director or the EPC to grant a Deviation, the applicant must demonstrate that the applicable intent, goals, and policies of the Uptown Sector Development Plan are still met and must also demonstrate at least one of the following:

- a. The site is unique in terms of physical characteristics and requires the Deviation in order to be developed.
 - b. The site/project will serve as catalyst to re-development or further development in the USDP area.
 - c. The project is of a comparable quality and design and will enhance the area.
 - d. The site/project provides a needed service for the community, as identified in the Uptown Sector Development Plan, CIP proposals, community survey or other similar source.
 - e. The project will preserve an historic building or structure or an archeological site.
- 4) Documentation of the approval of the Deviation must accompany a site development plan for approval by the DRB.

Summary

The USDP provides Zoning and Design Regulations to assure quality development in the Uptown Area. The USDP requires full compliance with the regulations and does not provide for any kind of relief. It does not take into account unique site or neighborhood conditions or innovative design. Development must either comply with the regulations or be denied. The proposed amendments will allow approval of deviations up to 25% by the Planning Director or approval of deviations greater than 25% and up to 50% by the EPC. An applicant must justify the request for a deviation pursuant to the criteria listed, which will provide guidance to the decision makers while upholding the intent of the USDP. This is consistent with recently adopted Sector Development Plans. The amendments will still provide certainty for applicants and neighborhoods but will allow flexibility within the framework of the regulations.

5) Allowance for a Voluntary EPC Review Process

- A. **Chapter VII, add new Section G. Voluntary EPC Review Process:** [+Applicants may voluntarily elect to have site development plans for subdivision and/or building permit reviewed and acted upon by the EPC as per the procedure outlined in Zoning Code Section 14-16-2-22, SU-1 Special Use Zone. Deviations to Uptown Sector Development Plan standards remain as per the Deviations section of this Plan. Necessary public infrastructure, such as streets, sidewalks, and drainage systems that differ from standard DPM specifications may be considered by the EPC after consultation with and comment by the City Engineer and/or her/his designee. +]

** Note: The above should be deleted since a deviation process will be included in the Plan for dimensional deviations up to 50% - the Planning Director can approve deviations up to 25% and the EPC will review any deviation requests above 25% and up to 50%. No deviations will be allowed that are greater than 50% of the dimensional standard.*

6) Other Approval Process Modifications to the Plan

- A. **Chapter IV, Section G. Height, Item #2, page 54:** SU-3 for MU-UPT/Buffer Zone: Structure height up to 36 feet [+, measured from the top of the curb of the abutting street,+] is permitted at any legal location subject to Buffer Setback regulations.
- B. **Chapter V, Zoning and Design Regulations, page 57:** The beginning of this chapter lists six items pertaining in general to the zoning and design regulations. **Item #2** shall include a part of the last sentence found in **Chapter VII. Review and Approval Process, Item #16 (page 97)** which reads, “The DRB shall not approve the Site Development Plan until it is in compliance with the 2008 USDP and all other applicable City regulations and requirements.” Thus, **Item #2 (page 57)** shall be modified to read:
2. All New Construction and/or Redevelopment must comply with all the zoning and design regulations of the 2008 USDP [+and all other applicable City regulations and requirements+] except where specifically exempt.
- C. **Chapter VII, Section E, Administrative Amendment, Item #1.f., page 99:** The [+amended+] Site Development Plan is in compliance with the 2008 USDP and all other applicable City regulations and requirements. [+Requests for building additions, building renovations and/or site rehabilitations shall comply with the 2008 USDP for those parts of the site or building undergoing construction.+]
- D. **Chapter VII, Section E, Administrative Amendment, Item #1.g, page 99:** The Planning Director finds that neither the City nor any person will be substantially aggrieved by the altered plan[+, and+]
- E. **Chapter VII, Section E, Administrative Amendment, New Item #1.h, Page 99:** [+g. Significant City infrastructure and Financial Guarantees are not required.+]

Summary

- 6.A. This clarifies where height shall be measured from in the buffer zone.*
- 6.B. This addition brings language that is already in the Plan up to the front of Chapter V. Zoning and Design Regulations. This additional placement will help remind applicants that just because the sector plan may be silent regarding specific regulations, the applicant is still expected to comply with applicable City regulations and requirements.*
- 6.C. This amendment lets the applicant know that they are only required to comply with the USDP for the portion of the site that is undergoing revision.*
- 6.D. Item h. is an addition to the criteria necessary before entering the Administrative Approval process. If a project requires significant City infrastructure and/or Financial Guarantees, the project will have to be reviewed and approved by the DRB.*
- 6.E. This informs the applicant that the minor change cannot invoke a required infrastructure list from the DRB.*

III. 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)

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.”

Clarification of a sector development plan is an exercise in local self-government and falls within the City's powers (City Charter, Article I). The text amendments of the USDP "ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment." (City Charter, Article IX).

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

B. Albuquerque Comprehensive Zoning Code

The Preface of the Zoning Code includes the following applicable paragraphs:

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.

Role of Land Use Boards, 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 USDP is an extension of the Zoning Code through the SU-3 zone. Therefore, amendments made to a sector plan's zoning are an amendment made to the zoning regulations and is reflected as an amendment to the zoning ordinance. The zoning ordinance is codified in the Zoning Code with extensions of modified regulations for unique areas in sector plans. Thus, these text amendments to the USDP are amendments to the zoning ordinance.

The proposed text amendments generally furthers the intent of the Zoning Code to promote the health, safety and general welfare of the public because it would promote the Guiding Principles of the USDP - specifically, "to ensure the Uptown Area thrives economically, provides exciting opportunities for the public and creates an attractive built environment for everyone to enjoy". However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.

C. Albuquerque/Bernalillo County Comprehensive Plan

The Comprehensive Plan, the Rank I planning document for the City, 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.

As the entire Uptown Sector Development Plan is in the Established Urban Area, the Land Use Goal and Policies for this designation will be used. Applicable goals and policies include:

Goal: To create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and

which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

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 Uptown area is an urban center and encourages multi-modal connectivity. The proposed text amendments help to promote new development and redevelopment that allows improvements to the quality of site connectivity and the design of sites within the area, which respects the existing neighborhood values. These text amendments have identified areas within the sector plan that need modification to allow property owners a better ability to create a more visually pleasing built environment.

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

The area within the USDP is designated as a Major Activity Center where employment and service uses are located and offered at an urban level of intensity. The businesses located within the buildings of this Center offer employment and services to local residents. The surrounding residential areas are buffered from noise, lighting, pollution and traffic by the massing of the multistory buildings located in this Center. The proposed text amendments intent is to allow better development and encourage better connectivity throughout the Uptown area.

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

The Uptown area is one of a handful of urban-employment centers in the City of Albuquerque. The text amendments to the USDP further encourage the types of developments associated with such a center and quality and innovation in design is guided by the existing sector plan and will be continued.

Activity Centers

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

The Uptown area is designated a Major Activity Center and is one of the most Urban areas within the City. The objective of the text amendments is to ensure that the Uptown area continues to grow in an urban fashion, which is with higher density mixed use, more intense social/economic activities and in buildings that are multi-story. This type of growth helps to reduce urban sprawl, encourages multi-modal transportation while reducing the reliance on the automobile and enhances the identity of Albuquerque and its communities both locally and regionally.

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

pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.

Major Activity Centers are only located where higher density and concentrations of mixed-use, interrelated activities are appropriate and desirable. Most land in the City does not have an Activity Center designation; the more intense uses, such as taller buildings (higher FARs), are to be concentrated in the same place. The proposed text amendments support the creation of a concentration of mixed-use, interrelated activities that promote transit and pedestrian access in the support of Uptown as a Major Activity Center.

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

The Zoning Code defines a Major Activity Center as a place that the most highly concentrated locations of commercial, service and employment uses are provided. The Uptown area has one of the highest concentrations of these uses in the City and they are located in large, multi-story buildings. Since Major Activity Centers have been designated as the place for such intensity, promotion of an urban, pedestrian friendly area by the City is appropriate. While these text amendments will help encourage additional development in the Uptown area, regulations in the Plan guide the developments to maintain visually pleasing vistas and the required landscape buffers and open space requirements help protect solar access from site to site.

C. ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION

1. Air Quality

The Goal is to improve air quality to safeguard public health and enhance the quality of life.

The text amendments to the USDP will promote this Goal as more development occurs in the area and pedestrianism becomes the norm – rather than an automobile dominated area.

Policy II.C.1.d: Air quality shall be protected by providing a balanced circulation system that encourages mass transit use and alternative means of transportation while providing sufficient roadway capacity to meet mobility and access needs.

The Uptown area already has adequate roadway capacity. Transit use is already at a high level as witnessed by the transit facility that has recently been located within the intense core. As the area becomes more urban, multi-modal transportation in a balanced circulation system will become a desired substitute for traditional automobile use, which will further enhance the air quality of the area.

8. Developed Landscape

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

These text amendments will promote the enhancement of the quality and visual impact of the developed landscape around the Uptown area by reducing the restrictive regulations of limiting non-organic mulch in the landscaping to 5% and allowing the use of different types of rock and boulders as important features in landscaped areas.

9. Community Identity and Urban Design

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 text amendments will encourage further development and redevelopment in the Uptown area. The sector plan regulations ensure that developments in this area include similar aspects so that all the properties in Uptown have an identifiable appearance that distinctly emanates “Uptown”.

Policy II.C.9.b. In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

- 2) Built environment
 - Height and massing of buildings
 - Setbacks from the street
 - Placement of entrances and windows
 - Walls and fences
 - Parking areas design and relationship to buildings
 - Road widths, sidewalks, curb cuts, medians
 - Grain of streets/size of parcels
 - Patterns of movement (e.g. pedestrian connections, access to transportation/transit)
 - Street furniture (e.g. bus stops, street lights, signs)
 - Landscaping materials, both planting and hardscape
 - Public infrastructure (e.g. drainage facilities, bridges)
 - Social interaction opportunities
 - Relationship between built and natural environment

The amendments to the sector plan include the addition of a deviation process from the required dimensional standards that are presented in the regulation portion of the Plan. Any request for a deviation must be compared/contrasted with the intent of the Plan and existing developments in the Uptown area before an approval will be granted. Determination of whether the deviation would be acceptable is based upon how well the item requiring a deviation from the regulation is justified by the applicant. In other words, any deviation should not pose an impact to the already built Uptown area.

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
- facilitate walking safety and convenience

The USDP already creates and maintains the Uptown community’s unique identity. These text amendments help support this identity by alleviating any confusion from not clear text.

D. COMMUNITY RESOURCE MANAGEMENT

6. Economic Development

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

The proposed text amendments would generally result in economic development. The purpose and intent of the USDP is “to ensure the Uptown Area thrives economically, provides exciting opportunities for the public and creates an attractive built environment for everyone to enjoy.” The text amendments support the Plan’s intent by making it easier for a property owner to develop or redevelop their site.

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

Though the proposed text amendments would help to attract new jobs to the Uptown area, they would not in themselves contribute to employment concentration in the Uptown Major Activity Center. Employment concentration is created through promoting density, which means higher FARs, additional buildings and buildings closer together, in contrast to the lower density urban form the request would foster. These text amendments indirectly support this policy.

IV. CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

The City Engineer has one suggested Condition: Adjust the particle size dimensions and/or thickness layer under the “Mulch” parameters to be applicable. Hydrology Development proposes 3 inch particle size. Staff believes that the 3” size requirement of the particle size for the mulch is too large. Mulch is commonly composed of much smaller particle size, for example, crusher fines. Staff believes the mulch size concern presented by Hydrology regards drainage and water runoff areas. An amendment to the USDP is to allow river stones to be used as mulch in landscape areas where such conditions are present. Staff has listed the City Engineer’s suggested Condition in the Conditions for a Recommendation of Approval section at the end of this staff report, but does not believe it should be adopted.

The Parks and Recreation Department is concerned that the capitalization of open space could be confusing. The USDP capitalizes all the words that are defined in the Plan. The Parks Department uses a capitalized Open Space when referring to Major Public Open Space in general. Staff believes that this confusion would be minor as only those that are using the USDP would be presented with the capitalized Open Space and would recognize that it is a defined term within the Plan. They would likely look at the definition in the Plan and understand that it is specific to the Plan.

The Parks and Recreation Department also expresses concern over the use of a defined term – Urban Park. Urban Park is defined as to its size, at least 15,000 square feet, and is specific to the Plan. This term is not a classification of Albuquerque Parks and would be referred to as an amenity on private property. It only pertains to this Plan.

The Public Service Company of New Mexico (PNM) has several comments. They are paraphrased below and added to the Condition for a Recommendation of Approval section at the end of this staff report.

- “Public Utility Structure” and “Public Right-of-Way” should be consistent with the definition found in the Zoning Code.
- PNM would like a new section added in Chapter V that is specific to utilities.
- PNM suggests revising a sentence in Chapter III, Intent and Goals, Section C, Open Space, page 34 that states “Requiring all New Construction or Redevelopment in the Uptown Area, excluding public utility structures, to provide publicly accessible Open Space.” There is an illustration to be included in the new section of Chapter V, page 85 that shows the suggested location of the utility easements.
- PNM would like adequate clearances around utility facilities for safety.
- PNM suggests revising the language in Chapter V regarding screening.
- PNM wants the required 10% minimum for Open Space to exclude public utility structures.

V. NEIGHBORHOOD/PUBLIC CONCERNS

Neighborhood Associations within the USDP area were notified and an article has been included in the February 2012 Neighborhood News Newsletter distributed to all relevant neighborhood representatives –February 20, 2013. Notification has been posted on ONC’s homepage for the newsletter, also.

Staff has received an email from the Inez Neighborhood Association (February 4th and 5th, 2013) that expresses concerns over the on-street parking credit for the off-street parking requirement. The concern is that the Uptown area is already congested and increasing this credit from the existing 0.5 to 1 to 1 to 1 will add to the congestion.

Staff has been working with the Uptown Progress Team regarding all the suggested amendments and has their general support for the suggested changes. Through this ongoing dialog, the Uptown Progress Team has helped the Planning Department refine the amendments to the point that some needed further modification and are identified in the staff report with a discussion as to why it should be changed.

Staff has not received any other communications supporting or opposing this request.

VI. CONCLUSION

This is a request to amend the text in the 2008 Uptown Sector Development Plan (USDP). This request is a Planning Department led initiative and is in response to

applicants who are working within the Plan's framework since the Plan was adopted in January 2009. The Plan provides a large array of specific regulations for site design and is sometimes silent where regulations are needed. Occasionally, an applicant's proposal has an element that goes outside of the Plan's limitations without a mechanism to accommodate for their specific request. This lack of flexibility has prompted a need for a deviation process; the Planning Director can approve deviations that are up to 25% from the dimensional standard and the EPC will be asked to review the project for deviations greater than 25%, but not greater than 50%.

The amendments mainly deal with the following:

1. **Less restrictive requirements for organic mulch and other materials in landscape areas** – currently the sector plan requires 95% of a site's mulch be organic;
2. **Establishment of Open Space requirements for Residential Uses, separate from Open Space requirements for Non-Residential Uses** – currently there is not a differentiation between residential and non-residential open space requirements;
3. **Full credit allowance for on-street parking as part of the required parking** – the intent of the sector plan is a more urban and connected area with less land dedicated to parking lots; and,
4. **Establishment of a Deviation Process** – currently there are no provisions for any sort of deviation from the requirements of the Plan.

Planning Staff has been working with the Uptown Progress Team and has identified areas of concern for both the development community and City staff. These amendments are to alleviate these areas of concern and make the Plan's framework easier to use while maintaining the Intent and Goals of the sector plan.

The amendment does not conflict with the City Charter and furthers a preponderance of applicable goals and policies in the Comprehensive Plan.

The affected neighborhood organizations were notified and the Inez Neighborhood Association expressed concern about increasing the parking credit of on-street parking as an off-set to the off-street parking requirement. There is no other known opposition to the requested amendments.

Staff recommends that the EPC forward a recommendation of approval of the modified text amendments to the City Council based on the following Findings and subject to the Conditions of a Recommendation of Approval.

***FINDINGS – 13EPC 40086, April 11, 2013 – Text Amendments to the Uptown Sector
Development Plan***

1. The City of Albuquerque Planning Department is proposing text amendments to the 2008 Uptown Sector Development Plan (USDP) to help clarify specific language in the Plan and to allow more flexibility with the regulations in the Plan.
2. The proposed amendments are legislative in nature since they do not affect established zoning or land uses. The EPC is charged with evaluating the amendments and forwarding a recommendation to the City Council.
3. The amendments are sponsored by the City of Albuquerque Planning Department. The Planning Department has worked with the Uptown Progress Team and other interested stakeholders in determining the text amendments.
4. The Charter of the City of Albuquerque, the Albuquerque Comprehensive Plan, the 2008 Uptown Sector Development Plan (USDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request meets the intent of the City Charter: Amending the text of an adopted sector development plan falls within the City's powers (Article I). The text amendments of the USDP "ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment" (Article IX).
6. The proposed text amendments generally further the intent of City policies and regulations to promote the health, safety and general welfare of the public. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.
7. The requested amendments are not in significant conflict with adopted elements of the Comprehensive Plan, the Uptown Sector Development Plan or other city master plans including the following:

COMPREHENSIVE PLAN ESTABLISHED URBAN AREA POLICIES

- a) The proposed text amendments will help to promote new development and redevelopment that allows improvements to the quality of site connectivity and the design of sites within the Uptown area, which respects neighborhood values. The amendments will not result in adverse effects of noise, lighting, pollution or traffic on residential environments and will encourage quality and innovation in design that is appropriate to the Uptown area. (Comprehensive Plan Policies II.B.5.d, i, and l)

- b) The Uptown area is designated as a Major Activity Center by the Comprehensive Plan. This request will have a beneficial impact on social and economic activities in this area as a whole, and the Uptown area will continue to grow in an urban fashion with higher density mixed use in buildings that are multi-story. This compact urban development will help to reduce urban sprawl, encourage multi-modal transportation and reduce the reliance on the automobile, while enhancing the identity of Albuquerque. (Comprehensive Plan Goal for Activity Centers and Policies II.B.7.a and c.)

C. Environmental Protection and Heritage Conservation

1. Air Quality

The text amendments will help to improve air quality, safeguarding public health and enhancing the quality of life, by reducing automobile travel and promoting reliance on transit and other multi-modal means of travel. (Comprehensive Plan Goal for Air Quality and Policy II.C.1.d)

8. Developed Landscape

The text amendments will help to improve the developed landscape quality by relaxing the restrictive regulations regarding organic mulch in landscaped areas and allowing the use of different types of rock as important features. (Comprehensive Plan Goal for Developed Landscape)

9. Community Identity

The text amendments regarding “deviations” will not affect the unique identity of the Uptown area since a request for a deviation will have to meet the intent, goals and policies of the Uptown SDP. (Comprehensive Plan Goal for Community Identity and Policy II.C.9.b and e)

D. Community Resource Management

6. Economic Development

The text amendments will encourage steady and diversified economic development, balanced with other important social, cultural and environmental goals of the Uptown Sector Plan. In addition, the amendments will help promote a balance of jobs with housing to reduce the need to travel. (Comprehensive Plan Goal for Economic Development and Policy II.D.6.g)

8. The text amendments are consistent with the purpose of the Uptown SDP to encourage and facilitate infill redevelopment that is economically and environmentally sustainable, business and pedestrian-friendly and where people can live, work and play.
9. The Neighborhood Associations within the USDP area were notified and an article has been included in the February 2013 Neighborhood News Newsletter distributed to all neighborhood representatives – February 20, 2013. Notification was also posted on ONC’s homepage for the newsletter.

10. Staff has received an email from the Inez Neighborhood Association that is opposed to the text amendment regarding an increase of on-street parking credit. The email states that any increase in parking will only increase traffic flows in and around Uptown.

11. Staff has not received any other communications supporting or opposing this request.

RECOMMENDATION - 13EPC-40086 - Text Amendment to the Uptown Sector Development Plan

That a Recommendation of APPROVAL of 13EPC-40086, Text Amendments to the Uptown Sector Development Plan, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions.

RECOMMENDED CONDITIONS OF APPROVAL - 13EPC-40086, April 11, 2013, Text Amendment to Uptown Sector Development Plan

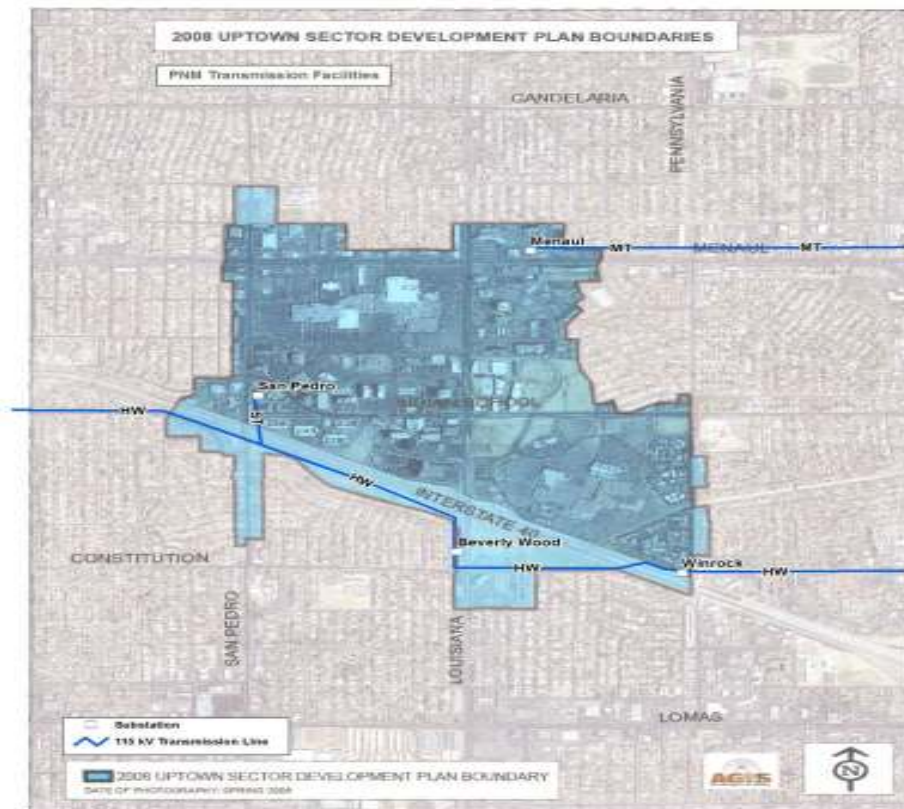
1. Conditions for a Recommendation of Approval from the City Engineer:
 - a. Adjust the particle size dimensions and/ or thickness layer under the “Mulch” parameters to be applicable. Hydrology Development proposes 3 inch particle size.

2. Conditions for a Recommendation of Approval from PNM:
 - a. Chapter II., Definitions, for the terms “Public Utility Structure” and “Right-of-Way” on pages 25 and 26, as currently written, are in conflict with the existing definitions of these terms in the Zone Code. Revise both definitions to be consistent with the definitions in the Zone Code as follows:

“**Public Utility Structure:** A structure, owned by a unit of government or by a public utility company, which is an electric switching station; electric substation operating at voltages greater than 50 kilovolts (kV); gas transfer station or border station; city-owned lift station, odor control (or chlorine) station, water well or pump station, or water reservoir; or any other public utility structure controlled by a rank two facility plan.”

“**Public Right-of-Way:** The total area of land deeded, reserved by plat, or otherwise acquired by the city, the county, or the state, primarily for the use of the public for the movement of people, goods, and vehicles.”

- b. Add the following to Chapter V, in a new Section, N. Utilities, on page 85: “PNM has numerous electric facilities within the Plan boundary including four substations located near major arterials, the MT 115kV transmission line near Menaul Boulevard, the HW 115kV transmission line near Interstate 40, the EB 115kV transmission line near Constitution Avenue and many overhead distribution lines. These transmission



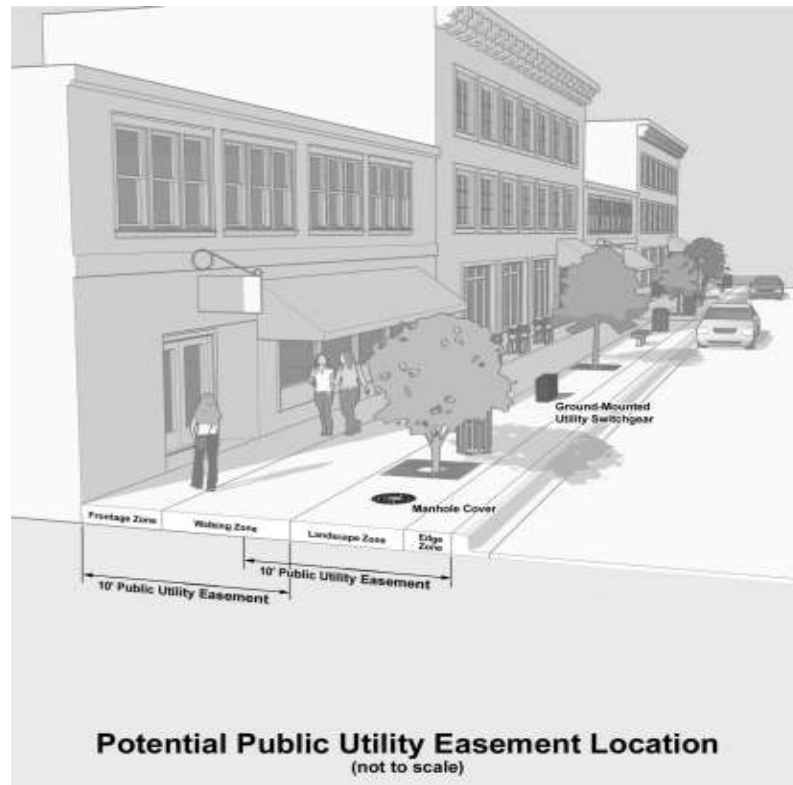
facilities are an important part of the existing infrastructure system in the area and should be identified as protected transmission corridors as shown in the existing electric transmission facilities map. 3 4

As stated in the City of Albuquerque’s Rank II *Facility Plan: Electric System Transmission & Generation (2010 - 2020)*, the preservation of transmission corridors and protection from encroachment is particularly critical for continued reliable electric service in Albuquerque. In addition, the Facility Plan states that development shall not encroach on transmission rights-of-way, unless written permission for such encroachments are obtained from the utility. There are numerous utility facilities within the Plan area currently serving existing customers. As redevelopment occurs, it will be necessary to coordinate with utility companies regarding these existing facilities. Any electric utility relocation costs associated with redevelopment will be paid for by the developer.”

- c. In Chapter III, Intent and Goals, Section C., Open Space, 3. on page 34, revise the sentence as follows:

“Requiring all New Construction or Redevelopment in the Uptown Area, excluding public utility structures, to provide publicly accessible Open Space.”

The following illustration shows the potential location of public utility easements. Insert this illustration in the Plan in Chapter V, in new Section N., Utilities, on page 85 to indicate the location of public utility easements. 5



- d. Utility facilities must be allowed adequate clearances for repair and maintenance and for the safety of the public and the utility crews who maintain and repair the facilities. The clearances are established by the National Electric Safety Code (NESC). NESC provides the standard, which covers basic provisions for safeguarding of individuals from hazards arising from the installation, operation or maintenance of conductors and equipment in electric stations and overhead and underground electric lines. It also includes work rules for the construction, maintenance, and operation of electric lines and equipment. The standard is applicable to the systems and equipment operated by utilities.

Add the following to Chapter V, in new Section N., Utilities, on page 85:

“Infrastructure shall be coordinated as appropriate with all affected utility companies. Public utility easements (PUEs) of adequate width and appropriate location are established to accommodate the extension of public utility facilities and to ensure the safety of the public as well as the utility crews who maintain and repair the facilities per NESC standard. Transmission facilities are not included in PUEs. Adequate

- clearance must be allowed within setbacks for utility easements and the Plan needs to allow adequate clearance for utility infrastructure along the street front. Portals, shop fronts, stoops and other projections must accommodate existing utility easements and infrastructure per NESC standard. Awnings, canopies, portals and balconies adjacent to overhead utilities must be located in order to avoid proximity to overhead utilities and must meet NESC standard.”
- e. In Chapter V., Zoning and Design Regulations, Section B. Screening 1., the language should be revised as follows:
- “Trash receptacles, mechanical equipment, loading docks and ground-mounted transformers and utility pads shall be screened from public Streets through the use of Solid walls, Solid fences, berms, dense evergreen foliage or other acceptable screening devices as determined by the Planning Director.”
- f. Chapter V., Section D., Open Space, 1. on page 60, revise language as follows:
- “1. All Sites in the Uptown Area zoned SU-3 for MU-UPT and SU-3 for MU-UPT Buffer shall provide a minimum of 10% of their Site acreage as Open Space, with the exception of public utility structures.”
-

Christopher Hyer
Senior Planner

Notice of Decision cc list:

City of Albuquerque Planning Department, P.O. Box 1293, Albuquerque, NM, 87103
Bill Hoch, 813 Calle del Corte NE, Albuquerque, NM 87110
Virginia Kinney, 7110 Constitution Avenue NE, Albuquerque, NM, 87110
Richard Peterson, 7110 Constitution Avenue NE, Albuquerque, NM, 87110
Kim Corcoran, P.O. Box 93488, Albuquerque, NM, 87199
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Laura Heitman, 8011 Princess Jeanne NE, Albuquerque, NM, 87110
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Charlotte Rode, 1409 California Street NE, Albuquerque, NM, 87110
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Ron Goldsmith, 1216 Alcazar Street NE, Albuquerque, NM, 87110
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Laura Romero, 7521 Cutler Avenue NE, Albuquerque, NM, 87110
Lynne Martin, 1531 Espejo NE, Albuquerque, NM, 87112

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No Comments received.

Office of Neighborhood Coordination

Uptown NA List consisting of the following:

- ABQ-Park NA (R),
- Alvarado Park NA (R),
- Classic Uptown NA (R),
- Inez NA (R),
- Jerry Cline Park NA (R),
- Mark Twain NA (R),
- Quigley Park NA (R),
- Snow Heights NA (R),
- Uptown Progress Team, Inc.,
- Winrock South NA (R)
- District 7 Coalition of NA's

2/4/13 – Article to be in the Feb/Mar 2013 “Neighborhood News” newsletter - siw

Long Range Planning

Landscape

The requirement for larger conifers will provide a more pleasant landscape as the conifers are slower growing and take longer to reach a mature height.

Open Space

The proposed changes to the Open Space Requirements will allow for a more urban housing form in the Uptown area. The area is well served by transit and is a designated Major Activity Center. This higher level of urban density is appropriate for the area.

Parking

Because of the transit service in the uptown area, the lower parking standards are appropriate.

Deviation process

The proposed process will allow the approval of projects that meet the intent of the plan or are appropriate for the Uptown area, but may not meet each standard of the plan.

The requirement that projects that are asking for larger deviations go to EPC will allow area residents and property owners to be involved in land use decisions that may have an impact on them.

Metropolitan Redevelopment Section

The subject properties for Plan amendments are not within a Redevelopment Area, and therefore Metropolitan Redevelopment Section staff has no comments on this application specific to redevelopment activities.

CITY ENGINEER

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comment.

Hydrology Development (City Engineer/Planning Department):

- The “Mulch” paragraph states that materials should not have a particle size over 6 inches and not be applied over 4 inches thick. In general, the depth of application should be 1.5 times the diameter of the material. If you have a material that is 5 inches in diameter, it is not possible to apply it only 4 inches deep. Hydrology proposes to change the material size from 6 inches to 3 inches.

Transportation Planning (Department of Municipal Development):

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

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

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

3. Adjust the particle size dimensions and/ or thickness layer under the “Mulch” parameters to be applicable. Hydrology Development proposes 3 inch particle size.

DEPARTMENT OF MUNICIPAL DEVELOPMENT

Transportation Planning

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

1. The Open Space referred to throughout the USDP is “open space” with small letters, and may be private or public, but is not Major Public Open Space which is what Open Space with capital letters consistently refers to. It is stated that all words in the definitions are to be capitalized throughout the Plan but the Department objects to the capitalization of Open Space and requests that this be changed throughout the document, including the “definitions” to be open space in small letters. If definitions must be highlighted in some way throughout the document, perhaps they could be bold rather than capitalized?
2. The Department requests that the term “Urban Park” be replaced with “Community Space”, or “Urban Space” as Urban Park is not a classification of Albuquerque Parks and, as a privately owned and privately maintained space and even if available to the Public, is still a private space not to be confused with a public park of some scale.

Open Space Division

No Comments received.

City Forester

No Comments received.

POLICE DEPARTMENT/PLANNING

- This project is in the Northeast and Southeast Area Commands
- No Crime Prevention or CPTED comments concerning the proposed Amendment Sector Development, Area, Facility or Comprehensive Plan request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved as long as it comply with SWMD Ordinance.

FIRE DEPARTMENT/PLANNING

No Comments received.

TRANSIT DEPARTMENT

No Comments received.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No Comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

No Comments received.

MID-REGION COUNCIL OF GOVERNMENTS

No Comments received.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No Comments received.

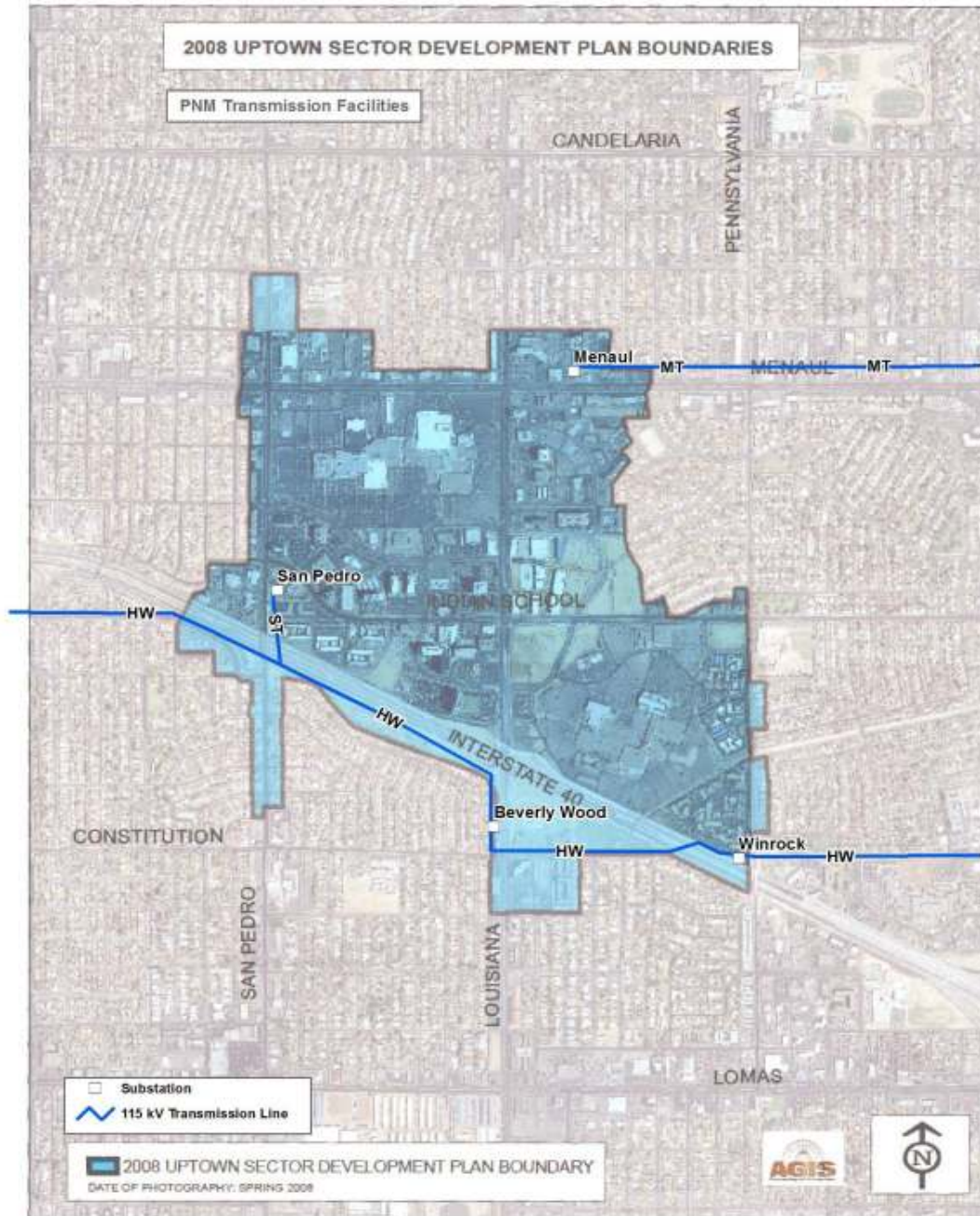
PUBLIC SERVICE COMPANY OF NEW MEXICO

1. Chapter II., Definitions, for the terms “Public Utility Structure” and “Right-of-Way” on pages 25 and 26, as currently written, are in conflict with the existing definitions of these terms in the Zone Code. Revise both definitions to be consistent with the definitions in the Zone Code as follows:

“Public Utility Structure: A structure, owned by a unit of government or by a public utility company, which is an electric switching station; electric substation operating at voltages greater than 50 kilovolts (kV); gas transfer station or border station; city-owned lift station, odor control (or chlorine) station, water well or pump station, or water reservoir; or any other public utility structure controlled by a rank two facility plan.”

“Public Right-of-Way: The total area of land deeded, reserved by plat, or otherwise acquired by the city, the county, or the state, primarily for the use of the public for the movement of people, goods, and vehicles.”

2. Add the following to Chapter V, in a new Section, N. Utilities, on page 85: “PNM has numerous electric facilities within the Plan boundary including four substations located near major arterials, the MT 115kV transmission line near Menaul Boulevard, the HW 115kV transmission line near Interstate 40, the EB 115kV transmission line near Constitution Avenue and many overhead distribution lines. These transmission facilities are an important part of the existing infrastructure system in the area and should be identified as protected transmission corridors as shown in the existing electric t

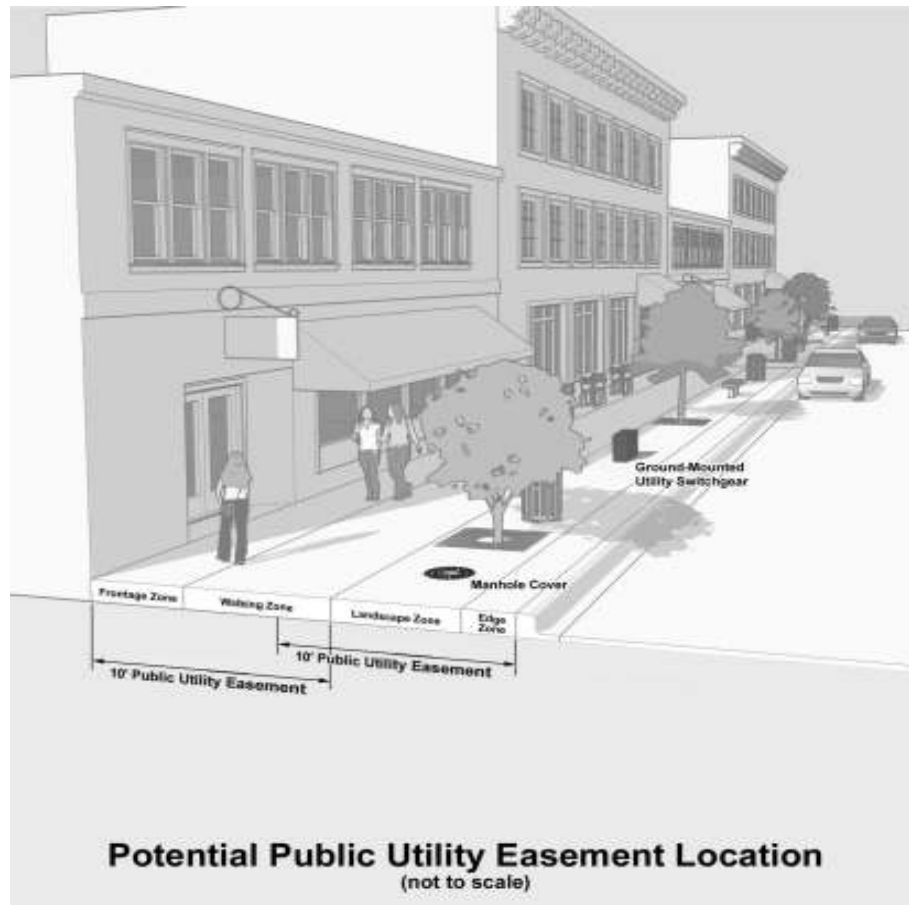


As stated in the City of Albuquerque’s Rank II *Facility Plan: Electric System Transmission & Generation (2010 - 2020)*, the preservation of transmission corridors and protection from encroachment is particularly critical for continued reliable electric service in Albuquerque. In addition, the Facility Plan states that development shall not encroach on transmission rights-of-way, unless written permission for such encroachments are obtained from the utility. There are numerous utility facilities within the Plan area currently serving existing customers. As redevelopment occurs, it will be necessary to coordinate with utility companies regarding these existing facilities. Any electric utility relocation costs associated with redevelopment will be paid for by the developer.”

3. In Chapter III, Intent and Goals, Section C., Open Space, 3. on page 34, revise the sentence as follows:

“Requiring all New Construction or Redevelopment in the Uptown Area, excluding public utility structures, to provide publicly accessible Open Space.”

The following illustration shows the potential location of public utility easements. Insert this illustration in the Plan in Chapter V, in new Section N., Utilities, on page 85 to indicate the location of public utility easements. 5



4. Utility facilities must be allowed adequate clearances for repair and maintenance and for the safety of the public and the utility crews who maintain and repair the facilities. The clearances are established by the National Electric Safety Code (NESC). NESC provides the standard, which covers basic provisions for safeguarding of individuals from hazards arising from the installation, operation or maintenance of conductors and equipment in electric stations and overhead and underground electric lines. It also includes work rules for the construction, maintenance, and operation of electric lines and equipment. The standard is applicable to the systems and equipment operated by utilities.

Add the following to Chapter V, in new Section N., Utilities, on page 85:

“Infrastructure shall be coordinated as appropriate with all affected utility companies. Public utility easements (PUEs) of adequate width and appropriate location are established to accommodate the extension of public utility facilities and to ensure the safety of the public as well as the utility crews who maintain and repair the facilities per NESC standard. Transmission facilities are not included in PUEs. Adequate clearance must be allowed within setbacks for utility easements and the Plan needs to allow adequate clearance for utility infrastructure along the street front. Portals, shop fronts, stoops and other projections must accommodate existing utility easements and infrastructure per NESC standard. Awnings, canopies, portals and balconies adjacent to overhead utilities must be located in order to avoid proximity to overhead utilities and must meet NESC standard.”

5. In Chapter V., Zoning and Design Regulations, Section B. Screening 1., the language should be revised as follows:

“Trash receptacles, mechanical equipment, loading docks and ground-mounted transformers and utility pads shall be screened from public Streets through the use of Solid walls, Solid fences, berms, dense evergreen foliage or other acceptable screening devices as determined by the Planning Director.”

6. Chapter V., Section D., Open Space, 1. on page 60, revise language as follows:

“1. All Sites in the Uptown Area zoned SU-3 for MU-UPT and SU-3 for MU-UPT Buffer shall provide a minimum of 10% of their Site acreage as Open Space, with the exception of public utility structures.”