



**Environmental
Planning
Commission**

**Agenda Number: XX
Project Number: 1009415
Case #: 14EPC-40052
October, 9th, 2014**

Staff Report

Agent	City of Albuquerque
Applicant	City of Albuquerque
Request	Sector Development Plan Amendment
Legal Description	As identified in the plan
Location	Along Central Avenue between Wyoming and Tramway
Size	
Existing Zoning	Varied
Proposed Zoning	No Change

Staff Recommendation
A Recommendation of APPROVAL to City Council of 14EPC 40052 based on the Findings beginning on Page 7.

**Staff Planner
Maggie Gould, Planner**

Summary of Analysis

This is a request to amend the East Gateway Sector Development Plan (EGSDP) to clarify the regulations for lighting on signage in the plan area.

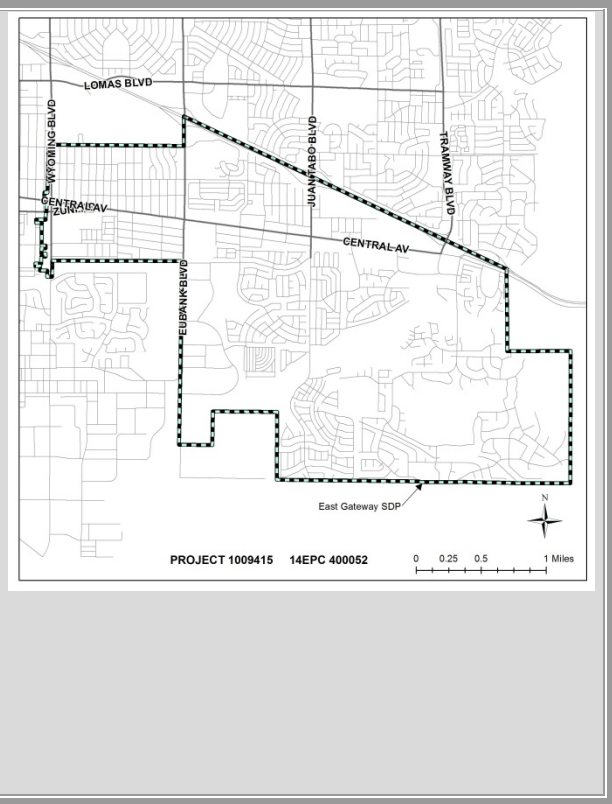
The amendment will clarify the wording in the EGSDP General Design Guidelines on page 5-53, regarding illuminated signage.

The current wording in section 5.6.9 of the East Gateway Sector Development Plan prohibits illuminated signage in most of the SU-2 zoned area of the plan.

The text amendment will clarify the wording to allow reasonable sign lighting for businesses within the Sector Plan boundary while protecting residential areas. This revision meets more of the original intent of the plan.

The exact wording is shown on page 1 of the staff report. The affected neighborhoods were notified. Staff has not received any comments from the public.

Staff is recommending that a recommendation of approval be forwarded to City Council.



City Departments and other interested agencies reviewed this application from 09/02/2014 to 09/12/2014
 Agency comments used in the preparation of this report begin on Page 9.

Proposal

5.6.9 Signage

- A. For all Properties within the East Gateway General Design Regulations Boundary:
1. Signage shall comply with Sign Regulations in the SU-2/EG zones of this Plan and Section 14-16-3-5 of the City's Zoning Code with the following exceptions:
 - a) Off-premise signs are not permitted.
 - b) Signage may be placed on awnings, canopies and shade structures attached to the building.
 - c) [~~Signage that is on a mixed use development property or abuts or is across the street or alley from property that is zoned for or developed with residential uses shall not be illuminated.~~]
[There shall be no illumination of sign faces that abut or are across the street from adjacent property zoned solely for residential use(s) and/or developed solely with residential use(s).]

Background

The zoning along most of Central Avenue in the plan area allows for mixed use development, so almost all sites would be considered mixed-use development property. The existing section A.1 c. uses the word "property", which refers to the whole site rather than just the sign. This wording means that no matter where a sign is placed on the site it cannot be illuminated. Staff believes that this was not the intent of the plan. Staff believes that the plan envisions more density and mix of uses in the plan area and that signage language was intended to buffer residential areas from the possibility of excess lighting of development.

The proposed wording refers to the sign itself so that the sign must be sited carefully, away from residential uses, but all illumination is not prohibited. The proposed wording uses the word "solely" when describing residential use, this further clarifies that the intent of the language is protect residential development without being overly restrictive for business. Apartments are considered a commercial use and would not be impacted by this wording.

The proposed wording will offer protection from excess lighting to the residential uses, but still allow reasonable lighting for commercial uses. This wording corrects the unintended consequences of the original wording.

EPC Role

The EPC is a recommending body with review authority. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendment. The City Council is the City's Zoning Authority and will make the final decision. The case is a legislative matter.

History/Background

The East Gateway Sector Development was adopted in 2010 by the City Council (R-10-73). The plan has been amended twice, in 2013 to provide for view shed protection for the area near Central and Tramway(R-2013-041) and to clarify regulations and create a deviation process (R-2013-126).

Context

The East Gateway Sector Development Plan mainly addresses the Central Avenue Corridor between Wyoming and Tramway. The area contains commercial and light industrial uses along and near Central Avenue, as well as multi-family and single family residential use. The plan seeks to improve the area, support and expand business, improve transportation choices and allow Central Avenue to be community destination.

II. ANALYSIS

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The East Gateway SDP contains two types of zoning. SU-2 zones that have special zoning tailored to the plan area and "straight" zones, zones that are directly from the Zoning Code. The SU-2 zones are general on or near Central Avenue and were design to encourage development and re-development in the Central Avenue Corridor. The EGSDP contains general regulations that apply to all properties in the plan. The SU-2 zones all reference the O-1 zone for signage. This zone allows a sign of up to 75 square feet in area and up 26 feet in height. Signs are also subject to §14-16-3-5, General Signage Regulations.

The properties outside of the SU-2 zones are regulated by the underlying zoning for signage and §14-16-3-5, General Signage Regulations.

The General Signage Regulations § 14-16-3-5, of our zoning code address placement for electronic signs and prohibit electronic signs in residential areas and historic zones. The regulations also provide rules for illuminated signs in residential zones and within 40 feet of residential zones. The rules provide a cap for illumination level, distance at which this should be measured and prohibit flashing, rotating and moving signs.

The proposed amendment addresses the general regulations regarding signage in the East Gateway Plan and do not impact the regulations in the zoning code. . The wording does not change the underlying zoning on any of the property within the plan area. The current wording is subject to an interpretation that is over restrictive and places an unreasonable restriction on property in the plan area.

Definitions

SIGN.

- (1) Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or promote merchandise, services, or activities except for the following:
- (a) Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
 - (b) Signs required by law or signs of a duly-constituted governmental body.
 - (c) Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.
 - (d) Signs upon a vehicle, provided that any such vehicle with a sign face of over two square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for *bona fide* delivery and other vehicular purposes.
 - (e) Temporary holiday decorations.
- (2) A back-to-back sign or V-shaped sign constitutes one sign if it employs a common set of supports. A composite group of signs integrated into one framed unit or compact structure constitutes one sign.

SIGN, ELECTRONIC. Electronic display panel signs and electronic message reader board signs.

SIGN, ELECTRONIC DISPLAY/BOARD PANEL. A sign which presents information that is transmitted in various visual forms and includes types such as: flat screen, active display matrix, or any electronic display capable of displaying multiple communications, images, graphics in mono, tri and/or full color. Such displays include but are not limited to current and future technology such as: Light Emitting Diodes (LED), Liquid Crystal Display (LCD), Plasma Display Panels (PDP), 3D Holography, pixel or subpixel technology, other fiber optics or illumination devices within the display area. The electronic control allows for programmable, electronic changing messages used primarily for the purpose of advertising, marketing messages, display of time-sensitive and other updatable information.

SIGN, ELECTRONIC MESSAGE READER BOARD (VARIABLE MESSAGE SIGNS, ELECTRONIC MESSAGE READER). A sign with light bulbs used to display single or multiple lines of text or graphics. The horizontal columns of light produce changing messages or text by programmable electronic or mechanical processes. The sign can also use a fixed light source to provide a message in text, graphics, photos and/or symbols appearing to move or flash. Examples of electronic message boards include but are not limited to: static monochrome price sign - displaying numbers only,

(example: gas stations); changeable price sign - displays numbers and/or text, with alternating messages against a dark background (example: gas stations); monochrome message reader board - displays text and/or limited graphics, with changing messages (example: bus stops, community centers).

SIGN, ILLUMINATED. Any sign which is directly lighted by any on-premise electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than upon the sign itself, including but not limited to luminous tubing signs such as neon signs. All electronic signs are illuminated signs.

SIGN, OFF-PREMISE. A sign, the content of which does not refer to a business or merchant doing business on the premises where the sign is displayed.

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. The plan area is located within in the boundaries of the Established Urban area of the Comprehensive plan.

Applicable goals and policies include:

B. LAND USE

5. Developing and Established Urban Areas

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."

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, or recreational concern.

The area is already developed, urban facilities and services already exist. Since this area is developed, the amendments will allow reasonable lighting as intended by the EGSDP, while offering protection to residents of the surrounding area and help to ensure neighborhood integrity. Policy II.B.5.d is furthered.

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

The EGSDP is in the Established Urban Area of the City. The request will allow reasonable lighting while still maintaining protection from excess lighting for residents. Policy II.B 5o is furthered.

Economic Development

Policy II.B.6.f- the City and the County should remove obstacles to sound growth management and economic development throughout the community.

The request clarifies the regulations in the EGSDP regarding signage. These changes should help encourage development of both local and outside business, by removing unreasonable restrictions on signage. Policy II.B.6.f is furthered.

9. Community Identity and Urban Design goal: 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.

Illuminated signage is part of the historic character of Central Avenue. The area has both neon and incandescent lighting throughout the East Gateway area. This will clarification will allow the historical pattern of signage to continue while protecting the residential areas that are also part of the character of the area. The Community Identity goal is furthered.

The East Gateway Sector Development Plan Rank 3

The East Gateway Sector Development Plan was first adopted in 2010, and revised in 2013. The Plan generally is bounded by Copper and I-40 to the north, Wyoming to the west, the eastern city limits and Kirtland Air force Base and the southern City limits to the south. Specific boundaries are shown on Figure 1.a, in the Plan. The EGSDP sets forth goals regarding land use and redevelopment on page 2-1.

2.1 Goals

1. Create a safe, well-maintained, attractive community.
2. Enable the continued existence and new development of thriving businesses to provide jobs and local services.
3. Design and build streets and trails that offer multiple efficient, safe transportation choices: driving, cycling, walking, public transit.
4. Transform Central Avenue into a vibrant place that functions as a community destination — a seam rather than a barrier.
5. Provide accessible parks, Major Public Open Space, and community programs to serve the entire East Gateway Community.
6. Support existing stable, thriving residential neighborhoods and transform others.
7. Ensure well-maintained, safe housing for low income households.
8. Enable multi-family housing development close to public services, transit, and shopping.

Goal 1 is furthered by the request because the lighting allowed will help improve safety on the street by providing lighting in the public way.

Goal 4 is furthered because the allowance for lighting will add to the character of Central Avenue and provide reasonable signage for businesses.

Central Avenue Neon Design Overlay Zone

The Central Avenue Neon Design Overlay Zone was adopted in June of 2013. The intent of this overlay zone was to encourage neon and neon style lighting along Central Avenue to promote the history and identity of the area. Central Avenue, Old Route 66, had a wide variety of neon signage and other lit

signage. The overlay zone allows larger sign area for neon and neon like signage and waives some fees for those signs.

The proposed amendment will clarify the rules for lighting on signage and allow the development of new neon and neon like signs and the refurbishment of historic neon signs along the Central Avenue corridor. This request supports the intent of the Central Avenue Neon Design Overlay Zone.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

There are no outstanding issues or concerns from the commenting agencies.

Neighborhood/Public

The affected neighborhoods, Coronado Terrace, Executive Hills, Four Hills HOA (R), Four Hills NA (R), Juan Tabo Hills (R), La Mesa Community Improvement (R), Manzano Manor (R), Mirabella-Miravista (R), Sandia Vista (R), Singing Arrow (R), South Los Altos (R), Terracita, Trumbull Village (R), Willow Wood (R), and the East Gateway Coalition were notified via certified mail. Staff has not received any comments from the neighborhood associations or members of the public as of this writing.

V. CONCLUSION

This request to amend East Gateway Sector Development Plan will clarify of the existing language regarding illuminated signage. The wording does not change the underlying zoning on any of the property within the plan area. The current wording is subject to an interpretation that is over restrictive and places an unreasonable restriction on property in the plan area.

The proposed new wording still offers protection from excess lighting to the residential areas while allowing reasonable illumination of signage for businesses.

FINDINGS - 14EPC-40052 October 9th, 2014 -Amendment to the East Gateway Sector Development Plan

1. This is a request for an amendment to the East Gateway Sector Plan located along Central Avenue, between Wyoming and Tramway (see sector plan maps for exact boundaries)and containing approximately 4,267 acres.
2. The request amends the language in section 5.6.9. General Regulations, of the East Gateway Sector plan to clarify that signage can be illuminated, but must not shine directly on soley residential uses.
3. The Albuquerque/Bernalillo County Comprehensive Plan, East Gateway Sector Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

B. Land Use,

5. Developing and Established Urban Areas

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.”

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, or recreational concern.

The area is already developed, urban facilities and services already exist. Since this area is developed, the amendments will allow reasonable lighting as intended by the EGSDP, while offering protection to residents of the surrounding area and help to ensure neighborhood integrity.

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

The EGSDP is in the Established Urban Area of the City. The request will allow reasonable lighting while still maintaining protection from excess lighting for residents.

Economic Development

Policy II.B.6.f- The City and the County should remove obstacles to sound growth management and economic development throughout the community.

The request clarifies the regulations in the EGSDP regarding signage. These changes should help encourage development of both local and outside business, by removing unreasonable restrictions on signage.

9. Community Identity and Urban Design goal: 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.

Illuminated signage is part of the historic character of Central Avenue. The areas has both neon and incandescent lighting throughout the East Gateway area. This will clarification will allow the historical pattern of signage to continue while protecting the residential areas that are also part of the character of the area.

5. Goals of the East Gateway Sector Development Plan are furthered.
 - a. Goal 1 is furthered by the request because the lighting allowed will help improve the area and improve safety on the street by providing lighting in the public way.
 - b. Goal 4 is furthered because the allowance for lighting will add to the character of Central Avenue and provide reasonable signage for businesses.
6. The request supports the intent of the Central Avenue Neon Design Overlay zone.
7. The affected neighborhoods, Coronado Terrace, Executive Hills, Four Hills HOA (R), Four Hills NA (R), Juan Tabo Hills (R), La Mesa Community Improvement (R), Manzano Manor (R), Mirabella-Miravista (R), Sandia Vista (R), Singing Arrow (R), South Los Altos (R), Terracita, Trumbull Village (R), Willow Wood (R), and the East Gateway Coalition were notified via certified mail. Staff has not received any comments from the neighborhoods or other members of the public.

RECOMMENDATION - 14EPC-40052 October 9th, 2014

APPROVAL of 14EPC 40052, a request for an Amendment to the East Gateway Sector Development Plan along Central Avenue NE between Wyoming and Tramway, based on the preceding Findings.

*Maggie Gould
Planner*

Notice of Decision cc list:

Name, Address, City, State Zip Code

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Coronado Terrace, Executive Hills, Four Hills HOA (R), Four Hills NA (R), Juan Tabo Hills (R), La Mesa Community Improvement (R), Manzano Manor (R), Mirabella-Miravista (R), Sandia Vista (R), Singing Arrow (R), South Los Altos (R), Terracita, Trumbull Village (R), Willow Wood (R), East Gateway Coalition

Long Range Planning

The request is to amend the text of the SDP related to illuminated signs on mixed use properties. The purpose is to correct unintended consequences of the current language. It would be useful to compare this language to the general lighting regulations, and to illustrate examples of the unintended consequences of the current wording.

Would the proposed language allow illuminated signs on Central Avenue across the street from an apartment complex, where there would likely be minor adverse impacts? Or is it mainly intended to control illumination across smaller local streets, where there may be more direct impact to residential uses? Long Range Planning supports these amendments.

Metropolitan Redevelopment Agency

CITY ENGINEER(Transportation and Hydrology), DMD, NMDOT- No objection to the request.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

Open Space Division Reviewed, no comment.

City Forester

POLICE DEPARTMENT/Planning

No Crime Prevention or CPTED comments concerning the proposed Amended to Sector Development Map request at this time

SOLID WASTE MANAGEMENT DEPARTMENT- Refuse Division- Must comply with SWMD Ordinance

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT- None

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS- MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO