

DNASDP COMMENTS

1	Question/Comment/Request for Change- Zoning Language	No Change (plus explanation)	Change	Condition Language
2	<p>In the SU2/SF section, the setbacks associated with the "secondary dwelling unit" in Section D.3.a+b (page 93) seem vague. The required separation between primary and secondary dwelling units of 10ft is clear, but it doesn't seem clear that a. and b. are defining separation between the secondary dwelling unit and side and rear yard boundaries. I think a. and b. should be accompanied by a "lead-in" sentence and reworded to be: In addition to the separation between primary and secondary dwelling units, the secondary dwelling unit shall have additional separations defined as: a. 5ft minimum from at least one side yard boundary. b. 5ft minimum from the rear yard boundary.</p>		Yes	Page 93 D3, P.96 D5 and P.101 C.4 shall read "In addition, to the building separation requirement, the following minimum setbacks from the property line shall apply:"
3	<p>I have two concerns about the new DNASDP: 1) I do not believe that turning Central into two lanes instead of four from San Pasquale to 8th Street, is a good idea. Cars use that route when accessing downtown from I-40 on their morning commute from the West side, and then again in the afternoon from downtown to I-40. Central is the old route 66, and a major carrier to downtown. If converted to 2 lanes, traffic will be streaming through the downtown and Old Town residential neighborhoods, making the situation unbearable. 2) Development of buildings up to 52' high does not fit in with the character of Old Town and Downtown. To allow a building similar to that of the new 3-story development in Nob Hill would be creating another travesty. Please reconsider and limit the height of any new buildings along Central in this plan to 2 stories. This would also limit the number of cars that have to be parked to access the new buildings.</p>	<p>1)The West Central Avenue Corridor Concept Plan proposes a one year test for a three lane section, see appendix. How well this functions will be evaluated at the end of that year. 2) The plan proposes design restrictions to address scale and massing. There are two and three storey buildings along Central. 52feet is a reduction from the height allowed in the existing zoning.</p>		

DNASDP COMMENTS

<p>4</p>	<p>1. Probably my major concern after reviewing the plan and reading the letters, is that you need to ensure that the plan zoning re any particular piece of private property does not comprise a "down zoning", even if it seems to make sense. The city will lose any suit brought by the owner. That has happened here and in other cities across the country re such cases in the past few years. The precedent is established. I realize that the owner could be granted a 5 year extension, but if that property and business are his livelihood, 5 years won't solve the problem.</p>	<p>In response to the concerns raised about perceived "down zoning" of properties: a "down zoning" is not a taking. Property owners still have entitlement. The proposed zones will create conformance between the zoning and the existing land uses. The plan addresses existing non-conforming zoning and does not create new non-conforming uses. In many cases the proposed zoning will correct non-conforming uses or convert non-conforming uses into approved conditional uses, with just a few exceptions: commercial parking lots; the commercial bus terminal; and in two zones, Bail Bonds uses. No realized entitlements are being taken away. A property may have certain entitled uses or built forms, but until an application for the use or built form is submitted and approved, that entitlement is not realized. The proposed changes to the zoning for the DNA SDP does not single out any one particular property, the changes proposed are area wide. Changes are proposed to individual zones in the 1976 DNA SDP, rather than to individual properties.</p>		
<p>5</p>	<p>2. Apartments and Townhouses. I realize that in the course of developing the plan, Your team "walked" the neighborhoods and noted that in many cases, although existing zoning called for townhouse or apartments, the lots had been used for single family or were still vacant. As I recall, there was a comment in the DNA that said there were too many lots zoned for apartments and townhouses. Although that may be the case, such zoning gives the property a higher re-sale value than residential zoning. Same problem as in # 1. Downsizing is going to result in lawsuits the city can't win. Either a more "flexible" zone or some form of "grandfathering" will need to occur for folks in this position</p>	<p>See above</p>		
<p>6</p>	<p>10) P 91: add explanatory caption under photos.</p>	<p>No explanation required, just for illustration</p>		
<p>7</p>	<p>11) P 92 illustration, and at all subsequent copies of this illustration: switch the two dimensioned structures to the right of the subject lot, so that it clearly shows a 15' setback is not necessary next door, just on the same block.</p>	<p>yes</p>		<p>On page 92, 95, 100, 105, 111, 117 switch the two dimensioned structures to the right of the subject lot.</p>

DNASDP COMMENTS

8	12) P 93, item 2: a) add: "or secondary dwelling unit" b) Change 5' to 0 setback at alley. (& strike 3b	Garages need more space for access due to the size of cars today, the aim is to keep alleys in use.	Yes	Change D3b on page 93, D4b on p 96, C4b on P.101 to read Rear: 0 feet minimum.
9	13) P 94: a) I1: suggest consideration that parking standards in the zone code be considered maximums on site in this dense area, and that minimums be zero. b) At the least, please consider modifying secondary dwelling units to not require a separate dedicated parking space.	No change for secondary dwelling unit, the community does not want to see an excess on street parking.	Yes	P.94 The following sentence shall be added to section I1 b. The parking standards in the zone code cited above shall be the maximum.
10	14) P 96: G1: review this 30% glazing against form-based codes nationally to see whether it is appropriate. Consider requiring shading (adds detail) at S, W, E facades (architectural or vegetative).	The 30% includes doors.		
11	15) P 97: H1: strike "and shall be the predominant façade feature." In fact, the picture just below shows townhouse units in which the prominent façade feature is a vertical element, not the entryways.		Yes	P.97 H1 "and shall be the predominant façade feature" shall be struck through.
12	16) P 97: I 4: revise width: 10' garage door is excessive. 8' wide is common.		Yes	P.97 I4 revise garage door width to 9'
13	17) P 97: J.1.a.: revise parking to be maximum, not minimum.		Yes	P. 97 J1a shall include the following sentence "The maximum number of off street parking spaces allowed is 2 per dwelling unit.
14	18) P99: L: in order to promote density close to downtown, consider lowering open space to 250 sf. Note that lower illustration on opposite sheet shows 330sf rear yard + 150 sf front = 480 sf (not counting driveway).	Usable open space includes balconies, roof top gardens etc. The 500 feet comes from the 1999 amendment.	Yes	P99, L.1 and P.113 L.1 and P.119 L.1 Shall read as follows" The usable open space requirement is 360 square feet per dwelling unit, except where there is no alley access for the garages the usable open space requirement is 500 square feet per dwelling unit. "
15	19) P 100: B 2: Broaden existing non-conforming uses to include: a) structures which were used legally for the non-conforming use for 8 of the past 10 years (continuously is a very hard standard to meet), or b) structures which were originally built for the non-conforming use		Yes	P.100 Add "B3 Structures which were originally built for non-conforming use"

DNASDP COMMENTS

16	20) P 101: a) C.4.b.: add except 0' at alley. b) E.1: add: "in order to integrate with the increment and detail typical of the DNASDP per Goal 2 p 61." c) F.1: The 50% seems quite high, and could cause design problems having to do with climate, privacy, and crime – as well as aesthetics. Review against other form-based codes nationwide. Similarly, sill height is prescribed in the Building Code and the Fire Code. Consider adding: Facades shall be articulated with windows and doors. These must be a higher percentage of the ground floor façade area than the garage door(s), if the garage door(s) face the street	b) The rationale for the regulations are contained in the Goals and Policies. We have not tied it in narrative form as this would be too cumbersome throughout the document.	Yes, a) see Condition for Line 8.	P.101 F1 shall read 30% instead of 50%. Add the following sentence "Garage doors shall not be counted towards this requirement."
17	21) P 102 J: parking at these rates may lead to more parking lots (recognizing the difference between these lots and the proposed-to-be prohibited commercial parking lots does not change the impact on the community of larger parking fields). Instead, downsize permissively a) 1.a.: to be SU2-TH as a maximum b) 1.b.: one space per unit permissive, 2 per unit max. c) Senior housing: 1 space per 4 units – visitor OK as written d) Secondary Dwelling Unit: none req'd. 1 max.	The parking proposed is an attempt to strike a balance between the urban nature of the area and the concerns of the community about on street parking. See line 63 for some changes to the parking.		
18	22) P 102 K: a) Consider limiting signage to 2% (significantly below zone code level) b) Add c.: electronic display panels are not permitted in this zone.	a) is already covered by the Zone Code.	Yes	P.102 K add to b "and electronic display panels are not permitted in this zone."
19	23) P 104 A.3.b.: Continuous use for 10 years is hard to meet and demonstrate; modify slightly to permit "8 of the past 10 years"	Staff does not see how 8 of the past 10 is easier to demonstrate. If this criteria cannot be met, then criteria a or c is available. The criteria are a modified version of the Sawmill zoning for the north side of Mountain.		
20	24) P 104 C.2. delete items c,e. Consider eliminating this use even as conditional in this zone, and instead only permitting this (controversial) use elsewhere.		See Line 98.	
21	25) P 105 D.4.: a) Add at end of sentence "from primary street, 0' from alley, 5' from side yard. b) Add an item 5: "Screening of parking from SU2/MR.J.2.	b) See K2 on page 107.	Yes	P.105 D.4 and P.121 C.5 the sentence shall end " is 10 feet from the property line where it fronts a public street, 5 feet from an alley."
22	26) P106: G.1.: Consider revising methods of prescriptive compliance so that windows can be modulated for climate and security. In any case, this is not a retail shopping district, so storefront window percentages should not be required to be high. Nonetheless, I support friendly façades and maintenance of the convivial characteristics of the neighborhood at large. I support G.2.	G.1 Non-residential shall remain at 50%.		P.106 G1 and P.112 G1 and P.117 G.1 shall read the underlined titles as "Non- residential development" and "Apartments and Townhouses".

DNASDP COMMENTS

23	27) P 107: I.1: strike "and shall be the predominant façade feature." a) P 107: L.1.a.: Consider limiting signage to 2%.	a) Wall sign area includes window signage, and 6% is already less than the Zone Code.		P.107 I Strike through "and shall be the predominant façade feature".
24	28) P 109: A.: add to permissive uses: a) food and drink (relocate from Conditional to Permissive) b) Office machines and equipment sales and repair c) Musical instruments and supplies and instruction	Restaurants are a conditional use because there are some shallow lots and therefore extra review is considered necessary		P.109 A.4. Add 4.A.J Office machines, equipment, sales and repair. And Add 4.A.K Musical instruments and supplies.
25	29) P 111.8.a.: add: such height shall not block solar access to adjacent property and shall be subject to Site Plan for Building Permit approval at the EPC.	Solar access is addressed on p112, E.1. The concept is for plans to be reviewed through Building Permit (unless a conditional use), as is the case with the current zoning.		
26	30) P 112: D.3.: consider 0' setback permissive at alleys.		Yes	P.112 D.3 Shall include the following sentence "The minimum rear yard setback adjacent to an alley is 5 feet."
27	31) P 112: G: revise window percentages, similar comment to above.		Yes, see line 22	
28	32) P 112: H: strike "and shall be the predominant façade feature."		Yes	P.112 H.1 strike through "and shall be the predominant facade feature."
29	33) P 112: I.1.: consider reductions in mandatory parking.	The parking proposed is an attempt to strike a balance between the urban nature of the area and the concerns of the community about on street parking.		
30	34) P 113: I.3.: ahead of 100% (middle of paragraph) add: "or are within 200' of the property,..."	No, this would allow multiple properties to count the same on street parking spaces.		
31	35) P 113: L: consider reduction to 200 sf useable open space, especially in this zone.		Yes, the language still applies due to the orientation and configuration of lots proposed for SU2 MUM, see line 14	
32	36) P 115: A: add to permissive uses: a) Professional office b) Food and drink	Food and drink are conditional because of the size of the lots and the proximity to residential. It was the preference of the Steering Committee that Professional Office be conditional, however making this permissive would address some of the concerns raised by property owners of non-residential properties. Locations for non-residential uses are limited due to Section A.3.	Yes	P.115 A Permissive uses shall include Professional Office.

DNASDP COMMENTS

33	37) P 115: 3.: Strike, including subparagraphs. This provision freezes Mountain Road in time; Mountain Road has evolved over time and should be permitted to continue to adjust in a sensitive manner.	The language proposed is designed to mirror the north side of Mountain, the Sawmill Wells Park SDP. The language is designed to balance the concerns of the community.		P.104 A.3a and P.115 A.3a Change 60% to 50%. P.115 A. remove reference to Mountain Road and have the language read per A.3.a on P.104.
34	38) P 116: C 3.: a) I would support removal of the blocks at 4th Street to just behind (west of) the properties facing 6th Street on the west side from the plan area (see below, item. If that were to occur, then removal of bail bond office from conditional use in this zone would be reasonable, as that use would be at variance from the character of the remainder of Mountain Road, where this zone primarily occurs. b) Alternatively, write the Bail Bond portion to expressly prohibit it from Mountain Road.		See Line 98.	
35	39) P 117 D.3.: 5' may be a reasonable rear yard setback owing to the unusual property configurations along this strip.	Because of the relationship of properties to the adjoining lots and the plan wants to encourage parking to the rear.		
36	40) P 117: G: revise window percentages, similar comment to above.		Yes, see line 22	
37	41) P 119: L. 1: revise open space downward.		Yes, see line 14	
38	42) P 121: C.5: revise to 5' setback at front; also please define side yard setback for parking, side-street setback, rear setback. Suggest 0' at alley.		Yes, see line 21	
39	43) P 122: D.3.: (3 rd line) strike "abutting 1-story buildings"; adjacency & height already covered to next-door zones; no need to protect existing single-story buildings along Central.		Yes	P.121 D.3 strike "abutting 1-story buildings"
40	44) P 123: I: continue to consider reductions in mandatory parking. a) At a minimum: i) adjust item 3 to permit public spaces within 200' (not just abutting), and ii) do not make this provision subject to the approval of the Traffic Engineer.	The parking proposed is an attempt to strike a balance between the urban nature of the area and the concerns of the community about on street parking. i) This would allow multiple properties to count the same on street parking spaces.		P.123 I.3 strike through "for non-residential development only." and "provided the on-street parking spaces are approved by the Traffic Engineer, in conjunction with a site plan approval for off-street parking."
41	45) P 123: J.1.d. (also): allow neon signs as marquee / perpendicular to traffic (one neon sign per premises).		yes	P.123 J.1.d shall read "EXCEPT neon signs (building mounted and marquee, perpendicular to traffic) are permitted along Central Avenue only."
42	46) P 125: strike "and shall be the predominant façade feature."		yes	P.125 E.1 strike through "and shall be the predominant façade feature."
43				

DNASDP COMMENTS

44 Question/ Comment/ Request for Change- Zoning Change wanted	No Change	Change	Condition Language
<p>45 The property in question is 908 Romas Avenue NW which is comprised of lot 4 & 5, Block 4, Luna Place Addition. This property is currently zoned SU-2/TH and the proposed zoning is SU-2/SF. We do not want the zoning changed from "Townhouse" to "Single Family". This represents a significant "downzone". The existing house at 908 Roma is designated "non-contributing" and we want to maintain the option to tear it down and build two townhouses on this site which is allowed under the current Sector Development Plan. There is a significant monetary difference between the value of two townhouses on this site and the value of a single family residence on this site. We are in opposition to this proposed "down zoning" of the property we own and are prepared to substantiate this opposition.</p>	<p>The character of the street is single family. The SU2 Single Family that is proposed would allow you to build two dwellings. See Line 4.</p>		
<p>46 We own property on the north side of Granite between 7th and 8th Streets, our property is across from a church and backs up against a multi-unit development. We request that this property and all others that are currently zoned for townhomes retain that designation.</p>	<p>The character of the street is single family. The SU2 Single Family that is proposed would allow you to build two dwellings. See Line 4.</p>		
<p>47 In lieu of retaining the original zoning, I would request that my property at 919 Copper (10th & Central) have zoning of SU-2 MUM, as we discussed.</p>		<p>The subject site is currently zoned SU2 MRO. During the planning process this was inadvertently changed to SU2 MR rather than SU2 MUM (the proposed zone for other properties currently zoned SU2 MRO). Therefore staff recommends changing the zoning to SU2 MUM. The site is also located at the corner of Central and 10th and is currently mixed use.</p>	<p>P.127 Change 919 Copper to SU2 MUM</p>
<p>48 Upon review of the map that was provided to me, I noticed that my new zoning would be SU-2 MUL. I have been operating my law office at 1017 5th Street since 2005, and believe that I should be zoned SU-2 MUM, just as my neighbors to the south of me have been zoned. The property is more than 50 feet from Mountain and directly faces 5th Street. I have a lot behind the building that is used for parking. I believe the best use for the property is as a professional office. Based upon its location and the fact that the majority of other properties are law offices, I would ask that my zone be changed to SU-2 MUM. At a minimum, I ask that if the zoning is not changed that a professional office be labeled a permissive use for my property. Based upon my proximity to the court houses, that my property faces 5th Street and that my neighbors are operating law offices, I ask the Council to please change my zone designation to SU-2 MUM.</p>	<p>See the Condition in Line 32. Office is proposed to be added as a permissive use to the SU2 MUL. The 1976 Plan recognized that the properties in this section should transition from Mountain, from less intense on Mountain to higher intensity on 5th.</p>		

DNASDP COMMENTS

<p>49) I own the townhome at 915 Copper at the corner of 10th and Central (Copper). It is currently zoned MRO, which I understand allows up to 50 percent office use. It appears that the proposed zoning will not allow any office use. The building is not currently being used as an office, but it has been in the recent past. I do not wish to lose the ability to use the building for office in the future and would request that the original zoning be maintained. If my property cannot retain its current zoning of MRO, I request that the zoning be changed to SU2-MUM.</p>		<p>The subject site is currently zoned SU2 MRO. During the planning process this was inadvertently changed to SU2 MR rather than SU2 MUM (the proposed zone for other properties currently zoned SU2 MRO). Therefore staff recommends changing the zoning to SU2 MUM. The site is also located at the corner of Central and 10th and is currently mixed use.</p>	<p>P.127 Change 915 Copper to SU2 MUM</p>
<p>50) I own the townhome at 917 Copper Avenue NW at the corner of 10th and Central (Copper). It is currently zoned MRO, which I understand allows up to 50 percent office use. It appears that the proposed zoning will not allow any office use. The building is currently being used about 25% as an office, and more in the recent past. I do not wish to lose the ability to use the building for office now or in the future and would request that the original zoning be maintained. I request my property be zoned SU2/MUM. I would like to clarify our phone conversation of Wednesday, November 17, 2010 where you indicated the use available for my property at 917 Copper Ave NW would continue mixed zoning usage (residential and Office/Retail) under SU-2/MUM</p>		<p>The subject site is currently zoned SU2 MRO. During the planning process this was inadvertently changed to SU2 MR rather than SU2 MUM (the proposed zone for other properties currently zoned SU2 MRO). Therefore staff recommends changing the zoning to SU2 MUM. The site is also located at the corner of Central and 10th and is currently mixed use.</p>	<p>P.127 Change 917 Copper to SU2 MUM</p>
<p>51) Continue... Under no circumstances do I approve of my property being zoned at SU-2/TH. If the zoning change of my property to SU-2/MUM results in my property being zoned as SU-2/TH, then I request that the original zoning be maintained, unless I am granted approved conditional use for existing non-conforming uses that runs with the property, and not the current owner.</p>		<p>See above</p>	
<p>52) Lowe's Market operates a grocery store near the corner of 12th Street and Lomas. This grocery store is located in the heart of the Downtown Neighborhood Area. Lowe's is in the process of adding alcohol sales to this grocery store. This addition is an important part of a remodel project for this store, because the alcohol sales will help make the remodel financially feasible. The proposed amendments to the DNASDP show the new zone for Lowe's property as SU-2/NC, which corresponds with C-1 zoning. Lowe's believes that a more appropriate zone for the Lowe's property would be SU-2/CC, which corresponds with C-2 zoning. The SU-2/CC zone expressly allows for "retail sale of alcoholic drink for consumption off-premises, provided such uses are associated with a full-service grocery store."</p>		<p>Staff proposes that "Retail sale of alcoholic drink for consumption off-premises, provided that such use is associated with a full service grocery store be added to the permissive uses." To change to SU2 CC would introduce a wider and more intense range of uses from the C2 zone that staff feel would not be appropriate.</p>	<p>P. 125 add to Permissive uses A.2 Retail sale of alcoholic drink for consumption off-premises, provided that such use is associated with a full service grocery store.</p>

DNASDP COMMENTS

53	<p>Continue... Right now, the SU-2/CC zone is proposed only for the Central Corridor - where there are no full-service grocery stores. Lowe's feels that sector plan goals (such as serving the community and walkability) support zoning the Lowe's property SU-2/CC. Lowe's respectfully asks Planning Staff and the EPC to change the proposed sector plan zoning for the Lowe's property to SU-2/CC.</p>		See above	
54	<p>I am requesting a zoning designation of SU-2 Mixed Use Medium for 317 and 319 16th Street NW under the proposed Downtown Neighborhood Sector Development Plan Update, to be heard by the EPC on Dec. 2, 2010. On Nov. 24, 2010, we submitted an application to the EPC for a zone change from SU-2/SU-1 for Bed & Breakfast to SU-2 RC. The hearing for this rezoning is scheduled before the EPC on Jan. 13, 2011. Prior to 2006, the property was zoned SU-2 RC and is shown in the 9-17-10 Draft of the SDP Update as SU-2 MUM. The SU-2 MUM zone is the closest approximate zoning to SU-2 RC, and would allow the continued intended use of the property as a single family residence, while allowing for an appropriate range of other limited intensity uses for the property in the future.</p>		<p>The Zone Change to SU2 RC was approved January 13, 2011 by the EPC. Staff supports this request to change to SU2 MUM, as the other properties in this block are proposed to change to the same zone.</p>	<p>P.127 Change 317 and 319 16th Street from SU1 for Bed and Breakfast to SU2 MUM.</p>
55	<p>I represent, on behalf of my parents, the property located at 1808 Old Town Rd NW which is the third property east of the corner of 19th and Old Town Rd. Our property is, and has been for decades, a residential income property comprised of a 2 story, 4 unit building and 2 small detached homes. This property has been in our family for over 40 years and the current use has been in existence since about 1948 when it was remodeled by Leon Watson as apartments. We have 2 neighbors, directly east of our property, that are also apartments. I would like to request that you grant us a zoning that is reflective of the uses that have been in existence and suggest that would more appropriately be SU-2 MR/TH or SU-2 MR with the possibility of townhouse or bed and breakfast types of uses as conditionally approved. There are properties with these uses in the neighborhood and there appears to be no deleterious effect on the fabric of the neighborhood.</p>	<p>The character of this street is predominately single family. The existing use does not conform with the existing townhouse zoning. The proposed SU2 SF zoning will make this use an approved conditional use, improving its status and allowing it to continue. The proposed SU2 SF zoning is more consistent with existing land use along the street.</p>		
56	<p>I own a property and land on 1802 Old Town Road NW. It is small triplex and land zoned for town homes. I would like to request that you please grant zoning that is reflective of the current uses or SU-2 MR/TH. There are many properties with these uses in the neighborhood and there does not seem to be any problems or effect on the neighborhood. In fact I feel there is a greater sense of community.</p>	<p>The character of this street is predominately single family. The existing use does not conform with the existing townhouse zoning. The proposed SU2 SF zoning will make this use an approved conditional use, improving its status and allowing it to continue. The proposed SU2 SF zoning is more consistent with existing land use along the street</p>		

DNASDP COMMENTS

<p>57 The neighborhood is very sensitive to office encroachment into our residential area, which has been a problem in every part of the neighborhood. Despite the high office vacancy rate in Albuquerque's downtown core (and even within our neighborhood along Lomas and Central), the houses in the downtown neighborhoods are seen as an inexpensive alternative to space specifically designed for office use. This problem has lead to areas in the neighborhood that are less vibrant with neighborhood activity as office occupants do not interact with their neighbors or participate in neighborhood activities. Office workers do not walk with their dogs and children to the parks, use public spaces in the evenings or on weekends, invite thier neighbors for coffee, or hold a child's slumber party, etcetera. They drive in, work nine to five and leave. Office occupancy along Marquette, for example, has created a kind of dead area in the evenings and on weekends. The office occupation in our neighborhood also does not serve the neighborhood's needs for everyday services.</p>	<p>See below</p>	
<p>58 Continue... The DNA believes the MUM zoning on the southern side of Tijeras and northern side of Kent between 12th and 10th Streets is too permissive and would lead to another of these dead areas. MUM zoning in the plan is mostly used along higher traffic corridors on Lomas, 6th and 5th Streets, and it is not appropriate for this quiet area. There are a couple of offices tucked between residences, but mostly it has maintained its residential character. We request the MUM zoning along those two blocks be changed to MUL, which will protect the residential character but still allow limited non-residential uses in the buildings built for this purpose. We also believe this area is ideal for infill residential development.</p>	<p>Yes</p>	<p>P.127 Two blocks on Tijeras/Kent that are proposed to be zoned SU2 MUM, shall be zoned SU2 MUL.</p>
<p>59 We are requesting that the proposed rezoning of the above property (715 Marquette Ave. NW) be changed from SU2 MR to SU2 OR. This change would make the two lots compatible with the proposed zoning (SU2 OR) of the remaining lots of our property- namely lots 70, 71, and the south half lots of 72, 73, 74 and 75. Furthermore, the requested zoning designation would make it compatible with the property across the street.</p>	<p>When the existing land use survey was done it appeared that 715 Marquette was in use as single family. However, it has been used as an office in the past and the rear yard is currently in use as parking. Staff supports the request to change this property from SU2 MR to SU2 OR.</p>	<p>P.127 Change 715 Marquette from SU2 MR and SU2 OR.</p>

DNASDP COMMENTS

60	<p>I am writing on behalf of Maria Theresa Purdam, regarding her property at 727 Tijeras NW. The draft Sector Development Plan proposes that this property be zoned SU2 (Office Residential). Mrs. Purdam is requesting instead that the property be zoned SU 2 (Mixed Use Light). As I said in my remarks to the EPC on December 2, I believe that MUL would be a much more appropriate designation, based on the building's design and the uses of the property in the past. The building is clearly designed to be a retail space. The frontage on Tijeras Ave. is entirely glass picture windows so that pedestrians have a clear view of the goods for sale. The west side of the building on 8th Street is approximately half glass, for the same purpose. Parking on Tijeras Ave. is one hour, not metered, on the street. From my years in business next door, I know that parking was never a problem for my customers. Because I worked next door from 1991 through 2009, I know that it was leased by Paulsen and Associates (a planning firm) for one year around 1996.</p>	See below	
61	<p>Continue... It was also used as a second hand clothing store for about six months. Unfortunately the property was otherwise vacant for most of the last 20 years. I checked the City Directory for the period 1971 through 1990. I found that the building was fairly consistently occupied during that period, with office or retail uses as follows: 1971: Leggett's Laundry and Dry Cleaning. 1972: Sanitary Cleaners. 1973-74: Gordon Herkenhoff and Associates, Engineers. 1975: vacant. 1976: Fisk Trading Co. (jewelry). 1977: vacant. 1978: Besmart Thrift Shop. 1978: Basic Designs. 1980-84: Typography Unlimited. 1985: vacant. 1986-88: Ortiz Hand Woven Fashion (wholesale and retail). 1989-90: vacant. Thus there is a clear history of office or retail use. This property has never been residential. The building is completely unsuited for a residence. So I strongly believe that MUL would be a much more appropriate zoning.</p>	Staff supports this well researched request.	P.127 Change 727 Tijeras NW from SU2 OR to SU2 MUL.
62	<p>I support the change of the Proposed Zoning map from MUM to MUL for the area north of Kent between 12th and 10th Streets. The MUL zone is more consistent with the current land uses.</p>	See Line 58	

DNASDP COMMENTS

<p>63 We are responding to the proposed downzoning of the property from HDA to SU2/MR. (referred to as MR). As you know, HDA is based on R4 zoning and the proposed MR zoning is based on R2 zoning. As you further know, the proposed downzoning imports aspects of the Fourth Ward Historic Overlay Zone, such as fifty percent window requirement, type of glass, and demolition approval by the LUCC, just to name a few, even though the property is not in the Fourth Ward Historic Overlay Zone and brought a lawsuit to establish that the Property is not in the Fourth Ward Historic Overlay Zone and entered into a settlement with the City that the is not in the Fourth Ward Historic Overlay Zone. The Carltons have fought with the City since 1986, when the City first sought to rezone the Carltons property from HDA to MR.</p>	<p>The plan does not propose to change the boundaries of the Fourth Ward Historic Overlay Zone. City Legal has determined that the previous settlement does not guarantee that the zoning on the site will not change at some point in time. The site plan was not developed therefore it is no longer relevant.</p>	<p>Staff proposes conditions to address open space and parking. Please see Line 22 for proposed changes to windows.</p>	<p>P.102 J. a and b parking for Townhouse and Apartment shall read 1 space per unit minimum, 2 spaces per unit maximum. P.103 and P.124 Add new section Useable Open Space. The useable open space requirement is 150 sqft per efficiency/one bedroom or 200sqft per two bedroom or more.</p>
<p>64 Continue... In summary, Mrs. Carlton objects to the proposed downzoning of the property to MS. There is no legal basis for the downzoning and, additionally, such downzoning (which tries to apply restrictions from the Fourth Ward Historic Overlay Zone to the property when it is not in the historic zone) violates Court order and the settlement agreement between the Carltons and the City. As a final matter, there is no rational basis for the restrictions in the proposed MR downzoning. The proposed downzoning is the City's wish to turn back the clock and void the fact that the Carltons won the Lawsuit, a wish that will not be granted. Can the City afford to spend millions of dollars to fight a battle it has already lost once?</p>	<p>See Line 4</p>		
<p>65 Continue... Change from HDA is a diminshment/ abrogation of the approved plans. Previous lawsuit removed applicability of the 4th Ward HOZ standards from site, new SDP would apply these standards. Wish to build approved plans.</p>	<p>See above</p>		

DNASDP COMMENTS

<p>66 We wish to add for inclusion in the record that our property at 1433-35-45 Central NW includes a third building of approximately 5,000 square feet located at the north end of the site, which is occupied and rented to Distracted by Décor. Additionally, we wish to note our objection to the requirement that a minimum of 50% of Central Avenue frontage shall be building and that maximum front yard setback for buildings facing Central Avenue shall be ten feet. As stated above, we also renew our concerns and objections to the sections relating to building facade, windows and doors and building entries. In today's difficult economic environment, we seriously question limiting uses of property and adding layers of rules and regulations without flexibility. Establishing maximum and minimum requirements which significantly change the opportunities for developing property that existed under the prior zoning is not likely to encourage development. Additionally, we believe the proposed new changes may be depriving us of valuable property rights.</p>	<p>Staff tried to work with the concerns raised by this property owner and proposed some modifications to the zoning, for example a maximum of 50% of the parking is allowed to face Central, prior to this no parking was allowed to face Central. However, the City has spent a significant amount of time and money on Central Avenue through the West Central Corridor Concept Plan to promote multimodal opportunities. This plan seeks to support this through an appropriate mix of uses and design regulations.</p>	
<p>67 1201 Lomas, object to change from NC to MUM, wants to remain NC, wants opportunity for restaurant use as permissive but not a change to MUM use regulations.</p>	<p>Currently zoned NC. Staff supports it remaining as NC.</p>	<p>P.127 Change 1201 Lomas from SU2 MUM to SU2 NC.</p>
<p>68 Reflective glass in zoning language is not a clear term, all glass is reflective to some degree.</p>	<p>Yes</p>	<p>Throughout the plan change references to reflective glass to mirrored or opaque glass. Add "at the ground floor"</p>
<p>69 417 7th Street, operates as a law office, did not receive good notice, HDA to MR is a downzone.</p>	<p>It is not clear to staff how this location operates legally as an office. Staff has asked the property owner to provide documentation that allows the property to be used legally as an office. To date we have not received anything. The 100% office use is not allowed under the existing or the proposed zoning.</p>	

DNASDP COMMENTS

<p>70) I am the owner of the vacant property at 510 8th Street NW. I am opposed to the proposed zone change for my property as now proposed. The proposed zoning is SU2 MR. This zoning is more restrictive than the current zoning of HD. As indicated at the Pre-application review team meeting, held on 10.26.10 with yourself, Carmen Marrone, Carrie Barkhurst, Robert Pierson, Zoning and myself: the current zoning (HDA) corresponds to the R4 zoning. There is no lot size requirement. A Floor Area Ratio of 3.0 is the maximum permitted, off street parking is 1.25 spaces per unit. As proposed at the PRT, our 3 townhouse development would not be allowed as proposed as the proposed zone SU2 MR would have the following restrictions: Townhouses would be regulated per the SU2 TH zone which is a 2,000 sf minimum lot area, the rear setbacks is 15',</p>	<p>Point 1. Setback language to match zoning on the nearby zone is already deleted from zoning. Staff feels that the setbacks proposed in MR are an improvement on the setbacks in the HDA.</p>	<p>See line 63 with regards to parking and open space.</p>	
<p>71) Continue... there is a 6' minimum setback for 3rd story facades, between 30% and 50% of building facades that face a public street shall be windows/doors. (for west facing facades this is not energy efficient or good design), the parking requirement is one space per bedroom/not to exceed 2 spaces, the landscaping requirements increase the amount of required open space, decrease the building footprint area. My recommendation/request is the following: create a new zone for HDA zoned property. The zone shall include the following: 1. No lot size requirements 2. Setbacks: front, corner, side and rear= 5'-0' at adjoining townhouse. 11' at junction of driveway and sidewalk. Delete the requirement where the site faces or is continuous to a different residential zone, the setback requirement of the nearby zone shall apply. In my investigation, along the east side of 8th street, the building setbacks are 1' and 5'.</p>			
<p>72) Continue... Setting it at 5'-0" maintains the streetscape and building plane of the street. 3. Remove the percent of open area of building facades from west facing facades. 4. Make the parking requirement: 1 space/unit. 5. Let the usable open space requirement determine the landscape requirement: 150 sf/efficiency/ one bedroom, 200 sf/ two bedroom or greater units. Overall, I believe the proposed Sector Plan Update is a good plan. The existing HDA zone are should remain flexible and permissive to facilitate the transition from the Downtown Core Area to the single family residential zone at the heart of the neighborhood</p>			
<p>73)</p>			
<p>74) Question/ Comment/ Request for Change- 12th Street</p>	<p>No Change</p>	<p>Change</p>	<p>Condition Language</p>

DNASDP COMMENTS

75	<p>Having reviewed the most recent DNA SDP, the portion concerning improvements to the 12th Street transportation should be deleted from the DNA SDP and addressed in the Neighborhood Transportation Study. By including the relevant portions to that Study, a more comprehensive treatment of the issues, concerns, and opportunities would be possible. Rather than a scattering of ideas through several studies, transportation issues should be in one Study. The questions for us that live in the Historic District and on 12th Street center on the balance of traffic flow to and from the central core and preserving the character of the Historic District. The definition change of 12th Street from minor arterial to a collector in the Historic District is key to the treatment of traffic, road, and land use. This issue must be included in the Study. The recommendations for transportation in the DNASDP follow from this issue.</p>	See below		
76	<p>Continued... The Study is better placed to make recommendations to not only the City, but the Council of Governments that have an important interest in traffic management. The Neighborhood Transportation Study is a better vehicle for issues that are not just for the city, but impact other governmental entities.</p>	<p>The policies that address 12th Street are appropriately located in the Sector Plan, with the proposed Neighborhood Transportation Study as a more detailed study of the strategies raised. Staff has received strong opposition to the proposed left turn lane on 12th Street, please see the Staff comment and Condition in Line 78.</p>		
77	<p>In studying the Downtown Neighborhoods Sector Plan, we were very pleased that there are wonderful plans being developed which will help preserve and improve our Downtown historic neighborhoods. We noticed that there is a proposal to have a left-turn traffic lane from 12th Street onto Lomas, the idea being that traffic flow would be facilitated during 5:00 rush hour. We do not like the backed up traffic and the resultant carbon monoxide fumes; however, traffic congestion is thirty minutes, five days a week. To widen 12th Street at Lomas would be a permanent change that we would have to live with twenty-four hours a day every day. More people would use 12th Street if traffic was not as big a problem as it is now at rush hour.</p>	See below.		

DNASDP COMMENTS

<p>78 Continued... We are very strongly opposed to this proposal to widen 12th Street at Lomas and create a turn lane. Slowing down traffic needs to be a major goal. Stop signs on 12th Street would help. While the speed humps are a big help, we see school children, families, etc. struggling to cross because of all of the cars and big trucks that have no business being on 12th Street, let alone speeding. We support plans which will downgrade 12th Street so that it is no longer a secondary arterial whose purpose is to facilitate the flow of traffic out of Downtown rather than an historic neighborhood street where neighbors and visitors enjoy a safe and welcoming atmosphere.</p>		<p>Strategy 2.b on page 79 of the plan suggests a left turn lane from 12th Street on to Lomas, this was proposed was a way to alleviate traffic along 12th Street. Such a proposal would receive further study before any possible implementation. However, staff has very clearly heard that such a proposal is not supported by the community, particularly those living on 12th Street. Staff recommends removal of the strategy. Any future strategies for 12th Street should be studied and discussed through a Neighborhood Transportation Study.</p>	<p>P.79 Strategy 2.b. 12th Street/Lomas Boulevard, strike this strategy and any reference earlier in the strategy on p.78. Add new language to page 78 that describes the bulb outs and pedestrian crossings proposed for Lomas at 12th.</p>
<p>79 Over the years the residents of 12th Street have worked hard to find ways to slow through-traffic between Central Avenue and Lomas Blvd. They have gotten speed humps installed on 12th to discourage speeders. They work hard at monitoring traffic and report large trucks cutting through that cause vibrations and noise that disturb their homes. The recommendation to install a left turn lane on 12th and Lomas is very unpopular. A left turn lane would effectively facilitate higher traffic use and counter the goal to discourage cut-through traffic. The DNA requests the removal of this recommendation from the draft plan</p>		<p>See line 78.</p>	
<p>80 I have lived on the corner of 12th Street and Roma Ave for 38 years and thus have seen many changes in my neighborhood, many of them for the better. I am writing to you to indicate that I am opposed to a left hand turning lane on northbound 12th Street at Lomas and am in favor of a "No Left Turn" sign instead. I am also opposed to any more homes being bought to be turned into bail bonds businesses. Please help us keep our wonderful historic neighborhood safe for families.</p>		<p>See line 78 and line 98.</p>	

DNASDP COMMENTS

81	<p>Dr. Crandall and I would like to express our support for the Downtown Neighborhood Association's efforts to resist any plans to widen 12th street and remove any trees with the objective of adding a left turning lane for north bound traffic at 12th and Lomas. We share the perspective that we live in a neighborhood and are very concerned that the city has allowed 12th street to become a shortcut between Central and Lomas. We are particularly concerned that children in the morning and evenings must dart across the street just to get to school or get back home. The situation would only get worse and create a major hazard if plans are not implemented to calm traffic in the area. We are also in opposition to any changes that allow dwellings to convert to 100% office buildings. The reality we face in our neighborhood is that the conversion of a dwelling to an office space is never balanced by a conversion of an office space to a dwelling. In essence, when we lose a dwelling it is lost forever and reduces the home inventory of the neighborhood.</p>	See line 78 and Line 58	
82	<p>Continued... The downtown neighborhood serves as a community enclave dedicated to preserving the historic nature of the area and architecture. The neighbors have invested time and money to maintain the ideal that we are a part of a valuable tie to Albuquerque's rich past. The alternative is a downtown filled with office spaces that vacates each evening and is left without the watchful eyes of neighbors, children playing, people strolling and other keys to a vibrant community. Finally, any help the city can provide in enforcing zoning standards would be appreciated. I am not sure about the business uses of the homes at 1101 Tijeras and across the street but if they are not in compliance it is unclear how the neighbors should address the problem.</p>	See above	
83	<p>Continued... In a general sense, it is easy for business owners to claim they are in compliance even though the neighbors observe vacant structures after business hours in homes that are zoned for 25% business and 75% dwelling. We respectfully submit our concerns and hope they are added to the comments you collect for the EPC meeting regarding the downtown sector plan and other related city meetings.</p>	See above	

DNASDP COMMENTS

84	<p>I have attached a scan of a petition signed by myself and several neighbors regarding the proposed left turn lane on 12th street at Lomas. We fear that a left turn lane on our street will encourage more people who don't live in the neighborhood to use 12th street. It was suggested at a recent neighborhood meeting that the city post a 'no left turn' sign at the intersection at Lomas instead of creating a turn lane to assist with traffic congestion. I think that is an excellent alternative. It seems to me that the intersection is not congested because of people making left turns, but because too many people are using a residential street as a thoroughfare. I am also concerned that the widening of the street that would be necessary to create the turn lane would mean the loss of most--if not all--of our trees on this block. Thanks you so much for your work on this project and for collecting comments from the neighborhood. Please contact me if you would like me to bring the original petition to your office.</p>	See Line 78.	
85	<p>Thank you very much for being available to hear our DNA neighborhood concerns and our praises for all of your hard work. Thanks also to James Strozier of Consensus Planning. As you had requested, Jerry and I are faxing to you the petitions that we have gathered concerning the proposed left-hand turn lane at 12 Street onto Lomas and the petition opposing a change in zoning on the south side of Tijeras. I am also faxing our original letter in which we state why we oppose a left turn lane on 12th Street. We also agree with the suggestion that the City place a sign prohibiting any left hand turns off of 12th Street during rush hour.</p>	See Line 78 and Line 58	
86	<p>Continued... Not only could that be done at minimal cost to the City, it would encourage commuters to use main arterials rather than our Downtown Historic Neighborhoods. As part of our opposition to the changes in zoning on South Tijeras, we will continue to request that the offices of Joyce Gentry, JD be checked for violation by the City Planning and Zoning Department. Many neighbors are organized to check into the legality and conformance to zoning code of the Armijo Law Office at 1101 Tijeras.</p>	See above.	
87	<p>I support the strategy on page 84 to provide traffic calming on 12th Street with curb extensions for this residential area.</p>	Thank you.	

DNASDP COMMENTS

88	I DO NOT support the strategy on page 79 to install a left-turn lane at the intersection of 12th Street and Lomas. This plan should not accommodate the drive through commuter traffic from the downtown business area. This plan and the future neighborhood transportation study should instead work to decrease traffic within the neighborhoods by providing alternatives to commuter traffic before they reach the residential areas and direct them away from the residential areas.		See Line 78.	
89	I support the strategy on page 87 to lower the functional classification of 12th Street between Central and Lomas and of Marquette Avenue, west of Keleher Street. A classification of Collector is more consistent with the residential character of these streets, appropriate uses and current functions.	Thank you.		
90	I am opposed to the proposed left turn lane from 12th Street northbound onto Lomas Blvd. This is a residential street and transportation planners should discourage its use as a main traffic artery; a left turn lane will make 12th Street northbound a more attractive route for more drivers and actually increase congestion. My own counter proposal would be to install a "No Left Turn" sign instead. This would smooth out the traffic flow and cost a lot less than the widening needed for a left turn lane.		See Line 78.	
91				
92	Question/ Comment/ Request for Change- Lowes	No Change	Change	Condition Language
93	4. A letter or two express concern about the grocery store (Lowe's) remodeling/expanding, and horror of horrors, Lowe's plans to apply for a license to sell alcohol products for off-site consumption. (as I recall, Lowe's was only planning to sell beer and wine). I think the lady wanted the DNA to somehow prohibit this. Now, every grocery store in the city is authorized to sell alcohol for off site consumption, so long as they are greater than XXX ft (300, I believe) from a school . (and maybe a church but I'm not certain about that).		See Line 52.	
94	Lives at Lomas and Orchard, opposed to liquor sales at Lowes Grocery store.	Staff feels that liquor sales, in association with a grocery store, should continue to be permitted. C1 currently allows for package sales, and the NC zone refers to the C1 zone. See Line 52.		
95	Steering Committee member: there was plenty of notification, wants a left turn lane on 12th at Mountain, not opposed to liquor at Lowes, wants Bail Bond restrictions.		See Line 52 and Line 98.	
96				
97	Question/ Comment/ Request for Change- Bail Bonds	No Change	Change	Condition Language

DNASDP COMMENTS

<p>98 5. Bail Bond Business. In the past, I have, in general, not been supportive of such businesses being in proximity to residential neighborhoods. However, with more and more exposure to such cases, I have modified my position, realizing, that they are a necessary and legal business in any city, and that generally they prefer to be located relatively near courthouses. Furthermore, it is obvious that it is not the criminal who is coming to the bail bondsman, as he is in jail. It is a relative who is visiting the bail bondsman, to pay for springing the miscreant. Ergo, The bail bond business is just a business, except his hours are 24/7 and a small amount of noise may be expected if a late hour visit is necessary. OK, having said all that, why do people oppose Bail Bonds. Largely, it is a matter of perspective, the bondsman runs loud, garish ads, both in the newspaper and telephone book, his place of business often doesn't have small dignified signs, and may not be nicely landscaped. But ALL of these shortcomings, can be addressed by design requirements in a Sector plan.</p>	<p>In order to balance the wide range of opinions received regarding Bail Bond Offices (BB), staff proposes the following changes to the zoning related to BB in the DNA SDP: remove BB as a permissive or conditional use from the OR zone as this is away from Courts and primarily a residential area/zone. Keep BB as a conditional use in MUL and make permissive in MUM, and change the criteria for both. Criteria change is to remove C) distance between and replace it with "shall not be located further than 1000 feet from the Metro/County/Fed Courts." Staff has prepared a map showing the 1000 foot distance area, which will be included in the plan. Keep criteria when permissive and conditional. Keep conditional in CC and make permissive in NC. Hours of operation remain the same as these are already regulated in the Sawmill SDP. Remove from non-conforming uses in the SU2 MUM. The result will be to concentrate the Bail Bond offices on 4th, 5th, and 6th where they are already located. They would only be allowed on one block on Lomas that is within the DNA SDP due to the distance cri</p>	<p>P.104 Remove Bail Bonds from Conditional Uses. P.110, and P.125 Move BB from Conditional to Permissive Uses. P.111C.9 delete except Bail Bonds. P.110, P.116, P.120 and P.125 Under Bail Bond Criteria, C. shall now read "Shall not be located further 1,000 feet from the Metropolitan Courthouse, the Bernalillo County Courthouse or Federal Courthouse buildings. Please see map Appendix D." Add map to Appendix D.</p>
<p>99 I own property on the corner of 5th & Granite. I use my property in part for a small law office/residence, and in part for a small bail bonding business/residence. I have invested approximately \$100,000 worth of remodeling to get the property looking good and maintained in a manner that promotes business and the tidiness qualities that neighbors appreciate. The bonding business has been in operation here for approximately 4 yrs, and my law practice has been run out of the residence for more than 5 years. I have engaged my tenants in negotiations concerning its ongoing use as a bail bonding business, and the City's proposed changes would be ruinous to future plans of continuing to use the property as a bail bonding business. Particularly, as a property owner it is undeniable that the more restrictions on the use of property, the less valuable the property becomes.</p>	<p>See line 98.</p>	

DNASDP COMMENTS

100	<p>Continue... If I knew that the City was considering considerable changes to zoning 6 yrs ago, I would not have purchased this property, but I would have opted for a property 4 blocks away. It was always my goal to retire, and rent my property as a location for bail bonding or any other professional office--of my choosing. The current proposed changes would force my bonding business tenants to move out, causing economic harm to me and my family and lowering my property value. There is no way I could realize the property's value as a residence in comparison with a mixed use business like bail bonding. The advantage is clear: I have great tenants who upkeep the property and are present and awake 24 hours a day to keep a watch on the neighborhood. In addition, the City planners have yet to establish a compelling basis for discontinuing bail bonding in the area--specifically on my property.</p>		See above.
101	<p>Continue... In the State of N.M., our policy is to encourage bail bonding. Bail bonds have been, and are, encouraged by our courts. This saves taxpayers from tremendous financial burdens: "The state is relieved of the expense and burden of keeping the defendant pending his trial. The state is also aided in its efforts to recapture a fugitive defendant by the bondsmen."</p>		See above.
102	<p>Continue... The planners have argued that bonding businesses attract a criminal element to the area. The argument is baseless. It is important to note that the Courts (all of which prosecute criminal cases) including Federal Court, State Court, and the Bernalillo County Metropolitan court are 3 blocks from my bonding office. In addition, my bonding office lies between the County Court and the halfway house (where pre-probationers are held). Adjacent to the Courts are the County's Community Custody Program and the Federal Detention Center. There are drug and alcohol treatment programs a few blocks from my office. There is a clinic for the homeless 3 blocks from my office. The Metropolitan Detention Center drops off inmates 4 blocks from my bonding office. To date, I am unaware of any criminal activity connected in any way to my bail bonding business tenants, though I did call the police from my law office on one occasion.</p>		See above.

DNASDP COMMENTS

103	<p>Continue... Downtown Albuquerque has a criminal element to it that was brought not by bail bonding, but by the City of Albuquerque, and the Federal Government who conduct important business there, and the businesses that are a natural consequence of the Court business. In addition, it does not seem equitable that the City's proposed zoning changes would not affect bail bonding business to the south of the courthouses, but will shut down the businesses like my tenants that are just north of the courthouses. Lastly, the conditional use portion of the ordinance would be of no help to my tenants. They would not be a potential beneficiary of the conditional use provision as bail bonding businesses are within 500' and the hours of operation of a bonding business require that they work 24 hrs a day.</p>		See above.
104	<p>Continue... Should this office decide that it will go through with its plans despite my objection, as alternatives, I request the following changes to the proposed changes: That the major corridors such as 5th, 4th St., and Lomas be exempted from the proposed changes, allowing for professional office use including bail bonding offices with no restrictions on hrs of operation.</p>		See above.
105	<p>Bail bond "office" occupation has become a growing concern over the years. They have taken up space next to and in low-income residential housing on 5th and 6th Streets. They are considered an office use, but they operate in a fundamentally different way with more impacts on our neighborhood than the usual nine-to-five office hours a law or architecture office maintains. They are a seven-day-a-week, 24-hour business that also does not seem to be able to comply with our SDP's lit-sign restrictions that have been in place in our plan area since 1976.</p>		See line 98.
106	<p>Continue... The DNA cannot think of any 24-hour business that is appropriate within a residential area. Their business is to be available and open 24-hours which means there may be clientele coming and going all hours of the night. By our count, there are four bail bond businesses in our sector plan area. Another 14 are in the downtown area. Only five bail bond businesses are in Albuquerque outside the downtown area.</p>		See above.

DNASDP COMMENTS

107	Continue... Once again, despite the high office vacancy rate in the downtown core located just to the south of the courthouses, the lower income housing in our neighborhood is seen as a less expensive alternative to spending more money on space designed for office use. More appropriate areas for the bail bond offices would be directly east or south of the court houses where there is space designed for office occupancy and in the case of east of the court houses, there are a mix of industrial, commercial, and office uses, as well as a smattering of restaurants.	See above.	
108	Continue... Bail bond offices are seen as a sign of blight in the neighborhood. We would like our neighborhood to appear attractive to potential residents and small businesses that may wish to reside in a visibly active, thriving neighborhood and would continue the revitalization of one of our city's most important and last remaining historic neighborhoods. No matter how the owners of bail bond businesses argue, businesses that operate at night to serve people accused of crimes is a big turn off. Their business not only does not further the goals of our neighborhood, but rather is a deterrent.	See above.	
109	Continue... How much of an investment could bail bond offices have possibly made in these houses? A fresh coat of paint, a sign, and asphaltting over the front and/or side yards appear to be the average investment. Sometimes we see new stucco. Do bail bonds own these properties or are they tenants? We maintain that a fair number are renting and could easily move.	See above.	
110	As a parent and resident of the downtown neighborhood for twelve years, I am writing in opposition of new bail bonds businesses in our neighborhood. I am especially opposed if a new bail bond business involves overtaking a home zoned as a residence for a family. Our neighborhood was constructed many decades ago as primarily for families. Preserving the historic character and nature of our neighborhood has been a city priority, as evidenced by historic preservation guidelines and committees. In addition to preserving the physical character of the buildings here, it is also important to preserve the original intent of the area, as being for families. In recent years, our neighborhood has been quite challenged by crime thanks to the type of businesses in our neighborhood. Motels along Central Avenue house drug sellers and drug addicts, who then walk past our homes to the Seven Eleven liquor store on Lomas Boulevard.	See Line 98.	

DNASDP COMMENTS

111	Continue... There are already too many bail bonds businesses downtown. Their primary purpose is to seek a clientel sentenced to be incarcerated for criminal activity. This is not the kind of business I want my daughter walking past, on her way home, especially, if a bail bonds business replaces a family or resident.		See above.	
112	Hello, I live at 509 11th St. and want to express my support for the new DNA Sector Development Plan especially the new limitations which will be placed on <u>Bail Bonding Companies</u> and <u>non-compliant parking lots</u> .		See Line 98.	
113	Jim Strozier suggested those of us who reside in the Downtown Neighborhood get our suggestions to you regarding the DNA's draft sector plan update soon, so since I actually lost the last one I sent, I will start again. We are almost entirely in favor of the draft sector plan. We are particularly in favor of: Discouraging the opening of any new Bail Bonds offices with the provisions that were suggested in the draft. We support the idea that no new offices be permitted in the residential areas near to edge of the neighborhood to encourage the occupancy of now empty office spaces in the central core of the city. Insisting that the city enforce already existing zoning requirements on the many parking lots, most of which are concentrated near the eastern edge of the DNA boundaries. The only change we join many in the group favoring is the idea that a left turn lane be added to the north traveling intersection of 12th and Lomas. Both you and Consensus Planning did a most excellent job helping to facilitate draft.		See Line 78 and Line 98.	
114	I DO NOT support allowing bail bond offices, even as a conditional use in the OR, MUM, MUL and CC zones. This kind of business should be located in the immediate vicinity of the courthouses and the downtown business area where there is a heavy police presence. The bail bond offices serve mostly criminals, felons and deviants. The issues are the kind of clients they draw into the residential neighborhood; their hours of operation; and the desire of DNA residents to not have them in the DNA residential neighborhood. The residents of the DNA area vote for our two City Counselors not the bail bond business owners and this will be an issue at reelection time. There is plenty of office space available in the downtown business area, especially by the courthouses.		See Line 98.	

DNASDP COMMENTS

115	Continue... Their practice of turning historic houses into offices which serve this degenerate population is a disservice to the resident and the historic character of this residential neighborhood. The only place that is appropriate for bail bonds offices is the NC area east of 5th Street and between Mountain and Granite Streets. I am quite pleased and impressed by the new sector plan. I think it makes decisions for projects much easier. Thanks for your hard work.		See above.	
116	I have been a downtown resident for 62 years and have been so appreciative of those people in our neighborhood association who have fought long and hard to keep our neighborhood for families. Please help us fight the addition of any more bail bonds businesses opening up. I'm writing because I'm unable to attend the Feb 10 meeting on this important issue.		See Line 98.	
117	5 years is not adequate time to see a return on an investment, there is a danger of a takings claim. Bail bonds should be treated as a professional office. Is there a magic number for the radius?		See Line 98.	
118				
119	Question/ Comment/ Request for Change- Other	No Change	Change	Condition Language
120	The Huming Castle Neighborhood Association (HCNA) has reviewed the draft Sector Plan of DNA. Central Avenue is the dividing line between DNA and HCNA at least from 14th Street to San Pasquale. Our interest in the DNA Sector Plan is limited to the provisions affecting Central Avenue. The proposed DNA provisions for Central differ somewhat from the provisions in the Huming Castle-Raynolds Sector Plan but HCNA does not object or oppose the adoption of DNA's Plan. If the draft plan should be changed in any material respect with respect to Central Avenue, we would like the opportunity to comment on those changes.	Thank you.		
121	The two weeks allotted staff to review the proposed Downtown Neighborhood Area Sector Development Plan is not adequate. Request an additional 60 days (deferral), at a minimum, to allow adequate time for review and comment.	The December hearing was continued 60 days to February to allow for more time, the February Hearing was deferred to March due to staff illness/disability.		

DNASDP COMMENTS

122	I am asking for a 60 or 90 day continuance on behalf of the DNA. We helped to create the Draft Sector Development Plan so of course we are in favor of the plan, but we are learning that there are some concerns regarding some parts of the plan that we need more time to discuss. Also, it seems that most of the neighborhood is not aware of the plan and we would like to have some more time to have more meetings and collect comments to EPC.	See Line 121.		
123	Our office would like to request additional time to provide comments for this proposed plan. Zoning Enforcement.	See Line 121.		
124	We certainly want to respond to the draft plan to say that we feel the total disallowance of electronic display signs is too restrictive. The signs we have are low-key, without the garish graphics of some LED signs. They can be programmed with changing messages in only three colors and the brightness can be adjusted to ten different levels. Naturally, our intent is to communicate messages such as "Open House on Sunday" and "Graduation Friday Night". Manzano Day School has been in this location for over 70 years and has worked to be a good neighbor.	During the planning process the community expressed opposition to electronic display signs and strong support for the regulations in the plan against electronic display signs.		
125	3. Lomas and Central changes. I understand what is being proposed in the DNA and the reasoning behind it. Although I see merit in the proposals, I also have a great deal of concern. Slowing down traffic flow by reducing the number of lanes, using bulb-outs, etc , may be very admirable, but you must also realize that these two streets are very necessary for people commuting to work in a number of parts of the city.	The "Road Diet" proposed for Central Avenue by the West Central Corridor Concept Plan and the strategies proposed in the DNA SDP for Lomas Boulevard are not intended to impede traffic flow along Lomas and Central but rather to improve the pedestrian environment for these two roads.		
126	Continue... Streets like Lomas which aren't high traffic and can move good volumes of traffic into and out of the city's heart are essential for the "working" public. (after all, if they didn't work and pay taxes, the city wouldn't have the funds to renovate or re-design anything). My own personal experience driving Lomas is that there is, in fact, a sparse amount of traffic and pedestrians should be able to cross safely in spite of its width.	See above.		

DNASDP COMMENTS

127	<p>First, I would only like to draw attention to something which I'm sure was considered to some extent but that is the coordination of this plan with neighboring plans. This plan's boundaries fall on very important corridors which have significant ramifications pertaining to the urban design and character of future mixed-use corridors along Central, Lomas, Mountain, etc.</p>	<p>Please see lines 9 and 17 to address the proposed parking requirements, line 14 to address the amount of outdoor space required, line 22 to address windows, and finally the plan does not allow electronic display signs.</p>	
128	<p>Continue... The effort to assure legibility amongst the various plans is vital. Second, I believe further consideration of density and the ramifications, both positive and negative, should be addressed at greater lengths. What is the population density of the area? How might this particular factor affect the goals of the various other plans such as the comprehensive plan.</p>	<p>See above.</p>	
129	<p>Continue... For example, while the comprehensive plan calls for centers and corridors in an effort to improve mobility, the density near these centers need to be addressed as well. Commercial uses, like transit, needs a healthy supply of users. Along those same lines, while mixed use areas allow up to 52-feet in height, parking requirements of 1 per bedroom or 2 max per unit require an extraordinary amount of parking space requirements. This requirement is excessive and often manifests in poor urban design qualities, limits development potential, and drives up costs for this type of development.</p>	<p>See above.</p>	
130	<p>Continue... The area's location near the urban center of the region is a significant resource that lends itself to minimized parking requirements as mobility options are greater in this location. The city's sustainability plan should be considered as well as research showing that vehicle ownership is dropping, particularly for those drawn to urban locales. Such high parking requirements with height limits create unfortunate scenarios. See other cities for precedents. Third, this simple, linear approach to planning, particularly along the Central and Lomas corridors, simplifies the characteristics of each end.</p>	<p>See above.</p>	

DNASDP COMMENTS

131	Continue... While the west end is near the historic Old Town, the east end is the gateway to a contemporary urban center. Intensities and characteristics for each end of this corridor should reflect these intricacies and utilize them as assets and templates for future development. 1) Suggest consideration that parking standards in the zone code be considered maximums on the sites in this dense area, and that minimums be zero. 2) In order to promote density close to downtown, consider lowering open space standards below zone-code for residential development.	See above.		
132	Continue... 200 or 250 sf would permit small seating area and barbecue. Semi-urban living differs from rest of the city. 3) Stipulated percentages of windows and doors seem problematic: issues of climate, privacy and crime. Please review against other codes nationwide to perhaps find other regulatory ways to prevent featureless facades. Also consider preventing highly repetitive (i.e.: monotonous) façade treatments in buildings over 100' in length. Buildings of that scale in particular will be a problematic fit in this Plan Area. 4) Consider prohibiting electronic display panels from the Plan Area, as they are out of keeping with the nature of the goals and the character of the area.	See above.		
133	I am writing on behalf of the Downtown Neighborhoods Association about the draft Downtown Neighborhood Sector Development Plan Update. We appreciate the City's efforts to update our 35-year-old sector plan. We are strongly in favor of EPC approval of the Sector Plan update with two changes that we request the EPC recommend to the LUPZ. In neighborhood meetings about the plan that happened in the past month, concern was expressed over the west end of Tijeras zoning changes and the transportation recommendations on 12th and Lomas. We also have comments about the proposed bail bond restrictions that caused concern to the commissioners.	See Line 78 and Line 58, and Line 98.		
134	Continue... The DNA is in favor of the restrictions on demolition that are in the draft DNASDP, because over the years we have seen historically significant buildings demolished, seemingly, overnight. Our inclusion of the restrictions was an attempt to create a more deliberate demolition process.			

DNASDP COMMENTS

<p>135</p>	<p>1) P 59 – Section 4, Goals and Objectives: Please consider adding a section strongly encouraging adaptive re-use of existing buildings as further described in Section 5, p 71. a) Consider ways to incentivize this: in particular, if an adaptive re-use would be problematic due to parking requirements, waive parking requirements for the adaptive re-use.</p>		<p>Yes</p>	<p>P.60 add Land Use Goal Objective 2: Objective 2.4 shall now read "Encourage public/private partnerships and provide incentives for redevelopment of distressed properties and opportunity sites, and adaptive reuse of buildings. " Add the following to the Off Street Parking in every zone: "Buildings constructed before October 22, 1965 need supply such parking only to the extent on-premise ground space is available, including occasions where there is a change in use. If there is a building addition, and the addition is equal to or less than 400 square feet then no additional parking is required; if the addition is greater than 400 square feet, parking shall be provided for the additional square footage only."</p>
<p>136</p>	<p>2) P 61: Community Character, a) Objective 1.1: line 2, strike "and"; insert "reinforce". b) Objective 2.2 last line, after size, add in "scale, increment of detail, cadence" ... * glazing and entries at Section 6 come from this area, and should be supported by policy language – perhaps should borrow from it.</p>		<p>Yes</p>	<p>P 61: Community Character, Objective 2.2 last line, after size, add in "scale, cadence"</p>
<p>137</p>	<p>3) P 61 Transportation Goal 1: modify to read "among the City's most walkable neighborhoods.</p>	<p>It is a goal not a statement of fact</p>		
<p>138</p>	<p>4) P 62 Goal 5, Objective 5.3, insert the word "only" after vacate. Consider striking entirely. See also P 86</p>		<p>Yes</p>	<p>P 62 Goal 5, Objective 5.3, insert the word "only" after vacate. Consider striking entirely. See also P 86</p>

DNASDP COMMENTS

139	<p>5) P 71, 72: a) Another possible way to incentivize adaptive re-use: if an adaptive re-use would be problematic due to parking requirements, waive parking requirements for the adaptive re-use. b) Develop further historic preservation strategies to foster adaptive re-use and to streamline acceptance of this at LUCC</p>	<p>See Line 135: Pro: Loosening parking requirements is an excellent example of removing an impediment to re-use. The Downtown 2010 plan does not have parking requirements and these neighborhoods are adjacent to that sector and could benefit from relaxed requirements. Parking has not been as problematic downtown. Con: There are parking issues in EDo as a result of increased on street parking that disrupts the neighborhood; however there is more on site parking for residential in Downtown neighborhoods than in EDo.</p>		
140	<p>6) P 74 Implementation Policy 8: Add ahead of existing sentence: “The City shall enlarge upon the excellent examples of the friendly and attractive streetscapes in place in the Plan area.”</p>		Yes	<p>P 74 Implementation Policy 8: Add ahead of existing sentence: “The City shall enlarge upon the excellent examples of the friendly and attractive streetscapes in place in the Plan area.”</p>
141	<p>7) P 78 Strategy 1: last line, add after operations “transit, bicycle,”</p>		Yes	<p>P 78 Strategy 1: last line, add after operations “transit, bicycle,”</p>
142	<p>8) P 78 Strategy 2: Drop the first word: “improve”; develop alternate language in which the intersections would remain somewhat problematic, not widened for further vehicular lanes, to disincentivize further cut-through and heavier use. (note neighborhood comments to this effect as well during hearing).</p>		See Line 78.	
143	<p>9) P 86 Implementation Policy 16: add “No alleys should be abandoned.” (see also P62, goal 5)</p>		Yes	<p>P 86 Implementation Policy 16: add “and to ensure they are not neglected.”</p>
144	<p>47) P 128 / Proposed Zoning map: a) Consider deletion of: i) that portion of the Plan Area east of 7th street, or ii) at minimum, consider deletion of that portion of the Plan Area east of 6th.</p>	<p>This area of the SDP is also part of the Downtown Neighborhood Association. The community has strong opinions about how this area relates to the rest of the plan area.</p>		
145	<p>48) P 130: item A.5.: Staff should verify penalties which are in place for illegal removal of structures. Please also research & compare our penalties against other municipalities with comparable ordinances, so that protection of historic structures has “teeth” and is not simply subject to a trivial / nominal fine.</p>	<p>Zoning is a criminal code by state statute. The City does not have authority to issue fines, but only to take violators to court for a judgement. State law would have to be changed.</p>		

DNASDP COMMENTS

146	49) P 131: 8.a. add (ahead of 5): The structure's contribution to the fabric of the district, and in particular to the wholeness and continuity of the street.			Such language would include most pre-WWII residential buildings in these neighborhoods. Since it is only a delay that might be imposed, this is a reasonable modification.	P 131: 8.a. add (ahead of 5): The structure's contribution to the fabric of the district, and in particular to the wholeness and continuity of the street.
147	In general, I support most of the DNA plan update for the residential neighborhood. It provides some protection and preservation for the historic neighborhoods, the significant historic houses and the quality of life this unique area offers. The DNA area is the jewel of Albuquerque with its historic characteristics and unique residential environment which sets it apart from the rest of the city.	Thank you			
148	Non-conforming uses, potential language to clarify "approved conditional use vs. non conforming use" on page 129?			Non conforming use is defined in the Glossary on page 143. See line 345 .	
149	Renovation versus Demolition- definition, how is a renovation defined? Change period of time for demolition review.	The City requires a building permit for demolition. There is an existing threshold. Review period could be shortened.			
150	Amend 2010 plan along 8th so that there is no overlap with the DNA SDP.			Yes.	When the DRAFT DNA SDP moves to City Council for adoption there should be accompanying legislation to amend the Downtown 2010 SDP boundaries.
151					
152	Questions/ Comments from Zoning	No Change	Change	Condition Language	
153	Page 92: Single Family Zone – SU-2/SF				
154	A. Permissive Uses – The regulation of Secondary Units will not be enforceable as written. The Code Enforcement Division is unable to determine how many residents are living in a particular structure at any given time.		Yes		P. 144 strike number of occupants from definition of secondary dwelling unit.

DNASDP COMMENTS

<p>155 C. Conditional Uses - There appears to be a conflict between the two sentences under C. The first sentence indicates that all conditional uses need to comply with section 14-16-4-2 and the second sentence indicates that no conditional uses are allowed. Will conditional uses be allowed?</p>		<p>Yes</p>	<p>P.92 C, and P.95 C, strike second sentence of the opening paragraph, beginning "The following uses..." and add sentence "Carports and walls, except they shall be consistent with B.1 and B.2 above. P.144 Secondary Dwelling Unit, add the following sentence "There shall be no more than one Secondary Dwelling Unit or Accessory Living quarters per premise."</p>
<p>156 D. Setbacks – 1. The Code Enforcement Division is opposed to the regulations suggested under front yard setbacks. The regulation that requires staff to conduct a field investigation to determine the front yard setbacks for the buildings within the block creates several issues:</p>	<p>This was added to specifically address the issue of context as requested by the neighborhood. The burden should be placed upon the applicant to demonstrate compliance. Similar language exists in the 4th Ward HOZ.</p>		
<p>157 The inspector will need to gain permission from each of the property owners to determine what the measurement is from the building to the front property line.</p>	<p>See above</p>		
<p>158 The inspector will need to request from each of the property owners a copy of a certified survey to determine the exact location of the front property line. The inspector cannot determine exactly where the front property line is located by a visual inspection.</p>	<p>See above, a survey is required with the building permit application.</p>		
<p>159 The location of a property line in relation to the right-of-way varies in different locations throughout the city. The use of aerial maps cannot be used for this exact location because there is a margin of error with the maps.</p>	<p>See above</p>		
<p>160 The Code Enforcement Division recommends this issue be studied within the scope of this project to determine ahead of time what the measurements will be at each block.</p>	<p>See above</p>		
<p>161 D. Setbacks – 3. What are the street side setbacks for secondary dwelling units?</p>		<p>Yes</p>	<p>P.93 add D.3.c. and P.96 D.5.c and P.101 C.4.c. On corner lots the street side setback shall be 10 feet minimum.</p>
<p>162 E. Building Height and Setbacks – a. What if there is no porch on an existing dwelling?</p>		<p>Yes</p>	<p>P.93 E.1.a. P.96 E.1.a clarify sentence to read if there is a front porch.</p>

DNASDP COMMENTS

163	H. Garages – 3. Add the word “front” before the words “building face.”		Yes	P.93 H. Garages – 3. Add the word “front” before the words “building face.”
164	K. Street Trees – 1. This language is not enforceable because the Code Enforcement Division does not conduct a final inspection on houses or townhouses.	This is an important character defining element in the neighborhood. It is important to have this as a requirement. The burden is upon the applicant to show street trees in the submittal plans. Enforcement will be subject to complaint.		
165	K. Street Trees – 2. The word “area” should be removed from this sentence.		Yes	P.94 K.2 and P.99 M.2 and P.103 M.4 and P.108 N.1.c and P.113 M.c. and P.119 M.1.c and P.124.L.1.c P.126.H.1.c Street Trees The word “area” should be removed from this sentence.
166	Page 95: Townhouse Zone – SU-2/TH			
167	A. Permissive Uses – The regulation of Secondary Units will not be enforceable as written. The Code Enforcement Division is unable to determine how many residents are living in a particular structure at any given time.		See Line 154	
168	C. Conditional Uses - There appears to be a conflict between the two sentences under C. The first sentence indicates that all conditional uses need to comply with section 14-16-4-2 and the second sentence indicates that no conditional uses are allowed. Will conditional uses be allowed?		See Line 155	
169	D. Lot Area and Setbacks – 2. The Code Enforcement Division is opposed to the regulations suggested under front yard setbacks. The regulation that requires staff to conduct a field investigation to determine the front yard setbacks for the buildings within the block creates several issues:	See Line 156		
170	The inspector will need to gain permission from each of the property owners to determine what the measurement is from the building to the front property line.	See above		
171	The inspector will need to request from each of the property owners a copy of a certified survey to determine the exact location of the front property line. The inspector cannot determine exactly where the front property line is located by a visual inspection.	See above		

DNASDP COMMENTS

172	The location of a property line in relation to the right-of-way varies in different locations throughout the city. The use of aerial maps cannot be used for this exact location because there is a margin of error with the maps.	See above		
173	The Code Enforcement Division recommends this issue be studied within the scope of this project to determine ahead of time what the measurements will be at each block.	See above		
174				
175	D. Lot Area and Setbacks – 4. Is the 5’ setback for a detached or attached garage?	Yes		P.93 D.2 and 96 D.4 and P.101 C4 Add to garage setback off alley, for detached and attached.
176	D. Lot Area and Setbacks – 5. What are the street side setbacks for secondary dwelling units?	See Line 161		
177	E. Building Height and Setbacks – 1.a. What if there is no porch on an existing dwelling?	See Line 162		
178	F. Building Façade Articulation – Specific information is required on how much and the type of articulation is required.			
179	K. Shared Access Driveways... - 3. Does the 16’ wide driveway cut include a shared driveway?			
180	M. Street Trees – 1. This language is not enforceable because the Code Enforcement Division does not conduct a final inspection on houses or townhouses.	See Line 164		
181	M. Street Trees – 2. The word “area” should be removed from this sentence.	See Line 165		
182	Page 100: Mixed Residential Zone – SU-2/MR			
183	A. Permissive Uses – It is unclear how single detached homes are to be regulated. Based on the proposed language, they will be regulated under the SU/MR and not under the SF zone.	Yes		P.95. A1 and P.100 A.1.d. and P.104 A.1 and P.109 A.1. and P.115 A.1 and P.120 A.1 and 125A.1 Single family homes shall be as regulated in the SU2 SF zone.
184	A. Permissive Uses – The regulation of Secondary Units will not be enforceable as written. The Code Enforcement Division is unable to determine how many residents are living in a particular structure at any given time.	See Line 154		
185	C. Setbacks – 1. The Code Enforcement Division is opposed to the regulations suggested under front yard setbacks. The regulation that requires staff to conduct a field investigation to determine the front yard setbacks for the buildings within the block creates several issues:	See Line 156		

DNASDP COMMENTS

186	The inspector will need to gain permission from each of the property owners to determine what the measurement is from the building to the front property line.	See above		
187	The inspector will need to request from each of the property owners a copy of a certified survey to determine the exact location of the front property line. The inspector cannot determine exactly where the front property line is located by a visual inspection.	See above		
188	The location of a property line in relation to the right-of-way varies in different locations throughout the city. The use of aerial maps cannot be used for this exact location because there is a margin of error with the maps.	See above		
189	The Code Enforcement Division recommends this issue be studied within the scope of this project to determine ahead of time what the measurements will be at each block.	See above		
190	C. Setbacks – 4. What are the street side setbacks for secondary dwelling units?	See Line 161		
191	C. Setbacks – 5. Off-street parking needs to be setback 10' from what structure/use?	Yes		P.101 C.5. and P.112.D.4 and P.125.C.1 Add 10 feet from the property line along a public street.
192	D. Building Height and Setbacks – 3. The same comment under C.1 of this section applies. How is our office to determine the setbacks of the neighboring buildings?	This section refers to setbacks not setbacks. It is only the height of neighboring buildings that are called out. Visual observation should be sufficient.		
193	E. Building Façade Articulation – Specific information is required on how much and the type of articulation is required.	See Line 178		
194	F. Windows and Doors – 2. This language is too vague and needs specific language on how to regulate.	Similar language exists in the Zone Code for signs, staff does not see how this is too vague.		
195	G. Balconies – 1. This language is too vague and needs specific language on how to regulate.	This issue meant to deal with privacy, we welcome any suggestions to make this clearer.		
196	H. Building Entries – 2. Add the word “wide” after 6 foot.	Yes		P.102 H.2 and P.112 H.2 and P.118 H.2. and P.123.G.2 Building Entries – Add the word “wide” after 6 foot.
197	J. Off-street Parking Standards – c. It is unclear how these uses are allowed. These uses need to be defined and listed as a permissive use.	The uses are listed in either Permissive or Conditional, see previous page.		

DNASDP COMMENTS

198	M. Landscape – 1. The number of street trees required is not found in the Zoning Code, but found in the Street Tree Ordinance. Number 1 should reference the Street Tree Ordinance and not the Zoning Code.	The language lists exceptions to the Landscaping Regulations. The language is based on the Street Tree Ordinance but is not the same, therefore to refer to the Street Tree Ordinance would be confusing. The plan proposes to make the number of street trees part of the unique zoning for this area.		
199	M. Landscape – 2. This language is not enforceable because the Code Enforcement Division does not conduct a final inspection on houses or townhouses.	See Line 164		
200	M. Landscape – 4. The word “area” should be removed from the sentence.		See Line 165	
201	Page 104: Office Residential Zone – SU-2/OR			
202	A. Permissive Uses – 1. It is unclear how single detached homes are to be regulated. Based on the proposed language, they will be regulated under the SU/OR and not under the SF zone.		See Line 183	
203	A. Permissive Uses – 2. c. The word “professional” needs to be removed.		Yes	P.104 A. and P.109 A.3. P.115.A. Permissive Uses – 2. c. The word “professional” needs to be removed.
204	C. Setbacks – 1. The Code Enforcement Division is opposed to the regulations suggested under front yard setbacks. The regulation that requires staff to conduct a field investigation to determine the front yard setbacks for the buildings within the block creates several issues:	See Line 156		
205	The inspector will need to gain permission from each of the property owners to determine what the measurement is from the building to the front property line.	See above		
206	The inspector will need to request from each of the property owners a copy of a certified survey to determine the exact location of the front property line. The inspector cannot determine exactly where the front property line is located by a visual inspection.	See above		
207	The location of a property line in relation to the right-of-way varies in different locations throughout the city. The use of aerial maps cannot be used for this exact location because there is a margin of error with the maps.	See above		
208	F. Building Façade Articulation – Specific information is required on how much and the type of articulation is required. How much in height, setback, or material?	See Line 178		
209	G. Windows and Doors – 2. This language is too vague and needs specific language on how to regulate.	See Line 194		

DNASDP COMMENTS

210	H. Balconies – 1. This language is too vague and needs specific language on how to regulate.	See Line 195		
211	I. Building Entries – 1. This language is too vague and needs specific language on how to regulate.	Predominant façade feature is removed, see Line 28		
212	K. Off-street Parking Standards – c. It is unclear how these uses are allowed. These uses need to be defined and listed as a permissive use.	The uses are listed in either Permissive or Conditional, see previous page.		
213	N. Landscaping 1.b. – How wide does the parkway strip need to be?	The parkway strips already exist throughout the neighborhood, they vary in size.		
214	N. Landscape – 1.c. The word “area” should be removed from the sentence.	Yes see line 165.		
215	N. Landscape – 2. This language is not enforceable because the Code Enforcement Division does not conduct a final inspection on houses or townhouses.	Yes see Line 164		
216	Page 109: Mixed Use Medium Zone – SU-2/MUM			
217	A. Permissive Uses – 1. It is unclear how single detached homes are to be regulated. Based on the proposed language, they will be regulated under the SU/MUM and not under the SF zone.	Yes see line 183		
218	A. Permissive Uses – 2. c. The word “professional” needs to be removed.	Yes see line 203		
219	A. Permissive Uses – 4. b. The word “adult book store” is no longer a defined term and recommend using the revised terms related to this activity.	Yes		P.109 A. and P.115.A. Permissive Uses – 4. b. The word “adult book store” is no longer a defined term and recommend using the revised terms related to this activity.
220	A. Permissive Uses – 5. Should the word activity be added to this sentence so that it reads “... no outdoor storage or activity, except parking.	Yes		P.109A. and P.115 A. Permissive Uses – 5. Should the word activity be added to this sentence so that it reads “... no outdoor storage or activity, except parking.
221	A. Permissive Uses – 5. f. The word “adult photo studio” is no longer a defined term and recommend using the revised terms related to this activity.	Yes		P.109 A. and P.115. A Permissive Uses – 5. f. The word “adult photo studio” is no longer a defined term and recommend using the revised terms related to this activity.

DNASDP COMMENTS

222	D Setbacks – 1. The Code Enforcement Division is opposed to the regulations suggested under front yard setbacks. The regulation that requires staff to conduct a field investigation to determine the front yard setbacks for the buildings within the block creates several issues:	See Line 156		
223	The inspector will need to gain permission from each of the property owners to determine what the measurement is from the building to the front property line.	See above		
224	The inspector will need to request from each of the property owners a copy of a certified survey to determine the exact location of the front property line. The inspector cannot determine exactly where the front property line is located by a visual inspection.	See above		
225	The location of a property line in relation to the right-of-way varies in different locations throughout the city. The use of aerial maps cannot be used for this exact location because there is a margin of error with the maps.	See above		
226	D. Setbacks – 4. Off-street parking needs to be setback 10’ from what structure/use?		Yes see line 191	
227	F. Building Façade Articulation – Specific information is required on how much and the type of articulation is required. How much in height, setback, or material?	See Line 178		
228	F. Windows and Doors – 2. This language is too vague and needs specific language on how to regulate.	See Line 194		
229	H. Building Entrées – 2. Add the word “wide” after 6 foot.		Yes see Line 196	
230	I. Off-street Parking Standards – b. the words “per unit” should be added after the word “maximum.”		Yes	P. 112 I. Off-street Parking Standards – b. the words “per unit” should be added after the word “maximum.”
231	J. Signage – This section does not provide language on how to regulate canopy signs and does not provide the allowed height for wall signs.			
232	M. Landscape – 1.a. The number of street trees required is not found in the Zoning Code, but found in the Street Tree Ordinance. Number 1 should reference the Street Tree Ordinance and not the Zoning Code.	This language is per the Zone Code. See Line 198		
233	M. Landscape – 1. c. The word “area” should be removed from the sentence.		Yes see line 165.	
234	M. Landscape – 2. The Code Enforcement Division does not conduct a final inspection on houses or townhouses.	See line 164		
235	Page 115: Mixed Use Light Zone – SU-2/MUL			
236	A. Permissive Uses – 1. It is unclear how single detached homes are to be regulated. Based on the proposed language, they will be regulated under the SU/MUL and not under the SF zone.		Yes see Line 183	

DNASDP COMMENTS

237	A. Permissive Uses – 2. c. The word “professional” needs to be removed.		Yes see Line 203	
238	A. Permissive Uses – 4. b. The word “adult book store” is no longer a defined term and recommend using the revised terms related to this activity.		Yes see Line 219	
239	A. Permissive Uses – 5. Should the word activity be added to this sentence so that it reads “... no outdoor storage or activity, except parking.		Yes see Line 220	
240	A. Permissive Uses – 5. f. The word “adult photo studio” is no longer a defined term and recommend using the revised terms related to this activity.		Yes see Line 221	
241	D Setbacks – 1. The Code Enforcement Division is opposed to the regulations suggested under front yard setbacks. The regulation that requires staff to conduct a field investigation to determine the front yard setbacks for the buildings within the block creates several issues:	See Line 156		
242	The inspector will need to gain permission from each of the property owners to determine what the measurement is from the building to the front property line.	See above		
243	The inspector will need to request from each of the property owners a copy of a certified survey to determine the exact location of the front property line. The inspector cannot determine exactly where the front property line is located by a visual inspection.	See above		
244	The location of a property line in relation to the right-of-way varies in different locations throughout the city. The use of aerial maps cannot be used for this exact location because there is a margin of error with the maps.	See above		
245	F. Building Façade Articulation – Specific information is required on how much and the type of articulation is required. How much in height, setback, or material?	See line 178		
246	G. Windows and Doors – 2. This language is too vague and needs specific language on how to regulate.	See line 194		
247	H. Building Entries – 2. Add the word “wide” after 6 foot.		Yes see line 196	
248	I. Off-street Parking Standards – c. It is unclear how these uses are allowed. These uses need to be defined and listed as a permissive use.	The uses are listed in either Permissive or Conditional, see previous page.		
249	J. Signage – This section does not provide language on how to regulate canopy signs and does not provide the allowed height for wall signs.	This language is per the Zone Code.		
250	M. Landscape – 1.a. The number of street trees required is not found in the Zoning Code, but found in the Street Tree Ordinance. Number 1 should reference the Street Tree Ordinance and not the Zoning Code.	See Line 198		

DNASDP COMMENTS

251	M. Landscape – 1. c. The word “area” should be removed from the sentence.		Yes see line 165.	
252	M. Landscape – 2. The Code Enforcement Division does not conduct a final inspection on houses or townhouses.	See Line 164		
253	Page 120: Central Corridor Zone – SU-2/CC			
254	A. Permissive Uses – 1. It is unclear how single detached homes are to be regulated. Based on the proposed language, they will be regulated under the SU/CC and not under the SF zone.		Yes see line 183	
255	A. Permissive Uses – 5. Should the word activity be added to this sentence so that it reads “... no outdoor storage or activity, except parking.		Yes see line 220	
256	C. Setbacks – 1. If a building is allowed to setback 15 feet because it was initially permitted as a restaurant, can a new use utilize that building knowing that the setback does not meet the current regulations?	Yes, the new use can utilize the building. It would become a patio rather than an outdoor eating area.		
257	C. Setbacks – 5. Off-street parking needs to be setback 10’ from what structure/use?		Yes see line 191	
258	C. Setbacks – what are the setbacks for the streetside?		Yes	P.121 C3 Shall read as follows: The minimum side yard setback for building s is 0 feet, except minimum corner side yard setback is 5 feet. The minimum side yard setback from adjacent residential use is 10 feet.
259	E. Building Façade Articulation – Specific information is required on how much and the type of articulation is required.	See line 178		
260	F. Windows and Doors – 2. This language is too vague and needs specific language on how to regulate.	See Line 194		
261	G. Building Entries – 2. Add the word “wide” after 6 foot.		Yes see Line 196	
262	J. Signage – This section does not provide language on how to regulate canopy signs and does not provide the allowed height for wall signs.	The language is per the Zone Code		
263	M. Landscape – 1.a. The number of street trees required is not found in the Zoning Code, but found in the Street Tree Ordinance. Number 1 should reference the Street Tree Ordinance and not the Zoning Code.	See Line 198		
264	M. Landscaping – 1. b. How wide does the parkway strip need to be?	See Line 213		
265	M. Landscape – 1. c. The word “area” should be removed from the sentence.		Yes see line 165.	
266	M. Landscape – 2. The Code Enforcement Division does not conduct a final inspection on houses or townhouses.	See Line 164		
267	Page 125: Neighborhood Commercial Zone – SU-2/NC			

DNASDP COMMENTS

268	A. Permissive Uses – 1. It is unclear how single detached homes are to be regulated. Based on the proposed language, they will be regulated under the SU/NC and not under the SF zone.		yes see line 183	
269	A. Permissive Uses – 5. Should the word activity be added to this sentence so that it reads "... no outdoor storage or activity, except parking.	There is no Permissive use 5.		
270	C. Setbacks – 1. Off-street parking needs to be setback 10' from what structure/use?		yes see line 191	
271	D. Windows and Doors – 2. This second sentence should be added to a separate section regarding signage. The first sentence is too vague and needs specific language on how to regulate.	See line 194	yes	P.125 D. Windows and Doors – 2. This second sentence should be added to a separate section regarding signage.
272	H. Landscape – 1.a. The number of street trees required is not found in the Zoning Code, but found in the Street Tree Ordinance. Number 1 should reference the Street Tree Ordinance and not the Zoning Code.	See Line 198		
273	H. Landscape – 1. c. The word "area" should be removed from the sentence.		Yes see line 165.	
274	H. Landscape – 2. The Code Enforcement Division does not conduct a final inspection on houses or townhouses.	See line 164		
275	Page 129: Special Use Zone – SU-2/SU-1			
276	There should be some language added indicating that all existing and proposed SU-1 sites need to comply with Section 14-16-3-30, of the Comprehensive City Zoning Code.		Yes	P.129 There should be some language added indicating that all existing and future SU-1 sites need to comply with Section 14-16-3-30, of the Comprehensive City Zoning Code.
277	Demolition Review			
278	There appears to be a misspelled word on the last sentence of section 2. The word assent should be replaced with consent.	Definition of assent: "to agree to something" . Consent is also fine.	Yes	P.130 The word assent should be replaced with consent.
279	Under number 6, last sentence, when would the address of a property owner not be a matter of record?	When ownership of a property has transferred and County tax records do not reflect that change. It is not real time information.		
280	Section 6 should reference the Zoning Code in regards to process for notification.	Notification is addressed in the Zoning Code according to the nature of the application. Without adding a new section to the Code, this will take further consideration.		
281	General Notes			
282	The SU-2 Park zone as identified on the map page does not have any text on how this zone will be regulated.	Current SDP has SU2 Park and it is undefined. Nor is there language in the Zone Code to address parks.	Yes	Add section: SU2 Park. Permissive Use, Public Park.

DNASDP COMMENTS

283	Definitions				
284	A note should be added at the beginning of the definitions section indicating that these definitions are for the purpose of this plan. The Code Enforcement has concerns regarding the following definitions: Senior Housing Development: This use is problematic in that this will require our office to verify the age of the residents.			Definition proposed per EPC definition from Project 1003102, June 18,2009.	P.144 The following sentence shall be added to the Senior Housing definition. "The property shall be operated only as "Housing for Older Persons" as defined in the Federal Housing for Older Persons Act (42U.S.S., §3607(b) (2)) and uses will include related facilities.
285					
286	Questions/ Comments from Parks and Recreation		No Change	Change	Condition
287	Pg. 61 - Community Charter Goal 1. Objective 1.2: Who will be responsible for the planning and paying for the tree replacement and maintenance. Park Management is not responsible for street trees. Specify who will be the responsible party in the plan.	See P.136, the plan places development of the program in the responsibility of the City Forrester. Maintenance of trees is the responsibility of the City or the property owner, depending on location. See Zoning section.			
288	Pg. 64 - Objective 4.1: Improve and maintain public parks. What needs improvement? How will this be funded?	This is a general objective, park improvement is ongoing. There are no new parks proposed, all are existing.			
289	Pg. 64 - Objective 4.2: Provide landscape and hardscape improvements to streets and public properties. How will this be funded? Who will maintain the improvements?	The improvements are addressed through the transportation policies and the zoning (with regards to street trees). Funding depends on the location. There are no new parks proposed, all are existing.			
290	Pg. 67 We have no objection to including Robinson Park in the plan area.	Thank you			
291					
292	Questions/ Comments from Transit		No Change	Change	Condition
293	Therefore the Department, while it appreciates the very cautious way the "road diet" will be implemented and studied, and does not object to carrying out the interim experiment described in the "West Central Corridor Concept Plan". The Department remains quite concerned, however, that once the "diet" is imposed, it will never be possible to reclaim the lost capacity.	Concern noted.			

DNASDP COMMENTS

294	<p>By the same token, the Department does not object to considering a “demotion” in roadway functional classification for Central Avenue provided it does not affect the maintenance schedule and specifications for the road, and has no comment on the other two “demotions” mentioned in the Plan as neither street is ever likely to be used for transit purposes.</p>	<p>Concern noted.</p>		
295	<p>The Department has no objection to the proposed cross-section for 12th Street north of Lomas Boulevard, except to note that the south-to-east-bound left turn at Lomas must be preserved in the event Route 36 ever becomes “two way” - as is being actively investigated. We would also request that any future section/lane pattern and especially the 12th Street/Mountain Road intersection take into account the (remote) possibility of reinstating the use of Mountain Road for transit purposes in the future. This is particularly important with regard to the north-bound/west-bound left turn, and the east-bound/south-bound right turn – whatever the design, it should not preclude turns by transit vehicles. We also want to point out that the proposed 12th/Mtn intersection design would preclude buses from making the east-bound/south-bound right turn that the Old Town-Downtown Trolley Route used to make (and possibly the north-to-west turn as well).</p>	<p>No left turns are proposed to be lost. The DNA SDP is primarily a land use plan, the transportation policies contain designs that will need further design study before anything is implemented. This study will be addressed in the Neighborhood Transportation Study.</p>		
296	<p>Continue... Since that route was unsuccessful in attracting ridership, we do not foresee reinstating it but want to point out that the intersection design would make the route impossible for geometric reasons even if other factors call for the route to be resurrected in the future.</p>	<p>See above.</p>		

DNASDP COMMENTS

297	<p>The “Bicycle Boulevard”: The Department is not as sanguine concerning the proposed “bicycle table” at 14th Street and Lomas Boulevard. Due to differences in design related to weight, suspension firmness, entry and departure angles, wheelbase, and the like, it is judged impossible to design a “vertical deflection” calming device that has the desired effect on all vehicles at the same time. In order to accommodate the ABQ Ride fleet the entry and exit ramps to the table would have to be at a shallower angle, and the top substantially wider – on the order of 40 feet - to accommodate the wheelbase of the articulated 60 foot Rapid Ride busses. These two actions would make the speed table “longer” and “flatter” and render it essentially invisible to the suspension of a passenger automobile. While a bus would still have to slow down, there would be no need to slow down to traverse it in a car.</p>	<p>The DNA SDP is primarily a land use plan, the transportation policies contain designs that will need further design study before anything is implemented. This study will be addressed in the Neighborhood Transportation Study.</p>	
298	<p>Continue... The Department is also concerned that a bicyclist-activated crossing signal at 14th Street and the vehicle signal at 12th Street will have to be extremely well coordinated, or an inconvenience will be created for all travelers. The Department recognizes the vital interplay between all modes of transit and looks forward to working with the neighborhood and the traffic designers to find a solution that will accommodate all modes.</p>	<p>See above.</p>	
299	<p>The MUM zone as proposed closely mirrors these guidelines but is superficially somewhat more generous, as A.1.b on page 109 dispenses with the FAR limitation, and flexibility with regard to building height is allowed through a Special Exception process (C.9 on page 111). But it is irrelevant to take the cap off FAR and “raise the roof” if at the same time the density limitation is not changed.</p>	<p>Staff feels that the platting and proximity to single family along Lomas merit the restrictions proposed in the zoning.</p>	
300	<p>MUM- • Setbacks: why are “0” side setbacks not permitted, at least on one side of a lot?</p>	<p>Staff feels that the platting and proximity to single family along Lomas merit the restrictions proposed in the zoning.</p>	
301	<p>MUM- • Open Space: 500 square feet of useable open space is required for each unit... in the previous example the hypothetical 22 units would each need 500 square feet of open space – making the unit size effectively 1500 square feet and using up half- 11,000 square feet- of the site area. Nor does the section speak to aggregating the open space into a single common area, such as a rooftop. The East Downtown (EdO) Plan, by way of comparison, requires only thirty (30) square feet per unit and allows aggregation.</p>	<p>See Line 14</p>	

DNASDP COMMENTS

302	<p>MUM-• Parking: It is good to count on street parking towards the required off-street parking, but why is the privilege limited to non-residential development? For all uses, the off-street requirements should either be lowered, or a required reduction should be taken, since all of these sites are on a transit route and in proximity to the Bicycle Boulevard system.</p>		Yes	<p>P.113 I.3 strike "for non-residential development only." and "provided the on-street parking spaces are approved by the Traffic Engineer, in conjunction with a site plan approval for off-street parking." .</p>
303	<p>MUM- • Use of the Public Realm: This zone allows retail sales of various goods but specifically (in A.4) prevents any outdoor sales. In C.4, as a conditional use, outdoor seating at a restaurant is allowed. Up to 15 feet of front setback is allowed in "D" on page 111. Why cannot this setback area be used for the display and sales of such things as books and newspapers or flowers and plants?</p>	<p>Staff has not discussed this with the community, it did not come up during the planning process. We proposed to leave the language as written.</p>		
304	<p>CC- The same essential issue arises: While there is forgiveness on FAR, and "looseness" in building height by means of both a more generous limit and by a Special Exception, the density remains the same 30 dwelling units per acre offered by. in this case, the R-3 zone.</p>		<p>Yes, staff feels that the constraints provided in the form of parking, setbacks and height should be sufficient restriction on development.</p>	<p>P.120 A.1.b. and to the end of the sentence "or maximum dwelling units per acre."</p>
305	<p>CC- • Setbacks: same issue</p>	<p>The setbacks were developed with the community. Staff feels that the setbacks proposed address the context of Central and the surrounding residential.</p>		
306	<p>CC-• Open Space: The other side of the issue – unless it is assumed that the requirements of the R-3 zone apply. Parallel construction of the zone would suggest that Useable Open Space should be defined in the document, and again, we would suggest the EdO approach be followed, at 30 square feet per unit with the ability to aggregate the area into a common space</p>		Yes	<p>P.124 Add new section Useable Open Space. The useable open space requirement is 150sqft per efficiency/ one bedroom or 200 sqft per two bedroom or more.</p>
307	<p>CC-• Parking: same issues</p>		See Line 302	

DNASDP COMMENTS

308	<p>CC-• Public Realm: In addition to the comments above, it appears that certain very desirable uses may be being left out – street activating businesses such as bakeries, coffee shops, and jewelers.</p>		Yes	<p>P.121 Add the following to the Conditional Uses, “B.4 Retail business in which products may be manufactured, processed, or assembled, as an accessory use, including catering, baking, confectionary making , or jewelry or curio making, provided: a. All activities are conducted within a completely enclosed building. b. The number of persons engaged in the manufacturing, processing or assembly of products is limited to ten. c. Activities or products are not objectionable due to odor, dust, smoke, noise, vibration, or other cause.”</p>
309	<p>CC-• Building Heights and Stepbacks: The imposition of the Solar Access requirements is understood given the plans historic residential character and the imposition of stepbacks on sides facing single-family residential zones seems well considered. But in terms of Central Avenue “urban” streetscape – which faces south - what do the stepbacks accomplish?</p>	<p>The regulations proposed are written to address the scale, massing and form of future development.</p>		
310	<p>CC- Landscaping: As written the zone would impose the landscape regulations applicable to apartment and non-residential development from 14.16.3.10 of the Zoning Code. For urban purposes, the EdO approach is preferred – “The landscape design should reflect the more urban character of this area in its programming, detailing, and planting intensity.”</p>		Yes	<p>P.124 Add M.1.d The landscape design shall reflect the more urban character of this area in its programming, detailing, and planting intensity.</p>
311	<p>From the TOD perspective, it would have to be said that the proposed rules for the two transit corridors do not go as far as they could to encourage urban character or to create the space in which to provide services, including housing, and employment opportunities that, when filled with people, may create that elusive vibrancy.</p>	<p>Concern noted, please see proposed changes above.</p>		
312				
313	Questions/ Comments from DMD	No Change	Change	Condition

DNASDP COMMENTS

314	<p>Page 45, Roadway Functional Classification Map. The functional classification of a number of roadways shown on the map is not consistent with the functional classification designated on the Long Range Roadway System map adopted by the Mid-Region Council of Governments. Comment: The Roadway Functional Classification map shown on page 45 should be revised, as necessary, to be consistent with the adopted Long Range Roadway System map.</p>		Yes	<p>P.45 Correct map to match with the Long Range Roadway System map adopted by the Mid-Region Council of Governments and correct text throughout to reflect the new map.</p>
315	<p>Page 47, F. Existing Transportation Systems, Roadways. The discussion at the top of page 47 gives the impression that traffic congestion on major streets such as Central Avenue and Lomas Boulevard, which are critical to connecting Albuquerque's Westside to employment destinations in the Downtown and UNM/UNMH areas, is not a problem. The plan states that "Each of the roadways operates adequately given the traffic volumes...." That except for two streets, "All other road segments in the Downtown Neighborhood Area should operate at LOS C or better, indicating good operations." This conclusion, which is based on a planning level of assessment and not an operations analysis, implies that further traffic calming strategies might be appropriate. The plan, however, fails to discuss the anticipated impacts that future traffic volumes will have on these roadways.</p>	<p>This is a planning document, not an operational assessment. Operations analysis is not appropriate for this type of document (and no budget). This is also not a transportation study, therefore, the planning level is adequate. Future growth assessments are also not appropriate. It should be noted that there has been less than 5% growth of traffic in these corridors for the past 20 years, making a more detailed assessment unnecessary.</p>		
316	<p>Continue... Comment: Add a new section to the plan describing the future level of service on each of the major roadways within the plan area based on growth projections from the 2035 Metropolitan Transportation Plan (MTP). Additionally, any Level of Service (LOS) conclusions should be based on an operations level of assessment, not a planning assessment.</p>	<p>See above</p>		
317	<p>Page 50, F. Existing Transportation Systems, <i>Sidewalks</i>. A notation should be added to the discussion at the top of the page 50 on sidewalks, that per City Ordinance (§§ 6-5-5-1) the abutting property owner is responsible for the installation and maintenance of sidewalks. Comment: Expand the discussion at the top of the page 50 on sidewalks, that per City Ordinance (§ 6-5-5-1) the abutting property owner is responsible for the installation and maintenance of sidewalks.</p>	<p>This does not seem appropriate as we are not trying to inform the residents of their specific responsibilities concerning sidewalk improvements. We are simply identifying the need at a planning level, not assigning maintenance responsibility.</p>		

DNASDP COMMENTS

318	<p>Page 61, Transportation, Objective 1.3. Objective 1.3 reads, “<i>Slow traffic on neighborhood streets to encourage walking.</i>” Comment: Define the term neighborhood streets. The definition should reference the class of street shown on page 45 on the functional classification map.</p>	<p>This is a goal, further definition is provided in the policies.</p>		
319	<p>Page 62, Transportation, Objective 2.3. Objective 2.3 reads, “Redesign Lomas Boulevard to slow traffic and make it easier for bicyclists and pedestrians to cross, and to foster the development of a pedestrian-oriented commercial district while maintaining its function as a major thoroughfare.” This objective could potentially conflict with the mobility goals and objectives described in the Congestion Management Process (CMP) established by the Mid-Region Council of Governments. The Congestion Management Process (CMP) is a federally mandated process that helps decision makers identify critical congested travel corridors and formulate strategies to increase transportation efficiency and provide additional options for the traveling public. Benefits of this program include improved travel times for commuters, improved incident management, enhanced public safety and security, reduced traveler delays, improved traveler information, and in general, a more efficient transportation system.</p>	<p>This would be contrary to community desires. Staff does not propose to change anything here, unless the Congestion Management Process is acknowledged, however we question its application in these corridors. The City is actively pursuing the road diet on Central which is in conflict with CMP. They have made pedestrian improvements on Central Ave between Carlisle and San Mateo, in the middle of one of these CMP corridors (ranked # 20), where the volume is 50% higher than Lomas Blvd. Also, the sector plan goals and objectives will likely not be consistent with the CMP, in fact, given the residential neighborhood, it is not surprising that they are quite different. Finally, Lomas Blvd is ranked # 26 of 30 corridors, and that includes the entire 10 mile corridor. It is not a significant CMP corridor, especially within the section discussed.</p>		
320	<p>Continue... Lomas Boulevard in combination with Central Avenue is designated a critical CMP corridor connecting residential development on Albuquerque’s Westside to job destinations in the Downtown and UNM/UNMH employment centers (see attached CMP alignments). Over the next twenty (20) years, the population in the Albuquerque Metropolitan Area is projected to grow by more than 600,000 people with the majority of this growth occurring on Albuquerque’s Westside. At the same time, the vast majority of the jobs in the Albuquerque area will remain east of the Rio Grande, thus, resulting in increased congestion levels on each of the critical river crossing corridors, including the Central-Lomas Corridor.</p>	<p>See above</p>		

DNASDP COMMENTS

321	<p>Continue... Comment: The goals and objectives identified in Section 4 of the plan should be consistent with those listed in the Congestion Management Process (CMP) established by the Mid-Region Council of Governments. Specific improvements considered within the Central-Lomas Corridor should follow the CMP Strategies Matrix contained in the Project Prioritization Process Guidebook for the Albuquerque Metropolitan Planning Area (see attached CMP Strategies Matrix).</p>	<p>See above</p>		
322	<p>Page 62, Transportation, Objective 4.1. Objective 4.1 reads, "Increase bicycle facilities to provide greater access, mobility, and safety" Comment: Define more specifically in the plan what bicycle facilities need to be increased.</p>	<p>The plan already proposes suggestions for additional routes, and defines the facilities.</p>		
323	<p>Page 62, Transportation, Objective 4.3. Objective 4.3 reads, "Coordinate with the City's bicycle planning documents." Comment: Define more specifically in the plan which City bicycle planning documents.</p>	<p>See Line 322</p>		
324	<p>"The two area arterials, Lomas Boulevard and Central Avenue, were constructed when through traffic movement was vital to the greater Albuquerque area. These roads now serve a different, more local function, and incorporating them more into the neighborhood is a primary goal of the community." Comment: As described above in comment 5, Lomas Boulevard and Central Avenue will continue to play a significant role in the coming years in serving regional travel demand in the Albuquerque Metropolitan Area. Revise the text in Section 5 to acknowledge the regional importance of these two roadways in addressing the increases in traffic congestion that is forecast within the Central Lomas Corridor.</p>	<p>This report statement is true and is consistent with reality and the communities desires. In the 2030 forecast the daily traffic is forecast as 22,300 on Lomas between 12th and Central. That is an increase of approximately 4,400 vehicle per day (vpd) over existing. The roadway capacity is about 35,000 vpd, so there will be limited congestion forecast.</p>		
325	<p>Page 76, Implementation Policy #9 – Neighborhood Walkability, <i>Strategies 1 – 3</i>. Some of the recommendations in this section such as the removal of sidewalk obstacles along major pedestrian corridors such as Mountain road will likely be extremely difficult and costly to implement because of right-of-way limitations. Comment: A preliminary engineering study should be performed along these major pedestrian corridors to establish a clearer understanding of the feasibility and cost of these policy recommendations.</p>	<p>The sector planning process is one that identifies issues like this so that when improvements are implemented within a corridor, deficiencies are not overlooked. There is no need for a feasibility study or to quantify the costs at this level.</p>		

DNASDP COMMENTS

326	<p>Page 77, Implementation Policy #10 – Neighborhood Traffic Calming, Strategy 2. The last sentence in this paragraph reads, “Key recommendations for Lomas Boulevard and 12th street include curb extensions at specific intersections....” Comment: As described above in comment 5, Lomas Boulevard will continue to play a significant role in the coming years in serving regional travel demand in the Albuquerque Metropolitan Area. Revise the text in this section to make clear that curb extensions along Lomas Boulevard may not be prudent and will need to be examined more thoroughly in combination with other Congestion Management Process (CMP) strategies proposed for the Central-Lomas Corridor.</p>	<p>Curb extensions are a very important consideration, especially if this is a CMP corridor. Pedestrian safety would become a more significant issue if traffic volumes increased significantly (which is not forecast to happen). The reduction of cross street pedestrian crossing time, a result of curb extensions (shortening the crossing distance) would also provide more through time for Lomas Blvd, actually enhancing the CMP desires.</p>		
327	<p>Page 82, Implementation Policy #12 – Lomas Boulevard, Strategy 2. The introductory sentence under strategy 2 reads, “<i>Provide Traffic Taming on Lomas Boulevard: Traffic taming measures should be developed for Lomas Boulevard to improve pedestrian accessibility and safety</i>” The plan further states, “<i>Appropriate traffic calming measures include the construction of curb extensions at each unsignalized intersection to reduce the pedestrian crossing distance and the lane width to 11 feet or less, exclusive of curb and gutter.</i>” Comment: While pedestrian accessibility and safety are very important considerations, as described above in comment 5, Lomas Boulevard will continue to play a significant role in the coming years in serving regional travel demand in the Albuquerque Metropolitan Area.</p>	<p>See Line 326</p>		
328	<p>Continue... Revise the text in this section to make clear that curb extensions along Lomas Boulevard may not be prudent and will need to be examined more thoroughly in combination with other Congestion Management Process (CMP) strategies proposed for the Central-Lomas Corridor.</p>	<p>See above</p>		
329	<p>Page 136, Implementation Tables, Action Items 9.1 and 9.2. Consistent with the City of Albuquerque Ordinance, Section 6-5-5-1, any repair and/or replacement of sidewalk, curb ramps, drive pad, and curb and gutter shall be the responsibility of the abutting property owner. Comment: Revise the responsible entity on action items 9.1 and 9.2 to read, Dept. of Municipal Development, and/or Abutting Property Owner</p>	<p>See Line 317</p>		

DNASDP COMMENTS

330	<p>Page 137, Implementation Tables, New Action Item 10.2. Consistent with comments 5, 10 and 11 above, add a new implementation action item calling for a feasibility study of the proposed curb extensions to assess their impact on the future implementation of Congestion Management Process (CMP) strategies identified for the Central-Lomas Corridor. Comment: Add a new implementation action item 10.2, entitled, Feasibility Study of Lomas Blvd. Curb Extensions. The Dept. of Municipal Development will be the responsible entity. The timeframe should be short-term.</p>	<p>Curb extensions were built on east Central Ave, east of Nob Hill, a section of a higher ranked CMP corridor with a daily traffic volume of 28,600 vpd (2008 volume). Curb extensions should be included on all CMP corridors with on-street parking and high pedestrian activity.</p>	
331		<p align="center">No Change</p>	
332	<p>Further comments received</p>		
333	<p>As you know, I represent Mr. Bloom with respect to the proposed rezoning of 712 Marquette Ave NW. You indicated last Thursday that the proposed zoning map shows the house of 712 Marquette zoned for MR and the parking to the rear zoned for OR, but that this is a mistake because it is not logical to split one lot into two zones. You indicate that staff is taking this mistake into consideration as a part of your updated analysis and recommendation to the EPC. My client, who uses the property as a law office, wants to maintain his current use and does not want any changes to the restrictions on the property. However, since he does not know what zoning district the City is proposing to rezone his property (because it was incorrectly designated for two proposed zones), he does not have sufficient notice regarding the rezoning and requests a thirty day deferral regarding the matter so we have enough time to properly discuss what zoning the City is proposing to apply to his property and how such proposed rezoning will affect his property. Please provide this request for deferral to the EPC. Thank you.</p>	<p>Change 712 Marquette is shown on the proposed zoning map with the MR zone at the front and OR to the rear. A mistake was made on the Existing land use map showing the building facing Marquette as a single family house, which led to an incorrect proposed zoning designation of MR for the two parcels along Marquette. The law office operates legally and the rear yard is a parking lot. Staff proposes that the zoning at the front be changed to OR, consistent with the rear lot zoning designation.</p>	<p>Condition P.127 Change 712 Marquette from MR and OR to only OR and correct the land use map on P.31.</p>
334		<p align="center">No Change</p>	
335	<p>Comments received after the staff report for the March EPC hearing was distributed, and before the staff report for the April hearing was distributed.</p>		<p>Condition</p>
336	<p>I noticed one very minor error in the Downtown Neighborhood Sector Plan draft on page 41. There is a picture of our home (which we are pleased to be a part of), but it attributes it to 9th and Forrester, which in fact we are on the corner of 8th St and Slate St.</p>	<p>Yes</p>	<p>P.41 Picture label, change address to read 8th and Slate.</p>

DNASDP COMMENTS

337	<p>Page 81 – eliminate right turn lane for westbound Lomas, and replace with on-street parking and bulb-out to match other three corners. Please note that the to-be-renovated Lowe’s Grocery is at this corner, so this amendment shortens the pedestrian crossing distance for all residents living south of Lomas, and provides a clear signal to drivers to “put the pedestrian first.”</p>		Yes	<p>P.81 change illustration to show: eliminate right turn lane for westbound Lomas, and replace with on-street parking and bulb-out to match other three corners.</p>
338	<p>Page 109, Mixed-Use Medium Zone – add a new Section (A)(1)(c) that states: “Up to 40 dwelling units per acre are allowed.”</p>	<p>Staff does not support this proposed change to the SU2 MUM zone because of the proximity of the SU2 MUM to single family zoned properties.</p>		
339	<p>Page 111, Section (D)(1), add a sentence that states: “Front setback areas along Lomas Boulevard may be used for the display of retail merchandise.”</p>		Yes	<p>P.109 A.4 remove "or activity". P.111 D.1 add the following sentence: Front setback areas along Lomas Boulevard may be used for the display of retail merchandise.</p>
340	<p>Page 112, add a new Section (D)(5) that states: “Notwithstanding Sections 1-4, a 0’ setback is allowed on one side of the lot.”</p>		Yes, staff proposes different language to achieve the same end.	<p>P.111 D.2. replace "5" with "0" in the first line to make the side setback as 0 minimum.</p>
341	<p>Page 113, replace Section (L)(1) with: “The useable open space requirement shall be thirty (30 sq’) square feet per dwelling unit, which may be satisfied in balconies, shared private roof top gardens, and so on.” (Directly from EDo UCOZ).</p>		Staff proposes to change the useable open space in the SU2 MUM zone, please see line 14. Staff feels that 30 sqft is not sufficient useable open space.	
342	<p>Page 121, Section (C)(1), add a sentence that states: “Front setback areas along Central Avenue may be used for the display of retail merchandise.”</p>	<p>The SU2CC zone refers to the C2 zone and outdoor display is already allowed in this zone, so no change is needed to the permissive uses.</p>		<p>P.121 C.1 add the following sentence: “Front setback areas along Central Avenue may be used for the display of retail merchandise.”</p>
343	<p>Page 121, add a new Section (D)(6) that states: “Notwithstanding Sections 1-5, a 0’ setback is allowed on one side of the lot.”</p>		Yes, staff proposes different language to achieve the same end. See Line 258.	
344	<p>Page 124, add a new Section (L) which states: “The private open space requirement shall be thirty (30 sq’) square feet per dwelling unit, which may be satisfied in balconies, shared private roof top gardens, and so on.” (Directly from EDo UCOZ). Reorder Sections which follow this new Section (L).</p>		Staff proposes to change the useable open space in the SU2 CC zone, please see line 306. Staff feels that 30 sqft is not sufficient useable open space.	

DNASDP COMMENTS

<p>345 As you know, I represent Ms. Carlton and Mr. Bloom. At the March 10, 2011 hearing when you were making your presentation to the EPC, you indicated that nonconforming buildings would be allowed conditional use permits. As I stated on my letter dated March 8, 2011 on Mr. Bloom's behalf, page 129 of the proposed revised DNA Sector Development Plan provides that non-conforming uses must be conformed within five years. Yet, you have indicated that conditional use permits will be issued for non-conforming buildings. Please elaborate and let me know which portion of the proposed revisions addresses use of a conditional use permit for a nonconforming property. I am speaking with Mr. Bloom tomorrow so I need this information as soon as you can provide it to me...</p>	<p>The non conforming use language was written with the intention of addressing uses, and not structures. This language needs to be improved to ensure the language reads as intened.</p>	<p>P.129 shall read as follows: 1. Unless otherwise provided, a structure or land which is non-conforming as to use must be converted to a conforming use within 5 years. The time period for the conversion of a non-conformance shall be computed from the date the Downtown Neighborhood Area Sector Development Plan is adopted by City Council. P. 143 shall read as follows "Non-conforming Use. Use of a structure or land which does not conform to this article and which was in conformity with any zoning ordinance in effect at the time it was created."</p>
<p>346 With respect to this current discussion, I am particularly concerned about a non-conforming structure, meaning a structure may not meet the proposed set backs or window sill height or have the newly required three foot wall around an existing parking lot for a business. As you suggest, the current proposed language is not clear. For example, the definition of "non-conforming use" in the glossary refers to a "structure or use of structure or land which does not conform to this article..." (emphasis added). Therefore, one could interpret "non-conforming use" to mean a structure that does not conform to the building specifications. Please let me know as soon as possible the proposed revisions to clarify this matter so we can respond to any proposed language.</p>	<p>See above</p>	

DNASDP COMMENTS

347	<p>I'm writing in order to say that I support the restrictions on bail-bonds businesses in the draft Sector Development Plan for the Downtown Neighborhoods. While some mixed usage is beneficial, I have not found that it is beneficial to residential life to have 24-hour businesses such as bail-bonds operating in our neighborhoods. Couple this with the fact that more and more of our homes are inappropriately being converted into law offices, and this poses an ongoing deterioration of our quality of life. There are already too many law offices and bail bonds businesses in this area. I urge you to join downtown residents and the DNA in restricting these businesses.</p>	<p>Please see line 98 for staff response on Bail Bonds.</p>	
348	<p>I support the restrictions on bail-bonds businesses in the draft Sector Development Plan for the Downtown Neighborhoods. I feel that it is inappropriate to have of 24-businesses in residential areas (as necessary as these businesses are to sectors of our society), they are not "offices" because they don't keep regular office hours. Please keep them keep clustered in a commercial sector not in residential areas.</p>	<p>Please see line 98 for staff response on Bail Bonds.</p>	
349	<p>I live on the 900 block of Fruit St; we have been here for nearly thirty years. We value the residential character of our neighborhood and our friends and neighbors who live here. We do not want any more "businesses" in this residential area. Especially, we do not want, and no one needs more bail bond shops around here. They are hardly even offices: they are open irregularly, day and night, meaning that their clientele, and the friends and family of that clientele, would be around, with often not much to do, day and night. I support the draft version of the Sector Development Plan for the Downtown Neighborhoods because it protects the RESIDENTIAL character of our neighborhood, which, once lost to the forces of commerce and business, will never be regained. Please do not betray us.</p>	<p>Please see line 98 for staff response on Bail Bonds.</p>	
350	<p>We are writing to say that we fully support the draft of the Downtown Neighborhood Sector Plan which will be presented at the EPC on March 10th. We are very much in favor of the restrictions to the bail bond businesses. Our neighborhoods and businesses which are open and lit up 24 hours a day are not conducive to growing a vibrant, family-oriented Historic Downtown neighborhood. We are very pleased that the proposal of left-hand turn lane from 12th Street onto Lomas Blvd is off the table.</p>	<p>Please see line 98 for staff response on Bail Bonds.</p>	

DNASDP COMMENTS

351	<p>Regarding the proposed Sector Development Plan revisions for the Downtown Neighborhood Area, I would like to urge you to please carefully consider the merits of the many improvements over the existing Plan. The intent is to preserve, support, and enhance the diverse qualities that define the character of a significant portion of Downtown Albuquerque. Many of the proposed regulations will allow and encourage the mixed-use, pedestrian friendly aspects to the Neighborhood, and this is vital to the successful future of the area. In particular, I'd like to direct your attention to the following three points:</p>	Thank you	
352	<p>Continued... 1. Of great importance to the protection and preservation of valuable historical artifacts that contribute to everyone's quality of life, we must create a strong deterrence against demolition of buildings without permits. Whatever the nature of the process of review and approval, there must be severe consequences for someone who chooses to tear something down without playing by the rules. 2. It is critical that bail bonds businesses be restrained from further infiltrating the residential neighborhoods to which they do not contribute. Enforcement of zoning restrictions is equally important.</p>	See above	
353	<p>Continued... 3. The proposal to allow accessory living units in the SF zone makes a great deal of sense and I strongly support this modification to the Plan. It brings many properties into conformance and accommodates more density and efficient use of properties. I am an architect, an owner of the residential property at 1407 Roma Ave. NW, and a current member and former Board member of the Downtown Neighborhood Association. I care deeply about the preservation of the wonderful qualities of the Neighborhood, and am serving on the Sector Development Plan Revision Committee. Thank you for your time in reviewing the Plan and for your service to the City.</p>	See above	

DNASDP COMMENTS

354	<p>For the reason I set forth below, I respectfully submit for consideration by the Planning Commission that (1) the proposed downzoning is a quasi-judicial action that is subject to a specific and heightened standard of justification under New Mexico law, (2) the City as applicant, cannot meet its burden of complying Section D of R 270-1980, (3) the proposed downzoning of the Wheeler properties significantly conflicts with the goals of increased density in this Central Urban Area and achieving a neighborhood with variety and maximum choice in housing, and therefore "shall" not be implemented as mandated by Section C of R 270-1980, and (4) because the proposed downzoning substantially interferes with the Wheelers' reasonable "investment backed" expectations to use the existing townhouse zoning, a federally protected property right in the existing zoning, the right, under New Mexico law,</p>	<p>Please see line 4 for a response regarding "down zoning" and the staff report for additional analysis of R 270 1980.</p>	
355	<p>Continue... to rely on the stability of existing zoning rules, and that the proposed zone change will deprive them of substantial beneficial use of their property, the elimination of townhouse zoning on their property, while providing for SU2 TH zoning on other properties that are zoned the very same as the Wheelers, very assuredly constitutes a Penn Centraltype taking of their property interest.</p>	<p>See above</p>	
356	<p>This e-mail is to express my support for the Downtown Neighborhood Sector Development Plan. As a homeowner at 506 11th St. NW, I am concerned about the ongoing intrusion of bail-bond businesses in the neighborhood and support the restriction in the sector plan. This is a wonderful neighborhood and the bail-bond business encroachment threatens the neighborly atmosphere. It is inappropriate for 24 hour businesses to be in a residential neighborhood. These are not "offices" with usual business hours and may attract a clientele that would be considered less than desirable for such an upstanding and historical neighborhood. Thank you for the opportunity to express support for this important plan.</p>	<p>Please see line 98 for staff response on Bail Bonds.</p>	

DNASDP COMMENTS

357	<p>I am writing the Environmental Planning Commission to express my support for elements of the proposed Sector Development Plan for the Downtown Neighborhoods. I am a longtime downtown neighborhoods resident. In particular, I support the restrictions on bail-bonds businesses within the sector development plan boundaries. These businesses should be prohibited in (or near) residential areas. They are yet another particularly pernicious example of commercial encroachment on the residential neighborhoods downtown, particularly those close to the judicial complexes. These operations are <u>not</u> offices. They are 24-hour businesses that do not keep normal office hours. They use neon and other electric signage that is not acceptable in residential areas. They are disruptive. There are many commercial properties available in the city center that are appropriate for these businesses. They should be located there.</p>		Please see line 98 for staff response on Bail Bonds.
358	<p>Continue... I also support the draft plan's changing of most "town-house" zoning to single-family residential. The homes in my own block are zoned town-house, but all are in fact single-family residences. This is a common occurrence in the neighborhoods. The new plan rectifies this situation, and that is a good thing.</p>	Thank you	
359	<p>I have lived in this neighborhood for 30 years. I became involved with the DNA about four years ago when a developer bought a single family home across the Street from us and tried to build a three story, four unit townhomes. We asked the DNA for their help and neighbors became organized and after many meetings and twenty people showing up for the hearing the developer was stopped!! I started going to the zoning meetings realizing this was a very important issue for me and could not understand why our single family neighborhood was zoned Townhomes. Since then, the DNA has been working on ways to protect this very old and beautiful neighborhood. The 4th Ward, 8th Street, and Forrester Ave. had the historic overlay for protection. We had nothing. So we started working on a way to turn this neighborhood from the West side of 11th Street to the East side of 16th Street and from Lomas to Mountain in to Single Family. We worked on a Demolition ordinance which I'm also in support of. Then a proposal was started to update the very old Sector Plan.</p>	See below	
360	<p>Continue... I support the New Sector Plan not only in rezoning my neighborhood to Single Family but I also support the restrictions on the Bail Bonds Business in the new Sector Development Plan. I believe these things need to be done to help save this very old historic neighborhood that I love so much.</p>	Thank you	

DNASDP COMMENTS

361	<p>I think the MUM (Mixed Use Medium) zoning on the southern side of Tijeras and northern side of Kent between 12th and 10th Streets needs to be changed to MUL (Mixed Use Light). 2. Townhouse zoning needs to be changed to single family to represent existing predominant use. 3. Bail Bond offices need restrictions to half way acknowledge their existence in neighborhoods! They need a conditional use rather than a permissive use. Bail Bond Office criteria for the approval of a conditional use permit to allow a Bail Bond Office: a. Shall be located on a collector or higher street classification. b. Shall not be permitted on a block face with more than 30 percent residential. c. Shall not be located within 500 feet of another bail bond office. d. The number of employees shall limited to 5.e. The hours of operation shall be limited to 7:00 AM to 10:00 PM. I appreciate your many hours of work on this extremely important document that influences the future of our neighborhood.</p>		Please see line 98 for staff response on Bail Bonds and line 58 for Tijeras and Kent.	
362	<p>I am writing to express my position on the Sector Development Plan for the Downtown Neighborhood. I am a long time resident of the downtown area. I enjoy the residential nature of the neighborhood and want to see it protected and preserved. I strongly encourage you to implement restrictions on bail-bonds businesses within the sector development plan boundaries. These businesses should be prohibited in (or near) residential areas. If prohibited, the City should enforce these zoning restrictions. Bail bonds are a particularly invasive and offensive form of commercial encroachment on the residential neighborhoods downtown. These 24 hour businesses are wholly inconsistent with the residential nature of the downtown neighborhood. Their neon and electric signs are not conducive to the neighborhood and its residential character. There are other commercial properties in the city center – and outside of the downtown neighborhood – where these businesses could operate. They should not be allowed to operate in the downtown neighborhood area.</p>		Please see line 98 for staff response on Bail Bonds.	
363	<p>Continue... I also support the draft plan's changing of most "town-house" zoning to single-family residential. The homes adjacent to my home are zoned town-house, but all are in fact single-family residences. The new plan rectifies this situation, and that is both an appropriate and good zoning change.</p>	Thank you		

DNASDP COMMENTS

364	<p>This letter is in regard to the proposed SDP for the DNA.</p> <ol style="list-style-type: none"> 1. Please remove the transportation recommendation for 12th and Lomas. 2. Please support the zone change from townhouse to single family. 3. Please support restrictions on bail bond offices! <ol style="list-style-type: none"> a. Shall be located on a collector or higher street classification. b. Shall not be permitted on a block face with more than 30 percent residential. c. Shall not be located within 500 feet of another bail bond office. d. The number of employees shall limited to 5. e. The hours of operation shall be limited to 7:00 AM to 10:00 PM. <p>Thank you for all your hard work and your attention to these requests.</p>	Please see line 98 for staff response to Bail Bonds and Line 78 for the 12th and Lomas left turn.	
365	<p>First, I would like to thank to the City for spending time, money and energy on this plan. The plan adopted in the 1970s no longer serves the needs of the majority of the people who live in our neighborhood. As an owner of a couple of properties in the new plans boundaries, we fully support the sector development plan and the zoning proposed. Our family home, business and rental properties are all within the boundaries, and we believe the new zoning overlays, will provide for the mixed uses this area desperately needs to become a vibrant partner to the downtown core. As an owner of a mixed use property in the Downtown 2010 footprint, we have seen the benefits of this plan over the last decade. In particular, by bringing the stakeholders together and agreeing on what they do like, then allowing the development community to fast track new developments has added value to our property, the overall neighborhood, and downtown as a whole.</p>	See line 58, staff is proposing a condition to change the SU2 MUM on Tijeras and Kent to SU2 MUL, and to change Professional office within the MUL from conditional to permissive.	
366	<p>Continue... In fact, the zoning overlay and approval process stopped a three decade long tide of decreasing population, by actually increasing the downtown population by some 2,500 people. I believe a similar adoption of not just an overlay, but an expedited approval process for infill projects in this neighborhood would benefit property owners, property values, and the downtown area as a whole by eliminating the uncertainty created when a small handful of not nearby neighbors wants to stop growth and development based on a thirty year old version of what "should be allowed". We particularly support the mixed used medium zoning for the area bounded by 10th/Kent/12th/Tijeras streets and would not support a reduction in the current zoning to a lesser use. One of our properties is located inside those boundary area.</p>	See above	

DNASDP COMMENTS

367	<p>Continue... I personally, would support more offices uses like law firms, court reporters, service providers to the legal system, and other offices and retail uses as this added daytime population increases the demand for additional retail services like a grocery store, restaurants and shops. I believe any issues with these businesses should be restricted in signage, not use. Our hope is that the new zoning and plan will encourage more development, more businesses, an increase in density, and an increase in vibrancy in our neighborhood.</p>		See above	
368	<p>I would just like to add my voice to the other comments you have probably received about some of the matters coming up before the commission very soon. My most immediate concern is the proliferation of bail bond businesses in residential areas downtown. We who live downtown are trying to maintain a vital, safe residential living area. Having these 24 hour businesses in residential areas is just not a good idea. I also believe the transportation recommendation for 12th and Lomas should be removed. I am against making it easier to use 12th as a thoroughfare. It is a residential street. Slow it down, not speed it up.</p>		Please see line 98 for Bail Bonds and line 78 for the 12th and Lomas turn lane response.	
369	<p>Our firm represents Sigmund Bloom, the owner of the property at 712 Marquette NW, Albuquerque New Mexico. The property is currently zoned SU2 HAD with a variance for 100% use as an office, which variance decision is attached as Exhibit A hereto... In connection with the proposed DNA SDP, the City initially proposed to rezone the property with two property districts, that is, to SU2 MR and SU2 OR. On behalf of Mr. Bloom, we questioned the application of two different proposed zoning districts to Mr. Bloom's property and City staff agreed that the one lot cannot be subject to two different zoning designations. We just found out on Friday, March 4, 2011 that City staff is now proposing to rezone the property to SU2 OR... A. Prohibited use of commercial parking lot, B. Setbacks, C. Windows and Doors, D. Building entries, E. Off-street parking standards, F. Demolition, H. Non-conforming uses...</p>	Please see line 333. Commercial parking lot is defined on page 142 of the plan. Please see line 345 for non-conforming uses. The regulations proposed are written to address the scale, massing and form of future development.		
370	<p>Continue... As we stated, because of the short notice that the City is now proposing to rezone the entire lot to OR, we need more time to prepare for the EPC hearing regarding the rezoning and request a deferral of thirty days. We also request a deferral so that the City staff has a chance to respond to the points that we have made thus far regarding the proposed rezoning.</p>	See above		

DNASDP COMMENTS

371	<p>As you know, the City is proposing to downzone my client's property from SU2 HAD to SU2 MR. We protested such downzoning at the December 2nd 2010 hearing and we recently learned that the matter was to be further heard on March 10, 2011. We have already requested a continuance of the March 10, 2011 on the basis that Ms. Carlton already had a non refundable trip planned for out of the country during such time and, in fact, is leaving today. Because the hearing is quasi-judicial and evidentiary, I cannot proceed without my client Ms. Carlton and therefore will not be able to represent her interests at the March 10, 2011 hearing.</p>	<p>The hearing on March 10, 2011 was continued to April 7 after the staff presentation and before the public comment period.</p>	
372	<p>To Whom It May Concern: I am a long-time resident of the Downtown Neighborhood. I am writing in regards to the DNA's draft sector plan. I would like to support the following: 1. Changing the MUM (Mixed Use Medium) zoning on the southern side of Tijeras and northern side of Kent between 12th and 10th Streets, to MUL (Mixed Use Light). 2. REMOVAL the transportation recommendation for 12th and Lomas. 3. CHANGE in zoning between Lomas and Mountain to from Townhouse to Single Family. 4. Restrictions on Bail Bonds businesses.</p>		<p>Please see line 98 for Bail Bonds, line 78 for the 12th and Lomas turn lane and line 58 for MUM/MUL on Tijeras and Kent.</p>
373	<p>I am the property owner of 708 Marquette NW which extends east from the boundary of 712 Marquette NW with an eastern boundary that adjoins 7th Street. I request the following regarding the DNA SDP: 1. On page 127 Proposed zoning OR, clarify that the proposed zoning SU2 OR applies to the entire property of 708 Marquette east to 7th Street. It appears that this is the intent; however the map is slightly confusing. 2. On page 107 I.2 change 6 foot wide sidewalk to 4 foot wide sidewalk. This request is made because of the front dimensions of many properties in this area would be overwhelmed by a six foot wide sidewalk- a 4 foot would provide sufficient access and conform to the character of the neighborhood. 3. On page 107 K.2 add to the first sentence "... 3 foot solid wall or adequate landscape that provides alternate screening affect."</p>	<p>1. The OR zone applies to the entire property of 708 Marquette. 2. A 4 foot wide sidewalk is appropriate for a single family property or a townhouse, but for reasons of accessibility staff feels that a 6 foot wide sidewalk is more appropriate for multi family and non-residential uses. 3. Staff proposed a solid wall only, and not landscaping as a buffer because of concerns about maintenance. Often a landscape buffer is not well maintained, and due to the mix of uses and density in the downtown area, a low wall seemed the most appropriate buffer.</p>	
374	<p>Continue... The basis of the request is that landscaping can provide more aestically pleasing screening and barrier for parking areas. I attended one of the early community forums discussing this and there seemed to be a strong consensus at that time for permitting landscape as an alternate screening barrier for parking spaces.</p>		<p>See above</p>

DNASDP COMMENTS

375	<p>To whom it may concern:</p> <p>I support the restrictions on bail bonds, decreasing zoning for townhouses to single family residences, MUL designation on Tijeras, and no left turn lane of 12th.</p>		<p>Please see line 98 for Bail Bonds, line 78 for the 12th and Lomas turn lane and line 58 for MUM/MUL on Tijeras and Kent.</p>	
376	<p>We live at 520 Slate Ave, NW, and are supportive of the Downtown Neighborhoods Sector Development Plan. Our immediate area has been significantly impacted by businesses that have followed the Court Houses (Bail Bond businesses, and more law offices), and are concerned about the density of these businesses in relationship to the residences. We are pleased that some standards are being suggested that could improve how these businesses can more harmoniously exist with the residential component. We also appreciate many of the other proposals that will help to preserve some of the distinctive and positive characteristics of the neighborhood. To keep this neighborhood safe and viable, it is important to keep it attractive for homeowners and families to settle here. We appreciate the hard work and thought that went in to this plan. Thank you for your efforts on behalf of the residents in this area.</p>	<p>Thank you</p>		
377	<p>I am writing in support of many aspects of the proposed Downtown Neighborhoods Sector Plan, including the following: 1) restriction of Bail Bond businesses in our neighborhood; 2) protecting the predominantly single-family residential character while preventing residences turning into office space; 3) the development of guidelines that balance historic preservation and energy sustainability; 4) educating residents to assist in increasing energy efficiency and sustainability; 5) a street tree program to replace old or diseased trees along local residential streets; 6) a comprehensive, safe and convenient bicycle network; 7) making downtown the most walkable neighborhood!</p>	<p>Thank you</p>		

DNASDP COMMENTS

378	<p>Given recent events related to Lowes application for a liquor license I have several comments. I don't remember any discussions about selling liquor in the NC zone. As I understand it, C-2 zones have restrictions about liquor being a conditional use, 5-year reviews and a buffer of 500 feet; however, this would not apply to the NC zone where Lowes is. I am suggesting the plan includes stating any off-premise liquor sales not be a permissive use in the NC zone, even at a full service grocery store. Similar restrictions to a C-2 zone would also help in the NC zone. For any liquor sales for off-premise consumption in the DNA area, the plan should also include a restriction that they should not be allowed within 1-mile from any another liquor sales for off-premise consumption.</p>	<p>Alcoholic drink sales are permissive in the C2 zone. Alcoholic drink sales are currently permitted under the C1 zone and the SU2 NC in the existing and proposed DNA SDP refer to the C1 zone. Line 52 proposes to add a condition to make the sale of packaged liquor with a full service grocery store (as defined by the DNA SDP, P.143) a permissive use in the SU2 NC zone.</p>		
379	<p>Thank you for taking my phone call again earlier today. As you know, I am the owner of the property located at 417 7th Street NW, and I request that it be zoned appropriately and reasonably. My request is very specific and varies quite considerably from how it appears you have thus far proposed it be zoned downward heretofore. Based on all circumstances including my own review of the description of regulations as contained in the 10/28/10 EPC draft, the present proposed zoning of SU-2/MR is wholly inappropriate and unreasonable and without merit whatsoever, especially as this would not allow any office use, despite that this is exactly what the property is used for now and has been for the past many years with the city's very specific blessing and approval. The property should more appropriately be zoned SU-2/MUM, or, alternatively, SU-2/OR.</p>		<p>Separate from this email, paperwork was faxed to the Planning Department showing that in 2002 Mr. Prichard received a letter from the Zoning Department stating that Mr. Prichard resided at 417 7th and operated a law office under a Home Occupation license from the same address. It appears to staff that the property is now entirely in use as an office. This is not a permitted use under the current SU2 HDA zone. However, staff recognises that the character of 7th Street differs from that of Roma, and Mr. Prichard's property is oriented towards 7th Street.</p>	<p>P.127 change 415 and 417 7th Street from SU2 MR to SU2 OR. Please note that this condition is not reflected in the Red Line version date 4.7.2011 due to time constraints.</p>
380	<p>Continue... As we have discussed, I have finally located copies of the documents and correspondence from 2002 which clearly indicate the full history including my continued compliance and adherence to all zoning regulations and laws ever since my purchase of the property some time before. By copy of this email to my assistant Paula here, I'm asking that she now copy and forward to you as attachments these documents and correspondence to which I refer.</p>		<p>Continue... Mr. Prichard's property is predominantly surrounded by offices and commercial parking lots. The property to the north is a single family house and is oriented towards Roma. Staff proposes that the proposed zoning for 417 7th and the commercial parking lot between his property and the alley be both changed to SU2 OR</p>	

DNASDP COMMENTS

381	<p>Continue... It is very concerning, to say the least, that "line 69 of the staff report" addressing my particular property is so woefully inadequate of full description including all that I had to personally present at the last EPC hearing, as well as that I have now since somehow been burdened with proving and "provid(ing) documentation that allows the property to be used legally as an office". I have calendared and plan to attend the deferred hearing set for next week on April 7. Hopefully we can soon and finally make necessary progress in line with the better good and long-term progressive goals for Albuquerque and its downtown core area to which I remain very committed. Please call or write if there are any questions or if there is anything else I need to do whatsoever. Thank you, and I'll look forward to seeing you again next week at the deferred hearing on the 7th.</p>	See above	
382	<p>Mr. Bloom's concern over the proposed rezoning of his property to SU-2/OR is largely based on the issue of non-conforming uses, as set forth three weeks ago in our March 8, 2011 letter on Mr. Bloom's behalf. Ms. Carlton shares this concern, although Ms. Carlton has other concerns regarding the proposed rezoning of her property from SU-2/HDA to SU-2/MR, which we have discussed and will be continuing to discuss with the City.</p>	Please see staff response email dated March 31, 2011	
383	<p>Continue... As you know, the issue with respect to non-conforming uses is whether a non-conforming structure (a structure that, for example, may not meet the proposed set backs or window sill height or have the newly required three foot wall around an existing parking lot for a business or have the correct glass that meets the prohibition against dark tinted or reflective glass) is a "non conforming use" that must be conformed in the five year period. As you know, the currently proposed definition of "non-conforming use" in the glossary to the DNA Sector Development Plan refers to a "structure or use of structure or land which does not conform to this article..." Therefore, one could interpret "non-conforming use" to mean a structure that does not conform to the building specifications.</p>	See above	

DNASDP COMMENTS

384	<p>Continue... While you have indicated that you do not intend to make non-conforming structures but only non-conforming uses comply within the five years (unless they obtain a conditional use permit), you have indicated that your (the applicant's) proposed zoning language to clarify this matter and allow non-conforming structures in perpetuity will not be available until Friday, April 1st. Our submittal to the EPC must be no later than 8:30 a.m. on Tuesday, April 5th, meaning that you have only allowed us one working day to review your proposed zoning language for non-conforming uses and the five-year compliance period (and also to review whatever additional changes you are now proposing to the DNA Sector Development Plan). That is not sufficient time to address the staff's packet, including the new changes you are proposing to the DNA Sector Development Plan.</p>	See above	
385	<p>Continue... The statutory law states that the landowners should be entitled to 15 days notice of a rezoning. In this instance, we will have had one day to address new language in the proposed DNA Sector Development Plan. In our opinion, this does not accord with the law. We trust that you have been working on the proposed language and already know what the proposed language is, given the fact that you are working now to put together the packet for the EPC. Therefore, we request the proposed language today. Please honor this request.</p>	See above	
386	<p>Continue... As an additional matter, even though Mr. Brito represented to the EPC that staff was providing notice to all of the property owners in the sector of the hearings, Ms. Carlton's informal survey of property owners suggests that notice is not going to all of the property owners. Certain property owners have indicated to Ms. Carlton that they have not been receiving notice. For instance, Mr. Baiaomonte of 900 Lomas Blvd NW received the notice of the hearing in December but has not received any notice of the hearings thereafter. Please provide us with the list of property owners that were provided with notice of the March hearing and with the notice that was sent out to such property owners. Likewise, please provide us with the list of property owners that are being provided with notice of the April hearing and the notice that is being sent out to such property owners. Thank you for your attention to this matter.</p>	See above	
387	<p>In follow-up to my below email regarding the issue of notice, I have attached the two notices that our office received by mail after the March 10, 2011 hearing, which I will discuss below.</p>	Please see staff response email dated March 31, 2011	

DNASDP COMMENTS

388	<p>Continue... I continue to be troubled by the lack of notice of the rezonings proposed in this case. As an initial matter, the first mailing dated November 9, 2010 was addressed "Current Property Owner" (as well as having a name on it), suggesting that it was some type of insignificant mailing from the City. Equally important, the first mailing did not even indicate that the December 2, 2010 hearing was a rezoning hearing for the property owner's property. It did have a map attached entitled "Existing Zoning" and a second map entitled "Proposed Zoning." However, the letter itself makes no reference at all to the fact that the City is proposing to rezone the property owner's property and there were not even any addresses on the maps attached to the letter. Moreover, there was no indication anywhere on the maps that the proposed districts were not current districts under Albuquerque zoning, and we note that the requirements proposed for such districts have been a moving target.</p>	See above		
389	<p>Continue... As you know, at the initial December 2, 2010 hearing, there was one property owner that noted that the maps showed his property running the wrong direction on the maps. As well, we could not even tell from the maps (as we discussed with you before) what was Mr. Bloom's property on the maps and what the City was proposing to rezone Mr. Bloom's property. In the course of discussing this matter with you, you conceded that the City was improperly proposing to rezone Mr. Bloom's property with two different zonings. Minimally, the City should be notifying each property owner specifically that the City is proposing to rezone the property owner's property and what the City is proposing to change that property owner's zoning to. That has never been done.</p>	See above		
390	<p>Continue... Moreover, according to state statute, the City has to send notice by certified mail to each property owner affected. As you know, this is not an instance where the City is stating that all residential townhome zonings will be changed to SU-2/SF (Single Family) or that all properties zoned SU-2/HDA (High Density Apartment) will be changed to SU-2/MR (Mixed Residential). Instead, the City is making an individualized assessment with respect to each property regarding the zoning district that the City is proposing to apply to each property. For example, according to the testimony provided thus far, the City walked the area and decided that townhome zonings would remain (as SU 2/TH) where the block was predominately townhomes and that the townhome zoning would change to SU-2/SF where the block was predominately single family residential.</p>	See above		

DNASDP COMMENTS

391	<p>Continue... Consequently, because the City is making determinations on a block by block basis and in some instances on a property by property basis, the City has to send notice to each property owner by certified mail in accordance with state statute as well as City regulation. It appears from what we have received that the lack of notice has continued in this matter. I have attached the two notices we received by mail from the City after the March 10, 2011 hearing. The first is an Official Notification of Decision to defer the March 10, 2011 hearing on the DNA Sector Development Plan to April 7, 2011, which specifies that it was sent only to a limited number of property owners in the sector (and which again is deficient regarding the rezonings).</p>	See above		
392	<p>Continue... The second is a Notice of Public Hearing on EPC COA (Volcano Heights) for April 7, 2011. I do not know why the City would be sending this notice out to the property owners in the DNA Sector. Please let me know. I note that not only did I receive this notice about Volcano Heights but so did Ms. Carlton.</p>	See above		
393	<p>We are sending this email communication on behalf of Ms. Carlton who owns the property on the southeast corner of Tenth and Tijeras streets, which is zoned SU-2/HDA. This is in supplement to the letter dated November 30, 2010 and the email communications with you thereafter. As we stated in our November 30, 2010 letter, in the proposed SU-2/MR ("MR") downzoning for Ms. Carlton's property, you as the applicant have proposed the following MR requirements that mirror requirements set forth in the Fourth Ward Historic Overlay Zone Design Guidelines" (referred to as the "Fourth Ward Requirements") for new construction, even though Ms. Carlton's property is not in the Fourth Ward Historic Overlay Zone.</p>	Please see line 63 of the spreadsheet. Design regulations are already used in sector plans throughout the City, for example the Downtown 2010, Nob Hill SDP and the Edo Regulatory plan.		
394	<p>Continue... As the above proposed MR requirements 1 through 5 are from the Fourth Ward requirements, it appears that you are seeking to impose such requirements (and have set forth such requirements in the MR downzoning) in order to protect the historic nature of the Fourth Ward Historic Overlay Zone. If so, please confirm and also indicate how such requirement is intended to protect the historic nature of the Fourth Ward Historic Overlay Zone. If not, please tell us the rationale for such requirements. We have attached the Fourth Ward requirements for new construction in connection with this inquiry. As well as the above proposed MR requirements 1 through 5, are there any other proposed MR requirements that you are seeking to impose to protect the historic nature of the Fourth Ward Historic Overlay Zone?</p>	See above		

DNASDP COMMENTS

<p>395</p>	<p>Continue... For example, is the proposed requirement in the MR zoning district that “Facades that face public streets shall change every 50 foot minimum in height, setback, or material” a requirement to protect the historic nature of the Fourth Ward Historic Overlay Zone? Is that intended to address the Fourth Ward Historic Overlay Zone that “street appearance is vital” and that “large blank walls are not appropriate” and that “details and massing shall be on a human scale”? As far as we know, there is no current zoning district other than the Fourth Ward Historic Zone that has the requirement of all facades with 30% clear glass. If you know of a current zoning district other than the Fourth Ward Historic Zone that has this requirement, please let us know.</p>	<p>See above</p>		
<p>396</p>	<p>As you know, we represent Ms. Carlton in connection with the proposed downzoning of her property on the Southeast corner of Tenth and Tijeras. As the rezoning applicant, you have indicated to the EPC that there is a change of conditions in the DNA Sector because the original zoning was to address the issue of blight meaning a severely spoiled or ruined state of the area. If the present zoning was designed to alleviate blight, and, indeed, the blight has disappeared, the present zoning must be working. Much of the improvement has been accomplished by lawyers and other businessmen (including bondsmen) refurbishing dilapidated houses and multi-family structures making the area more desirable to invest in. When the Carltons first invested in downtown, the Carltons were afraid in investing because of the blight. However, the Carltons invested in the downtown area because of the Carltons’ anticipation that eventually the downtown area would warrant the investment in a high density apartment with the specifications allowed by the SU-2/HDA zoning of the property at Tenth and Tijeras.</p>	<p>Please see staff analysis in the staff report of Resolution 270-1980.</p>		

DNASDP COMMENTS

397	<p>Continue... The Carltons were those people that refurbished dilapidated areas, including the multi-unit dwellings that existed downtown and have made it attractive for persons to move downtown, thereby increasing the value of the Carltons' property and the property of others. Other persons have already indicated to you that they invested in the downtown because they anticipate when the economy improves that they will utilize their zoning and they consider their current zoning (for instance, property with the town home zoning) as having higher property value than a property that is zoned single-family residential. The City is causing uncertainty by proposing to change the zoning will make people more reluctant to invest in the downtown area. The fact that the area is no longer blighted does not warrant taking away the zoning that caused the downtown area to improve.</p>	See above		
398	<p>Continue... Deterioration of a neighborhood or increased crime are evidence of a character change in a neighborhood that justifies rezoning. There is nothing supporting your argument that the converse is true, that is that improvement of the area through the existing zoning warrants a zoning change and, in fact, such an argument is counterintuitive.</p>	See above		
399	<p>As you know, I represent Ms. Carlton in the above-referenced rezoning. Staff made the statement on pages 4 and 5 of the March 10, 2011 staff package that you as the applicant are proposing certain requirements to maintain the single-family residential nature of the area? Which area are you referring to? Are you referring to the Fourth Ward Historic Overlay Zone or are you referring to some other area? We ask this question because you as the applicant are proposing to up-zone the single family residences to two dwelling units and, at the same time, proposing to down-zone certain (but not all) of the properties zoned townhome from three dwelling units to two dwelling units. Given your proposal to increase the units allowed for what are now single family residents to two units, how does downzoning certain town home lots maintain the single-family residential nature of the area?</p>	<p>Please see the staff analysis provided in the December, March and April staff reports. The DNA SDP seeks to preserve the single family character found throughout the plan area. However, the plan recognises that not all of the area is characterised by single family properties, for example the SU2 OR and SU2 MR zones are proposed to act as a transition in intensity from the downtown core to the areas zoned SU2 SF.</p>		
400	<p>Continue... Moreover, how does allowing garage conversions on what is currently a single-family residential property support the goal of maintaining the historic nature of the Fourth Ward Historic Overlay Zone, which goal you have identified as a basis for the proposed zoning changes in the DNA Sector Development Plan?</p>	See above		