



**Environmental
Planning
Commission**

**Agenda Number:
Project Number: 1009243
Case #: 13EPC 40118
July, 11 2013**

Staff Report

Agent	City of Albuquerque Planning Dept.
Applicant	City of Albuquerque
Request	Amendment to Sector Development Plan
Legal Desc.	
Current Zoning	As described in Nob Hill Highland SDP
Proposed Zoning	Same

Staff Recommendation

Deferral of 13EPC 40118 for 30 days

Staff Planner
Maggie Gould, Planner

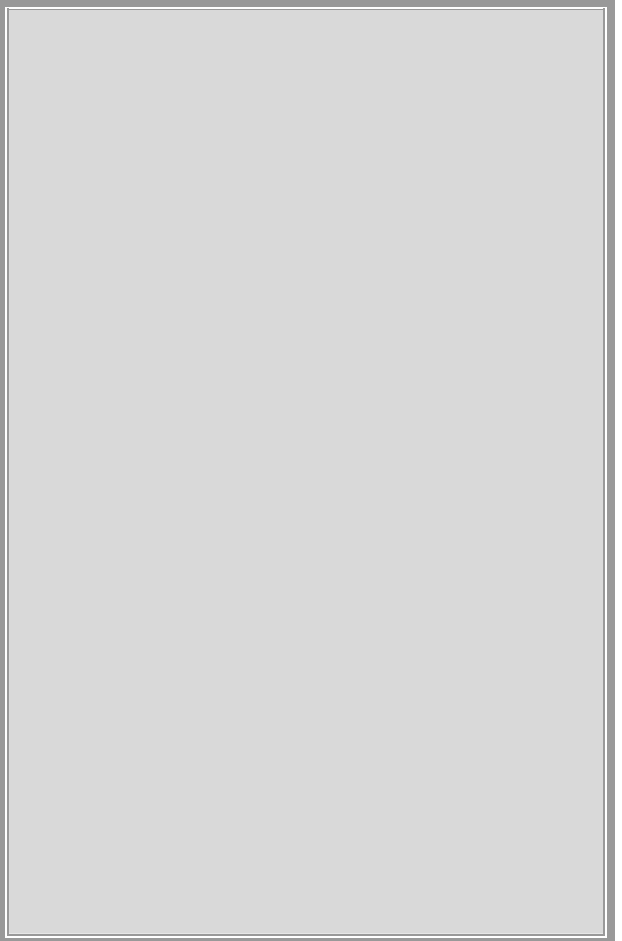
Summary of Analysis

The proposed changes would:

- Add a demolition review process for buildings in the CCR-1, CCR-2, CCR-3, OR-1, OR-2, SFHD, RTHD and MRHD zones.
- Clarify the measurement of the building façade for window placement
- Increase the front building setback to 10 feet
- Propose a smaller building setback
- Allow a consistent building height along Central Avenue
- Decrease parking for multi-family development
- Clarify parking reductions near transit stops
- Clarify the rules for walls and carports in the historic residential zones

Findings for Deferral

1. This is a request for a recommendation of approval to be forwarded to the City Council for amendments to the Nob Hill Highland Sector Development Plan (NHHSDP).
2. The applicant is working to address neighborhood concerns.
3. The applicant is requesting a 30-day deferral in order to address neighborhood concerns and to allow time for additional study of proposed changes.



Agency comments used in the preparation of this report begin on Page __.

I. INTRODUCTION

Request

History

Include relative amendments that have occurred since adoption of sector development plan.

Context

Describe the area and its surroundings, especially the potential for any land-use conflicts

Purpose/Intent

...of proposed amendments

Public Process (if applicable)

(text)

Environmental Planning Commission (EPC) Role

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

II. PROPOSED TEXT AMENDMENTS

Each amendment or category of amendments should be explained - why, where, etc. Include discussion of any issues such as lack of clarity, enforcement implications, unintended consequences, etc.

If Staff is recommending changes to the proposed language as a result of agency comments or other input, the proposed new language should be highlighted.

III. ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

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

Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. *The purpose of this Charter is to provide for maximum local self government.* A liberal construction shall be given to the powers granted by this Charter.” (emphasis added)

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.”

(analysis)

Albuquerque/Bernalillo County Comprehensive Plan

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

(analysis)

Rank 2, Rank 3 or MRA Plans

The (name) Plan was first adopted in (), and revised in (). The Plan generally encompasses properties between (); specific boundaries are shown on Figure () in the Plan. The Plan sets forth goals and policies regarding land use (Goals x-x), (etc.)

(analysis)

Albuquerque Comprehensive Zoning Code

Authority and Purpose (summarized): The Zoning Code is Article 16 within Chapter 14 of the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 (often cited as ROA 1994). The administration and enforcement of the Zoning Code is within the City’s general police power authority for the purposes of promoting the health, safety, and general welfare of the public. As such, the Zoning Code is a regulatory instrument for controlling land use activities for general public benefit.

Amendment Process (summarized): The City Council is the zoning authority for the City of Albuquerque and has sole authority to amend the Zoning Code. Through the City Charter, the City Council has delegated broad planning and zoning authorities to the Environmental Planning Commission (EPC). The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

(analysis of existing zoning vs. proposed zoning)

Resolution 270-1980 (Policies for Zone Map Change)

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

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

IV. CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

only significant or outstanding issues that affect the request, otherwise refer to the agency comments at the end of the staff report

V. NEIGHBORHOOD/PUBLIC CONCERNS

(text)

VI. CONCLUSION

(text)

FINDINGS - (CASE NO.) (DATE) (REQUEST)

1. These “findings” and “conclusions” paragraphs have been formatted to allow a three-line spacing between each paragraph. Copy and paste the entire section for cases with multiple sets of findings and recommendations.
2. (text)
3. (text) (continue as needed)

RECOMMENDATION - (CASE NO) (DATE)

That a Recommendation of APPROVAL/DEFERRAL of case #, to amend the map/text of the Sector Development Plan/Zoning Code, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - (CASE NO.) (DATE) (REQUEST)

1. These “findings” and “conclusions” paragraphs have been formatted to allow a three-line spacing between each paragraph. Copy and paste the entire section for cases with multiple sets of findings and recommendations.
 2. (text)
 3. (text) (continue as needed)
-

(Planner’s Name)
(Title)

Notice of Decision cc list:

Name, Address, City, State Zip Code

Name, Address, City, State Zip Code

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Long Range Planning

CITY ENGINEER

Transportation Development Services

Traffic Engineering Operations

Hydrology

DEPARTMENT OF MUNICIPAL DEVELOPMENT

Transportation Planning

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/PLANNING

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/PLANNING

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO