



**Environmental
Planning
Commission**

Agenda Number:
Project Number: 1009243
Case #: 13EPC 40118
August 8th, 2013

Staff Report

Agent	City of Albuquerque Planning Dept.
Applicant	City of Albuquerque
Request	Text Amendments to Nob Hill Highland Sector Development Plan
Current Zoning	As described in Nob Hill Highland SDP
Proposed Zoning	No change

Staff Recommendation

That a recommendation of APPROVAL of 13EPC 400118 be forwarded to the City Council, based on the Findings on page and the conditions on page 2.

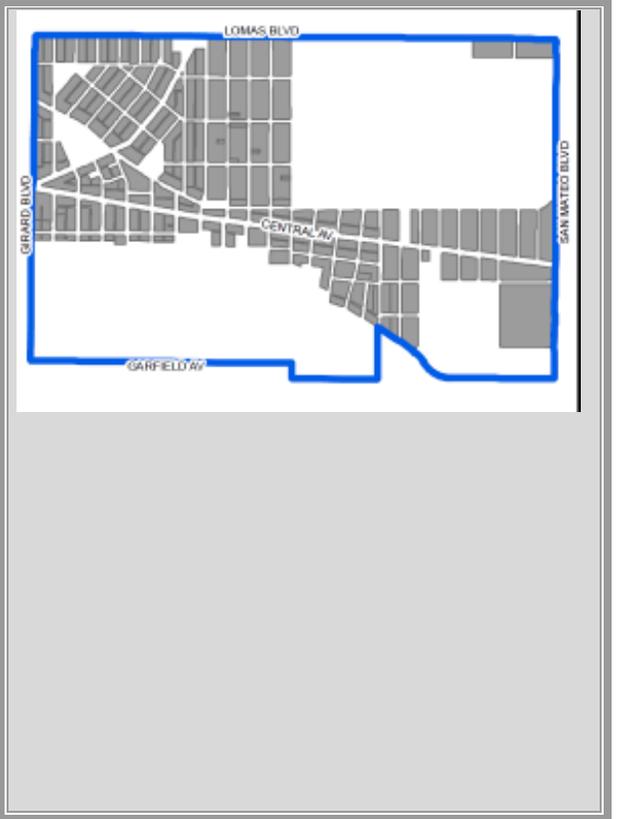
Staff Planner
Maggie Gould, Planner

Summary

The proposed text amendments 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.
- Add a process for new buildings that cannot meet the plan standards
- 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

There is support for many of the proposed changes, but concerns about the changes to height, setback and parking. The required property owners and neighborhood associations were notified.



City Departments and other interested agencies reviewed this application from 6/3/2013 to 6/14/2013. Agency comments used in the preparation of this report begin on Page 26.

I. INTRODUCTION

Request

This is a request to amend the Nob Hill Highland Sector Development Plan. The proposed changes include:

1. **Adding the demolition review process for buildings in the CCR-1, CCR-2, CCR-3, OR-1, OR-2, SFHD, RTHD and MRHD zones** –The sector plan calls for preservation of historic buildings and neighborhoods, but does provide any tools to do so.
2. **A process for new buildings that cannot meet the plan standards-** This language allows existing business in the area to expand and remain in place even if they cannot meet the standards of the plan.
3. **Clarify the measurement of the building façade for window placement-** the plan requires windows on a percentage of the façade, but does is unclear about how to measure the façade.
4. **Increase the front building setback to 10 feet** – the current setback does not allow space for outdoor seating, accessibility ramps, utility easements and pedestrian amenities.
5. **Propose a smaller building setback** – the current building setbacks may be too large and may limit building design options.
6. **Allow a consistent building height along Central Avenue** – the current height regulations vary depending on the amount of the block developed and the adjacent building.
7. **Decrease parking for multi-family development-** the parking requirement would be reduced to one space per unit.
8. **Clarify parking reductions near transit stops-** the word “transit stop” would replace “bus stop” and “street car stop”. The distance requirement would be consistent with changes recently made to the C-1 and C-2 zones.
9. **Clarify the rules for walls and carports in the historic residential zones-** the language in the historic residential zones regarding walls and carports in the front setback has been interpreted differently by different entities. This would clearly call them out as prohibited uses.

History

The Nob Hill Sector Development Plan was adopted in 2007. It has been amended four times. In 2010(R-2010-130) to clarify parking requirements, in 2012(R-2012-085) to further clarify parking requirements and to allow for pervious paving on parking lots, again in 2012(R-2012-047) to allow to sales of alcohol for off premise consumption with a small brewer’s license and finally, in 2013 (R-13-164) to allow pole mounted signs that meet the criteria for the Central Avenue Neon Design Overlay Zone.

Purpose/Intent

The proposed amendments will clarify existing regulations, offer some flexibility in the plan and add the Demolition Review process to further the historic preservation goals of the plan. The

City is currently reviewing many of our Sector Development Plans. Many of these plans were adopted during a period of decreased development and have not gotten the “field testing” that they would have under different conditions. The proposed amendments will allow the type of vibrant, pedestrian friendly, urban development that the plan envisions.

Public Process

In December 2012, planning staff began meeting internally regarding the required setbacks in the Plan. Several staff were concerned that the 0” to 12” front yard setback was creating problems with encroachment into the public right-of-way. As a result of the small setback, pedestrian amenities such as patios or street furniture that are required by the Plan were going to require encroachment agreements between the property owner and the City. As a result of these meetings, it was decided that the Plan needed to be amended to provide reasonable setbacks.

In April of 2013, city staff was invited to a design forum sponsored by Nob Hill Main Street. The purpose of this forum was to discuss problems that had been encountered in leasing, developing property or building in Nob Hill related to the Highland Sector Development Plan and discuss potential solutions. Representatives of the Nob Hill Neighborhood Association and Highland Business and Neighborhood Association, as well as local land owners, design professionals and developers were present.

Staff held a follow up meeting in May and met with the Nob Hill Neighborhood Association in June to discuss the proposed amendments.

In addition to the input provided at the April and May community meetings, potential applicants have also expressed concerns at Planning Department pre-application meetings that the combination of the height, setback and parking requirements of the NHSDP makes it difficult to develop the kind of mixed-use and multi-family projects envisioned by the Plan. The proposed changes to height, setback and parking should be considered in relation to one another and some flexibility should be added.

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

The proposed amendments are grouped by category of change.

GENERAL CHANGES

Page 89 [+Development Process Triggers for compliance]

All new construction shall comply with the regulations of this plan. For additions to existing building square footage that cannot comply with the standards of the plan due to placement of the existing building; the planning director or director's designee may approve an alternate site configuration

provided that the alternate configuration meets the intent of the plan. If compliance with the plan poses a safety issue for new or existing development; the planning director or director's designee may approve an alternate site configuration provided that the alternate configuration meets the intent of the plan+]

The language in the NHSDP does not provide a process for additions to existing buildings that cannot meet the standards of the plan. This language allows existing business in the area to expand and remain in place even if they cannot meet the standards of the plan. It is a benefit to the community to have stable, local business.

The added language regarding safety allows a deviation to the plan standards if compliance with the plan poses a safety issue.

Page 103 **4. Environmental Planning Commission Review**

A. Sites larger than 5 acres require review and approval from the Environmental Planning Commission. [~~Those sites over 5 acres in size at the adoption of this plan shall comply with this standard regardless of platting action.~~

If a site is re-platted the underlying zoning still applies. That zoning insures that the property will develop in a predictable manner. An EPC hearing is an unreasonable burden to place on a property owner for a site that that does not require this type of review.

Page 105 **D. Forecourt**

The facade is aligned close to the frontage line with a portion of it setback. The resulting forecourt is suitable for gardens, [~~vehicular drop-offs~~], and outdoor dining.

There was neighborhood concern expressed about this language. Vehicle drop off is not defined. It should not be construed as allowing a parking area where it would be prohibited by the plan.

Removing this wording will help clarify the intent of the forecourt.

FAÇADE MEASUREMENTS

CCR-1 (Girard to Carlisle along Central), Page 90

2.A.3. Additions to [~~contributing~~] buildings shall reflect the historic façade demarcations ...

2.B. [~~+Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+~~]

2.D. [~~+Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+~~]

CCR-2 (Carlisle to Washington along Central), Page 93

2.A.4 Additions to [~~contributing~~] buildings shall reflect the historic façade demarcations(i.e., walls, pilasters or similar elements.)

2.B. [~~+ Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+~~]

2.D. [~~+ Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+~~]

CCR-3 (Washington to San Mateo along Central and SW corner of Lomas and San Mateo), Page 96

2.A.4 Additions to [~~contributing~~] buildings shall reflect the historic façade demarcations(i.e., walls, pilasters or similar elements.)

2.B [+Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+]

2.D. [+Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+]

The removal of the word “contributing” will require that any addition to any existing building in these zones will have to be designed to match the existing building. This will help to preserve the character of the area.

The NHHSPD specifies that a percentage of the building facade contain windows, however it does not define façade. In some cases this has caused the parapet or similar features to be included in the façade square footage and has created a requirement to add windows where it is not possible to build them.

This clarification defines how to measure the façade and will result in a more clear and reasonable process for determining the required square footage of windows.

SETBACKS

CCR-1 Zone, Setbacks, page 91

- A. Buildings shall be placed within the shaded area as shown in the above diagram.
 - 1. Front Build to Line: ~~[0” to twelve inches (12”)]~~ [+Maximum 10 feet and may include landscaping, seating and similar pedestrian features as long as the sidewalk is not obstructed. No parking is allowed in the front setback.+]
 - 2. Side street Setback: 0” [+minimum+]
 - 3. Side yard setback: 0” [+minimum+]
 - 4. Rear setback: 0” [+minimum+]

CCR-2 Zone Setbacks, Page 94

- A. Buildings shall be placed within the shaded area as shown in the above diagram.
 - 1. Front Build to Line: ~~[0” to twelve inches]~~ [+Maximum 10 feet and may include landscaping, seating and similar pedestrian features as long as the sidewalk is not obstructed. No parking is allowed in the front setback.
 - 2. Side street Setback: 0” [+minimum+]
 - 3. Side yard setback: 0” [+minimum+]
 - 4. Rear setback: 0” [+minimum+]

CCR-3 Zone Setbacks Page 97

- A.
 - 1. Front Build to Line: ~~[0” to twelve inches]~~ [+Maximum 10 feet and may include landscaping, seating and similar pedestrian features as long as the side walk is not obstructed. No parking is allowed in the front setback.+]
 - 2. Side street Setback: 0” [+minimum+]
 - 3. Side yard back: 0” [+minimum+]
 - 4. Rear setback: 0” [+minimum+]

The current setback in the plan is 12 inches. This does not allow space for outdoor seating, dining or other activities that encourage a safe, pleasant pedestrian environment.

The plan requires building articulation elements, however if these elements encroach onto the public right of way the City charges an encroachment fee. There is no way to provide these amenities without the property owner incurring a charge, due to the small setback.

New buildings must be built 12 inches above grade because of flood issues. The small setback makes it difficult to provide ADA access because there is not space to add a ramp if necessary.

The traffic engineering department has also expressed concern the small setback interferes with the clear sight triangle and may be a safety issue. This concern primarily applies to corners.

The larger setback also addresses concerns from PNM regarding adequate space for utility easements.

The prohibition against parking ensures that the setback will only be used for appropriate, pedestrian scale uses.

The change to the Side Street, Side Yard and Rear Setbacks clarifies that the 0" setback is a minimum, not a requirement.

HEIGHT

CCR-2 Zone 5. Height, Page 94

Building height shall be measured in feet from grade as defined in the zoning code to top of parapet or midpoint of pitch.

- A. Maximum: 4 stories/54' with lower heights, see Allowable Building Heights Plan. ~~[If 75% or more of the block footage along Central is being developed or redeveloped, twenty-two percent (22%) of the new development is limited to 3 stories (39 feet) in height. No elevation of a building across Central Avenue frontage shall be more than 2 stories (26 feet) greater than an adjoining building (measured from adjacent building not from grade of adjacent lot or sidewalk).]~~
- B. Decorative variations in the parapet height are allowed up to an additional 5%; and
- C. Architectural features, such as a tower, are allowed up an additional 15% height (limited to 5% of building footprint) above the decorative variations in parapet height.
- D. [+The building stepback is a minimum of 6 feet+]

CCR-3 Zone 5. Height. Page 97

Building height shall be measured in feet from grade as defined in the zoning code to top of parapet or midpoint of pitch.

- A. Maximum: 5 stories/67' and transitions to lower heights, see Allowable Building Heights Plan. ~~[+If 70% or more of the block frontage along Central is being developed or redeveloped, at least 20% must be five stories (67 feet) in height and 40% of the new development is limited to 4 stories (53 feet) in height.+]~~
- B. Decorative variations in the parapet height are allowed up to an additional 5%; and
- C. Architectural features, such as a tower, are allowed up an additional 15% height (limited to 5% of building footprint) above the decorative variations in parapet height and are limited to 5% of floor area.
- D. [+The building stepback is a minimum of 6 feet+]

The CCR-2 and CCR-3 zones require building articulation, facade openings, windows and other features to ensure that new buildings will not present a large, blank façade to the street. Central Avenue is a Major Transit Corridor and the area from Wellesley to Aliso, along Central Avenue is designated Community Activity Center. The area from Jefferson to Alvarado along Central is designated as the Hiland Community Activity Center. These designations make this an area where more density and a mix of uses are appropriate. The consistent height will allow more flexibility in development and redevelopment and allow the density and mix of uses that are called for in Activity Centers and in the NHSDP. No changes are proposed to the height or setbacks in the CCR-1 zone because it is called out in the plan as the historic core of Nob Hill.

The height regulations were cited as an issue at the April design forum and in Pre-application Review Team meetings. The concern is that the combination of the height, setbacks and the parking requirements made it difficult to develop multi-story buildings.

There is concern from neighborhood residents that the existing height regulations were created as part of a lengthy process and are needed to protect the character of the area.

Possible solutions might include

The allowable building heights plan on page 89 of the plan shows where the setbacks are required. For most sites they are a rear setback. Generally, the purpose of the setback is to buffer adjacent development from buildings that may be taller and to protect views.

The current setback is 15 feet. At the design forum that staff attended in April, the setback was mentioned as a regulation that made the design of multi-story buildings difficult because of the need for internal load bearing walls to support this length. The walls break up the building in a way that does not allow for flexible use of space. This is a concern that has been expressed at Pre-application review team meetings also.

Staff spoke to the City's Chief Building Official who agreed that 15 feet for a setback could be a difficult measurement for load bearing walls. The six foot length allows for more flexibility in the design of building, but still pushes buildings back so that they do not "loom" over adjacent development.

There is concern about the setbacks from neighborhood residents who feel that the larger setback will be more appropriate and offer more relief from building height.

No buildings in the plan area have been built using the current 15 foot setback, so the discussion is somewhat speculative.

A compromise might be to keep the 15 foot setback at the second story and allow a six foot setback at the subsequent stories. This would offer more flexibility in building design, while providing relief from the height and massing of the buildings.

OR-2 (south of Silver, North of Coal/Zuni between Jefferson and Aliso), page 101

Height

A. Maximum: 3 stories/thirty-nine feet (39') high to 5 stories/sixty-seven (67') high, see Allowable Building Heights plan.

[+B A. Architectural features, such as a tower, are allowed up an additional 15% height (limited to 5% of building footprint) above the decorative variations in parapet height+].

This will allow additional flexibility for building design in the plan area, but not allow excess height that will be out of proportion to surrounding areas. The OR-2 zone is mapped primarily near the CCR-2 and CCR-3 zones.

PARKING

CCR-2 Zone, page 95

B. Parking requirements below are subject to reductions due to credits allowed by the zone code:

1. ~~1.5 spaces per 2 bedroom unit, 1 space/bedroom,~~ [+One space per unit,+] 2 spaces maximum/DU

C. Uses within ~~[650]~~ [+660+] feet of a [+ Transit Stop+], [~~Bus Rapid Transit or Streetcar~~] may factor a 20% reduction in parking requirements. Uses from ~~[650]~~ [+660+] feet to 1300 feet of a [~~Transit Stop~~] [~~Bus Rapid Transit or Street car~~] or within ~~[650]~~ [+660+] feet of another [+Transit stop+] [~~bus stop~~] may factor a 10% reduction in parking requirements.

CCR-3 Zone, page 98

B. Parking requirements below are subject to reductions due to credits allowed by the zone code:

1. ~~1.5 spaces per 2 bedroom unit, 1 space/bedroom,~~ [+One space per unit,+] 2 spaces maximum/DU

C. Uses within ~~[650]~~ [+660+] feet of a [+ Transit Stop+], [~~Bus Rapid Transit or Streetcar~~] may factor a 20% reduction in parking requirements. Uses from ~~[650]~~ [+660+] feet to 1300 feet of a [~~Transit Stop~~] [~~Bus Rapid Transit or Street car~~] or within ~~[650]~~ [+660+] feet of another [+Transit stop+] [~~bus stop~~] may factor a 10% reduction in parking requirements.

The City amended the C-1 and C-2 zones (O-11-64) in 2011 to allow multi-family development in Activity Centers, along Transit Corridors and in Metropolitan Redevelopment areas. The one space per unit standard was used in these amendments. The Nob Hill Highland Sector Development Plan refers to the C-2 zone. At the time the plan was adopted these changes were not in place. Central Avenue is a Major Transit Corridor. It would be possible to live, work, shop and have access to entertainment without a car or with one car per household in the area. Many people choosing to live in multi-family development along the transit route will be choosing this housing option because of the walking, biking and transit options.

The change in wording to “Transit Stop” allows the transit credit for the existing transit service or any future transit service.

The city recently amended the C-1 and C-2 zones to allow multi-family uses within 660 feet of a transit corridor. The 660 foot distance would be consistent with this request. This is based on comments from the Transit Department.

8. Parking Requirements, Page 95 and 98

A.

2. Side Street Setback: six foot (6') minimum with exception of parking completely below grade whose setback is 0" [+ minimum +]

3. Side Setback: 0" [+ minimum +]

4. Rear Setback: five foot (5') [+ minimum +]

This change is not necessary because these standards are already in the plan as minimums. This appears to be a transposition error with the setback language.

HISTORIC PRESERVATION

3. Historic Preservation, Page 103

[+A. In order to limit the detrimental effect of demolition on the architectural character of the Nob Hill/Highland sector plan area, the total removal or removal of substantial portions of historic and characteristic buildings shall be subject to the provisions of §14-12-9, ROA. Historic buildings are defined as those buildings that are listed or are determined to be eligible for listing on the State Register of Cultural Properties or the National Register of Historic Places. Characteristic buildings are illustrated on page 11. The ordinance provides that the Landmarks and Urban Conservation Commission may, at a public hearing, invoke a review period on the demolition of buildings that are of fifty years of age or more. All properties zoned SU-2 -CCR-1, SU-2-CCR-2, SU-2-CCR-3, SU-2-OR-1, SU-2-OR-2, SU-2-SFHD, SU-2-RTHD and SU-2-MRHD zones must comply with §14-12-9 ROA 1994, which provides for the demolition review process by the Landmarks and Urban Conservation Commission+].

The Demolition Review component of the Landmark and Urban Conservation (LUCC) Ordinance was adopted in 2012 in order to allow the City time to review a demolition permit application for a significant historic building that is not regulated by historic overlay zoning. The purpose of the review period is to determine if any historic preservation strategies are appropriate. Through the ordinance, the Landmarks and Urban Conservation Commission would consider the significance of the building in relation to certain criteria and have the option to invoke a Demolition Review Period of up to 120 days. The Ordinance does not allow the City to deny a demolition permit application; it simply allows additional time in appropriate situations to provide notice to the public of a pending demolition permit application and to consider alternatives.

The Demolition Review was adopted after the adoption of the Nob Hill Highland SDP. The plan contains historic preservation goals for each section of the plan area. The plan also directs the LUCC staff to designate certain historic buildings as City Landmarks; this is not within the purview of the City unless the City acquires the building. The demolition review ordinance will give the City some additional tools for preservation.

Staff has heard significant support for the Demolition review.

B. Alterations and additions to historic and characteristic buildings shall be reviewed by Landmarks and Urban Conservation Commission (LUCC) staff for conformance with the standards on page 90, 93 and 96 Section+]

The review by LUCC staff will offer guidance to planning staff on development for these buildings; the review will not trigger a hearing by the LUCC.

WALL AND CARPORTS IN THE FRONT SETBACK

SU-2 SFHD, Page 107

A. Conditional Uses

~~[1. A carport within the front yard setback is not allowed.~~

~~2. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.]~~

1. Existing nonconforming uses are to be treated as approved conditional uses

[+B. Prohibited uses

1. A carport within the front yard setback is not allowed.
2. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.+]

SU-2/RTHD, Page 107

The SU-2/RTHD Townhouse Residential Historic District zone corresponds to the RT Zone in the Zoning Code with the following exceptions:

A. Conditional Uses

- ~~1. A carport within the front yard setback is not allowed.~~
- ~~4. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.]~~
1. Existing non-conforming uses are to be treated as approved conditional uses

[+B. Prohibited uses

1. A carport within the front yard setback is not allowed.
2. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.+]

SU-2 MRHD, Page 107

A. Conditional Uses

1. Uses listed as permissive in the R-2 Zone are conditional uses in this zone.
- ~~2. A carport within the front yard setback is not allowed.~~
- ~~3. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.]~~
2. Existing non-conforming uses are to be treated as approved conditional uses.

[+B. Prohibited uses

1. A carport within the front yard setback is not allowed.
2. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.+]

According to Historic Preservation staff, the intent of this language was to prohibit any carports or walls over 3 feet in height in the front setback. The way the language is currently written, the Code Enforcement Division interprets this language as not allowing carports and walls over 3 feet as a permissive use, but allows property owners to seek a variance to this standard.

Page 66 of the plan contains actions for the Monte Vista/College View Historic District:

“3. Streetscape - Walls, carports and other structures in the front yard setback are not part of the historic character of the neighborhood. Walls over three feet in height, carports in the front yard and variances allowing buildings to encroach into the front yard setback were identified by the neighborhood committee analyzing residential character as alterations that significantly impair the district’s historic streetscapes. Conditional use requests for walls in the front yard setback over three feet in height and setback variances to allow carports or building additions should not be approved.”

The intent of the original language in the sector plan seems clear.

There is both support for and concern about this change. Staff has received comments from area residents supporting this change because it will preserve the character of the historic neighborhood and will clarify the wall and carport language. Walls and carports have been a point of contention for some residents.

Concerns have been raised by residents who feel that houses on Girard, Carlisle and Campus should have the ability to have higher walls to screen out traffic. Another issue raised was that the prohibition on higher walls will cause disinvestment and that some people are ignoring the wall regulations all together, so they are not a community value.

If a variance is to be allowed, one option might be review by the LUCC, to make sure that the wall design is appropriate.

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.”

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

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

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:

5. Developing and Established Urban Areas

Goal: "create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment."

Policy II.B.5.d: The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, or recreational concern.

These text amendments will facilitate development and redevelopment in the plan area. The area is already developed, urban facilities and services already exist.

Policy II.B.5h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The flexibility in the maximum height will allow the development of multi-family housing in areas where it is appropriate, such as Central Avenue. The area has excellent access to transit and a major street network. There are two activity centers within the plan area boundary that contain the CCR-2 and CCR-3 zones.

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

The NHSDP contains zoning that allows a mix of uses and requires design standards that address many of the above adverse effects. The proposed amendments may encourage re-development in the plan area by offering flexibility while still requiring quality development.

Policy II.B 5j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
- In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

New commercial development may be encouraged by the new flexibility in the plan. The area has many of the above conditions.

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

The NHSDP contains design standards that encourage quality development. The clarifications in façade measurement and building additions will contribute to the existing development quality.

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

The NHSDP is in the Established Urban Area of the City. The request will clarify the regulations while still maintaining quality development standards for the area.

ECONOMIC DEVELOPMENT

Policy II.B.6.b

Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

Policy II.B.6.f

The City and the County should remove obstacles to sound growth management and economic development throughout the community.

The request clarifies the regulations in the NHSDP and provides flexibility in some areas while preserving the essential character of historic buildings and neighborhoods. These changes should help encourage development of both local and outside business.

C. ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION

Air Quality Goal: to improve air quality to safeguard public health and enhance the quality of life.

Policy II.C.1.b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

The flexibility in the height will allow the development of multi-family housing in areas where it is appropriate, such as Central Avenue. The area has excellent access to transit and a major street network. The added flexibility in the plan may encourage new development and provide opportunities for employment and services.

Community Identity and Urban Design

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

- create useful and attractive signage and building facades
- facilitate walking safety and convenience

The NHHSDP provides design standards for Central Avenue and adjacent streets that contribute to an improved streetscape and sense of identity. These amendments help support this identity by clarifying the plan requirements.

D. COMMUNITY RESOURCE MANAGEMENT

D. Community Resource Management

4. Transportation and Transit Policies

Policy II.D.4c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The flexibility in height and stepback requirements for multi-family residential use may encourage development of new multi-family housing. This will add to the transit ridership along the Comprehensive Plan designated Enhanced Transit Corridor along Central Avenue.

Rank 2, Rank 3 or MRA Plans

Nob Hill Highland Sector Development

The Nob Hill Highland Sector Development Plan was first adopted in 2007 and revised in (). The Plan generally encompasses properties between Girard, Lomas, San Mateo and Garfield/Zuni specific boundaries are shown on page 88 in the Plan. The Plan sets forth goals and policies regarding land use.

Section IV Plan Components

1. Pedestrian Circulation

Goal: Create an environment that facilitates a high-quality, pedestrian-oriented experience

Section IV B. Community Form

Goal: Reinforce the Nob Hill Highland district as a vibrant, high quality, pedestrian-oriented urban community and a destination for greater Albuquerque.

The increased setbacks will allow the development of outdoor seating, pedestrian amenities and streetscapes that will promote pedestrian activity.

1 Policies

2. The City shall support greater diversity in housing, income levels and types of residents.

3. The City shall support existing historic residential districts and the registration of new districts.

The consistent height along Central, smaller setback, increased setback and general clarification of regulations may encourage the development of housing. The Demolition Ordinance and the changes to the Historic Residential zones will further policy 3.

Section IV B 2. Commercial Districts

Policies

1. The City shall increase densities in the designated Metropolitan Redevelopment Area.

The allowance for consistent height in the CCR-3 zone furthers this policy by allowing a height that will allow the development of higher density housing.

4. The City shall support the increase of housing choice and density along Central Avenue.

5. The City shall support the integration of different types of housing (live/work spaces, stacked flats, etc.).

6. The City shall support the retention and encouragement of retail and services that meet the needs of local residents.

The increased setbacks, consistent height and smaller setback will support the development of a variety of housing and services by allowing more flexibility.

8. The City shall support the preservation of historic landmarks and streetscapes.

The Demolition Review Ordinance and the changes to the Historic Residential zones further this policy by protecting the existing character of the area and giving the City options for preservation.

9. The City shall emphasize pedestrian oriented design in the area.

12. The City shall support the creation of outdoor rooms: open patios, landscaped courtyards, plazas, oases.

The increased setback will allow a better pedestrian area and allow the creation of better outdoor space.

Section IV B 2. Commercial Districts, District 1: Route 66 Historic Core (Girard to Carlisle)

Policies

1. The City shall preserve contributing historic buildings and existing scale in the district.

The City shall support the preservation of historic landmarks and streetscapes.

The Demolition Review Ordinance and the changes to the Historic Residential zones further this policy by protecting the existing character of the area and giving the City options for preservation.

2. The City shall support the design of commercial/residential transition areas to provide easy access from neighborhoods and protect the integrity of historic districts.

Section IV B 2. Commercial Districts, District 2: Emerging Nob Hill (Carlisle to Washington)

Policies

1. The City shall utilize an urban template of mixed scale, mixed use (residential/ commercial) and mixed local/national retail to address underutilized or blighted properties.

The consistent height and smaller setback may encourage development by offering more flexibility.

2. The City shall encourage building designs that are consistent with Route 66 history and neighboring Nob Hill. ***The requirement that all building additions reflect their historic facades will further this policy.***

Section IV B 2. Commercial Districts, District 3: Highland Commercial District (Washington to San Mateo)

Goal: Intensify the area's density with a pedestrian oriented mix of commercial and residential uses that enhance the antique retail, performing arts and theater entertainment qualities that currently exist.

The proposed changes to setbacks, height and parking may encourage the development of new mixed-use projects by offering more flexibility in building design.

Section IV B 3 Residential Districts

3. Residential Districts

Goal: The community's housing goal is to provide a range of housing opportunities that preserve the established character of the neighborhoods within the plan area while allowing homeowners the freedom to adapt older homes to modern needs.

Monte Vista College View Historic District

Policy 1. The City shall support the efforts of historic district residents to protect the character of the historic district, including residential scale and streetscapes.

Policy 2. The City shall protect the integrity of registered cultural properties within the district.

Policy 3. Streetscape - Walls, carports and other structures in the front yard setback are not part of the historic character of the neighborhood. Walls over three feet in height, carports in the front yard and variances allowing buildings to encroach into the front yard setback were identified by the neighborhood committee analyzing residential character as alterations that significantly impair the district's historic streetscapes. Conditional use requests for walls in the front yard setback over three feet in height and setback variances to allow carports or building additions should not be approved.

The Demolition Review and the proposed changes to the wall and carport regulations will further these policies.

Section IV D Economic Vitality

Policies

1. The City shall work with businesses and neighborhood organizations to improve economic conditions in the plan area.

The proposed changes are based on feedback from area residents, business owners and City staff.

Highland Metropolitan Redevelopment Area Plan

The Highland Metropolitan Redevelopment Area is bounded by Copper on the north, San Mateo on the east, Lead/Zuni on the South and Carlisle on the west.

The MRA plan contains the following strategies:

1. Improve the aesthetics, vitality, and public image of the plan area
2. Encourage the development of a fine grained mix of pedestrian-oriented land uses, including both residential and commercial.
3. Attract public and private investments to stimulate commercial investments.
4. Attract business that compliment and expand the range of existing goods and services
5. Redevelop or find adaptive re-uses for vacant and underutilized properties
6. Provide a wide range of viable transportation choices, including high-quality public transit, walking, bicycling and vehicular systems.
7. Provide a safe and secure environment for residents, business and visitors.
8. Identify and preserve the existing desirable characteristics of adjacent residential areas.
9. Recognize and preserve buildings and areas of architectural and environmental significance.

Policy 1 is furthered by the proposed Demolition Review and the requirement for additions to be consistent with the existing character of the building.

Policies, 2 3, and 5 are furthered by the proposed changes to height, setbacks, setbacks because they may encourage redevelopment and development of the kind mixed used projects the are called for in the plan.

Policies 8 and 9 are furthered by the Demolition Review and the wall and carport language changes because these changes may preserve buildings and area character.

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.

The NHSDP is an extension of the Zoning Code through the SU-2 zone. Therefore, amendments made to a sector plan's zoning are an amendment made to the zoning regulations and is reflected as an amendment to the zoning ordinance. The zoning ordinance is codified in the Zoning Code with extensions of modified regulations for unique areas in sector plans. Thus, these text amendments to the NHSDP are amendments to the zoning ordinance.

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.

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

The request is consistent with the health, safety, morals and general welfare of the City because it has been demonstrated to further a preponderance of Comprehensive Plan and Nob Hill Highland Sector Development Plan policies.

B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The proposed changes provide clarity regarding the existing regulations, provide some flexibility in the current regulations without going against the intent of the sector plan and allow for the addition of a Demolition Review process. None of the proposed changes will add or remove uses that would cause destabilization in the area. The proposed changes should help to promote redevelopment and the continuation of existing business in the area.

C. This request is not in conflict with the Albuquerque Bernalillo County Comprehensive Plan or the Nob Hill Highland Sector Development Plan and furthers several policies of both plans.

COMPREHENSIVE PLAN ESTABLISHED URBAN AREA POLICIES

The request will encourage redevelopment, while protecting neighborhood character and will maintain the design standards that insure quality develop in the plan area. Policies II.B.5.d, h, I, j and o.

The request clarifies the regulations in the NHSDP, provides for building additions that cannot meet the plan standards, provides a more flexible setback. These changes should help encourage development of both local and outside business. Policies II.B.6.b and f

The clarification of the maximum height near residential uses will allow the development of multi-family housing in areas where it is appropriate, such as Central Avenue. The area has excellent access to transit and a major street network. The flexibility in the plan will encourage new development and provide employment and services. Policy II.C.1.b

The NHSDP provides design standards for Central Avenue. The proposed demolition review, clarification of wall height and carports in the front setback and . These amendments help support this identity by clarifying the plan requirements. Policy II.C.9.e

The residential use will add to the ridership of transit along the Comprehensive Plan designated Enhanced Transit Corridor along Central Avenue. Policy II.D.4.c

NOBHILL HIGHLAND SECTOR DEVELOPMENT POLICIES

Section IV.1. Pedestrian Circulation and Section IV B Community Form are furthered because increased setbacks will allow the development of outdoor seating, pedestrian amenities and streetscapes that will promote pedestrian activity.

IV B policy 2 and 3.are furthered because the consistent height along Central, smaller setback, increased setback and general clarification of regulations may encourage the development of housing. The Demolition Ordinance and the changes to the Historic Residential zones will further policy 3.

Section IV B 2 Commercial Districts

Section IV B 2.1. The allowance for consistent height in the CCR-3 zone furthers this policy by allowing a height that will allow the development of higher density housing.

Section IV B 2.4., 5 and 6

The increased setbacks, consistent height and smaller setback will support the development of a variety of housing and services by allowing more flexibility.

Section IV B 2.8. The City shall support the preservation of historic landmarks and streetscapes.

The Demolition Review Ordinance and the changes to the Historic Residential zones further this policy by protecting the existing character of the area and giving the City options for preservation.

Section IV B 2.9 AND 12.

The increased setback will allow a better pedestrian area and allow the creation of better outdoor space. Section IV B 3 Monte Vista College View Historic District policies 1, 2 and 3 are furthered by the Demolition Review Ordinance and clarification of wall and carport regulations.

Section IV D Economic Vitality

Policy 1. Is further by this request The proposed changes are based on feedback from area residents, business owners and City staff.

HIGHLAND METROPOLITAN REDEVELOPMENT AREA PLAN

STRATEGY 1 is furthered by the proposed Demolition Review and the requirement for additions to be consistent with the existing character of the building.

STRATEGIES, 2 3, AND 5 are furthered by the proposed changes to height, stepbacks, setbacks because they may encourage redevelopment and development of the kind mixed used projects the are called for in the plan.

STRATEGIES, 8 AND 9 are furthered by the Demolition Review and the wall and carport language changes because these changes may preserve buildings and area character.

D. The applicant must demonstrate that the existing zoning is inappropriate because:

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The zone change request would be more advantageous to the community as articulated in the Comprehensive Plan; based on the following policies: II.B.5d, II.B.5h, II.B.5i, II.B.5j, II.B.5l,, II.B.5o, Policy II.B.6.b, Policy II.C.9.e and Policy II.C.1.b . Please refer to the policy analysis beginning on page 11.

E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

No new zoning is proposed. The change in uses in the historic residential zones will not cause harm.

F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

There are no capital expenditures associated with this request.

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

The cost of land is not a factor in these changes.

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

Some of the properties affected by this request are located along Central Avenue. The intent of the plan is to revitalize the Central Avenue Corridor and preserve the area character. In this case the location on Central is relevant to the request.

I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The proposed changes will not create a spot zone. None of the existing zone designations are changed by this request.

J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street, is generally called “strip zoning.” Strip commercial zoning will be approved only where:

1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The proposed changes will not create a strip zone. None of the existing zone designations are changed by this request.

IV. CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Transit proposes that the distance from a transit stop be 660 feet in order to take the transit credit. Staff has made this change.

PNM has several proposed additions:

- Clarifying what can be built in Public Utility Easements
- Explaining how PNM provides service
- Stating that some uses may require electrical upgrades
- Requiring a review for new neon installations.

The review for new neon installations was added to the Central Avenue Design Overlay Zone, all new neon signs would have to comply with existing city regulations, so this addition is not necessary.

The other PNM comments are added as a condition of approval.

V. NEIGHBORHOOD/PUBLIC CONCERNS

Neighborhood concerns have been expressed about the height, parking and stepback changes. There is a concern that reducing the parking requirement for multi-family development will cause residents to park

in the neighborhood. There is also concern that the on-street parking available to area business will be used by residents to the detriment of the business. Concerns about the height and setback requirements are primarily that the current standards are what is appropriate to maintain the scale and character of the area.

Some concerns have been expressed about the prohibition of walls and carports in the front setback. Many residents support this change because it preserves the character of the historic residential neighborhoods. The concerns have to do with houses that are near busy streets and a need to buffer those residences from traffic and noise.

Staff also received a suggestion that the commercial uses in the plan area be downgraded to C-1. Finally, there a concern that the terms “retail” and “commercial” are both used in the parking requirements section of the plan. Code Enforcement does not see a difference in these terms; staff can explore making this change if deemed necessary.

VI. CONCLUSION

This is a request to amend the Nob Hill Highland Sector Development Plan to clarify existing regulations, add the Demolition Review process and add flexibility in parking, height and setbacks. There is general support for most of the amendments. However, there are concerns regarding the changes to parking, height and setbacks.

Central Avenue is an Enhanced Transit Corridor and there two Community Activity Centers within the plan boundary. According the Transit Department about half of the City’s bus traffic uses Central every day. The urban core of the City is an appropriate place for higher density development. The MRCOG ‘s recent growth forecasts predict that Bernalillo County will add about 300,000 people over the next 30 years. They also predict that the changing demographics of our country; smaller families, an aging population and younger people wanting more flexible living situations will drive the demand for compact development near jobs and services. Flexibility in our regulations is necessary to accommodate new growth and create a city where people want to live.

The request has been justified per R-270-1970 and generally conforms to the goals and policies of the Albuquerque Bernalillo County Comprehensive Plan and the Nob Hill Highland Sector Development Plan. The R-270 1980 justification is included due the proposed changes to the SFHD, RTHD and MRHD zones.

FINDINGS – 13 EPC 40118, AUGUST 8TH, SECTOR PLAN AMENDMENT

1. This is a request to amend the Nob Hill Highland Sector Development Plan sponsored by the Planning Department. The request will:
Add the demolition review process for buildings in the CCR-1, CCR-2, CCR-3, OR-1, OR-2, SFHD, RTHD and MRHD zones.
 1. Add a process for new buildings that cannot meet the plan standards
 2. Clarify the measurement of the building façade for window placement
 3. Increase the front building setback to 10 feet
 4. Propose a smaller building stepback
 5. Allow a consistent building height along Central Avenue
 6. Decrease parking for multi-family development
 7. Clarify parking reductions near transit stops
 8. Clarify the rules for walls and carports in the historic residential zones
2. The Charter of the City of Albuquerque, the Albuquerque Comprehensive Plan, Nob Hill Highland Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
3. The proposed text amendments generally further the intent of City policies and regulations to promote the health, safety and general welfare of the public. As the zoning authority for the City of Albuquerque, the City Council will make the final determination on this request.
4. The requested amendments are not in significant conflict with adopted elements of the Comprehensive Plan, the Nob Hill Highland Sector Development Plan, Central/Highland/Upper Nob Hill Metropolitan Redevelopment Plan.

COMPREHENSIVE PLAN ESTABLISHED URBAN AREA POLICIES

The request will encourage redevelopment, while protecting neighborhood character and will maintain the design standards that insure quality develop in the plan area. Policies II.B.5.d, h, I, j & o.

The request clarifies the regulations in the NHSDP, provides for building additions that cannot meet the plan standards, provides a more flexible setback. These changes should help encourage development of both local and outside business. Policies II.B.6.b and f

The clarification of the maximum height near residential uses will allow the development of multi-family housing in areas where it is appropriate, such as Central Avenue. The area has excellent access to transit and a major street network. The flexibility in the plan will encourage new development and provide employment and services. Policy II.C.1.b

The NHHSDP provides design standards for Central Avenue. The proposed demolition review, clarification of wall height and carports in the front setback and . These amendments help support this identity by clarifying the plan requirements. Policy II.C.9.e

The residential use will add to the ridership of transit along the Comprehensive Plan designated Enhanced Transit Corridor along Central Avenue. Policy II.D.4.c

NOBHILL HIGHLAND SECTOR DEVELOPMENT POLICIES

Section IV.1. Pedestrian Circulation and Section IV B Community Form are furthered because increased setbacks will allow the development of outdoor seating, pedestrian amenities and streetscapes that will promote pedestrian activity.

IV. B policy 2 and 3 are furthered because the consistent height along Central, smaller setback, increased setback and general clarification of regulations may encourage the development of housing. The Demolition Ordinance and the changes to the Historic Residential zones will further policy 3.

Section IV. B. 2 Commercial Districts

Section IV .B. 2.1. The allowance for consistent height in the CCR-3 zone furthers this policy by allowing a height that will allow the development of higher density housing.

Section IV B 2.4., 5 and 6 The increased setbacks, consistent height and smaller setback will support the development of a variety of housing and services by allowing more flexibility.

Section IV B 2.8. The City shall support the preservation of historic landmarks and streetscapes.

The Demolition Review Ordinance and the changes to the Historic Residential zones further this policy by protecting the existing character of the area and giving the City options for preservation.

Section IV B 2.9 and 12.

The increased setback will allow a better pedestrian area and allow the creation of better outdoor space.

Section IV B 3 Monte Vista College View Historic District policies 1, 2 and 3 are furthered by the Demolition Review Ordinance and clarification of wall and carport regulations.

Section IV D Economic Vitality

Policy1. Is furthered by this request The proposed changes are based on feedback from area residents, business owners and City staff.

Highland Metropolitan Redevelopment Area Plan

STRATEGY 1 is furthered by the proposed Demolition Review and the requirement for additions to be consistent with the existing character of the building.

STRATEGIES, 2 3, AND 5 are furthered by the proposed changes to height, setbacks, setbacks because they may encourage redevelopment and development of the kind mixed used projects the are called for in the plan.

STRATEGIES, 8 AND 9 are furthered by the Demolition Review and the wall and carport language changes because these changes may preserve buildings and area character.

5. The request is justified per R-270-1980:
 - A. The request is consistent with the health, safety, morals and general welfare of the City because it has been demonstrated to further a preponderance of Comprehensive Plan and Nob Hill Highland Sector Development Plan policies.
 - B. The proposed changes provide clarity regarding the existing regulations, provide some flexibility in the current regulations without going against the intent of the sector plan and allow for the addition of a Demolition Review process. None of the proposed changes will add or remove uses that would cause
 - C. This request is not in conflict with the Albuquerque Bernalillo County Comprehensive Plan or the Nob Hill Highland Sector Development Plan and furthers several policies of both plans. See Finding 4.
 - D. The zone change request would be more advantageous to the community as articulated in the Comprehensive Plan; based on the following policies: II.B.5d, II.B.5h, II.B.5i, II.B.5j, II.B.5l, II.B.5o, Policy II.B.6.b, Policy II.C.9.e and Policy II.C.1.b . See also finding 4.
 - E. No new zoning is proposed. The change in uses in the historic residential zones will not cause harm.
 - F. There are no capital expenditures associated with this request.
 - G. The cost of land is not a factor in these changes.
 - H. Some of the properties affected by this request are located along Central Avenue. The intent of the plan is to revitalize the Central Avenue Corridor and preserve the area character. In this case the location on Central is relevant to the request.
 - I. The proposed changes will not create a spot zone. None of the existing zone designations are changed by this request.
 - J. The proposed changes will not create a strip zone. None of the existing zone designations are changed by this request.
6. Altura Addition NA, Altura Park NA, Alvarado Park NA, Campus NA, Clayton Heights/Lomas Del Cielo NA, Fair Heights NA, Fair West NA, Highland Business & NA, Kirtland Comm. Assoc., Mark Twain NA, Nob Hill NA, North Campus NA, Parkland Hills NA, Pueblo Alto NA, Silver Hill NA, South San Pedro NA, Southeast Heights NA, Spruce Park NA, Summit Park NA, Sycamore NA, University Heights NA, Victory Hills NA, District 6 Coalition of NA's, District 7 Coalition of NA's, and The Federation of University Neighborhoods were all notified as were property owners within 100 feet of the zones that would be affected by the request.
7. There is both support for and opposition to this request.

RECOMMENDATION – 13 EPC-40118 ,August 8th,2013

That a Recommendation of APPROVAL of 13 EPC-40118, to amend the Nob Hill Highland Sector Development Plan be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 13 EPC-40118 ,AUGUST 8TH, AMENDMENT TO THE NOB HILL HIGHLAND SECTOR DEVELOPMENT PLAN

1. The highlighted changes will be incorporated in a the final document, on page 89, add the following; [+ “If compliance with the plan poses a safety issue for new or existing development; the planning director or director's designee may approve an alternate site configuration provided that the alternate configuration meets the intent of the plan”+] on pages 95 and 98, replace [-650-] with [+660 +].
 2. The map on page 89 will be amended to reflect new boundaries upon final adoption of any changes to stepbacks and will be titled correctly.
 3. The diagrams on pages 91, 92, 95, 97, 98, 99, 100, 101, 102 and 105 will amended to reflect any adopted changes and to clarify existing regulations before final adoption of changes.
 4. PNM comments 1-5 will be added to the final document.
-

**Maggie Gould
Planner**

Notice of Decision cc list:

Laurie Jameson 5200 Copper NE 87106
William Noland 215 Amherst NE 87106
Gary Wellman 202 Bryn Mawr NE 87106
Sharon Ahern 3005 Indian Farm NW 87107
Constance Pouls 114 Girard 87106
Laura Scholfield 211 Montclair se 87106
Angelika Schwamberger 308 Aliso se 87106
Claudia 4701 Central NE 87106
Owner of 201 bryn mawr SE 87106
Dean Pappas 812 laurel circle SE

Planned Parenthood 3625 Central Ave NE 87106
Susan Mitchie Maitlin 432 Lafayette NE 87106
Erik Zsemlye 3411 Purdue NE 87106
Gary Eyester
Tymn Waters
Jim Strozier 302 8th NW 87102
Jeanne Whitehouse and David Kammer 521 Aliso Drive, NE
Stephanie A. Zaslav 333 Aliso Drive NE 87108
Carolina Yahne 441 Solano NE 87106

Attachments

Letters from neighborhood residents

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Altura Addition NA (R), Altura Park NA (R), Alvarado Park NA (R), Campus NA (R), Clayton Heights/Lomas Del Cielo NA (R), Fair Heights NA (R), Fair West NA (R), Highland Business & NA (R), Kirtland Comm. Assoc. (R), Mark Twain NA (R), Nob Hill NA (R), North Campus NA (R), Parkland Hills NA (R), Pueblo Alto NA (R), Silver Hill NA (R), South San Pedro NA (R), Southeast Heights NA (R), Spruce Park NA (R), Summit Park NA (R), Sycamore NA (R), University Heights NA (R), Victory Hills NA (R), District 6 Coalition of NA's, District 7 Coalition of NA's, The Federation of University Neighborhoods

Long Range Planning

CITY ENGINEER

Transportation Development Services

Traffic Engineering Operations

Hydrology

Hydrology has no adverse comments.

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

EPC 1009243 - This project is in the Southeast Area Command

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

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/PLANNING

TRANSIT DEPARTMENT

Project # 1009243

13 PC-40118 AMEND SECTOR DEVELOPMENT PLAN MAP.

COA-AMENDMENTS TO NOB HILL, HIGHLAND SDP, LOCATED ON LOMAS, SAN MATEO, GIRARD, SILVER AND ZUNI. Adjacent and nearby routes Routes 66, 766, and 777

Adjacent bus stops Multiple within the sector plan area

Site plan requirements None.

Large site TDM suggestions None.

Other information With regard to the proposed parking reductions based on proximity to bus stops: Upon inspection, application of a 650' radius from all the current fixed-route and Rapid Ride stops on Central essentially covers the entire length of Central within the Plan area. Question: Would it be worth considering changing from a radius approach to the same linear approach that was used in O-11-64, i.e. to a line 660 feet from and parallel to the centerline of Central? Covers pretty much the same area and is consistent with the density allowances.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

Project #1009243 – Amendments to Nob Hill Highland Sector Development Plan

1. Add the following underlined text to Chapter III, Nob Hill Highland Today, Section H. Utilities, 3. Gas, Electric and Communications, on page 23 following the existing paragraph:

Electric Service

Public Service Company of New Mexico (PNM) provides electric service to the City of Albuquerque. PNM is an investor-owned electric/energy services utility regulated by the New Mexico Public Regulation Commission (NMPRC). As a regulated utility, PNM is charged with furnishing adequate, efficient, and reliable service to customers within its service territory. Safe, reliable electric power is a cornerstone of community growth and development. It is important to the health, welfare, and safety of its citizens.

PNM responds to City growth by adding or expanding the capacity of its electric facilities. PNM continuously monitors the electric transmission and distribution system and plans improvements based on system demands.

Distribution lines are typically located within public utility easements or PUEs either constructed overhead or underground. They are compatible with other “dry” utilities such as cable, telephone and fiber optic facilities. The width of the electric distribution PUE is typically 10 feet in order to provide necessary clearances for safety purposes. Water lines, sewer lines and storm water drainage or “wet” utilities are not compatible with “dry” utilities and do not share the same trench.

Utility easements are given by property owners, which allow utilities the permission to use a property for a specific purpose. The landowner who grants a utility easement cannot build structures within the

easement area or use fencing that would hinder access. In addition, there may be limitations on the types of landscaping allowed.

There are numerous public utility easements throughout the City of Albuquerque and within the Plan area. Components of the electrical system in the Plan area may require upgrading in the future due to the age of the existing electrical system and to meet the growing electric service requirements. Any electric utility relocation costs associated with redevelopment will be paid for by the developer.

2. In Chapter IV., Plan Components, Section A. Movement Systems, 4. Transit, Policies, 1., Actions, 1. on page 48, revise the first paragraph to include the following underlined text:

Central Avenue is part of the Long Range High Capacity Transit System for the Metropolitan Planning Area. Currently it serves numerous bus routes as well as the RapidRide articulated express bus system. Lastly, an electric streetcar is expected to reach the intersection of Carlisle and Central in its first phase. The existing electric system in the Plan area could not adequately support an electric streetcar system. Upgrades would be necessary. In order for this emphasis on transit to be successful, transit stops must be established as friendly, shaded, visible, well-lit spaces that convey a feeling of safety.

3. In Chapter IV., Plan Components, Section B., Community Form, 1. The Vision, on page 54, insert the following underlined text in the third column after the third line as follows:

...areas will be protected from the impacts of noise, traffic and parking generated by commercial activity. Overhead utilities will be relocated underground. The City will identify the funding source to pay for undergrounding of these facilities and will provide or acquire the necessary utility easements for relocation.

4. In Chapter IV., Plan Components, Section B., Community Form, 1. The Vision, Policies, 8, on page 55, this policy is in conflict with the use of alleys as utility easements (see part 4. on page 38). It is suggested that Policy 8 be deleted or revised as follows:

8. The City shall support well-maintained alleys ~~that are enhanced with landscaping.~~

5. In Chapter V., Plan Implementation, Section B., Regulations, CCR-1, 1. General Rules: Uses, 6. Encroachments Allowed, on page 91 and CCR-3, 1. General Rules: Uses, 6. Encroachments Allowed, on page 97, add the following to 6. Encroachments Allowed in both zoning districts after the existing paragraph:

Projections such as, portals, stoops, colonnades, arcades, shop fronts, projecting signs in public utility easements and other projections should be coordinated with the electric utility to accommodate existing easements and to avoid conflicts with utility infrastructure. Adequate clearance must be allowed within

setbacks for utility easements and the Plan needs to allow adequate clearance for utility infrastructure along the street front. Projections adjacent to electric utilities should be carefully located in order to avoid interference and to accommodate equipment for the maintenance and repair of electric utilities and to ensure the safety of the public and utility workers.

All encroachments shall require an encroachment agreement.

6. Chapter V, Plan Implementation/Regulations, General Regulations, 1. Signage, after the end of part D. on page 103, add a new part entitled, "E:

E. Electric overhead distribution lines are located in the public right-of-way, overhanging or in public road right-of-way, generally crossing or paralleling Central Avenue within the Nob Hill Highland Sector Development Plan area. All proposed neon installations at these locations must be approved by the electric utility to ensure safe vertical and horizontal clearances.