



**Environmental
Planning
Commission**

*Agenda Number: 2
Project Number: 1009157
Case s#: 12EPC-40006, -40007, -
40008, -40009, -40010, -40011
October 4, 2012*

Supplemental Staff Report

Agent	Planning Department
Applicant	City of Albuquerque
Requests	Amendment to West Route 66 Sector Development Plan (SDP), new West Route 66 SDP, Amendment to West Side Strategic Plan, Amendment to Tower/Unser SDP, Amendment to Old Town SDP, Amendment to Huning Castle/Raynolds Addition SDP
Location	The new WR66SDP area is generally bounded by properties fronting Volcano Rd and Central Ave to the north, by Sunset Gardens Rd, Bridge Rd and properties fronting Central Ave to the south, by 106th St to the west and by Rio Grande Blvd to the east.
Size	Approximately 1,016 acres
Existing Zoning	RA-1, RA-2, R-1, R-T, R-2, R-3, O-1, C-1, C-2, C-3, SU-1 (incl. SU-1 MH, SU-1 PDA), SU-2 IP, SU-2 PCA, SU-2 PDA, SU-2 M-1, P, P-R. <u>Note</u> : a DOZ applies to all zones.
Proposed Zoning	R-1, SU-1, SU-2/W66 R-2, SU-2/W66 C-2, SU-2/W66 IP, SU-2/W66 SU-1, SU-2/W66 CAC, SU-2/W66 EPR, SU-2/W66 MAC, SU-2/W66 MX, SU-2/W66 RA, SU-2/W66 SAC

Staff Recommendation

Deferral of Project #1009157, Case #12EPC-40006, -40007, -40008, -40009, -40010, -40011 for 30 days to November 1, 2012, based on the Findings beginning on Page 4

Staff Planner

Carol Toffaleti, Senior Planner

*** This staff report supplements the July 5, 2012 staff report ***

Summary of Analysis

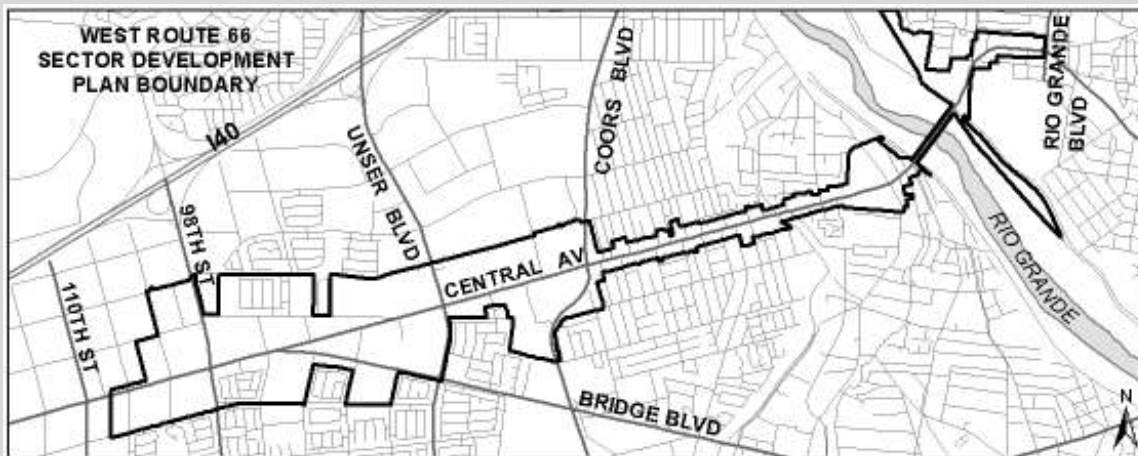
The Planning Department requests a 30-day deferral due to an appeal of the Planning Director's determination regarding the West Route 66 sector development plan (AC-12-15). The appeal will not be resolved by City Council until after the October 4, 2012 EPC hearing and City Legal advises a deferral in this situation. Note that a third EPC hearing of the project will be contingent on the Council's action regarding AC-12-15, which may occur at the October 15, 2012 meeting.

This is the second appeal received by the Planning Department since the EPC heard the project on July 5, 2012. The first appeal (AC-12-14) concerned the EPC's continuance of the project and was heard by the City's Land Use Hearing Officer (LUHO) on August 27, 2012. LUHO recommended denial and the Council accepted LUHO's recommendation on September 17, 2012. Information on both appeals is available at <http://cabq.legistar.com/legislation.aspx>

On September 5, 2012, the City Council extended the moratorium on the issuance of building permits related to certain auto-related uses until April 30, 2013, or adoption of the new plan (R-12-86). The moratorium applies to properties fronting Central between Rio Grande Blvd and Atrisco Dr.

Since July 5, 2012, Planning Staff has discussed the plan with property-owners and neighborhood representatives, held meetings with departments and agencies, and is undertaking research. All comments received would be addressed in a supplemental staff report that will also include potential changes to the draft WR66SDP for the EPC's future consideration.

Proposed WR66SDP boundary:



The draft plan is available on the project webpage at <http://www.cabq.gov/planning/residents/sector-development-plans/west-route-66-sector-development-plan/>

The 1987 plan is at

<http://www.cabq.gov/planning/publications/documents/West66amended2009Wlegislation0511.pdf/view>

UPDATE

Appeals

The EPC's continuance of the West Route 66 sector development plan (WR66SDP) at the July 5, 2012 was appealed by Peterson-98th/Central LLC to the City Council. The appellant claimed that the City, by and through the EPC and Planning Department, committed procedural and due process errors. In summary, the claims were: the EPC erred in not incorporating findings in their motion of continuance, in not allowing cross-examination and in choosing to continue rather than deny the project; the Planning Director did not determine that review of the existing plan was appropriate. The appeal (AC-12-14) was heard by the City's Land Use Hearing Officer (LUHO) on August 27, 2012, who recommended denial. LUHO concluded that the EPC did not abuse its discretion or otherwise act in violation of the law, and that the EPC should be allowed to fulfill its charge by reviewing the project and making a recommendation to Council. The Council accepted LUHO's recommendation at the September 17, 2012 meeting.

The second appeal regarding the WR66SDP (AC-12-15) was submitted by the Old Town Shopping Center Partners, LP, represented by Douglas H. Peterson. The appellant's claim in AC-12-15 stems from a section in LUHO's recommendation letter for AC-12-14 dated September 3, 2012 concerning the Planning Director's determination to review the existing, 1987 WR66SDP. The second appeal is scheduled to be heard by LUHO on Monday, October 1, 2012 at 9 a.m. in the Council Committee Room, City Hall, 9th Floor. The LUHO will forward a recommendation within 10 days to the City Council, who will decide whether to accept or reject the recommendation. The item is likely to be scheduled for Council's October 15, 2012 meeting.

Although the future of the plan is contingent on Council's action on AC-12-15, City Staff is trying to minimize possible unnecessary delay by engaging with stakeholders and continuing to work on the project, as described below:

Reviewing Agencies

Since the last hearing City Staff has met with Transit, Cultural Services, Parks (including the Open Space division), MRGCD and Code Enforcement/Zoning to discuss proposals in the Plan.

Neighborhood/Public

City Staff has conversed or met with a number of property-owners, or their agents, to discuss the plan and its implications for their properties and any development plans they are considering. A few additional comments have been received and are attached. Planning Staff is scheduled to speak at the Southwest Alliance of Neighbors coalition meeting on October 16, 2012 about the WR66SDP and West Central Metropolitan Redevelopment Plan.

WR66SDP Team

- The Team is undertaking research on parking lot safety in conjunction with APD.
- The Demographics section of the plan is being drafted based on data supplied by MRCOG.

- The Team is drafting potential changes to Chapter 4 - Zoning Regulations and to Chapter 6 - Projects to clarify and amend the proposals in response to agency and public input and to coordinate with recent City actions on similar topics. For example, the Team is giving further consideration to non-conforming uses in the plan area. Some maps and diagrams are being revised.

CONCLUSION

The Planning Department requests a 30-day deferral of Project #1009157 to November 1, 2012 due to the related appeal (AC-12-15) that will not be resolved by Council before the scheduled October 4, 2012 EPC hearing.

The WR66SDP Team is continuing to work on the project by engaging with stakeholders and drafting potential changes to the Plan in response to public and agency input and to reflect recent City actions.

FINDINGS - #1009157, 12EPC-40006, -40007, -40008, -40009, -40010, -40011, Map Amendment to West Route 66 Sector Development Plan, new West Route 66 SDP, Text Amendment to West Side Strategic Plan, Map Amendment to Tower/Unser SDP, Map Amendment to Old Town SDP, Map Amendment to Huning Castle/Raynolds Addition SDP – October 4, 2012

1. The requests are for an Environmental Planning Commission recommendation to City Council to approve a new West Route 66 sector development plan (WR66SDP) and boundary, which would replace the 1987 plan and boundary upon adoption; and to recommend approval of related amendments to certain activity center designations in the West Side Strategic Plan and map amendments to the Tower/Unser, Old Town and Huning Castle/Raynolds Addition sector development plans in order to address overlapping boundaries. The proposed new plan area generally extends west to east from 106th St to Rio Grande Blvd and includes properties on and near West Central Ave, totaling approximately 1,016 acres.
2. The Charter of the City of Albuquerque, the Albuquerque / Bernalillo County Comprehensive Plan, the West Side Strategic Plan, Bosque Action Plan, Trails and Bikeways Facility Plan, Albuquerque On-Street Comprehensive Bike Plan, West Route 66 Sector Development Plan (1987, amended), Tower Unser Sector Development Plan, Old Town Sector Development Plan, Huning Castle & Raynolds Addition Sector Development Plan, the City of Albuquerque Zoning Code and the 2035 Metropolitan Transportation Plan are incorporated herein by reference and made part of the record for all purposes.
3. The new WR66SDP was formulated with input from residents, property-owners and business-owners over a year-long community planning process, and is informed by baseline conditions in the plan area and adopted City plans and policies.
4. The new WR66SDP establishes land use and development regulations to meet the service, employment, housing, and recreational needs of residents and visitors. It also recommends capital improvement projects to improve the appearance and multi-modal function of West Central (a principal arterial and designated transit corridor in the Comprehensive Plan), and to enhance significant community resources, including historic Route 66 properties, the Rio Grande Valley State Park and the Albuquerque BioPark.
5. Comments were received from city departments and agencies; some are still pending. Comments were also received from property-owners who request changes to the draft plan.
6. On July 5, 2012, the EPC voted to continue hearing project #1009157 on October 4, 2012. The EPC's continuance of the project was appealed to the City Council by Peterson-

98th/Central LLC. The appellant claimed that the City, by and through the EPC and Planning Department, committed procedural and due process errors. The appeal (AC-12-14) was heard by the City's Land Use Hearing Officer (LUHO) on August 27, 2012, who recommended denial of the appeal. LUHO concluded that the EPC did not abuse its discretion or otherwise act in violation of the law, and that the EPC should be allowed to fulfill its charge by reviewing the project and making a recommendation to Council. The Council accepted LUHO's recommendation at the September 17, 2012 meeting.

7. A second appeal regarding the WR66SDP (AC-12-15) was submitted by the Old Town Shopping Center Partners, LP, represented by Douglas H. Peterson. The appellant's claim in AC-12-15 stems from a section in the LUHO's recommendation letter for AC-12-14 dated September 3, 2012, which concerns the Planning Director's determination to review the 1987 WR66SDP. The second appeal is scheduled to be heard by LUHO on Monday, October 1, 2012, who will forward a recommendation within 10 days to the City Council. The Council will decide whether to accept or reject the recommendation at a subsequent meeting.
8. A deferral is appropriate per §14-16-4-4 of the Zoning Code because AC-12-15 will not be resolved by City Council until after the October 4, 2012 EPC hearing. A deferred or third EPC hearing of the project will be contingent on the Council's action regarding AC-12-15.
9. These findings are intended to support a staff recommendation of deferral and do not reflect the more complete findings and potential revisions to the WR66SDP in the form of conditions, which would be required to support a recommendation of approval.

RECOMMENDATION - #1009157, October 4, 2012

DEFERRAL of 12EPC-40006, -40007, -40008, -40009, -40010, -40011, requests to recommend approval to City Council of map amendment to West Route 66 Sector Development Plan, adoption of West Route 66 SDP, Text Amendment to West Side Strategic Plan, Map Amendment to Tower/Unser SDP, Map Amendment to Old Town SDP, Map Amendment to Huning Castle/Raynolds Addition SDP, for 30 days to November 1, 2012, based on the preceding Findings

Carol Toffaleti
Senior Planner

Notice of Decision cc list:

Alamosa NA (R), Jeanette Baca, 901 Field SW, Albuquerque, NM 87121
Anderson Hills NA, Celeste Wheeler, 3209 Lazy Day Dr. SW, Albuquerque, NM 87121
Avalon NA, Kelly Chappelle, 9135 Santa Catalina Ave NW, Albuquerque, NM 87121
Crestview Bluff NA, Fran Lopez, 1509 Sunset Farm Rd SW, Albuquerque, NM 87105
El Rancho Grande HOA, Jessica Rivera, PO Box 93488, Albuquerque, NM 87199
Encanto Village HOA, Norman Mason, 7427 Via Tranquilo SW, Albuquerque, NM 87121
Historic Old Town Property Owners Assoc., Jim Hoffsis, 2012 S. Plaza St NW, Albuquerque, NM 87104
Huning Castle NA (R), Ranne B. Miller, 1521 Parks SW, Albuquerque, NM 87104
Los Altos Civic Assoc. (R), Diane Beserra, 814 Rio Vista Cir SW, Albuquerque, NM 87105
Los Volcanes NA (R), Margaret K. Woods, 6503 Honeylocust Ave SW, Albuquerque, NM 87121
Orchards at Anderson Heights Subassoc., Inc., Chris Perkins, 2924 Margerum Trail SW, Albuquerque, NM 87121
Pat Hurley NA (R), Joan Jones, 309 Rincon Ct NW, Albuquerque, NM 87105
Riverview Heights NA (R), Pat Baca Jr. 1206 Riverview Dr NW, Albuquerque, NM 87105
Skyview West NA (R), Bea Purcella, 201 Claire Ln SW, Albuquerque, NM 87121
Stinson Tower NA (R), Norman Mason, 7427 Via Tranquilo SW, Albuquerque, NM 87121
Sunrise HOA (R), Andres Anaya, 209 Galataneu NW, Albuquerque, NM 87121
Sunstar NA, David Vargas, 3200 Rio Bravo SW, Albuquerque, NM 87105
Tapia Meadows NA (R), Terri Gallegos, 1042 Draco SW, Albuquerque, NM 87105
Vista West H.O.A. (VWH), Denise Guana, 676 Ridgeside Trl. SW, Albuquerque, NM 87121
Valley Gardens NA (R), Marcella Rael, 4600 West Lea SW, Albuquerque, NM 87105
Vecinos Del Bosque NA (R), Rod Mahoney, 1838 Sadora Rd SW, Albuquerque, NM 87105
Vista Magnifica Assoc. (R), Lorelei Novak, 1520 Buck Ct NW, Albuquerque, NM 87105
Vista Sandia HOA, George Benavidez, 8001 Vista Volcan Ln SW, Albuquerque, NM 87121
Vista West H.O.A. (VWH) Denise Guana, 676 Ridgeside Trl. SW, Albuquerque, NM 87121
West Mesa NA (R), Michael Quintana, 301 63rd St NW, Albuquerque, NM 87105
West Old Town NA (R), Anna Padilla Morgan, 2633 Marble Ave NW, Albuquerque, NM 87104
West Park NA (R), Kevin Hagen, 2021 Alhambra SW, Albuquerque, NM 87104
Westgate Heights NA (R), Paul Fredrickson, 8508 Mesa Real Ave SW, Albuquerque, NM 87121
South Valley Coalition of NA's, Andres Lazo, 3220 Grasshopper Dr SW, Albuquerque, NM 87121
South West Alliance of Neighbors (SWAN), Klarissa Peña, 6525 Sunset Gardens SW, Albuquerque, NM 87121
Westside Coalition of NA's, Gerald C. Worrall, 1039 Pinatubo Pl NW, Albuquerque, NM 87120
Mike Contreras, PO Box 91088, Albuquerque, NM 87199
Ron Bohannon, 5571 Midway Park Pl, Albuquerque, NM 87109
Mike Stewart, 8101 Central NW, Albuquerque, NM 87121
Doug Peterson, 2325 San Pedro Dr NE, Ste 2A, Albuquerque, NM 87110
Steven Coe, 2325 San Pedro Dr NE, Ste 2A, Albuquerque, NM 87110
Kim Kildew, 410 S. Orchard St, Ste 176, Boise, ID 83704
Buck Buckner, 2100 Central NW, Albuquerque, NM 87102
Craig Calvert, 4700 Lincoln Rd NE, Ste. 111, Albuquerque, NM 87109

Ross Perkal, 708 Marquette NW, Albuquerque, NM 87102
Jack Dettweiler, 4308 Candlestick NE, Albuquerque, NM 87109
John Andrews, 8500 Menaul NE, Ste. A440, Albuquerque, NM 87112
Louis Tafoya, 6411 Avalon Rd NW, Albuquerque, NM 87105
George Rainhart, 9814 Carmel Ct, Lone Tree, CO 80124
David Heeter, 8715 Volcano Rd NW, Albuquerque, NM 87121
Brian Sallee, PO Box 16552, Albuquerque, NM 87191
Richard Hanna, 10701 Lomas NE #201, Albuquerque, NM 87112
Anita Kelley, 1121 4th Street NW Suite 1-A, Albuquerque, NM 87102
Keith Bandoni, 2424 Louisiana Blvd NE Ste 300, Albuquerque, NM 87110
Jerry Gallegos, 417 65th St SW, Albuquerque, NM 87121
George Katsaros, 3916 Central SW, Albuquerque, NM 87105
John Myers, 1401 Central Ave. NW, Albuquerque, NM 87104
Anna Padilla Morgan, 2633 Marble Ave. NW, Albuquerque, NM 87104
Stavros Anagnostakos, 1518 Wellesley Dr. N.E. Albuquerque, NM 87106
Keri Ashley, keriashley@oakrealtypartners.com
Ruby Bishop, 225 40th St. NW, Albuquerque, NM 87105
George Brooks, 7432 La Jara Ct. NE, Albuquerque, NM 87109
Anna Chronis, 1102 Washington NE, Albuquerque, NM 87110
Jeff Geller, 924 West Colfax Ave, Denver, CO 80204
June Lee, 2318 Central SW, Albuquerque, NM 87104
Mark Lewis, mark@marklewis.com
Anveraw P. Macji, 2411 Central NW, Albuquerque, NM 87104
Joe C. Marquez, jm_reliable@hotmail.com
Paul Meyer, 3523 Alvarado Dr. N.E. Albuquerque, NM 87110
Leroy Moya, 9700 Central SW, Albuquerque, NM 87121
Judith Nelssen & Maniza Shirk, 233 Camino Uno SW, Albuquerque, NM 87105
Dhiraj L. Patel, 2222 Central Ave SW, Albuquerque, NM 87104
Guillermo & Alice Sanchez, rsanchez2@san.rr.com
Lawrence M. Wells, 2155 Louisiana Blvd NE #10300, Albuquerque, NM 87110
Lonnie S. Yanes, 6220 Central Ave S.W., Albuquerque, NM 87105
Jennifer Buntz, bikefunsafe@gmail.com
Ernest Dalton, 127 40th St NW, Albuquerque, NM 87105
Loyd Goatcher, Samon's, 2511 Monroe NE, Albuquerque, NM 87110
Marie Villalobos, 123 40th St NW, Albuquerque, NM 87105
Ruth Wendell, 4011 Central NW, Albuquerque, NM 87105
D.M. Moya, 9317 Central NW, Albuquerque, NM 87121
Joseph Kenner / Ram Gas Station, 2309 Central NW, Albuquerque, NM

Attachments

July 5, 2012 EPC Notice of Decision
AC-12-14 Council Notice of Decision
Public comments received after July 5, 2012 EPC Hearing:

J. Kenner letter dated 5/31/12 (rec'd 7/5/12)

G. & L. Katsaros fax dated 7/18/12

Tierra West, LLC letter dated 8/27/12

Sample Planning Department letter dated 6/13/12, to persons who have submitted a form letter dated 5/31/12 opposing the plan

COMMENTS FROM OTHER AGENCIES

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Emails dated 7/3/12

1. If a pedestrian bridge is needed to safely accommodate increased pedestrian traffic across the river, connections from the bridge to the existing accessible bosque trails on the west side should be considered and evaluated.
2. The fencing around the Alameda Drain was installed by the City after a drowning death. The need for and pros and cons of the fencing along the drain could be revisited but this and the proposed connection to the Atrisco Acequia from Central need to be assessed for potential neighborhood and business impacts and support. If a new fence is installed along the drain, the MRGCD would have to approve it to make sure the drain could continue to be maintained with equipment.
3. Insufficient details are provided about the proposed "enhancement and extension" of the Atrisco Acequia, an ditch actively maintained for irrigation purposes, for the MRGCD to support it conceptually.
4. Any proposed improvements need to be reviewed by the MRGCD in the concept stage to evaluate impacts to, and ensure that projects maintain or enhance necessary access to facilities such as the flood control levees, bosque, drains and irrigation ditches for maintenance and operations purposes. This includes curb cuts and road widening, which could impact the ability of heavy equipment and trailers to safely access our facilities from roads.

The comment in #3 also applies to the proposal for trail enhancements for the Isleta Drain. It is difficult with the scale of the plan maps to discern which MRGCD facilities would be affected and where.

We support including information on acequias, agriculture and the MRGCD in interpretive materials.