



**Environmental
Planning
Commission**

*Agenda Number: 06
Project Number: 1009415
Case #: 12EPC-40062
October, 11, 2012*

Staff Report

Agent	City of Albuquerque Planning Department
Applicant	City of Albuquerque
Request	Text Amendments to the East Gateway Sector Development Plan
Location	Along Central Avenue between Dorado place and Tramway Boulevard
Current Zoning	SU-2 EG-CAC, SU-2 EG-C
Proposed Zoning	SU-2 EG-VS

Staff Recommendation

That a recommendation of APPROVAL, of 1009415 be forwarded to the City Council, based on the Findings on page 19, and subject to the Conditions of Approval on page 22.

Staff Planner

Maggie Gould, Planner

Summary of Analysis

The proposed amendment would apply to the existing SU-2 EG-C, Corridor zone and SU-2 EG-CAC, Community Activity Center zone. This amendment would require new setbacks along Central Avenue from Dorado Court. to Tramway Boulevard.

The intent of this amendment is to protect the view from Central Avenue into Tijeras Canyon.

The applicant has justified this request per R-270-1980.

There are some neighborhood concerns regarding this request.

Staff recommends approval.



I. INTRODUCTION

Request

This is a proposed amendment to the text of the East Gateway Sector Development Plan. The request adds additional regulations to the EG-CAC and EG-C zones in the form of setbacks and landscaping requirements.

Section 5.6.16 The East Gateway Sector Plan is hereby amended to add the following paragraph:

A. INTENT: The Tijeras Canyon View Shed design regulations are hereby added to the SU-2/EG-C and the SU-2/EG-CC zones to protect the scenic vista from Central Avenue of the western opening to Tijeras Canyon, the City's East Gateway. The design regulations will apply to the parcels that abut each side of Central Avenue, from Dorado Place South East on the south side of Central and from the eastern property line of 12999 Central Avenue on the north side of Central to the intersection of Central Avenue with Tramway Boulevard.

B. The following design regulations shall apply to the parcels identified in paragraph "A" of this Section that abut the north side of Central Avenue. These shall be in addition to the regulations and uses specified in the existing underlying zone:

1. There shall be a minimum set-back from Central Avenue of 47' feet and a maximum setback of 110'. If the front lot line angles to the south one corner of the primary structure shall have a maximum 110' front setback and the remaining structure may be angled to extend to a 150' setback so that the structure may maintain a 90 degree angle and accommodate for the required landscaping buffer.
2. There shall be a 30' landscape buffer behind the back of the public sidewalk.
3. Parking in the front of the structure is allowed.
4. There shall be a 3' screen wall of parking is located in front of the structure, behind the landscape buffer that is located to the back of the public sidewalk.
5. There shall be a direct pedestrian walkway that meets the following design regulations;
 - a. The walkway shall be a minimum of 6' wide from the public sidewalk to either the front door of the primary structure on the site or a sidewalk that fronts the structure.
 - b. Where the walkway crosses a parking lot, it shall be constructed of material other than asphalt.
 - c. Where the walkway crosses through a parking row it shall be bordered by at least a 3' wide landscaped planting strip.

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6. Drive up and drive through windows and the associated lanes are allowed under the following restriction:
 - a. Lanes serving drive-up and drive-through windows shall not face Central Avenue.
 - b. Drive-up and drive-through window lanes shall be screened by a 3' wall and landscaping that when grown exceeds 3' in height. A minimum of 50% of the landscaping shall be evergreen.
 7. Façade glazing:
 - a. May either follow the design regulations of the underlying zone or shall cover 60% of the front and side façades of the structure.
 - b. If the facade glazing does not follow the design regulations of the underlying zone, the windows located above the mid-point of the height of a wall shall have a minimum 6' height.

C. The following design regulations shall apply to the parcels identified in paragraph "A" of this Section that abut the south side of Central Avenue. These shall be in addition to the regulations and uses specified in the existing underlying zone:

1. There shall be a 30' landscape buffer behind the back of the public sidewalk.
2. There shall be a direct pedestrian walkway that meets the following design regulations;
 - a. The walkway shall be a minimum of 6' wide from the public sidewalk to the either the front door of the primary structure on the site or a sidewalk that fronts the structure.
 - b. Where the walkway crosses a parking lot, it shall be constructed of material other than asphalt.
 - c. Where the walkway crosses through a parking row, it shall be bordered by at least a 3' wide landscaped planting strip.

History

The proposed View Shed Zone was included in the Interim Design regulations for the East Gateway Sector Development Plan (R-09-275).

The following language is from page 11 of the resolution.

"b. Lot frontage within the Tijeras Canyon View Shed (described as the lots fronting Central Avenue from Tramway Road to 1000' west of Tramway Road. If a lot is partially within the 1000' distance, it shall be considered as being within the view shed) shall have a minimum 7' planting strip bordering the back of the curb, a minimum

10' sidewalk bordering the back of the planting strip and a minimum landscape buffer of 30' bordering the back of the sidewalk. Where the street side sidewalk and the sidewalk connecting the structure intersect, there shall be a minimum 9' marquee canopy, monument or portico structure demarking the entrance to the site. The sidewalk shall be constructed within 160 days after building permits are issued."

Council staff feels that the exclusion of the view shed zone from the final copy of the plan was an oversight.

This amendment was introduced to City Council on August 8, 2012, by Councilor Don Harris.

The East Gateway Sector Development Plan has not been amended previously.

Context

The request would impact the eastern end of Central Avenue. The area is developed with a mix of commercial uses. Some buildings are empty, some are older, established business and some are very new.

The East Gateway Sector Development Plan describes the change in elevation that contributes to the views at the east end of Central Avenue.

“East Gateway’s rise in elevation provides great views to the east and west.

The area rises from nearly 5,400 feet above sea level at the Wyoming Boulevard/
Central Avenue intersection to over 5,700 feet”

Setbacks

The East Gateway Sector Development Plan currently requires a setback of 10 feet for commercial buildings along Central. The proposed new setback would make several buildings non-conforming as to setback. There is an existing shopping center site on the south side that would be in compliance.

Landscaping

The existing landscape varies from empty vacant lots to new, developed parcels that comply with current landscape regulations. The existing shopping center on the south side of Central would become non-conforming as to landscaping because it lacks a 30 foot wide landscape buffer.

Purpose/Intent

The intent of the amendment is to protect the views from east Central Avenue into Tijeras Canyon. The intersection of Central and Tramway provides a gateway into Albuquerque for traffic heading west and gateway out of Albuquerque for traffic heading east. There is significant pedestrian traffic along Central, the view could enhance the pedestrian experience.

The new zone will act as an overlay to the existing zones.

Although the intent of this amendment is to preserve the views to the east, the proposed setbacks may also preserve the views to the west , towards the City.

Public Process

The Neighborhood Associations and Homeowner's Associations within the boundary of the EGSDP were notified via registered mail, property owners within 100 feet were notified by regular mail.

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. 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.”

The application for proposed text amendments to the East Gateway Sector Development Plan, an extension of the Zoning Code, was filed in accordance with Zoning Code requirements. The proposed text amendments may result in improvements to the East gateway area which support general health, safety and welfare. The request generally furthers the Zoning Code purpose and is consistent with the amendment process of the Zoning Code.

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.5m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

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

The proposed changes will enhance the unique views, and may help to strengthen the area by providing attractive landscaping and enhancing the existing character.

Section II.C.8 Developed Landscape

The Goal is to maintain and improve the natural and the developed landscapes' quality.

Policy II.C.8.a

The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

Policy II.C.8.d

Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

Policy II.C.8.e

In highly scenic areas, development design and materials shall be in harmony with the landscape. Building siting shall minimize alteration of existing vegetation and topography and minimize visibility of structures in scenic vista areas.

The Developed Landscape goal and policies a, d and e are furthered by this request because the landscaping will be improved, the unique visual environment will be respected and preserved, the landscaping will provide a space to collect storm water runoff and will help to create a pleasing visual environment, and the building setbacks will minimize the visibility of the buildings.

Section II.C.8.

Community Identity And Urban Design

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

The proposed amendment will enhance the natural characteristics of the area by preserving the views into Tijeras Canyon.

Policy II.C.9.c

The identity and cohesiveness of each community shall be strengthened through identification and enhancement of community Activity Centers that have a scale, mix of uses, design character, and location appropriate to the unique character of the community.

The proposed amendment will help identify the area as a gateway and will strengthen the sense of place and enhance the character by providing views and enhanced landscaping.

Policy II.C.9.d

Development projects within Community Activity Centers should contribute the following:

1. Related land uses that effectively encourage walking trips from one destination to another within the center, including shopping, schools, parks or plazas, employment, entertainment, and civic uses such as public libraries, recreation or senior centers, post office or fire station.
2. Pedestrian linkages among uses in the Activity Center and connecting to surrounding neighborhoods.
3. Buildings designed and arranged to reflect local architectural traditions, scale, height, massing and setbacks appropriate to the community served by the Activity Center and that support public transit and pedestrian activity.
4. Landscaping, street furniture, public art, colored or textured paving and other improvements to the public realm that reinforce the cultural, social and design traditions of the community served by the Activity Center.

The area along the south side of Central Avenue is a community activity center. The proposal will require pedestrian pathways and landscaping that will support the intent of this policy.

II.C.2 Water Quality

The Goal is to maintain a dependable, quality supply of water for the urbanized area's needs.

Policy II.c.2a: Minimize the potential for contaminants to enter the community water supply.

The enhanced landscaping buffer has the potential to act as a ponding area and allow water to settle before entering the storm drains and subsequently the river or water table.

Policy II.D.4d

Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions

The proposed pedestrian amenities in this amendment will help to create safe and pleasant pedestrian connections.

Policy II.D.6d: Tourism shall be promoted.

The proposed view shed amendment may enhance the eastern portion of Central as a gateway and provide an attractive entryway into Albuquerque.

Rank 2, Rank 3 or MRA Plans

The East Gateway Sector Development Plan was first adopted in 2010.. The Plan generally encompasses properties between I-40, Wyoming and the City limits to the east and south, specific boundaries are shown on Figure 1.a in the Plan. The Plan sets forth eight goals.

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

The proposed amendment will further goals 1, 3, and 4 by providing a more pleasant streetscape, improving Central Avenue and preserving the view, a community asset. The plan identifies pedestrian realm improvements as a way to transform Central and support pedestrian comfort and safety

The plan also states that residents would like more green space.

East Gateway Metropolitan Redevelopment Plan is under development. Please note that the draft may change before final adoption. The plan covers 665 acres primarily along Central Avenue, from Wyoming to just north of Tramway, figure 2, page 9. The goals of the plan are:

- Revitalize the East Central Corridor with new and expanded business and higher density , mixed income housing transit stops
- Brand the area as a Route 66 travel destination
- Redevelop vacant and underutilized lots through direct City investment

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- Rehabilitate existing building facades and signs
 - Improve public safety along the corridor and diminish property crimes
 - Improve the image of the corridor with a pleasing streetscape for motorists and pedestrians

The draft plan identifies the Central and Tramway area as a site for a gateway feature and suggests the addition of an art element to the I-40 sound wall.

The draft plan recommends streetscape improvements, including added landscaping, street furniture, lighting, and refuse containers.

The draft plan identifies the Four Hills Shopping Center as a catalytic area where resources should be focused.

The enhanced landscaping requirement will improve the streetscape and contribute to revitalization. The provision of better pedestrian connections and walkways and the buffering of drive through uses will contribute to improved public safety.

The wider landscaping buffers may also provide an opportunity for improved transit stops.

The plan focuses on this area as a gateway into the city. The preservation of views helps to create a sense of place and a sense of entry into the city.

The Route 66 Revitalization Plan

This process began in August and is looking at ways to improve the Central Avenue/Route 66 Corridor. The idea of east Central providing an attractive gateway into and out of the city has been discussed.

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 proposed amendment would impact two existing zones in the East Gateway Sector Development Plan (EGSDP), the EG-C, Corridor zone and the EG-CAC Community Activity Center zone. The proposed SU-2 EG-VS zone will act as an overlay on the existing zones.

The proposal does not change the permissive uses in the EG-C zone and EG-CAC; it does require new setbacks and landscaping requirements.

For the EG-C zone the proposed setback from Central Avenue is between 47 and 110 feet, this setback includes a 30 foot landscape buffer.

For the EG-CAC zone a 30 foot landscape buffer from the back of the sidewalk is required. It is not clear if the 30 feet is meant to be the setback or if the setback and the landscape buffer are required, see recommendation 8.

Council staff states that the difference in setbacks is due to the existing, underlying zones. However this is not addressed in the text of the amendment. See recommendation 7.

The EGSDP requires setbacks, height, lot coverage and parking based on building type. The plan also contains general design guidelines.

This chart shows the existing minimum and maximum setbacks for all building types in the plan area

<i>Building type</i>	<i>Min</i>	<i>Max</i>
<i>Townhouse lot</i>	<i>5</i>	<i>15</i>
<i>Apartment House</i>	<i>5</i>	<i>15</i>
<i>Apartment Complex</i>	<i>5</i>	<i>25</i>
<i>Live/work</i>	<i>5</i>	<i>10</i>
<i>Mixed Use</i>	<i>5</i>	<i>10</i>
<i>Commercial</i>	<i>0</i>	<i>10</i>
<i>Liner building</i>	<i>0</i>	<i>5</i>
<i>Institutional or Civic</i>	<i>None</i>	<i>None</i>
<i>Industrial</i>	<i>10</i>	<i>None</i>

The apartment complex, townhouse and industrial building types would not be allowed in the EG-CAC zone. All building types would be allowed in the EG-C zone.

The proposed setbacks in the view shed zone are greater than the current setbacks. The setback for the EG-C zone begins mid-block. This may create an awkward transition from the view shed zone to the abutting zone. This is listed in the recommendations and questions number 9.

Landscaping

The landscaping regulations are per 15-16-3-10 of the zone code with additional requirements along Central. The Central Avenue requirements include a 7 foot wide landscaping zone and street trees. The plan also requires water harvesting, section 5.6.4.A.1. The new landscaping requirements would not be in conflict with the water harvesting requirement and may allow for more space for water harvesting.

Parking

Section 5.6.2 of the plan applies to properties abutting Arterial Streets and within the EG-C, EG-CAC, EG-NAC and C-2 zones. The parking regulations require that parking be distributed on the site to minimize visual impact, maximum parking is minimum parking required by the zoning code plus

10%. Parking must be screened by buildings or low wall, 18-36 inches. The amendment would require a 3 foot (36 inch) tall wall to screen the parking.

The amendment will require screening of drive-in and drive-through facilities with a 3 foot wall and landscaping. The current requirement is only a wall. This would only apply to the EG-C zone, as drive-in and through facilities are not allowed in the EG-CAC zone.

Resolution 270-1980 (Policies for Zone Map Change Applications)

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.

Analysis of Applicant's Justification

Note: Policy is in regular text; *Applicant's justification is in italics; staff's analysis is in bold italics*

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

The changes proposed by the View Shed regulations further the City's health, safety and welfare and maintain the views of the western entrance to Tijeras Canyon

Staff agrees that there will be minimal impact to existing infrastructure and services. The request is consistent with the health, safety, morals, and welfare of the city.

- 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 view shed design regulations will further the stability of the area by preserving views of a significant natural landmark to create a special place.

Staff agrees that the proposed zone may bring stability to the neighborhood by creating a sense of place. The proposed change does not address any of the uses in the existing zones.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities

The applicant offers the following policies to support this request

1. *I.C.8. Developed Landscape, Policy a:*

Policy II.C.8.a

The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

The Comprehensive Plan recognizes the importance of the natural and visual environment, and that features unique to Albuquerque, shall be respected as a significant determinant in development decisions. Creating lot line setbacks to preserve views of Tijeras Canyon helps create a destination by highlighting a landmark and lending an identity to the area.

2. *I.C.8. Developed Landscape Policies c and e:*

Policy II.C.8.c

Incidental structures such as signs, guywires, poles, fireplugs, street furniture and overhead utility wires shall be designed for minimal visual intrusion and mobility impediment to pedestrians.

Policy II.C.8.e

In highly scenic areas, development design and materials shall be in harmony with the landscape. Building siting shall minimize alteration of existing vegetation and topography and minimize visibility of structures in scenic vista areas.

The Comprehensive Plan encourages landscaping within the public and private right of way to create a pleasing visual environment. In highly scenic areas, building siting shall minimize the visibility of structures. The front lot line setback of the view shed area will include a combined landscape strip and walkway that is a minimum of 47’ wide to create a transition zone between the natural environment of the Canyon and the built environment of Central Avenue.

Staff agrees that policies a, and e are furthered because the landscaping will be improved, the unique visual environment will be respected and preserved, and will help to create a pleasing visual environment, and the building setbacks will minimize the visibility of the buildings.

Policy c, does not seem applicable because the items addressed in this policy are not addressed in the proposed amendment.

3. *II.C. 9 Community Identity and Urban Design – Policies b, c, d, and e: Sector Plan Chapters 5, 6, and 7 establish regulations and recommend polices, programs, and projects that acknowledge the local natural environment, built environment and history.*

Section II.C.8.

Community Identity And Urban Design

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

The proposed amendment will enhance the natural characteristics of the area by preserving the views into Tijeras Canyon.

Policy II.C.9.c

The identity and cohesiveness of each community shall be strengthened through identification and enhancement of community Activity Centers that have a scale, mix of uses, design character, and location appropriate to the unique character of the community.

The proposed amendment will help identify the area as a gateway and will strengthen the sense of place and enhance the character by providing views and enhanced landscaping.

Policy II.C.9.d

Development projects within Community Activity Centers should contribute the following:

1. Related land uses that effectively encourage walking trips from one destination to another within the center, including shopping, schools, parks or plazas, employment, entertainment, and civic uses such as public libraries, recreation or senior centers, post office or fire station.
2. Pedestrian linkages among uses in the Activity Center and connecting to surrounding neighborhoods.
3. Buildings designed and arranged to reflect local architectural traditions, scale, height, massing and setbacks appropriate to the community served by the Activity Center and that support public transit and pedestrian activity.
4. Landscaping, street furniture, public art, colored or textured paving and other improvements to the public realm that reinforce the cultural, social and design traditions of the community served by the Activity Center.

The area along the south side of Central Avenue is a community activity center. The proposal will require pedestrian pathways and landscaping that will support the intent of this policy.

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:

- minimize water use
- screen parking areas
- create useful and attractive signage and building facades
- facilitate walking safety and convenience

The proposed amendment could further this policy by providing improved streetscaping that gives the area a sense of identity. The view into Tijeras Canyon is a part of the community identity

Staff also feels that the following policies and analysis are relevant to this request.

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.5m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

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

The proposed changes will enhance the unique views and may help to strengthen the area by providing attractive landscaping and enhancing the existing character.

Section II.C.8 Developed Landscape

The Goal is to maintain and improve the natural and the developed landscapes’ quality.

Policy II.C.8.d

Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The Developed Landscape goal and policy d are furthered by this request because the landscaping will be improved and the landscaping will provide a space to collect storm water runoff.

II.C.2 Water Quality

The Goal is to maintain a dependable, quality supply of water for the urbanized area’s needs.

Policy II.c.2a: Minimize the potential for contaminants to enter the community water supply.

The enhanced landscaping buffer has the potential to act as a ponding area and allow water to settle before entering the storm drains and subsequently the river or water table.

Policy II.D.4d

Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions

The proposed pedestrian amenities in this amendment will help to create safe and pleasant pedestrian connections.

Policy II.D.6d: Tourism shall be promoted.

The proposed view shed amendment may enhance the eastern portion of Central as a gateway and provide an attractive entryway into Albuquerque

The East Gateway Sector Development Plan was first adopted in 2010.. The Plan generally encompasses properties between I-40, Wyoming and the City limits to the east and south, specific boundaries are shown on Figure 1.a in the Plan. The Plan sets forth eight goals.

1. Create a safe, well maintained, attractive community

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

The proposed amendment will further goals 1, 3, and 4 by providing a more pleasant streetscape, improving Central Avenue and preserving the view, a community asset. The plan identifies pedestrian realm improvements as a way to transform Central and support pedestrian comfort and safety

- 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 proposed view shed design regulations are advantageous to the community because they are intended to enable compatibility with the natural and built environments.

Staff agrees that the proposed regulations may be compatible with natural and built environment. The proposal furthers a variety of Comprehensive Plans goals and policies as stated in section C, above.

- 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.

The request will not change any of the uses currently allowed.

- 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.

This request will require no unprogrammed capital expenditures by the City. Any improvements will be made and maintained privately.

- 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 or other economic considerations is not used as the determining factor for a change of zone. The determining factor is the desire to preserve the views to the Tijeras Arroyo and the character of the area.

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

The proposed view shed design regulations apply to an arterial street that is partially located within the East Gateway Sector Development Plan area.

The proposed change will not alter the commercial zoning in the subject area.

- 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.

No spot zones are proposed. The design regulations apply to more than one property.

Staff agrees that the proposed changes will not create a spot zone.

- 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 design changes apply to the strips of land that abut Central Avenue, however, these regulations will facilitate the policies of the

*Comprehensive Plan and by creating an interface between the natural environment of Tijeras Canyon with the built environment in the East Gateway Sector Development Plan Area.
Staff agrees that this will not create a strip zone.*

III. ANALYSIS- PROPOSED TEXT AMENDMENTS (NOT NECESSARY IF NO CHANGES ARE PROPOSED BY STAFF)

New language is [underlined and bracketed]. Deleted language is [underlined, bracketed and struck through]. Planning Staff's explanation is in ***Bolded Italics***.

(discussion of any problems, major questions and/or issues, enforcement implications, unintended consequences of the proposed legislation as written. Also include any corrections to grammar, etc.)

Page 1, line 17 INTENT: The Tijeras Canyon View Shed design regulations are hereby added to the SU-2/EG-C and the SU-2/EG-~~CC~~ [+ CAC] zones to ...

This corrects a typographical error. The EG-CAC zone is the zone on the south side of Central Avenue.

Page 4, line 6 4. There shall be a 3' [~~screen~~] wall [~~of parking is~~] [+to screen parking] located in front of the structure, behind the landscape buffer that is located to the back of the public sidewalk.

This corrects a grammatical error.

Page 4, line 22 Drive-up and drive-through window lanes shall be screened by a 3' wall and landscaping that when grown [~~exceeds~~] [+reaches] 3' in height. A minimum of 50% of the landscaping shall be evergreen.

The excess height may cause safety issues by obstructing the view in the drive-up or drive-through lane.

Questions and Recommendations

- 1. The text does not mention the placement of signage. Since the intent of the amendment is to preserve the views, the signage should be set back along with the building.*
- 2. The text does not mention existing lighting; the existing light poles do block the views, but are necessary for the safety of the public. The text should address additional lighting in or near the setback areas to promote public safety. Lighting could be low level, bollards to protect the view and provide a measure of safety.*
- 3. The text does not include provisions for properties made non-conforming by this amendment. The amendment should include a provision for these properties.*
- 4. The text does not state what can go into the landscaped area. If street furniture, low walls, transit shelters, pathways, or other things are allowed, this should be stated.*

-
5. *The text does not address the type of landscaping that is required. Again, if the intent is to preserve views, the landscaping should be low and consist of small plants, shrubs and grasses. The plant materials should be native species and low water use plants.*
 6. *The south side of Central has mature trees; the trees may block the view, but should not be removed because they provide a public benefit in the form of shade for pedestrians.*
 7. *An analysis of the views should be performed in order to clarify the need and location for the setbacks. The view shed zone may need to be altered to the east or west depending on this analysis. The difference in setbacks from the north side to the south should also be addressed. The Coors Corridor Plan contains a process for visual analysis. The La Cueva Sector Development Plan also addresses viewshed analysis.*
 8. *The requirements for the EG-CAC only include a landscape buffer and do not address setbacks. The amendment should be clarified as to whether this is a 30 foot buffer and then the required setbacks or if 30 feet is the setback.*
 9. *The transition between the properties covered by the viewshed zone and those not covered is not addressed. Since the setbacks will vary greatly, a transition should be considered, especially on the north side of Central where the regulation begins mid-block.*
 10. *The Code Enforcement division was concerned that the angled setback requirement was confusing and could be difficult to interpret. They suggest that a diagram be included with the setback language to clarify how the setback is meant to be configured.*

Other recommendations

1. *The EGSDP allows deviations of 10% or less from the dimensional standards of the plan to be approved administratively, deviation of 10-20% can be approved by the EPC, deviations of 20% or more are not allowed. Staff recommends that a process be added to the plan to allow deviations of over 20% to be heard in a public hearing. Projects would meet the goals and intent of the plan, but could have a compelling reason for differing from the standards.*
2. *Section 5.3.1 of the plan contains the triggers for compliance with the new regulations. Section 5.3.1A.1, states that "new development" must comply with the new regulations, however this term is not defined. Staff recommends that this term be defines to clarify whether this means a change in use, a new buildings or structure or other improvements not covered under repair and remodeling.*

IV. CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

The Code Enforcement division was concerned about the angled setback language in section A. It was suggested that a diagram be added to illustrate what is expected.

V. NEIGHBORHOOD/PUBLIC CONCERNS

Staff received comments from neighborhood residents who were concerned about the impact this would have on existing businesses and new and existing signage. A concern was expressed about the ability to maintain the large landscaping buffers required by this amendment.

Staff recommends that the text be amended to include language to address existing business and signage. The zone code requires irrigation and maintenance of the landscape.

Two residents wanted to know why there was not a public meeting for this request.

It is not a standard procedure to hold facilitated meetings for text amendments.

Other concerns cited include, the difference between the north side and south side setbacks, the failure to address utility poles, billboards and busses and why there was no public review of the amendment before it went to EPC.

VI. CONCLUSION

The overall intent of the East Gateway Sector Development is to improve the area. The proposed view shed zone has the possibility to do this by making the eastern end of Central Avenue into a visually impressive gateway into and out of the city.

This request is consistent with and furthers many policies and goal of the Comprehensive Plan and the East Gateway Sector Development plan.

There is some opposition to this request.

FINDINGS 12EPC-40062, OCTOBER 11, 2012, SECTOR PLAN AMENDMENT

1. This is a request to amend the East Gateway sector development Plan. The intent of this amendment is add new setback and landscaping requirements in order to protect and preserve the views into Central Avenue. The request amends the EG-C and E-G-CAC zones
2. This amendment was introduced to City Council on August 8, 2012, by Councilor Don Harris.
3. The subject area is within the Established Urban area of the Comprehensive Plan.
4. The View Shed Zone was included in the Interim Design Regulations of the East Gateway Sector Development Plan (R-09-275)
5. The applicant provided a justification for the zone change per R-270-1980
 - A. There will be minimal impact to existing infrastructure and services. The request is consistent with the health, safety, morals, and welfare of the city.
 - B. The proposed zone may bring stability to the neighborhood by creating a sense of place. The proposed change does not change any of the uses in the existing zones.
 - C. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan as described below:

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.5m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.
The proposed changes will enhance the unique views, and may help to strengthen the area by providing attractive landscaping and enhancing the existing character.

Section II.C.8 Developed Landscape
The Goal is to maintain and improve the natural and the developed landscapes’ quality.

Policy II.C.8.a
The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

Policy II.C.8.d

Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

Policy II.C.8.e

In highly scenic areas, development design and materials shall be in harmony with the landscape. Building siting shall minimize alteration of existing vegetation and topography and minimize visibility of structures in scenic vista areas.

The Developed Landscape goal and policies a, d and e are furthered by this request because the landscaping will be improved, the unique visual environment will be respected and preserved, the landscaping will provide a space to collect storm water runoff and will help to create a pleasing visual environment, and the building setbacks will minimize the visibility of the buildings.

Section II.C.8.

Community Identity And Urban Design

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

The proposed amendment will enhance the natural characteristics of the area by preserving the views into Tijeras Canyon.

Policy II.C.9.c

The identity and cohesiveness of each community shall be strengthened through identification and enhancement of community Activity Centers that have a scale, mix of uses, design character, and location appropriate to the unique character of the community.

The proposed amendment will help identify the area as a gateway and will strengthen the sense of place and enhance the character by providing views and enhanced landscaping.

Policy II.C.9.d

Development projects within Community Activity Centers should contribute the following:

1. Related land uses that effectively encourage walking trips from one destination to another within the center, including shopping, schools, parks or plazas, employment, entertainment, and civic uses such as public libraries, recreation or senior centers, post office or fire station.
2. Pedestrian linkages among uses in the Activity Center and connecting to surrounding neighborhoods.
3. Buildings designed and arranged to reflect local architectural traditions, scale, height, massing and setbacks appropriate to the community served by the Activity Center and that support public transit and pedestrian activity.
4. Landscaping, street furniture, public art, colored or textured paving and other improvements to the public realm that reinforce the cultural, social and design traditions of the community served by the Activity Center.

The area along the south side of Central Avenue is a community activity center. The proposal will require pedestrian pathways and landscaping that will support the intent of this policy.

II.C.2 Water Quality

The Goal is to maintain a dependable, quality supply of water for the urbanized area's needs.

Policy II.c.2a: Minimize the potential for contaminants to enter the community water supply.

The enhanced landscaping buffer has the potential to act as a ponding area and allow water to settle before entering the storm drains and subsequently the river or water table.

Policy II.D.4d

Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions

The proposed pedestrian amenities in this amendment will help to create safe and pleasant pedestrian connections.

Policy II.D.6d: Tourism shall be promoted.

The proposed viewshed amendment may enhance the eastern portion of Central as a gateway and promote travel from I-40 onto Central Avenue.

The proposed amendment will further goals 1, 3, and 4 of the East Gateway Sector Development Plan by providing a more pleasant streetscape, improving Central Avenue and preserving the view, a community asset. The plan identifies pedestrian realm improvements as a way to transform Central and support pedestrian comfort and safety.

- D. The applicant has adequately justified the request by demonstrating that the requested zone change is more advantageous to the community as articulated in the Comprehensive Plan. The request furthers the preponderance of applicable Comprehensive Plan policies cited in Section C.
- E. The request will not change any of the uses currently allowed.
- F. This request will require no unprogrammed capital expenditures by the City. Any improvements will be made and maintained privately.
- G. The cost of land or other economic considerations is not used as the determining factor for a change of zone. The determining factor is the desire to preserve the views to the Tijeras Arroyo and the character of the area.
- H. The proposed change will not alter the commercial zoning in the subject area.
- I. This request will create a spot zone. a change of zone may be approved only
- J. This request will not create a strip zone.

6. The East Gateway Coalition was notified along with following Homeowner's Associations: Coronado Terrace , Executive Hills ,Four Hills Village ,Terracita , Winterwood Park and the following neighborhood associations: Four Hills Village, ,Juan Tabo Hills ,La Mesa Community Improvement Assoc., Manzano Manor Assoc. Of Residents , Mirabella-Miravista, Sandia Vista.,Singing Arrow ,South Los Altos, Trumbull Village Assoc., Willow Wood . Property owners with 100 of the proposed changes were also notified.

7. Staff received one letter in opposition to this request and 3 letters with questions or concerns.

RECOMMENDATION – 1009415 OCTOBER 1, 2012

That a Recommendation of APPROVAL of 12EPC -40062 to amend the text of the East Gateway 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 - 12EPC -40062 OCTOBER 11, 2012 SECTOR PLAN AMENDMENT

1. Address the placement of signage. Since the intent of the amendment is to preserve the views, the signage should be set back along with the building or should be a monument style sign that does not interrupt the view.

2. Address mention existing lighting; the existing light poles do block the views, but are necessary for the safety of the public. The text should address additional lighting in or near the setback areas to promote public safety. Lighting could be low level, bollards to protect the view and provide a measure of safety.

3. Include provisions for properties made non-conforming by this amendment.

4. Clarify what can go into the landscaped area. If street furniture, low walls, transit shelters, pathways, or other things are allowed, this should be stated.

5. Address the type of landscaping that is required. Again, if the intent is to preserve views, the landscaping should be low and consist of small plants, shrubs and grasses. The plant materials should be primarily native species and low water use plants.

6. An analysis of the views should be performed in order to clarify the need and location for the setbacks. The view shed zone may need to be altered to the east or west depending on this analysis. The difference in setbacks from the north side to the south should also be addressed.
 7. The requirements for the EG-CAC only include a landscape buffer and do not address setbacks. The amendment should be clarified as to whether this is a 30 foot buffer and then the required setbacks or if 30 feet is the setback.
 8. The transition between the properties covered by the view shed zone and those not covered is not addressed. Since the setbacks will vary greatly, a transition should be considered, especially on the north side of Central where the regulation begins mid-block.
 9. Include a diagram with the setback language to clarify how the setback is meant to be configured.
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***Maggie Gould
Planner***

Notice of Decision cc list:

City Council Services

Roger Mikelson, Four Hills Neighborhood Association

Joseph Zmuda, 1605 Wagontrain Dr. SE, ABQ, NM 87123

Attachments

Page 11 of the Interim Design Regulations

Site photos

Letters of Concern or opposition

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Long Range Planning

CITY ENGINEER

Transportation Development Services

Traffic Engineering Operations

Hydrology

DEPARTMENT OF MUNICIPAL DEVELOPMENT

Transportation Planning

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

Reviewed no comments

City Forester

POLICE DEPARTMENT/PLANNING

EPC 1009414 is in the Northwest Area Command.

- No Crime Prevention or CPTED comments concerning the proposed Sector Development Plan/Phase II - Volcano Heights request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved as long as they comply with SWMD ordinance.

FIRE DEPARTMENT/PLANNING

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO