



**Environmental  
Planning  
Commission**

**Supplemental Staff Report**

Agenda Number: 4  
Project Number: 1001620  
Case #: 07EPC 00247  
Project Number: 1004831  
Case #: 07EPC 00248  
Project Number: 1005406  
Case #s: 07EPC 00249/ 07EPC 400086/  
07EPC 00250/ 07EPC 00251/ 07EPC 00253  
May 8, 2008

<b>Agent</b>	Planning Department
<b>Applicant</b>	City of Albuquerque
<b>Request(s)</b>	<b>Text Amendments to the City Comprehensive Zoning Code</b>  <b>Text Amendments to the Subdivision Ordinance</b>  <b>Text Amendments to the following plans: West Side Strategic Plan (including the adoption and insertion of the Southwest Albuquerque Strategic Action Plan in its entirety), the Southwest Area Plan, the Rio Bravo Sector Development Plan, the Tower/Unser Sector Development Plan, and the West Route 66 Sector Development Plan</b>
<b>Location</b>	Citywide for the Zoning Code and Subdivision Ordinance  The Southwest Albuquerque Strategic Action Plan encompasses all public and private property on both sides of and within the boundaries of the following four streets: Central Avenue on the north, Senator Dennis Chavez Boulevard on the south, Old Coors Road on the east, and Paseo del Volcan Boulevard on the west.
<b>Size</b>	Approximately 9970 acres

**Staff Recommendation**

*That a recommendation of WITHDRAWAL of 07EPC-00247 Text Amendment to the Comprehensive City Zoning Code (14-16-1) be ACCEPTED.*

*That a recommendation of WITHDRAWAL of 07EPC-00248 Text Amendment to the Subdivision Ordinance (14-14-1) be ACCEPTED.*

*That a recommendation of DEFERRAL for 60 days of 07EPC-00249 Text Amendment to the West Side Strategic Plan to include adoption and insertion of the Southwest Albuquerque Strategic Action Plan in its entirety be ACCEPTED.*

*That a recommendation of WITHDRAWAL of 07EPC-400086 Text Amendment to the Southwest Area Plan be ACCEPTED*

*That a recommendation of DEFERRAL for 60 days of 07EPC-00250 Text Amendment to the Rio Bravo Sector Development Plan be ACCEPTED.*

*That a recommendation of DEFERRAL for 60 days of 07EPC-00251 Text Amendment to the Tower/Unser Sector Development Plan be ACCEPTED.*

*That a recommendation of DEFERRAL for 60 days of 07EPC-00253 Text Amendment to the West Route 66 Sector Development Plan be ACCEPTED.*

**Staff Planner**  
**Paula Donahue, Senior Planner**

City Departments and other interested agencies reviewed this application from 12/10/2007 to 1/18/2008 and again after the February 14, 2008 hearing. Agency comments were used in the preparation of this supplemental staff report and begin on page 21.

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*Summary of Analysis*

**This is a supplemental staff report and should be read in conjunction with the original staff report of February 14, 2008.**

This request was originally heard at a special February 14, 2008 EPC hearing. The applicant, the City of Albuquerque Planning Department, presented a power point slide show to describe the contents of the *Southwest Albuquerque Strategic Action Plan*. Four members of the public spoke and EPC commissioners questioned both members of the public and the applicant concerning specific proposals in the Action Plan.

The EPC voted to defer this case for 90 days to another special EPC hearing on May 8, 2008. This deferral was intended to allow Planning Staff to address questions and comments from EPC commissioners and members of the public who spoke during the February 14 hearing. It was also intended to allow time to address comments sent by EPC commissioners after the February 14 hearing and comments contained in a letter written by William Allen that was submitted 48 hours prior to the February 14 hearing. Finally, it was intended to allow time for the DP Executive Committee to review and comment on proposed Subdivision Ordinance amendments.

Meetings were held with several representatives of City departments, the Bernalillo County Planning Department, and the Development Process Manual Executive Committee to prepare *Action Plan* clarifications or improvements to be considered by the Environmental Planning Commission.

1) The Development Process Committee met three times to discuss alternative amendments to the City Subdivision Ordinance. At the third meeting the committee voted to recommend not including City Comprehensive Zoning Code and Subdivision Ordinance amendments in the *Southwest Albuquerque Strategic Action Plan*. 2) Planning staff met with the City Open Space Division to clarify City plans for the Ceja and the Major Public Open Space acquisition process. 3) Planning staff met with the Bernalillo County Planning Department to discuss suggestions for protecting the Ceja and areas surrounding it. 4) Planning staff met with and received map corrections from the Department of Municipal Development and the Parks Department to ensure the accuracy of *Action Plan* maps and implementation charts.

Nine replacement maps and two additional maps are included in this Supplemental Staff Report. Additional maps include Ceja soil types, areas with 9% or greater slope, and all Southwest Albuquerque existing drainage facilities. Most *Action Plan* maps were redone to clarify or to correct information.

Based on the recommendation of the Development Process Manual Executive Committee and subsequent direction from the Planning Department Director to focus on Southwest Albuquerque by incorporating the City Comprehensive Zoning Code and Subdivision Ordinance proposals into the three Southwest Albuquerque sector development plans and by proposing supporting policies in the West Side Strategic Plan, the Planning Department requests a 60-day deferral. The Planning Department also requests withdrawal of the request to consider amendments to the City Comprehensive Zoning Code and Subdivision Ordinance. These amendments will follow as a separate request. Finally, the Planning Department requests withdrawal of the request to consider text amendments to the Southwest Area Plan. Rather, the *Action Plan* will contain suggestions for Bernalillo County to consider.

***NEW INFORMATION SINCE THE FEBRUARY 14, 2008 HEARING***

*Staff received comments from the Planning Commission after the February 14 EPC hearing which are in regular text below. Staff responses are in **bold italic**.*

1. Regarding the Ceja, Open Space, and trail connectivity... It might be appropriate to have a finding that notes that the Ceja is an "Open Space" treasure unique to the Albuquerque's SW. Its boundaries need definition, it needs formal designation as Open Space to be acquired, archeological sites need identification, trails need to be defined and connected throughout, and plans implemented to acquire it before development encroaches. Can a note be added about funding schedule urgency and a cutoff date?

Is the following "condition" appropriate to add somewhere?

Any Residential/Center development contiguous to the Ceja shall provide an appropriate buffer zone to the Ceja, establish view corridors, provide pedestrian and bicycle interconnectivity from the residential and/or Center development to access ingress and egress points and trails in the Ceja, and provide/protect wildlife corridors within the buffer zone and/or the Ceja itself.

***Since the February 14 EPC hearing, two meetings were held to discuss protecting the Ceja, designating Major Public Open Space, and providing a transition to Major Public Open Space through the provision of view corridors and lower density development: one with the City Open Space Division and another with the Bernalillo County Planning Department.***

***The City Open Space Division is charged with Major Public Open Space designation, acquisition, and maintenance within and outside municipal limits. The Division has a prescribed method for designating and acquiring Major Public Open Space. Because of pressures to use their limited funding to purchase land in northwest Albuquerque, they may not be able to consider purchase of the Ceja until 2013. Ceja soil is easily eroded, archeological sites exist, and slopes may prevent development in the most sensitive areas in the interim. The best scenario would be no private development until the Ceja area is definitively surveyed to provide a continuous piece of future Major Public Open Space. In the interim, the County should direct development away from sensitive areas. A memorandum from the City Open Space Division is found in the Agency Comments of this Supplemental Staff Report. And a twin set of maps on one page showing slopes and soil types for the Ceja and surrounding areas is attached to this Supplemental Staff Report.***

***The Bernalillo County Planning Department oversees amendments to the Southwest Area Plan. The Area Plan controls land use and development for portions of southwest Bernalillo County outside municipal boundaries. The Bernalillo County Planning Department suggests that the Southwest Strategic Action Plan recommend that Bernalillo County consider amending the Southwest Area Plan to add development controls based on the Environmental Planning***

*Commission's general suggested language and a stipulation that when land is annexed into municipal limits that an annexation agreement require adherence to design guidelines in the Southwest Area Plan.*

2. Walls around neighborhoods mimic prison compounds. In the La Cueva Sector Plan requirements state that walls must be crenellated or curved or pattered etc, and pedestrian openings must occur every 300 feet, cookie cutter repeating house styles are not permitted, mix of styles is encouraged etc, much like the many excellent standards you propose.

The walled streets and communities are a real problem for our city and our citizens.

*During the next deferral, Subdivision Ordinance amendments recommended in the February 14 submittal will be removed from the Southwest Albuquerque Strategic Action Plan and added to proposed text amendments for the Rio Bravo, Tower Unser, and West Route 66 Sector Development Plans. Subdivision Ordinance amendments will be submitted to the EPC in a separate application after they are reviewed citywide. The Planning Department will submit Zoning Code and Subdivision Ordinance amendments to the EPC at a later date.*

3. Staff Report Recommendations

. Pg 14 II.C.9, Staff analysis... not sure this addresses the "goal" to preserve natural and built characteristics, and the cultural and historical features.

*The Action Plans emphasis on providing Major Public Open Space and trails that access it along the area's arroyos would preserve the area's natural characteristics.*

. Pg 15 II.D.3 Energy management....adequate and economical supply of energy, and use of alternative and renewable energy sources. Doesn't seem like pedestrian trails and bike paths really address this goal.

*Providing a transportation system that supports pedestrian locomotion rather than gas-powered vehicles was the point of including this Policy. It probably isn't stated clearly enough in the February 14, 2008 Staff Report.*

. Pg 17 II.D.9 Public Safety. Supporting walking and biking and improving street design is a weak argument

*Safe walking routes with street intersections that parents, children and the elderly can safely navigate is a basic public safety. Presently, walking in Southwest Albuquerque is dangerous. People say they drive kids to school two blocks away... not because they are worried about abductions, but because the street intersections are too dangerous to cross.*

4. Provide more definition of natural corridors in the Plan, as it is difficult to tell whether the trails shown provide any kind of natural connection in the east-west direction. I think this is something that is very important to provide in the planning process, and it doesn't seem to get adequate attention. It sounds like there are such corridors, but it is not apparent from the maps provided, and it is an important issue to bring to the attention of the public, as well as the City Council.

*After February 14, AGIS prepared a new map with information from AMAFCA (Albuquerque Metropolitan Area Flood Control Authority) showing all of the natural arroyos, channelized arroyos, dams, and other flood control facilities in Southwest Albuquerque. Existing and proposed trails share the rights-of-way of most of these facilities in accordance with the City's "Facilities Plan for Arroyos". Many of the arroyos have been placed in concrete channels, but some are designated Open Space Arroyos and are intended to either be left in their natural state or be designed naturalistically. Most Open Space Arroyos are within or approaching Major Public Open Space lands.*

*The AMAFCA map accompanies a replacement Existing and Proposed Parks, Trails, and Major Public Open Space Map that now shows existing and proposed trail extensions outside the Plan area to illustrate trail continuity and connection to the City Trail system. (See maps in "Attachments".)*

5. Regarding the rear yard walls, provide a more detailed discussion of the option to such designs, as I think we will continue to get the same thing unless a good option that addresses the needs served by this configuration is proposed. That way, the plan will be addressing Mr. Allen's concerns.

*Some design options were proposed for inclusion in the Subdivision Ordinance on page 3-24 of the December 6, 2007 Action Plan draft. They suggest designing streets as traditional parkways or boulevards that are conducive to facing residential uses on them, buffering residential buildings from vehicular traffic with landscaping and increased building setbacks, or providing driveway access to residential lots via rear alleys or frontage roads. There is also the cheapest solution to face side yards toward collector and arterial streets. These subdivision and street design recommendations can be added to the three sector development plan amendments.*

6. Address Bill Allen's points one - by - one. don't necessarily adjust the plan; just report back publicly (orally is fine) with point-by-point review.

*This Supplemental Staff Report includes responses to Mr. Allen's comments.*

7. Consider adding an explanatory note on the map showing Major Public Open Space is a study area for consideration by the City Open Space Division.

*A note has been added to the amended “Existing and Proposed Southwest Albuquerque Public Parks, Trails, and Major Public Open Space” map to indicate that the diagonally striped area over and around the Ceja landform is a Major Public Open Space study area.*

8. Page 3-16 & 18 (elsewhere if applicable?) Delete references to the Uniform Building Code, which is no longer enforced; replace it with "Current Building Code". (as of today it is the International Building Code, or IBC).

*The Plan will be amended to say, “currently adopted Building Code”.*

9. Page 3-15,16, & 19 (elsewhere if applicable?) Strike prohibition to activities in a tent.

*The proposed Zoning Code amendments will no longer be a part of the Southwest Albuquerque Strategic Action Plan. The Activity Center zones proposed for the three Sector Development Plans, however, can drop this prohibition and instead list tents as a conditional use. The Planning Department will submit Zoning Code amendments to the EPC at a later date.*

10. Page 3-17 & 20 Consider wording that allows fences with up to 20% plain unfinished CMU. "Unfinished concrete block" in the Action Plan’s proposed amendments to Zoning Code might prohibit tinted but unfinished block, or honed block, which is natural...see the library on N. 2nd street which has almost geological patterns of lines of block of many colors).

*This change will be made to proposed zoning amendments to the three southwest area sector development plans. It will also be made to the Zoning Code amendments that the Planning Department will submit to the EPC at a later date.*

11. Page 3-15 & 18 in the list of permissive uses, 3.d. Consider a threshold permitting Arts & Crafts and small manufacturing businesses that employ no more than 5, 7 or 10 people.

*It is difficult for Zoning Enforcement to monitor the number of employees in establishments. However, the S-R zone of the Sawmill/Wells Park Sector Development Plan does list a cap of no more than five employees present at any given time for nonresidential uses in this primarily residential zone. A cap can certainly be added to the activity center zoning for live/work establishments.*

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*The following comments and questions are excerpted from a letter that was received from William Allen 48 hours prior to the February 14 EPC hearing. The entire letter is included in the attachments to this Supplemental Staff Report.*

I believe that the overall intent of the Action Plan is commendable - to bring a greater sense of complete neighborhoods to the Southwest Mesa area and to identify potential community and neighborhood centers. I believe that the Plan has evolved over the past year and now represents a significant improvement over its original draft. However, there remain multiple areas of concern and lack of clarity and specificity in the Plan.

#### Community and Neighborhood Activity Centers

1. While the Plan calls for Activity Centers to be designated in the Southwest, the proposed new zoning districts CAC and NAC would be applicable throughout the City. Solicit neighborhood and development community input to review the details of the proposed new zones.

***NAIOP and other citywide organizations were notified throughout the Southwest Albuquerque Strategic Action Plan process and were informed that the Action Plan would be recommending ordinance amendments that would have citywide application. In addition, earlier drafts of the Action Plan were posted on the City web and advertised as citywide amendment requests in the legal ad for EPC. NAIOP has been on this planning project mailing list for the project almost from the outset. The new zoning districts will now be proposed as text amendments to the three Southwest Albuquerque sector development plans rather than as text amendments to the Comprehensive City Zoning Code.***

2. The Action Plan should clearly specify that the new zoning districts are options initiated by the property owner, and are not mandated in designated activity centers. All references to use of the new zones should clearly state their optional nature.

The Plan is not consistent in its language with respect to the optional application of these zoning districts: p. 2-12, 7.”..zones may be applied..”; p. 2-15, 2. “Selectively rezone designated activity center sites”...; p. 3-3 “...for possible future community and neighborhood activity center locations.”; p.3-5 “the City should assign appropriate zoning district designations to community and neighborhood activity...” p.3-13 “Community and Neighborhood Activity Center mixed use zoning should be applied to designated...”).

***The zoning districts are optional. Placing them in the Zoning Code would allow property owners or developers to choose them if they wish or use traditional zoning or form based zoning in the future. Placing them in the list of allowable zoning districts in the three southwest sector development plans allows people to choose them for activity centers within sector development plan boundaries. The Action Plan only suggests that a community activity center zoning district be tested in a pilot area where there is City Metropolitan Redevelopment involvement at Central and Unser.***

*Section 2 of the Action Plan lays out a strategy for plan implementation. It is a discussion, not regulatory.*

*Page 2-12 #7 proposes that the three SW Albuquerque sector development plans be amended to list the new zones as permissible so that people could apply them if they wish.*

*Page 2-15 #2 proposes that some designated activity centers be selectively rezoned to initiate activity center development. It does not say which ones. Zone application would be separate actions brought to the EPC case by case.*

*Section 3 of the Action Plan contains proposed amendments to ordinances that would apply citywide and to existing Sector Development Plans and Area Plans that apply to the West side or just to the southwest.*

*Page 3-3 contains an amendment to the West Side Strategic Plan. It lists the locations of community and neighborhood activity centers proposed in the Action Plan.*

*Page 3-5 contains another amendment to the West Side Strategic Plan that is a policy statement saying that the City should assign appropriate zoning district designations to community and neighborhood activity centers to encourage employers to locate in accessible mixed use areas. This would still need to be done case by case.*

*Page 3-13 This again, is a “should” statement for applying mixed use zoning in the Community Activity Center and neighborhood activity centers within the Rio Bravo Sector Development Plan area. This mixed-use zoning would make this area development more cohesively.*

3. The intent of the Action Plan is to create centers with a mix of uses and densities – this can be accomplished with multiple existing zoning districts, for example C-1, O-1, and RT located at those designated centers. This would not be unlike the optional use of Form Based Codes to accomplish the same objective.

*Although this may be done if the property owner or developer intermixed small lots of different zoning districts found in old neighborhoods on the City’s east side... it is a less flexible way to achieve a mixture and often results in several acres of one zoning district placed adjacent to another of several acres.*

4. The Plan advocates higher density housing within the activity centers; which is appropriate, however, it appears that the Plan’s language restricts that higher density housing to “multi-family residential” (See p.3-4 Policy 3.69a.) and prohibits housing “one per lot” (See p. 3-15 (A)(2)). If the goal is higher density, and hence more affordable housing, then set a minimum density within the activity centers but don’t preclude the creative use of individually plated town homes (duplex, triplex, etc.). Set a minimum density for housing in the centers (i.e. 7 du/ac) and allow individually plated lots.

*Page 3-4, a proposed amendment to the West Side Strategic Plan adds Policy 3.69a. It says “Support the location of mixed-use development that includes multi-family residential*



*developments within designated Activity Centers in the Rio Bravo Community.” It does not preclude other types of housing, but specifically states that these are appropriate places to locate multi-family housing. This policy also exists in the Comprehensive Plan II.B.7.i.*

*Page 3-15 (A)(2) lists some of the proposed permissive uses in the proposed Community Activity Center Zoning District. The uses are those “listed in the R-2 Residential Zone excepting house one per lot. This does not refer to “housing” one per lot, but just a single-family detached house as defined in the Zoning Code. Townhouses are encouraged.*

#### Repetition of Housing Type

The Action Plan recommends limiting repetition of housing types within specific existing zoning R-1, R-T and R-LT districts (p.2-7 and 2-12, 8., p.3-2). While this limitation may be acceptable, Plan’s recommendation on specific language as to the applicability of this change is vague. This is another instance where the proposed changes in the zone districts are applicable citywide and hence requires careful notice and consideration citywide.

***These text amendments to the Comprehensive City Zoning Code are being withdrawn in order to discuss them citywide.***

Proposed language on p.3-20 adding 14-16-2-6 R-1 (H) requires that “no more than 25 contiguous gross acres shall be designated R-1. Each 25 acres with an R-1 designation shall be surrounded in all directions by land uses that are not detached houses, one per lot.” What does “designated“ mean?

***“Designated” means assignment of the zoning district.***

If an existing platted tract of land greater than 25 acres is currently zoned R-1 and is currently annexed in the City, what is the effect of the proposed amendment? The only current allowable use within an R-1 zone is detached houses. If the intent of the amendment is to regulate newly zoned, rezoned and /or annexed land after the adoption of the amendment (which is appropriate), then the language must be clarified accordingly.

Specify that the R-LT and RT zone amendments (p.3-21) apply to newly zoned, rezoned, and/or annexed properties. An additional clarification is required to the language “For lots subdivided after City adoption of this regulation.”

***All new regulations apply to new development, and in this case, land which is not currently zoned unless the ordinance specifies that it is retroactive. This recommendation will be checked with the City Legal Department to ensure consistency with established practice.***

What is the definition of “subdivided “? This must be clarified to state “For lots which have not received Preliminary Plat prior to the adoption of this regulation” given that the Preliminary Plat is generally accepted as the contractual basis for proceeding with the subdivision process in the City. This change in language should also be made in other sections of the Plan (p.3-11).

***This recommendation will be checked with the City Legal Department to ensure fairness and consistency with established practice.***

### Residential Subdivision Design

The Plan recommends a number of changes to the Subdivision Ordinance and to the Development Process Manual (see pp 3-23 through 3-31).

There have been significant recent changes by ordinance and regulations to guide enhanced pedestrian design over the past two years. Specifically, the City passed an ordinance last year that established perimeter wall design criteria, which, among other things, reduced the allowable height of walls adjacent to public rights of way – thus minimizing the “corridor” effect of such walls.

***The rear yard wall amendments to the Zoning Code were adopted in 2005. While their prescribed range of designs and heights may lessen the corridor effect, they still allow five-foot high opaque walls. These solid boundaries do not add any active uses to the public right-of-way.***

The DPM Executive Committee reviewed and commented on amendments to the Development Process Manual which made changes to 1) increase right of way widths to provide for more space between this edge of curb and any adjacent wall, 2) limit the perimeter walls along both sides of a street, 3) reduce block length, and 4) specify and set maximum spacing for pedestrian connections between neighborhoods and adjacent streets.

***Amendments to the Sidewalk Ordinance and Subdivision Ordinance were adopted in 2003 and Development Process Manual regulations were adopted subsequently. The amendments apply primarily to one classification of street, the Major Local Street and were promulgated to offer a development template that supports walking. The Action Plan proposes the same types of development design changes for local streets, collector streets and some arterial streets.***

The recommended changes to the Subdivision Ordinance and Development Process manual are interconnected and detailed. There are instances in the recommended changes that are vague as well as contradictory. For example p. 3-23 (4) which specifies maximum spacing of 600 feet for vehicular connections to adjacent subdivision and p.3-31, 5.c., which specifies a maximum vehicular connection spacing of 1,200 feet.

*The first reference on page 3-23(4) is a proposed amendment to the Subdivision Ordinance. It says "To ensure future street connections to contiguous developable parcels, a proposed subdivision shall provide local street connection stubs along each boundary that abuts potentially developable land. These connection stubs shall occur at intervals no greater than 600 feet and shall be temporary until connection to adjoining streets can be made." These stubs are intended to connect adjoining subdivisions.*

*The second reference on page 3-31, 5.c. is a proposed amendment to the Development Process Manual (DPM). These are just for discussion. All DPM guidelines need to be consistent with the Subdivision Ordinance and other City ordinances. This DPM proposal provides more detail than the Subdivision Ordinance recommendation. It still asks for 600 foot intervals for connection to adjoining land, but specifies that pedestrian accesses are spaced a minimum of 600 feet and that vehicular connection may be spaced 1200 feet. This language does not conflict with the Subdivision Ordinance recommendation in the Southwest Albuquerque Strategic Action Plan.*

Recommended Subdivision ordinance changes would "discourage" rear yards and/or rear building facades facing streets. This limitation is problematic given the hierarchy of street designations used in transportation planning. Certain streets are designated for higher volume traffic and these streets present traffic safety issues if houses front such street with driveway access. This involves technical issues that were addressed by the DPM Executive Committee (composed of City Planning, Public Works, and private engineers and developer representatives) and need to be revisited by the DP Executive Committee.

*The Action Plan suggests that streets be redesigned and that adjacent development be redesigned. Wide streets with fast traffic promote enclosed developments and enclosed developments perpetuate streets without walkers. Both need to change the current street and development pattern that has helped make whole portions of the City into places that do not support walking and the presence of people in the public realm.*

The recommendations also propose that the DPM eliminate use of roll curbing (See p. 2-33 and. 3-2) that would result in an additional cost to the typical single-family lot of approximately \$700 due to the need for a driveway curb cut. This was an item that was rejected several years ago by a joint task force seeking to keep affordability in home ownership. I don't believe that adding additional costs to all new homeowners should be the response to the illegal parking habits of the few.

*Street design guides behavior because it sets up a hierarchy of expectations. Rolled curbs may be cheaper, but their application on streets developed with many small lots is too casual for a crowded environment. Roll or estate curbs were originally used on streets with few homes on large lots where an ordered environment was not so important.*

The proposed language for the Subdivision Ordinance and DPM modifications would most appropriately be deferred and forwarded to the DPM Executive Committee for consideration, recommendation and if appropriate, amendment to the DPM through their administrative process.

*On February 14, 2008, the EPC asked the DPM Executive Committee to study and comment on the proposed amendments to the Subdivision Ordinance. The Action Plan specifically notes that the proposed amendments to the DPM are just for information and would need to follow a different adoption process.*

*Some DPM Executive Committee members were interested in amending the proposed Subdivision Ordinance language. Planning Staff made complete changes to the proposed language twice. According to the minutes for the third meeting on April 16, 2008 “the Committee did not go into the details of the proposed amendments but rather spent their time discussing the broader issues associated with the Action Plan. The DPM Committee voted to NOT SUPPORT the proposed amendments as written and recommended that the Planning Department solicit broader input regarding the proposed amendments to the Subdivision Ordinance and the Zoning Code. The Committee also agreed to review the proposed amendments to the DPM on their own time.*

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*The following comments are from the April 16, 2008 DPM Executive Committee Meeting*

1. The *Action Plan* proposes amendments to the Zoning Code and the Subdivision Ordinance that have citywide implications. The Committee expressed concern that since the amendments are in a plan entitled “Southwest Albuquerque”, the public might mistakenly assume that the Action Plan only involves development in the southwest part of Albuquerque. Dale Dekker claimed he was unaware of the ordinance proposals contained in the Action Plan. This lack of knowledge on the part of Mr. Dekker raised concerns for the rest of the committee who felt that other stakeholders might not be aware of the citywide changes proposed. The Committee agreed that the broad scope of the proposed amendments have not been fully distributed, addressed, considered, or vetted in the broader community and that the amendments need to be reviewed by the broader community.

*The Planning Department invited NAIOP to work with Planning Staff on changes to the Action Plan during the summer of 2007 and a small committee chosen through NAIOP including Mr. Allen participated. Several changes were made and are reflected in the Action Plan presented to the EPC at the February 14, 2008 EPC hearing. Mr. Dekker did not participate in the summer of 2007.*

2. The Committee believes that the text amendments to the Ordinances and the policy amendments to the various sector development plans should not be heard concurrently as proposed in the Action Plan. Instead, the Committee recommends that the goals and policies for creating “walkable” communities should be addressed first to get the necessary “buy-in”. Then, as a follow-up action, the appropriate text amendments would be addressed and approved.

*In response to the DPM Executive Committee recommendation, the Planning Director has directed Planning Staff to ask for withdrawal of amendments to ordinances that apply citywide until they can be discussed citywide and brought back to EPC as a separate item. Planning Staff has also been directed to ask the EPC for a deferral to consider a recommendation of adoption of the Southwest Albuquerque Strategic Action Plan. This would allow Planning Staff time to revamp and republish the Plan to include the changes recommended in the Conditions of the February 14, 2008 Staff Report, to remove citywide ordinance references throughout the Plan and to rephrase some of the proposed ordinance amendments so that they can be recommended as text amendments to the three Southwest Albuquerque sector development plans.*

- Several members agree that design standards for roads, walls, subdivisions, etc. should be in the DPM and not in the Subdivision Ordinance for legal and practical reasons.

*The issue discussed was flexibility. The Development Process Manual guides development. The Subdivision Ordinance is law and would require hearings each time it needed amendment.*

- Some members feel that the proposed amendments are not necessary since the DPM was recently amended to incorporate “walkable” goals – i.e. the requirement for shorter block lengths.

*As discussed in the responses to Mr. Allen’s letter, changes to the Subdivision Ordinance and DPM adopted in 2003 and 2005 for shorter block lengths and other subdivision designs now apply only to Major Local streets. The currently proposed amendments to the Subdivision Ordinance and DPM would apply to most street classifications so that a network of streets where walking is supported would be possible.*

**ACTION TAKEN:** The DPM Committee voted to NOT SUPPORT the proposed amendments as written and recommends that the Planning Department solicit broader input regarding the proposed amendments to the Subdivision Ordinance and the Zoning Code. The Committee also agreed to review the proposed amendments to the DPM on their own time.

*The minutes from the three DPM Executive Committee meetings and Planning Staff’s Subdivision Ordinance amendments submittal to the Committee are attached to this Supplemental Staff Report*

#### **AGENCY COMMENTS**

Since February 14, 2008 Planning Staff received additional comments from the Open Space Division that clarify the process for attaining Major Public Open Space. These comments are located at the end of this Supplemental Staff Report.

#### **NEIGHBORHOOD/PUBLIC CONCERNS**

No new neighborhood or public comments were received.

## **CONCLUSIONS**

Based on the recommendation of the Development Process Manual Executive Committee and subsequent direction of the Planning Department Director, staff is requesting a 60-day deferral for Project #1005406, Case #s 07EPC-00249 Text Amendment to the West Side Strategic Plan, 07EPC-00250 Text Amendment to the Rio Bravo Sector Development Plan, 07EPC-00251 Text Amendment to the Tower/Unser Sector Development Plan, and 07EPC-253 Text Amendment to the West Route 66 Sector Development Plan and withdrawal of Project #1001620, Case #07EPC-00247 Text Amendment to the Comprehensive City Zoning Code; Project #1004831, Case #07EPC-00248 Text Amendment to the Subdivision Ordinance; and Project # 1005406, Case # 07EPC-400086 Text Amendment to the Southwest Area Plan.

Over the next 60 days staff will focus on Southwest Albuquerque by incorporating the City Comprehensive Zoning Code and Subdivision Ordinance proposals into the three Southwest Albuquerque sector development plans that fall within the Study Area of the *Action Plan* and by proposing supporting policies for the *West Side Strategic Plan*. During the deferral period Planning Staff will also revamp and republish the *Action Plan* to include changes recommended in the Conditions of Approval in the February 14, 2008 Staff Report and remove citywide ordinance references throughout the *Action Plan*.

The proposed amendments to the City Comprehensive Zoning Code and Subdivision Ordinance are temporarily withdrawn in order to garner citywide support and will be brought back to the EPC as a separate item at a later date. Finally, the Planning Department requests withdrawal of the request to consider text amendments to the *Southwest Area Plan*. Rather, the Action Plan will contain suggestions for Bernalillo County to consider.

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**FINDINGS - 07EPC-00247 Text Amendment to the Comprehensive City Zoning Code (14-16-1)**

1. The request to the EPC on February 14, 2008 was that a recommendation of APPROVAL of 07EPC-00247 Text Amendment to the Comprehensive City Zoning Code be forwarded to City Council.
2. On February 14, 2008, Planning Staff presented the *Southwest Albuquerque Strategic Action Plan* to the EPC at a public hearing. Public testimony was taken and questions were asked of public participants and Planning Staff.
3. The EPC deferred making a decision on the *Action Plan* until May 8, 2008 in order to allow Commissioners to email more questions to Staff, to allow staff time to have meetings with other agencies, to fully respond to questions from Commissioners and the public, to improve the maps in the Plan, and to allow the Development Process Manual (DPM) Executive Committee to review and comment on Subdivision Ordinance amendment proposals.
4. The DPM Executive Committee voted to not support proposed citywide amendments proposed in the *Southwest Albuquerque Strategic Action Plan* and recommends that the Planning Department solicit broader input regarding the proposed amendments to the Subdivision Ordinance and the Comprehensive City Zoning Code.
5. In response to the DPM Executive Committee, the Planning Director directed Planning Staff to ask for withdrawal of amendments to ordinances that apply citywide until they can be discussed citywide and brought back to EPC as a separate item. Planning Staff has also been directed to ask the EPC for a deferral to revise the *Southwest Albuquerque Strategic Action Plan* accordingly to remove all proposed text amendments to citywide ordinances.
6. A withdrawal of this request will allow Planning Staff time to notify, discuss, and receive comments from the community at large and special interest groups about proposed text amendments to the Comprehensive City Zoning Code.

**RECOMMENDATION - WITHDRAWAL of 07EPC-00247 Text Amendment to the Comprehensive City Zoning Code (14-16-1), based on the preceding Findings.**

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**FINDINGS - 07EPC-00248 Text Amendment to the Subdivision Ordinance (14-14-1)**

1. The request to the EPC on February 14, 2008 was that a recommendation of APPROVAL of 07EPC-00248 Text Amendment to the Subdivision Ordinance be forwarded to City Council.
2. On February 14, 2008, Planning Staff presented the *Southwest Albuquerque Strategic Action Plan* to the EPC at a public hearing. Public testimony was taken and questions were asked of public participants and Planning Staff.
3. The EPC deferred making a decision on the Plan until May 8, 2008 in order to allow Commissioners to email more questions to Staff, to allow staff time to have meetings with other agencies, to fully respond to questions from Commissioners and the public, to improve the maps in the *Action Plan*, and to allow the Development Process Manual (DPM) Executive Committee to review and comment on Subdivision Ordinance amendment proposals.
4. The DPM Executive Committee voted to not support proposed citywide amendments proposed in the *Southwest Albuquerque Strategic Action Plan* and recommends that the Planning Department solicit broader input regarding the proposed amendments to the Subdivision Ordinance and the Comprehensive City Zoning Code.
5. In response to the DPM Executive Committee, the Planning Director directed Planning Staff to ask for withdrawal of amendments to ordinances that apply citywide until they can be discussed citywide and brought back to EPC as a separate item. Planning Staff has also been directed to ask the EPC for a deferral to revise the *Southwest Albuquerque Strategic Action Plan* accordingly to remove all proposed text amendments to citywide ordinances.
6. A withdrawal of this request will allow Planning Staff time to notify, discuss, and receive comments from the community at large and special interest groups about proposed text amendments to the Subdivision Ordinance.

**RECOMMENDATION - WITHDRAWAL of 07EPC-00248 Text Amendment to the Subdivision Ordinance (14-14-1), based on the preceding Findings.**

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***FINDINGS - 07EPC-00249 Text Amendment to the West Side Strategic Plan to include adoption and insertion of the Southwest Albuquerque Strategic Action Plan in its entirety***

1. The request to the EPC on February 14, 2008 was that a recommendation of APPROVAL of 07EPC-00249 Text Amendment to the *West Side Strategic Plan* to incorporate the *Southwest Albuquerque Strategic Action Plan* in its entirety be forwarded to City Council.
2. On February 14, 2008, Planning Staff presented the *Southwest Albuquerque Strategic Action Plan* to the EPC at a public hearing. Public testimony was taken and questions were asked of public participants and Planning Staff.
3. The EPC deferred making a decision on the Plan until May 8, 2008 in order to allow Commissioners to email more questions to Staff, to allow staff time to have meetings with other agencies, to fully respond to questions from Commissioners and the public, to improve the maps in the *Action Plan*, and to allow the Development Process Manual (DPM) Executive Committee to review and comment on Subdivision Ordinance amendment proposals.
4. The DPM Executive Committee voted to not support proposed citywide amendments proposed in the *Southwest Albuquerque Strategic Action Plan* and recommends that the Planning Department remove these amendments from the *Action Plan*.
5. In response to the DPM Executive Committee, the Planning Director directed Planning Staff to ask the EPC for a deferral to revise the *Southwest Albuquerque Strategic Action Plan* accordingly to remove all proposed text amendments to citywide ordinances and to incorporate some citywide ordinance language concerning activity center zoning and subdivision design into the three Southwest Albuquerque sector development plans.
6. A 60-day deferral will allow Planning Staff time to edit, rewrite portions, and republish the *Southwest Albuquerque Strategic Action Plan* to include changes recommended in the Conditions of the February 14, 2008 Staff Report, to remove citywide ordinance references throughout the *Action Plan* and to rephrase some of the proposed ordinance amendments so that they can be recommended as amendments to the three Southwest Albuquerque sector development plans and supportive policies in the West Side Strategic Plan.

***RECOMMENDATION - DEFERRAL of 07EPC-00249, Text Amendment to the West Side Strategic Plan, for 60 days, based on the preceding Findings.***

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**FINDINGS - 07EPC-400086 Text Amendment to the Southwest Area Plan**

1. The request to the EPC on February 14, 2008 was that a recommendation of APPROVAL of 07EPC-40086 Text Amendment to the *Southwest Area Plan* be forwarded to City Council.
2. On February 14, 2008, Planning Staff presented the *Southwest Albuquerque Strategic Action Plan* to the EPC at a public hearing. Public testimony was taken and questions were asked of public participants and Planning Staff.
3. The EPC deferred making a decision on the Plan until May 8, 2008 in order to allow Commissioners to email more questions to Staff, to allow staff time to have meetings with other agencies, to fully respond to questions from Commissioners and the public, to improve the maps in the Plan, and to allow the Development Process Manual (DPM) Executive Committee to review and comment on Subdivision Ordinance amendment proposals.
4. Meetings with City Legal Department Staff and the Bernalillo County Planning Director indicate that Bernalillo County initiates and approves amendments to the Southwest Area Plan since its policies govern development outside municipal limits.
5. The Bernalillo County Planning Director requested that proposals for the *Southwest Area Plan* continue to be included in the *Southwest Albuquerque Strategic Action Plan* as recommendations that the County may consider pursuing.
6. A withdrawal of this request will allow Planning Staff to continue to include suggestions for the *Southwest Area Plan* in the *Action Plan* for Bernalillo County to pursue if they wish.

**RECOMMENDATION - WITHDRAWAL of 07EPC-400086 Text Amendment to the Southwest Area Plan, based on the preceding Findings.**

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**FINDINGS - 07EPC-00250 Text Amendment to the Rio Bravo Sector Development Plan, 07EPC-00251 Text Amendment to the Tower/Unser Sector Development Plan, and 07EPC-00253 Text Amendment to the West Route 66 Sector Development Plan.**

1. The request to the EPC on February 14, 2008 was that a recommendation of APPROVAL of 07EPC-00250 Text Amendment to the *Rio Bravo Sector Development Plan*, 07EPC-00251 Text Amendment to the *Tower/Unser Sector Development Plan*, and 07EPC-00253 Text Amendment to the *West Route 66 Sector Development Plan* be forwarded to City Council.
2. On February 14, 2008, Planning Staff presented the *Southwest Albuquerque Strategic Action Plan* to the EPC at a public hearing. Public testimony was taken and questions were asked of public participants and Planning Staff.
3. The EPC deferred making a decision on the Plan until May 8, 2008 in order to allow Commissioners to email more questions to Staff, to allow staff time to have meetings with other agencies, to fully respond to questions from Commissioners and the public, to improve the maps in the Plan, and to allow the Development Process Manual (DPM) Executive Committee to review and comment on Subdivision Ordinance amendment proposals.
4. The DPM Executive Committee voted to not support proposed citywide amendments proposed in the *Southwest Albuquerque Strategic Action Plan* and recommends that the Planning Department remove these amendments from the Action Plan.
5. In response to the DPM Executive Committee, the Planning Director directed Planning Staff to ask the EPC for a deferral to revise the *Southwest Albuquerque Strategic Action Plan* accordingly to remove all proposed text amendments to citywide ordinances and to include zoning and subdivision design proposals in text amendments for the three Southwest Albuquerque sector development plans.
6. A 60-day deferral will allow Planning Staff time to edit, rewrite portions, and republish the *Southwest Albuquerque Strategic Action Plan* to include changes recommended in the Conditions of the February 14, 2008 Staff Report, to remove citywide ordinance references throughout the *Action Plan* and to rephrase some of the proposed ordinance amendments so that they can be recommended as amendments to the three Southwest Albuquerque sector development plans and supportive policies in the *West Side Strategic Plan*.

**RECOMMENDATIONS**

**DEFERRAL of 07EPC-00250, Text Amendment to the Rio Bravo Sector Development Plan, for 60 days, based on the preceding Findings.**

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**DEFERRAL of 07EPC-00251, Text Amendment to the Tower/Unser Sector Development Plan, for 60 days, based on the preceding Findings**

**DEFERRAL of 07EPC-00253, Text Amendment to the West Route 66 Sector Development Plan, for 60 days, based on the preceding Findings.**

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Paula Donahue, AICP  
Senior Planner

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***Attachments:***

***1. New and Replacement Maps:***

***Southwest Albuquerque Existing Land Use***

***Southwest Albuquerque Existing City of Albuquerque Zoning***

***Southwest Albuquerque Existing Bernalillo County Zoning***

***Proposed Network of Southwest Albuquerque Activity Centers***

***Existing and Proposed Southwest Albuquerque Facilities***

***Existing and Proposed Southwest Albuquerque Public Parks, Trails, and Major Public Open Space***

***Southwest Albuquerque Drainage Facilities***

***Ceja Area Soil types and Slopes Greater than 9%***

***Southwest Albuquerque Existing and Potential Retail Locations***

***Southwest Albuquerque Existing Bus Routes***

***Existing and Proposed Southwest Albuquerque Street Network***

***2. Minutes and staff proposals from three DPM Executive Committee meetings***

***3. February 11, 2008 letter from Mr. William Allen***

**AGENCY COMMENTS**

*City Open Space Division*

From Lewis, James L. on March 28, 2008

Attached are comments from the OSD. Also, there are no changes needed to the map that is currently in the draft plan. That map is a good representation of what would most likely become MPOS and is adequate for the Plan. However, as time permits the acquisition of such land will inevitably change the form and property boundaries of the Ceja that actually becomes MPOS. Therefore, the map will have to be amended as the Plan is amended in future years. The important thing to remember is that once the Ceja is identified in the Plan, the City will have more power to uphold what is stated in the Plan during planning hearings and in other cases.

The Ceja is a unique geological landform located on the eastern edge of the west mesa that should be acquired and included into the Major Public Open Space network. The Ceja should not be developed for six main reasons.

- 1. It is a significant drainage landform**
- 2. Poor soils for development**
- 3. Steep slopes**
- 4. There have been cultural resources documented in the area and the property may be of significant cultural value due to its close proximity to Petroglyph National Monument and Isleta Pueblo**
- 5. There is a need for recreational and sustainable trails in this area as the region develops and becomes populated. Developing the Ceja would eliminate this opportunity.**
- 6. Preservation of the view shed**

Development controls should be utilized to protect this land from future development and should be outlined in the Southwest Albuquerque Strategic Action Plan. Development in Southwest Albuquerque may occur faster than the City can acquire the Ceja. Therefore, development controls and other development limiting planning methods should be utilized to restrict high impact developments on proposed Major Public Open Space lands. Such methods include but are not limited to:

- 1. Designate the area as a special zoning district that only allows for low impact uses, such as light recreation. In this case no development or building permits would be allowed.**
- 2. The physical character of the Ceja landform can naturally help limit major development by the composition of the soils. One dominant soil is LtB near the crest of the Ceja. LtB**

soil is a Laten Sandy Loam occurring on 1-5% slopes and is considered poor for development. The second dominant soil type makes up the steeper slopes of the Ceja and is known as BKD. BKD is a Bluepoint-Kokan Association and typically makes up steep hilly slopes and is another poor soil for building upon.

3. Create a policy in the Southwest Albuquerque Strategic Action Plan that does not allow any development on the aforementioned soils and slopes for citizens' safety and welfare.
4. Comply and implement Policy C (Section II-6) of the Albuquerque/Bernalillo County Comprehensive Plan which states: Development in or adjacent to the proposed Open Space network shall be compatible with Open Space purposes by modifying ordinances which would require surveys of slope, soil condition, and/or other appropriate surveys to determine Open Space property lines and site management. Utilize special zoning standards to guide development of lands within or adjacent to the Open Space network.
5. Create *scenic easements* to protect critical Open Space view areas.

#### Acquisition and funding options for the Ceja Open Space

The Open Space Division (OSD) has a priority list of properties that are in crucial need of acquisition mainly due to development encroachment. Additionally, the Open Space Advisory Board (OSAB) helps to evaluate and recommend areas for acquisition to the Division. Recommendations can be made by anybody looking to preserve a certain area of concern.

There are several properties that are in need of immediate acquisition due to urban growth issues. These areas are developable, requiring the OSD to act swiftly to acquire the properties. The Ceja's poor soils and steep slopes will make it unsuitable for development, which should allow the City more flexibility and time for acquisition. Accelerating the Ceja acquisition from 2013 to 2009 is acceptable, but funding should come from other means than the funding for the top priority properties, which are in need of immediate acquisition. Funding the acquisition of the Ceja *could* come from the following:

- General Obligation Bonds (GO Bonds)
- The implementation of a permanent quality of life ¼ cent gross receipts tax
- The implementation of a 1% or 2% for Major Public Open Space tax.
- Other local tax initiatives
- State appropriations
- Density transfers
- Cluster development by developer
- Direct purchase of the land
- Land swaps with properties residing in the Open Space Land Bank

### **Process for Acquisition**

According to the adopted City of Albuquerque Major Public Open Space Facility Plan there is an official process for acquisition of MPOS. Below is a brief summary from page 18 of this Plan:

#### ***Evaluation and Acquisition***

- Site evaluation and Open Space register nomination
- Open Space acquisition/protection priority list
  - The OSAB sets acquisition priorities, with planning and zoning information and recommendations in preliminary and final reports on the properties being considered. When the OSAB adds a site to the acquisition list, it assigns it a priority level and sets the priority for acquisition and protection.
  - The OSAB recommends proceeding with acquisition of a parcel. The Mayor and Council review and approve these actions if land is to be acquired by the City.
- Comprehensive Plan Amendment
- Acquisition request
- Acquisition
- Survey, protection

#### **Two Important Points:**

1. The boundary survey, fencing, and protection usually occur after a property has been acquired and deeded to the City as Major Public Open Space.
2. Archaeological sites in the Ceja area have been recorded and therefore are protected and cannot be released into the public record.