



**Environmental
Planning
Commission**

*Agenda Number: 2
Project Number: 1007322
Case #: 08EPC 40072
September 11, 2008*

Supplemental Staff Report

Agent	COA, Planning Department
Applicant	City of Albuquerque
Request	Adopt the South Yale Sector Development Plan
Legal Description	See attached map
Location	Area bounded by University on the west, Gibson on the south, St. Cyr (and alignment) on the north, Columbia, Kathryn, alley west of Cornell to Vail and up to Girard and south to Gibson on the east
Size	Approximately 519 acres
Existing Zoning	Various zoning
Proposed Zoning	Various sector plan specific form based zones AND no change

Staff Recommendation

Recommendation of APPROVAL of 08EPC 40072 be forwarded to the City Council, based on the findings on page 30, and subject to the conditions on page 42.

Staff Planner

Christopher Hyer, Senior Planner

Summary of Analysis

This is a second hearing at the EPC for the South Yale Sector Development Plan; it was first heard July 10, 2008. The purpose of the plan is to allow and encourage development in the South Yale area that will add a mix of uses and support community vitality. The Plan uses a form-based approach, which adds uniformity and certainty to developments by paying attention to both land use and the physical characteristics of the building itself. The Plan also presents a series of design standards on development within the Plan’s boundaries. This will help alleviate problems of pedestrian and bicycle connectivity throughout the Plan area while encouraging increased transit use.

Staff has received comments from the Transportation Division, Zoning Enforcement and City Legal as well as written responses from PNM and NAIOP as well as worked with a committee to suggest changes to the General Regulatory Requirement section. Suggested modifications and clarification will be made to the Plan document when the Plan is adopted. Further, individual EPC commissioners also met with staff and provided written questions and comments regarding this Plan. These suggestions have been modified in the Plan document as well.

The Planning Department requests that the Environmental Planning Commission (EPC) recommend approval to the City Council of the South Yale Sector Development Plan.

This supplemental staff report should be read in conjunction with the original staff report.

City Departments and other interested agencies reviewed this application from 06/9/2008 to 06/20/year. Agency comments were used in the preparation of this report and begin on page 46.

The South Yale Sector Development Plan was heard at the EPC July 10, 2008 for an initial hearing. This hearing had a brief presentation from staff and the consultant and comments made from 12 members of the public. The first hearing was to gather as much information as possible from the public and commission members. This staff report will address these comments.

Staff met with most of the Environmental Planning Commissioners on an individual basis and learned their comments both through conversation and written – comments made on their copy of the Plan. Their comments will be presented in the following two ways: The larger issues will be presented first and then smaller comments will be on a chapter-by-chapter basis. Further, staff has met with City Legal regarding some of the concerns expressed by individual Commissioners and will present the results of those discussions with a presentation of commissioners concerns.

Also, staff has received comments from 2 key commenting agencies: Transportation Planning and Zoning Enforcement. They both suggest modifications to the Plan, which will be discussed below. To begin with, a discussion and suggested solutions will be presented regarding the issues that were presented in the original staff report.

Concerns of General Regulatory Requirements

Staff has been working with a small review committee that consisted of members from NAIOP, the public, the consultant team and various City staff to address concerns with General Regulatory Requirements found in Chapter 3, §3.0, page 14 of the Plan document. Section 3.1 consists of a table relating compliance and the sector-plan-specific zones as to where approval is to be made and whether approval can be made with or without notification. Suggested changes to the table are in lighter gray italics than the regular font and amounts to 17 cells. The remaining 8 cells are the same weight of the column and row headers in the table and are not suggested for change.

3.1 Development Review Process

	Yale Corridor Commercial (YCC)	Planned Neighborhood Residential (PNR)	Neighborhood Mixed Use (NMX)	Multi-Family Residential (MFR)	Gibson C-3
Compliant on Use and Form	<i>Building Permit</i>	DRB	<i>Building Permit</i>	<i>Building Permit</i>	<i>Building Permit</i>
	<i>No Public Notification Required</i>	Public Notification Required	<i>No Public Notification Required</i>	<i>No Public Notification Required</i>	<i>No Public Notification Required</i>
Conditional Use and Compliant on Form	<i>ZHE and Building Permit</i>	ZHE and DRB	<i>ZHE and Building Permit</i>	<i>ZHE and Building Permit</i>	<i>ZHE and Building Permit</i>
	<i>ZHE Public Notification Required</i>	<i>ZHE and DRB Public Notification Required</i>	<i>ZHE Public Notification Required</i>	<i>ZHE Public Notification Required</i>	<i>ZHE Public Notification Required</i>
Non Compliant on Use or Form	EPC	EPC	EPC	EPC	EPC

Per City Zoning Code, all cases heard by the EPC are publicly notified.

3.2 General Development Compliance

The small committee further discussed the language presented in this subsection and determined that minor improvements should not be discouraged by making all property owners come into compliance with the Plan regardless of the size and type of their improvement. Therefore, only the modifications that reach a specific threshold shall be required to comply with the policies and design regulations of the South Yale Sector Development Plan; suggested language is as follows:

1. For undeveloped sites: all new development shall comply.
2. For sites with existing structures: when there is an increase or decrease of 10% or more of a building's existing square footage, the site shall comply.
3. Repairs and maintenance of existing structures, and/or buildings: shall be exempt.
4. Façade improvements shall be exempt.

Landscape Requirements

All sites shall be required to comply with the General Landscaping Standards found in Chapter 3, §5.3, page 37 within Five years of the adoption of this plan.

3.3 Modifications to allowable building type

The existing section 3.3 in chapter 3 on page 14 would be omitted. It will be replaced by a subsection that speaks to modifications of the allowable building dimensions that are specified in the Plan. The new language is as follows:

Two levels of modifications to the zoning regulations are permitted:

1. Minor: the Planning Director or his/her designee may approve deviations from the dimensional standards by no more than 10 %.
2. Major: Any modification of the dimensional standards and modifications to use that is greater than 10% of the building square footage will have to be reviewed by the Environmental Planning Commission for approval.

3.4 Phasing

This section remains the same – no changes.

Optional Zoning of the SU-1/PRD and Gibson C-3 Zones

First will be a discussion of the SU-1/PRD sites. The sector plan currently rezones the 3-sites that currently have this zoning with the sector-plan-specific PNR zone. The intent is to allow properties with this zoning to maintain their uses while being integrated into the Plan area. However, some of the SU-1/PRD property owners have expressed concern about losing their SU-1 zoning. Having an option to remain with their current zoning or using the new PNR zone is acceptable.

Advantages of the PNR zone are that the property owner has the option choose their level of intensity and whether they will develop the site as mixed-use. This is opposed to having the SU-1 designation where sites need to have the allowable uses included in the zoning designation and they

require review at a public hearing from the EPC. The PNR zone does not require review from the EPC, but from the DRB – if the developer is compliant with the Plan.

Making this zone an option has brought forth the question of how to reference the site’s zoning and how the official zoning (and the language written on the zone map) would read. Staff has checked with City Legal and Zoning Enforcement and their reply has been positive. Zoning enforcement has deferred to City Legal – Legal suggests the following:

SU-2/SU-1 for PRD or with South Yale Sector Plan PNR alternative

A property with an “or” in the zoning does not create a legal problem as the applicant shall make the determination at the time of submittal with their proposed site plan. Once the use is developed, the zoning is held by that use until the applicant wants to redevelop their property and change it’s use (SU-2/SU-1 for PRD or SU-2/ PNR) or request a zone change. Since the sector plan is asking for these sites to be PNR, then the PNR uses and the zoning are in compliance with the Plan. If the property owner wishes to use the SU-1 zoning, then they must submit a site plan and the site plan must be reviewed by the EPC regardless if it is in compliance with the Plan or not.

PNR as an Option for Gibson C-3

Comments that were made by the members of NAIOP were primarily in regard to properties in the Gibson C-3 area. There is concern from some of the property owners about having design standards imposed on them from the sector plan. If they were not required to come into compliance with the landscaping and design standards of the Plan area (as well as keep the allowable uses provided by the C-3 zone), they would not have issue with the Plan. Essentially, they would not be affected by the Plan at all if this were the case.

The Gibson C-3 area is on the southern end of the Victory Hills neighborhood. Thus, it was felt by the community (both Victory Hills and Clayton Heights neighborhood associations) along with the City staff that this area should be made more integral to the surrounding area by having design standards imposed on these properties. Knowing that the property owners are against this idea, some members of NAIOP have suggested that finding an incentive for these property owners may be a solution.

Staff would like to suggest that a PNR option for the Gibson C-3 properties could be a reasonable solution. The properties may develop with the C-3 allowable uses as before or have the option to develop as a sector plan specific zone, PNR. The PNR zone allows a mixed-use alternative with the option of having a residential component. As with the SU-1/PRD, the language written in the zone map would be:

SU-2/C-3 or with South Yale Sector Plan PNR alternative

Again, properties with an “or” in the zoning will not create a legal problem as the applicant shall make the determination of which zoning to use for their property at the time of redevelopment. Once the use is developed, the zoning is held by that use until the applicant wants to redevelop their property and change it’s use (SU-2/C-3 or SU-2/PNR) or request a zone change. Either the C-3 uses or the PNR uses and the zoning, are in compliance with the Plan.

Staff met with most of the EPC Commissioners on an individual basis to discuss issues and concerns. Most Commissioners also provided their personal copy of the sector plan with their written comments to staff to be photocopied and then returned. Below is a list of these concerns with a short response to most. However, there is a longer response in bold italics to the general comments at the beginning of the list.

General Comments

1. Plan is going to further discourage development. Lots of time on discussing and lots of money on consultants and create a more cumbersome process for the developer and the plan will do nothing to help the area.
The intention of the sector plan is to create a less restrictive and more uniform area for development. The South Yale area is a mature community and older developments exist. The City has the desire to make this area economically viable, especially when seen as a gateway from the Sunport into the City and in considering its proximity to UNM.
2. Why include property with no control?
It is true that the properties of UNM, CNM and APS are not under the City's site plan control. However, the right-of-way surrounding these properties is under the City's control and the design and function of those right-of-ways are intended to be part of this Plan, which can offer policy guidance for how they are developed.
3. Too much parking is required – reduce parking req. for residential (2 per unit is too many).
This parking requirement is for residential units that are over 1,000-square feet and not in the YCC zone. It was seen that larger units would likely have young families with both spouses needing an automobile.
4. Allow R-3 uses.
The R-2 zone allows the current residential uses that exist.
5. Fear of FBC being forced on people
The Form Based Code are zones available Citywide. The South Yale SDP uses a form-based approach for the sector plan-specific-zones. This is not unlike many other sector plans which all use a "hybrid" form-based approach that allows a tailored zone that is appropriate to their community, for example, Nob Hill, EDO, Downtown, North I-25, etc.
6. Commissioner Shine's concerns re: zoning forced on owners
The sector planning process usually creates its own zones because of the tailoring of standards to the specific areas that the Plan is addressing. The City of Albuquerque has zoning authority and has the ability to place controls on how a property is developed.
7. Rear parking – major safety issue. Late night parking.
Parking in the rear of buildings is not seen as more of a safety issue than parking in the front of buildings. Parking in the rear allows buildings to be placed closer to the street without a parking field separating them (if parking were in front of the building). Parking can also be on the sides of buildings as part of a shared access and parking agreement with adjacent property owners.
8. Height limitations are too low – double the heights.

The community wants a more intense amount of use, but was reserved on allowing too high of buildings.

Chapter 1 (pp. 3-4)

1. p. 3 What is status of modern streetcar project?
The Modern Streetcar project is still in a feasibility study stage. The 21st Century Transportation Task Force has recommended that it not be funded with the ¼¢ transportation tax.
2. p. 3 What's that? (Veloport)
The Veloport is the City's bicycle racing facility. The Veloport is to be constructed in 3-phases; the BMX-pavilion (now built) is Phase I, a training/performance center is phase II, a velodrome is phase III. *The velodrome will be a 250-meter, wooden track with 45-degree banked ends*

Chapter 2 (pp. 6-7)

1. Page 6: Office of Tourism? **Answer:** community is requesting this.
2. Page 6: Numbers of hotels? **Answer:** Data is in Chapter 6, p75.
3. Page 7: Allowing/ encouraging mixed use instead of requiring it. **Answer:** Community is requesting original language because they suffer from a lack of services and want to ensure no stand alone residential comes in. The community drafted the goals and objectives.
4. p.6 Activity Centers – review comp plan
Goals are from community.
5. p. 6 ADD; Quality transportation links to other destinations. (Entertainment and Hospitality objectives)
Goals are from community.
6. p. 7 Allow and encourage, don't require. (Mixed use)
Request from community.

Chapter 3 (pp. 10-45)

1. Why have Lot size limits? What about Lot assembly. **Answer:** Intent was to limit large-scale retail development, per community goals. Staff may recommend removal.
2. Setbacks need to be coordinated with PNM.
3. Articulation standards. **Answer:** Recommendation is that the zone standard be removed as the building types have their own articulation standards.
4. Prohibited Uses: Wireless Tower. What about WTC ordinance conflict? **Answer:** Staff will review language with Zoning.
5. Reduced Open Space requirements. **Answer:** Due to location of Loma Linda CC sufficient open space for more urban style development is available.
6. Lot access. Rear drives access lanes (alleys) and shared side drives.
7. PNR is being revised as an optional zone for properties currently zoned SU-1 PRD and C-3 at Gibson
8. Page 13: Form based code “form based model”. **Answer:** Text will be changed.

9. Page 13, Development zone map: MX should be NMX. **Answer:** Map will be revised to correct typo.
10. Page 14: Overall implementation questions. **Answer:** This implementation/approval section is being revised.
11. Page 15: New zoning is not voluntary. **Answer:** Correct, however, recommendation will be made to allow the PNR zone to be optional.

YCC Zone Comments

12. Page 16, YCC: Urban Park? **Answer:** Urban Park is a building type: a building with a side “park” space, which allows side accesses to buildings (See Callot project downtown next to Flying Star.)
13. Page 17, YCC: Lot size limits? What about Lot assembly. **Answer:** Intent was to limit large-scale retail development, per community goals. Staff may recommend removal.
14. Page 17, YCC: Intent statement for lot access? **Answer:** new intent language can be provided, waiting City legal and Hydrology concerns.
15. Page 17, YCC: Open space? Urban Park? **Answer:** Urban Park building does provide open space, however there are no open space requirements for the YCC zone.
16. Page 18, YCC: 120’ max building frontage without articulation. Big Box? **Answer:** Recommendation is that we remove this standard as the building types have their own articulation standards.
17. Page 19, YCC: Parking language for required shade trees unclear. **Answer:** will be clarified to state: 1 tree /6 spaces.
18. Page 19, YCC: Prohibited Uses: Wireless Tower. What about WTC ordinance conflict? **Answer:** Staff will review language with Zoning.

RMF Zone Comments

19. Page 20, RMF: Building Placement Diagram. Element circled. **Answer:** Circled element is a garage. Will Label.
20. Page 20, RMF: Lot size limits. What about Lot assembly. **Answer:** Intent was to limit large-scale retail development, per community goals. Staff may recommend removal.
21. Page 21, RMF: Setbacks for overhead utilities, and underground gas and electric?: **Answer:** City staff is developing language with PNM to address easement issues.
22. Page 21, RMF: Does accessory living quarters allow kitchen? **Answer:** No, but probably should. Staff will review language with Zoning.

NMX Zone Comments

23. Page 22, NMX: Lot size limits. What about Lot assembly. **Answer:** Intent was to limit large-scale retail development, per community goals. Staff may recommend removal.
24. Page 22, NMX: No open space requirements. **Answer:** Due to location of Loma Linda CC sufficient open space for more urban style development is available.
25. Page 23, NMX: How are lots accessed? **Answer:** Shared side drives or alley if developed.
26. Page 23, NMX: Rear Parking? **Answer:** yes.
27. Page 23, NMX: Drive access-parking diagram? **Answer:** Will clarify conceptual nature, location of shared access drives.

PNR Zone Comments

PNR is being revised as an optional zone for properties currently zoned SU-1/PRD and Gibson C-3.

28. Page 24, PNR: How are utilities handled? **Answer:** Coordinating with PNM and City Staff.
29. Page 26, PNR1: Lot size limits not stated. **Answer:** Intent was to limit large-scale retail development, per community goals. Staff may recommend removal.
30. Page 26, PNR1: Side, Rear setbacks are unclear. **Answer:** will clarify.
31. Page 26, PNR1: Articulation standards? **Answer:** are the same as Code?
32. Page 27, PNR1: Minimum first floor height should be 12'. **Answer:** While 12' is ideal, 10' is a minimum, based on comments from AIA, NAIOP, and development community.
33. Page 27, PNR1: Awning height, balcony heights conflicting with ROW. **Answer:** Will follow standard City Encroachment language.
34. Page 28, PNR2: Building Placement diagram is unclear. **Answer:** Will label part to clarify.
35. Page 29, PNR2: Awning height, balcony heights:
36. Page 29, PNR2: Prohibited Uses: Wireless Tower. WTC ordinance conflict? **Answer:** Staff will review language.
37. Page 30, PNR3: Building Placement diagram is unclear. **Answer:** Will label part to clarify.
38. Page 31, PNR3: Prohibited Uses: Wireless Tower. WTC ordinance conflict? **Answer:** Staff will review language.
39. Page 32, PNR4: Setbacks are unclear. **Answer:** will clarify
40. Page 33, PNR4: Parking access from rear. **Answer:** Yes, unless topography makes this condition impossible.

Gibson C-3 Comments

The PNR zone will be an option along with this Zoning.

41. Page 34, Gibson C-3: need location map. **Answer:** will provide.
42. Page 34, Gibson C-3: Building placement, generic trade dress, and chain link restrictions. **Answer:** Are being proposed to mandate a higher quality development.

General Standards Comments

43. Page 36, General standards: Primary entrance, ground mounted mechanical location, wall heights? **Answer:** All standards, which support a more urban, pedestrian oriented redevelopment.
44. Page 36, General standards: Encroachments. **Answer:** language will be changed to follow processes for standard City encroachment agreements.
45. Page 36, General standards: Balcony heights. **Answer:** 10' is a minimum. Language will be added that standard City encroachment agreement processes prevail.
46. Page 36, General standards: Street walls. Language for courtyard walls is unclear. **Answer:** language will be revised to allow portions of courtyard walls a height greater than 3', however at least 80% of wall higher than 3' must be transparent to allow views into courtyard.

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47. Page 37, General standards: Parking and safety concerns. **Answer:** Language will be clarified to say where parking is adjacent to street; a 4' high wall with a 4' wide landscape buffer is required...
48. Page 37, General standards: landscaping. 10% net lot area, landscaping buffering of parking lot areas. **Answer:** 10% net lot area is 5% less than standard city landscaping. Percentage is reduced in anticipation of a more compact build out of lot. Language will be clarified to state that where parking fronts street or R-1 properties.... Walls with landscape buffering are required.

Building Types Comments

49. Page 38, Building Types: Typos in matrix. **Answer:** will be corrected to reflect NMX and RMF.
50. Page 39, Building Types: Urban standard. Articulation: Conflict with Zone standard. Landscaping language missing. **Answer:** Landscaping is addressed by zone, unless building type creates open space with separate landscape requirements.
51. Page 39, Building Types: Urban Park. Park area is a liability. **Answer:** This form exists in Albuquerque (Old Town, project on Silver and 8th downtown) and in other Cities. Then intent is to provide side access for individual units.
52. Page 39, Building Types: Civic. Articulation: gathering areas/open space? **Answer:** in anticipation of large outdoor gathering needs for public, clients, patrons, etc that correspond to the form (school, churches, religious institutions, public outreach,...) a minimum open space area is required.
53. Page 40, Building Types. Terrace apartment: Second story access limited? Graphic shows different, **Answer:** Language will be clarified.
54. Page 43, Building Types. Alley access for Patio House and Accessory building?. **Answer:** Will clarify language.

Frontage Types Comments

55. Page 44, Frontage Types. Need overall definition of frontage. **Answer:** Will provide overall definition and explanation of frontage types.
56. Page 45, Frontage Types. Hotel: frontage combined with Porch, etc. Unclear intent. **Answer:** language will be clarified.
57. Page 46, Frontage Types. Patio: clarify opaque wall. **Answer:** will clarify.
58. Page 46, Frontage Types. Stoop: aligned close to BTL. Needs to be clarified. **Answer:** Will clarify.

1. p. 13 NMX needs to be id on map.
[Will correct.](#)
2. p. 14 Where do non-conforming go? In process?
[See revised p. 14.](#)
3. p. 16 What is a liner?
[A building type which masks another building or parking structure.](#)
4. p. 21 Why not 45' angle plane? (RMF zone)
[Discussion needed.](#)
5. p. 23 Why not 45' angle plane? (NMX zone)
[Discussion needed.](#)

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6. p. 29 Why not 45' angle plane? (PNR 2)
Discussion needed.
 7. p. 31 Why not 45' angle plane? (PNR 3)
Discussion needed.
 8. p.37 Separate awnings from canopies. (signage)
Will clarify.
 9. p. 37 Separate transit from other signage requirements.
Will clarify
 7. p. 12 Why? (zone Beazer site YCC)
Provide consistency in zoning and increase future opportunities for mixed use on Kathryn.
 8. p. 15 Req'd as alt to current and conventional zone? (New sysdp zones)
Yes
 9. p. 16 Disagree (Block height limits)
Discussion needed.
 10. p. 16 Clarify height limits
Need to clarify.
 11. p. 16 no limits for building types.
Discussion needed
 12. p. 18 rear setback, max? min?
Minimum
 13. p. 18 100' current code, suggest 60' (120' for articulation)
Will be removed. Articulation standards are outlined in the building types.
 14. p. 19 refers to what? (10' max on section drawing)
Awning overhang.
 15. p. 19 ADD: Parking may not exceed 110% of that required by old code.
Discussion needed.
 16. p. 20 Porch/stoop ok in setback?
Yes.
 17. p. 20 Minimum lot size – 40' or 35'?
Discussion needed.
 18. p. 22 Does this work? Back up for parking in side drive.
Will verify.
 19. p. 23 Show property line in section drawing
Will clarify.
 20. p. 23 Verify if a single structure can contain a mix of R and C.
Staff will verify with zoning.
 21. p. 23 Define ceiling plate
Will clarify.
 22. p. 23 Define carefully (10' min clear)
Will clarify.
 23. p. 23 Intention is to use setback areas for veg landscape?
Intention is to not use asphalt paving in front of building, can have veg., patio etc.

24. p. 24 Max (not min for tree spacing)
[Will clarify.](#)
25. p. 24 Tree wells that are a minimum of 35 sqft
[Discussion needed.](#)
26. p. 25 diagram – clarify meaning – 10’ first floor height.
[Will clarify.](#)
27. p. 26 pending?
[Will remove.](#)
28. p. 27 Reconcile balcony height and FF ceiling plate height.
[Will clarify.](#)
29. p. 29 Reconcile balcony height and FF ceiling plate height.
[Will clarify.](#)
30. p. 31 ADD live/work to Additional Uses.
[Staff will verify with zoning.](#)
31. p. 33 Is live/work defined as up to 3 employees?
[Staff will verify with zoning.](#)
32. p. 34 Remove prefabricated from prohibited list.
[Discussion needed.](#)
33. p. 34 Add trash to Service and outdoor storage locations/screening
[Will clarify.](#)
34. p. 35 ADD Parking shall not exceed 110% of zone Code req.
[Discussion needed with zoning to clarify.](#)
35. p. 36 ADD Stoop/porch canopies and support may encroach BTL
[Staff will verify with zoning. May need to include language about encroachment beyond property line.](#)
36. p. 37 ADD No freestanding, monument of pole mounted signs.
[Discussion needed.](#)
37. p. 37 ADD Parking shall not exceed 110% of zone Code req.
[Discussion needed.](#)
38. p. 37 ADD “vegetated” to minimum landscape area
[Will clarify.](#)
39. p. 37 ADD Cisterns are permissible
[Will add.](#)
40. p. 38-43 show streets on drawings
[Will clarify.](#)
41. p. 42 Casita Courts, Landscaping, 70% of court in vegetative cover.
[Discussion needed.](#)
42. p. 13 It’ll be Su-C-3 right? (C-3)
[SU-2/C-3](#)
43. p. 14 How does this work, you send public notice that you applied for a building permit?
[See revised p. 14.](#)
44. p. 14 What is the difference between building permit and planning director?
[See revised p. 14.](#)
45. p. 14 Does this apply to current use of proposed (chart)?

46. p. 14 If it's not compliant, wouldn't a zone change or variance be required?
[See revised p. 14.](#)
47. p. 14 Discourages renovation, should only occur if it 1) involves exterior 2) requires a permit 3) increases or decreases building SF by more than 10%. (trigger for plan implementation)
[See revised p. 14.](#)
48. p.14 Two years is not enough and what if only partially built. What if only ____ done?
[See revised p. 14.](#)
49. p. 14 What does this mean? (Vertical phasing)
[See answer in general questions.](#)
50. p. 14 Why? What type of notice will be provided? (term limitations)
[See revised p. 14.](#)
51. p. 15 Exactly the approach people feared with form based, its being forced with zone changes.
52. p. 16 1st come to where, 1st EPC approval? What if one block doesn't have the same ownership? Are existing buildings included in calculations?
[See revised p. 14. and needs discussion.](#)
53. p. 16 Are these intended to be separate? If not, why include 40'? Is 50' the maximum? (Height limits)
[Request from community.](#)
54. p. 17 What are smaller lots supposed to do? What if you have a lot that is 160' deep? (lot limits)
[Discuss removing lot limits.](#)
55. p. 17 This increases pressure on side streets. What about a lot whose only frontage is on Yale? (Lot access)
[Shared side drive aisles are permitted so access is available to all lots.](#)
56. p. 18 Vertically attached? What about parking, sidewalks, and parks in between? (Buildings attached)
[These are all permitted. Language will be clarified.](#)
57. p. 18 What's that mean? An entrance? The principal entrance? The only entrance? (Buildings oriented to the street)
[An entrance and a front façade with fenestration.](#)
58. p. 18 Will the city provide permanent encroachment agreements: (Awnings and balconies articulate the front façade)
[No. Application for encroachment must follow city process.](#)
59. p. 18 Is this required? Min or max? What about PUE's? (BTL)
[BTL is required. It is not a max or min. Currently, there are no PUE's along the properties with YCC.](#)
60. p. 18 Excessive. What if there is an alley? (40' setback)
[The 40' is to allow for a 20' alley and storm drain with a 20' set back from alley if needed. Staff needs to verify whether not the drainage is going to happen.](#)
61. p. 18 This looks like a requirement and what about PUE's? What about where existing sidewalk widths or quality is insufficient? (Required frontage at BTL)
[It is required. No PUE's in the area.](#)

62. p. 18 Is this the portion that is not subject to the %? (Allowable street frontage setback distance)
This is the distance that you are allowed to set the building back from the BTL and for what percentage.
63. p. 19 What about SWC or St. Cyr and Yale. It is surrounded by streets. If has 100% owner, there is no clear yard line.
As long as they don't subdivide the lots, there would be no rear yard. The intention is to protect existing SF homes.
64. p. 19 Here is the answer to the previous question. Height not enough. Allows three stories max, so doesn't achieve enough density.
Request from community. Allows four stories.
65. p. 19 Why? Are we protecting sun/view: If so side of street matters.
Request from community.
66. P. 19 Define? (shared side drive)
Add to definitions.
67. p. 19 Safety issue. (rear parking)
Yes safety is a concern. As is safety in trying to push a stroller or wheel chair across a parking lot to enter a store with parking in front.
68. p. 19 100% or % allowed in code (compact spaces)
100% can be compact spaces. The reference to the code refers to size of spaces. Will clarify.
69. p. 19 How is parking area defined?
Staff will verify term with zoning.
70. p. 19 Confusing. Have to be same people? (parking req.) good – commercial, not good, residential.
Don't understand question.
71. p. 19 Additional to what? (1 tree per 6 additional spaces).
Will be removed. Should be "1 tree per each 6 spaces"
72. p. 19 Inefficient: define (shared side drive and parking)
Intention is to discourage 60' wide gaps between buildings. Lots are narrow and the potential for a 120' building 60' parking/drive rhythm is great.
73. p. 19 Why? Inefficient? (parking only on one side of drive aisle)
See above
74. p. 19 Define full service grocery store.
Staff will verify term with zoning.
75. p. 19 parking lot, except as permitted for building.
Zoning term. Means standalone parking lot. Does not refer to off street parking for a building.
76. p. 19 Package liquor – shown as prohibited use above.
Staff will verify term with zoning.
77. p. 20 Same questions as p. 18.
See above
78. p.21 Why not R-3 uses? Would allow more density?
Does not include the density – just uses. Staff will verify with zoning.

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79. p. 21, ZHE, for conditional uses. Before or after EPC?
See revise Page 14, implementation.
80. p. 21, What if it is a studio unit? (parking req.)
Studios are typically under 1000 sqft. So one space.
81. p. 21, Does this mean that buildings are not allowed to have basements? (FF at sidewalk elevation)
Basements are not prohibited. Should read First floor FF at sidewalk elevation.
82. p. 22 Does this work for every street? (On street parking)
Streets have allowable widths.
83. p. 22 same questions as p. 18.
See above.
84. p. 23 What's that mean? (ceiling plate)
Will clarify term.
85. p. 23 Why: Limits density? (30' within 200' of R-1)
Requested by community.
86. p. 23 As permitted in C-1, C-2, or C-3? Are all of these defined in the zone code if not should be defined here. (Residential, Commercial, Office)
Staff will verify with zoning to clarify.
87. p. 23 How are front and rear determined? Is the busiest street always front? (rear portion of lot)
Staff will verify with zoning to clarify.
88. p. 23 Define. (live/work)
Staff will verify with zoning to clarify.
89. p. 23 So a 20,000 sqft building would have to have 1,000 trees and 5,000 shrubs?
No. Will clarify. Per net lot area.
90. p. 23 Antenna. Define.
Staff will verify with zoning to clarify.
91. p. 23 Convenience stores. Define
Staff will verify with zoning to clarify.
92. p. 24 Does that mean then that subdivision spsd has to meet R270-1980?
No, just sector plan zone changes.
93. p. 24 parallel or angled? Have the street widths involved been analyzed to see if its feasible? (On street parking)
Parallel. Yes, street widths are adequate.
94. p. 25 Why: That's the furthest from the University and athletic areas? Buildings can't be oriented to the street on Gibson? Why the large setback?(buildings oriented to the street, except on Gibson)
Setbacks are required along Gibson due to designation as "limited access." Buildings are not oriented to the street due to volume of traffic.
95. p. 25 Do alleys exist everywhere that this is ROW required?
No alleys exist. No streets exist either. Platting is minimal. So new streets and alleys would be required.
96. p. 26 pending. ?
Will remove.

-
97. p. 26 What is the difference between the build to line and the setback? (15')
[Omit setback.](#)
98. p. 27 Why not more? (50' height limit)
[Community request.](#)
99. p. 27 same comments as other zones.
[See others.](#)
100. p. 28 So if you have 70' frontage, 40% of the first 60' and 50% of the next 10' for a weighted average of 29/70? (Frontage setback)
[No, it refers to two sizes of buildings – those with a frontage of 60' LF or less and those which are greater than 60'](#)
101. p. 29, same comments as other zones.
102. p. 31 same comments as other zones.
103. p. 32 same comments as other zones
104. p. 32 Why the other areas weren't required to have them? (Open space requirements)
Intent of this level of development is more along the classification of r-2 development.
105. Why change University and Gibson to PNR. Already approved for multi-family and commercial.
[Large areas of land in area. Provide consistent development standards.](#)
106. What is the difference between applying to the planning director vs. building permit? P14.
[See revised page 14.](#)
107. Non-compliant. Isn't this a zone change and has its own process? P. 14
[See revised page 14.](#)
108. 2 years is not enough time to build after approval. How much has to be developed to get out of two year period? Does it include physical work? On-site or off-site? P. 14, 3.3
[See revised page 14.](#)
109. Rehabilitation as a trigger discourages renovation. P. 14
[See revised page 14.](#)
110. What is vertical phasing?
[Vertical phasing would be development, which is planned to be more than one story that selects to do only some of the vertical development planning to do additional floors at a later time.](#)
111. PNR to MX; does that mean that subdivisions and SPSDs would have to meet R270-1980?
112. Package liquor can't be conditional and prohibited.
[Staff will verify with zoning.](#)
113. Conditional uses in sector plan create chicken and egg problem of applicant having to go to zoning hearing examiner and EPC. Need to address comprehensively.
[Staff will verify with zoning.](#)
114. Frontage/setback issue; p. 28
[Clarification will be made. The intent is that buildings with a street frontage less than 60 LF are required to have 40% of the street frontage at the BTL and buildings with a street frontage greater than 60 LF are required to have 50% of the street frontage at the BTL.](#)

Chapter 4 (pp. 48-63)

This chapter is being modified to provide *policy guidance* (as opposed to regulating standards) to the City for development within the ROW. This change is due to the fact that the City may choose not to implement the changes being proposed.

1. Page 49, Introduction. Language regarding traffic concerns? **Answer:** will reference Chapter 6 issues.
2. Page 49, Great Streets. Questions about Street Furniture, public amenities, on street parking, modern streetcar, way finding. **Answer:** language is purely descriptive of components recognized in creating great streets. Policy provisions come later in the chapter.
3. Page 50, Pedestrian Realm. Utilities, streetlights, etc? **Answer:** may occur in street amenity zone. Reviewing language with PNM for utility location.
4. Page 50, Roadway Realm. Width of pedestrian crossings? **Answer:** Later in Chapter by street section.
5. Page 51, Street Design. Street Section Details? **Answer:** Come later in chapter.
6. Page 52, Street Furniture. Who pays for it? Who maintains? **Answer:** CIP is a source. If installed by City, they will maintain.
7. Page 53, introductory language. Superseding DPM. No. **Answer:** Some of the recommendations may supersede DPM, but if reviewed and approved by City agencies, they should be allowed to.
8. Page 53, Articulated Crosswalks? Look at downtown (problems?). **Answer:** Any articulation is better than none. Recommendation can be made for specific striping design, which does not fall in majority of wheel use areas (wide white striping which runs parallel with traffic).
9. Page 54, Street Section (Bell to Chavez). Will force traffic into neighborhood. **Answer:** Not reducing any capacity, so traffic won't be forced into neighborhoods.
10. Page 54, Curb cut restrictions. What is a continuous rear access drive aisle? **Answer:** Zoning does not want it to be called an alley.
11. Page 55, co-locating bus and modern streetcar at same stop to preserve limited on-street parking? **Answer:** Otherwise, multiple bulb outs remove on-street parking.
12. Page 56, Alley implementation unclear. **Answer:** City staff to determine if moving ahead with rear drive aisle language, otherwise will be revised pending City position on alley and rear drainage.
13. Page 57, Mid-block access. Does 18' allow trucks? **Answer:** In a yield situation.
14. Page 57, Kathryn at Yale intersection redesign? **Answer:** language will be added explaining offset street alignment (also see chapter 6).
15. Page 58, Street section graphic. "Turn lanes?" **Answer:** Turn lanes may remain in this section of Yale.
16. Page 58, "Gateway?" **Answer:** community desire to introduce people to the south Yale neighborhoods/event areas.
17. Page 59, Signal at Buena Vista. "Too close to Yale." **Answer:** signal desired by community, also reduces traffic speeds along Cesar Chavez and allows for easier north/south bound movement across Cesar Chavez, especially during events and for UNM shuttle. DMD agrees signal should be studied at this location.

18. Page 60, Reduce travel lane widths on Girard. “crazy”. **Answer:** currently bike lane is not striped along Girard, so travel lanes read 14-15 wide. With bike lane striping, allows for 10’ wide travel lane.
19. Page 61, Wilmoore and Buena Vista Improvements. “How” will improvements deter traffic? **Answer:** by forcing a significant slowing down of vehicular speeds.
20. Page 61, Wilmoore and Buena Vista Improvements. Existing electric infrastructure? **Answer:**
21. Page 63, Shared Parking Opportunities. Too far away. **Answer:** City already studying these locations for shared parking. Loma Linda CC is on Yale corridor. Could easily serve Yale redevelopment. BMX/ Veloport could easily serve Yale redevelopment at northern end (2 blocks away).
22. p. 49 Public or commercial? (distinct destinations?)
Will clarify.
23. p. 61 Only warrants if connection to other areas. (Signage/Wayfinding)
24. p. 61 Compliant with the _____. (signage)
25. p. 50 Includes café seating? (Building amenities zone)
Yes.
26. p. 55 Street diagram – needs turnout lane
Will clarify.
27. p. 57 Mid block access aisle – 12’?
Staff will verify with zoning.
28. p. 57 On street parking on Kathryn, Ross and _____? _____
Will clarify.
29. p. 58 show BTL on section
Will clarify.
30. p. 61 Area Street Signage/Wayfinding, move to page 50?
Discussion needed.
31. p. 63 Add bike map of area
Will add.
32. Parking requirements; there is a reference to certain number of spaces per “additional” parking spaces – additional to what?
“Additional” should be removed. It should read: “A minimum of 1 tree per 6 parking spaces.”
33. Number of trees are required per parking area – define parking area.
Staff will verify with zoning.

Chapter 5 (pp. 66-68)

1. Page 66, Streetscape Improvements. Street trees 30’ O.C., standards say 25’. **Answer:** will correct in CIP list.
2. Page 67, Cesar Chavez improvements. “Daily student traffic?” **Answer:** From UNM park and ride facility, which runs 18 hours a day, every 15 minutes.
3. Page 67, Cesar Chavez improvements. Medians on UNM Land? **Answer:** No, in City ROW.

4. Page 67, Cesar Chavez improvements. New signalized intersection at Buena Vista, PNM transmission line? **Answer:** will be coordinated with DMD.
5. Page 67, Gibson improvements. Who are the residents south of Gibson? **Answer:** Kirtland addition.
6. Page 68, Wrapping BMX with Residential uses? **Answer:** Staff to determine.
7. p. 67 Add street trees and enhanced median per page 48 for Cesar Chavez improvements.

Chapter 6 (pp. 70-80)

Glossary

Will be updated with terms suggested by the commissioners.

Legal Questions Regarding Zoning in the South Yale Plan

Written questions were also obtained from Commissioner Shine after the July hearing and answered by City Legal. The questions are in the letter immediately below and the responses follow after:

Dear Mr. Curran:

Pursuant to our earlier conversation, I am writing to request a formal written opinion from your office relating to several legal issues that appear to me to arise in connection with the EPC's current review of the June 2008 draft of the South Yale Sector Development Plan (hereinafter "the Plan"). I am making this request only on my own behalf, and not on behalf of the whole EPC, in order to better inform my own vote as an EPC Commissioner on the proposed Plan. I would appreciate it if your office could respond to the following questions:

1. If the form based zoning and the related design standards proposed in the Plan were made mandatory for all of the land that is subject to the jurisdiction of the City of Albuquerque and which is covered by the Plan, would it violate any provision of the federal constitution or of federal law? Would it violate any provision of the New Mexico constitution, New Mexico statutory or regulatory law or the City Charter?
 - a. If such a mandatory application of form based zoning and the related design standards were to be adopted
 - i. Would it constitute a "taking" requiring compensation?
 - ii. Would it constitute a "down zoning"?
 - iii. What specific procedural and substantive requirements would have to be complied with by the EPC and/or the City Council, particularly in light of, but not limited to, the recent Albuquerque Commons decision by the New Mexico Supreme Court?

2. If the Plan were to be modified so that the SU-1 PRD zoning and C-3 zoning were to be maintained on the properties covered by the Plan and currently so zoned, and those landowners were given the option of complying voluntarily with the requirements of the new form based PNR zone, but would, in either case, be subject to the mandatory requirements of the proposed design standards, would the mandatory application of the proposed design standards alone constitute sufficient restrictions on the use of the land so as to be a "down zoning" requiring the application of the principles of the Albuquerque Commons case?
 - b. If it would constitute a "down zoning", what specific procedural and substantive requirements, including the requirements of Resolution 270-1980, would have to be complied with by the EPC and/or the City Council?
3. If the zoning described in (2) above were to be adopted for land covered by the Plan that is currently zoned SU-1 PRD and C-3, but the form based zone YCC were to be made mandatory, and replace the current zoning, for all land currently zoned C-2 and R-2 that is adjacent to Yale Boulevard, would that create a constitutional problem under the federal or New Mexico constitutions, particularly, but not limited to, the Equal Protection Clause of the 14th Amendment to the federal constitution, or create a problem under any other federal or state law?

Thank you for your assistance in this matter. I look forward to your response.

Richard Shine, Commissioner
Environmental Planning Commission

Cc: Mark Hirsch
Deputy City Attorney

This is the letter from City Legal responding to the questions posed:

Dick,

The legal department does not issue formal legal opinions unless approved by the CAO, and request would have to be made by majority vote of the EPC.

Notwithstanding, my advice is to proceed along the following guidelines:

1. I am unaware of any federal or state laws or constitutional provisions that would be violated by adoption of the code and design standards, if made mandatory.
2. It is unlikely that the adoption of the proposed code and design standards, if made mandatory, would deprive an owner of all or substantially all beneficial use of its property, and therefore it is unlikely to constitute a taking.
3. The adoption of regulations, such as mandatory design standards, that increase use restrictions that are currently in place are considered down-zonings.

4. Adoption of mandatory zoning provisions would require compliance with R-270-1980, and if treating similarly situated property differently-properties now zoned the same classification are rezoned with different requirements for different parcels, then the procedure would have to be quasi-judicial in adopting the re-zoning.

5. If the design requirements are mandatory and therefore included as zoning regulations, and they increase the restrictions on use, then it would be a down zoning, and then see #4 above for procedure to be followed and R-270-1980 requirements.

6. In your scenario #3, I do not see any equal protection arguments or other violations of law or the constitution, if the guidelines stated above are followed.

Mark

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.

As mentioned, the South Yale Sector Development Plan uses a form-based approach in creating the 'character zones' that determine the regulations of the Plan. When combined with the four Community Goals and their Objectives, the character zones help to define the sense of place desired by the residents of the Plan area. The zones specify the land uses allowed, the types of buildings to be used in each zone and specifics of how they are oriented to the street.

City Legal has advised staff that justification under *R-270-1980* should be presented for the lots that become each of the sector-plan-specific zone categories. Therefore, all lots that are a part of each new character zone in the Plan area will have the criteria of *R-270-1980* applied. The criteria will be stated first, and then each character zone with its justification will follow.

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

YCC: *The proposed zoning to Yale Commercial Corridor is found to be consistent with the health, safety and general welfare of the City by giving property owners flexibility of the types of uses and the types of buildings they can place on their property. This gives the area certainty that development will have a better chance to occur in the near future and support the economic vitality of the area. Further, the types of uses allowed under the proposed zoning will promote multi-modal forms of transportation throughout the Plan area that will contribute to the health, safety and general welfare of the citizens within the Plan area.*

RMF: *The proposed zoning to the Residential Multi-Family Zone is found to be consistent with the health, safety and general welfare of the City by ensuring that the apartment buildings are built to the standards for building types, their location on the property and the design standards set by the Plan. These attributes support the Goal and housing policies of the Comprehensive Plan by ensuring all residents have the opportunity for quality housing.*

NMX: *The proposed zoning to the Neighborhood Mixed-Use Zone is found to be consistent with the health, safety and general welfare of the City by giving property owners flexibility of the types of uses and the types of buildings they can place on their property. This gives the area certainty that development will have a better chance to occur in the near future and support the economic vitality of the area.*

PNR: *The proposed zoning to the Planned Neighborhood Residential zone is found to be consistent with the health, safety and general welfare of the City by giving property owners flexibility of the densities, intensities, types uses and buildings they can place on their property. This gives the area certainty that development will have a better chance to occur in the near future and support the economic vitality of the area.*

Gibson C-3: *The proposed zoning to the Gibson C-3 area is found to be consistent with the health, safety and general welfare of the City. The allowable uses are not changing, but the area will be under control of a sector plan, which contains design and landscaping standards. This zone will also have the PNR zone available as an option. The intent is to allow the properties to be developed/redeveloped with a great amount of flexibility. This flexibility will allow for better developments/redevelopments to occur that will complement the surrounding neighborhood and the surrounding area.*

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.

YCC: *The proposed zoning offers stability to the area by providing better utilization of land use. The increased flexibility of allowable uses and the increase in allowed intensity of uses promotes more development in the area, which will support an increase in economic vitality of the Yale Corridor. The expansion of allowable uses along with the ability to mix these uses (R-2 and C-2 permissive and C-2 conditional uses) and thus, increased economic vitality, support land use stability. This promotes people to be along the corridor on a 24/7 basis, thereby providing a more stable environment. Other individual parcels in the Plan area are given a character zone category that is relevant to their existing use.*

RMF: *The zoning of the multi-family areas does not change greatly with the introduction of the RMF zone. The RMF zone allows for R-2 uses and accessory living quarters as the existing developments are using currently. The*

RMF zone standardizes the types of buildings that are used and the way the buildings address the street. This standardization will help to stabilize the area via consistent developments.

NMX: The proposed zoning offers stability to the area by providing better utilization of land use through allowing a mix of residential and non-residential uses. This increased flexibility of allowable uses along with an increase in allowed intensity from the building types and allowed heights and building placement as presented in the Plan, encourages more development in the area, which will support an increase in economic vitality. These increases in use and economic vitality support land use stability.

PNR: The proposed zoning offers stability to the area by providing better utilization of land use. As an option to the SU-1/PRD properties and the Gibson C-3 properties, the PNR zone gives a large degree of flexibility in how the property owner can tailor their development/redevelopment to the surrounding areas. The increased flexibility of allowable uses and varied level of intensity of the different levels available in the PNR zone promotes more development in the area, which supports land use stability.

Gibson C-3: The permissive uses are not changing, but the area will be under control of a sector plan, which contains design and landscaping standards. This zone will also have the PNR zone available as an option. The intent is to allow the properties to be developed/redeveloped with a great amount of flexibility. The increased flexibility of allowable uses and varied level of intensity of the different levels available in the PNR zone promotes more development in the area, which supports land use stability.

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.

YCC: This sector plan-specific-zone furthers applicable goals and policies of the Comprehensive Plan and promotes a better-served community. The Yale Commercial Corridor promotes activity in several aspects: It lines the Yale Corridor with buildings (brought closer to the public ROW) with commercial or office activities on the ground floor and residential or non-residential uses above; placement of the buildings enhances transit activity; it is pedestrian oriented and promotes multi-modal transportation. The use of a form based approach for building types and the establishment of specific design standards will ensure quality and innovation in design, ensure compatibility between residential and non-residential uses, and provide a balanced circulation system with safe and convenient pedestrian connectivity.

RMF: This sector plan-specific-zone furthers applicable goals and policies of the Comprehensive Plan by encouraging multi-family developments to have an identity. Yet be constructed with some standards as to ensure the development

- will be a recognizable part of the Plan area while maintaining a quality that will serve the residents.*
- NMX: *The sector plan-specific-zone of Neighborhood Mixed Use allows for greater flexibility by encouraging a mix of residential and non-residential uses. This zone allows the already existing zones of C-2 and R-2 permissive uses on all properties and furthers applicable goals and policies of the Comprehensive Plan and, thus, promotes the idea of a better-served community.*
- PNR: *The sector plan-specific-zone of Planned Neighborhood Residential furthers applicable goals and policies of the Comprehensive Plan and promotes the idea of a better-served community by allowing permissive uses of C-2 and R-2 in a wide variety of intensity and a mix of uses, which encourages the property owner to tailor their development to the surrounding neighborhoods and adjacent developments.*
- Gibson C-3: *The permissive uses are not changing, but the area will be under control of a sector plan, which contains design and landscaping standards. This zone will also have the PNR zone available as an option. The intent is to allow the properties to be developed/redeveloped with a great amount of flexibility. The increased flexibility of allowable uses and varied level of intensity of the different levels available in the PNR zone supports applicable goals and policies of the Comprehensive Plan and promotes the idea of a better-served community. The use of a form based approach for building types and the establishment of specific design standards will ensure quality and innovation in design, ensure compatibility between residential and non-residential uses, and provide a balanced circulation system with safe and convenient pedestrian connectivity.*

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 1) and 2) above do not apply.

The proposed zoning in the South Yale Sector Plan is “more advantageous to the community” per policy D.3 as described below for each of the new sector-plan-specific zones:

- YCC: *This sector plan uses a form-based approach, which promotes development of this corridor as a pedestrian oriented, mixed use, transit corridor. Allowable land uses are not generally altered, but in fact expanded in order to achieve the more urban type setting that the community within and surrounding the Plan area desires. These expanded uses also further applicable goals and policies of the Comprehensive Plan by creating an economically viable community. That is, the expanded allowable uses are more advantageous to the community as it gives greater flexibility to the land owner of the type of development to place on*

- their land, and in turn, promotes stability from the allowance of these additional uses thereby promoting the greater likelihood of development/redevelopment occurring.*
- The sector Plan provides uniformity of developments through the form based approach, and the use of design standards throughout the Plan area. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.*
- RMF:** *The form-based approach used in this sector plan promotes a different approach to development. The allowable land uses in the multi-family zone are R-2 permissive uses and accessory living quarters, which are not altered from the existing land uses. The RMF zone creates a zone that the existing land use is compatible and complimentary to the Plan's form based approach. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.*
- NMX:** *The form-based approach used in this sector plan promotes a different approach to development. The allowable land uses in the neighborhood mixed-use zone are an R-2 and C-2 permissive and C-2 conditional use, which expands the allowable uses for all the properties within this area. The properties of this area were zoned either R-2 or C-2; now property owners can have the expanded mixed-use developments with residential and non-residential uses and tailor their development to the community and the adjacent properties. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.*
- PNR:** *This sector plan uses a form-based approach, which promotes development of the Plan area as a more pedestrian oriented, mixed use, urban area. Allowable land uses are not altered, but in fact expanded in order to achieve the more urban type setting that the community within and surrounding the Plan area desires. It shall be noted that the PNR zone is to be offered as an alternative to the existing zoning. Properties currently zoned SU-1/PRD and in the area of Gibson C-3 will have the option to use this zoning. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.*
- Gibson C-3:** *This sector plan uses a form-based approach, which promotes development of the Plan area as a more pedestrian oriented, mixed use, urban area. Allowable land uses in Gibson C-3 are not altered, but the sector plan's*

design standards are applied in order to achieve the more urban type setting that the community within and surrounding the Plan area desires. Properties in the area of Gibson C-3 will also have the option to use the PNR zoning, which allows developments to become more integrated with the surrounding area by allowing a mixture of uses including a residential component. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.

- 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 following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones; YCC, RMF, NMX, PNR and Gibson C-3.

The various character zones provide certainty regarding future development by regulating permissive uses, building types and frontage types. These regulations will assure compatibility of adjacent uses and prevent harm to adjacent properties.

- F. A proposed zone change which, to be utilized through land development, requires major and un-programmed 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.

The following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones; YCC, RMF, NMX, PNR and Gibson C-3.

The sector plan commits the city to capital expenditures and includes a capital improvements list for projects that are intended to enhance the area. These projects are public investments to be made to increase the functionality/ attractiveness of the area and to make private investment in the area more desirable by private property owners.

- 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 following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones; YCC, RMF, NMX, PNR and Gibson C-3.

The City is interested in guiding the area's development and keeping the area a healthy economically viable part of the community. The City is not interested in private economic interests.

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

The following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones; YCC, RMF, NMX, PNR and Gibson C-3.

The Yale Corridor is already a transit corridor and has become the proposed alignment for the Modern Street Car when it serves the Sunport. The current use of transit (and the future increase) coupled with increased development of a mix of uses presents an opportunity to promote Yale as a commercial/transit corridor. The parcels of land within each of the 5-sector plan-specific zones have specific standards and are to be developed in a manner that is conducive to promoting this area as a destination that includes various uses.

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 make the site unsuitable for the uses allowed in any adjacent zone.**

The following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones, YCC, RMF, NMX, PNR and Gibson C-3.

The rezoning of properties into the character zones of the Plan create a contiguous area of appropriate uses as identified by the zone. Parcels are identified as a member of the character zones by the existing use already developed.

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 following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones, YCC, RMF, NMX, PNR and Gibson C-3.

As mentioned in I. above, the rezoning of properties into the character zones of the Plan create a contiguous area of appropriate uses as identified by the zone. The zones identified in the Plan are appropriate due to their adjacent transportation facilities and surrounding land uses - there will be no strip zoning.

CONCERNS OF REVIEWING AGENCIES/ PUBLIC CONCERNS

Transportation Chapter

Chapter 4 of the Plan is Transportation and provides a long list of standards that shall be made to the public right-of-way as development progresses. City Legal has pointed out that the Plan cannot make design and function of the public right-of-way mandatory, but can make them recommendations. Thus, it is suggested that this chapter be looked at as providing policies to be met instead of mandating standards for the transportation portion of the Plan area; these recommendations are primarily along the entire length of Yale Boulevard.

The Transportation Division has provided several comments that address the bicycle and pedestrian realm as well. These comments are included in the agency review and comments section at the end of this staff report, but some of their points are worth discussing here. Out of the 13 specific comments provided by this department, 5 are oriented to bicycles, thus a brief discussion of these points will take place. Also, it is worth mentioning that there is a dedicated bike route is along Buena Vista Drive connecting the paved (and closed to vehicular traffic) trail along Gibson Boulevard to UNM; there is not one along Yale Boulevard.

Bicycles

The Transportation Division requests that a map be added into the Plan document that shows bicycle routes, lanes and trails in and around the Plan area. Second, bicycle routes/lanes should not be compromised in order to give space within the public right-of-way to make sidewalks wider. All language, which can be interpreted as not supportive of bicycles, should be eliminated from the Plan - including vague language that prohibits bicycle lanes in travel lanes. Lastly, bicycle parking should be located within convenient proximity to the entrance of the building.

Pedestrians

The pedestrian realm has specific comments as well. The intersection of Yale and Kathryn is challenging, as Kathryn does not match-up with itself from one side of Yale to the other. This and to some extent, the intersection of Ross and Yale, create a difficulty to the pedestrian who is trying to cross Yale. The Plan suggests that a diagonal crosswalk be placed across Yale to help pedestrians traverse it. The Transportation Division is opposed to this, as it would cause the traffic light to remain green longer when a pedestrian cued the signal for crossing the street. Staff cannot think of a valid alternative other than altering the intersection by recommending something like a roundabout.

Pedestrian refuges are another suggestion that is to be implemented by the sector plan in medians along Avenida Cesar Chavez and the intersections of University, Yale and Girard with Gibson Boulevard. The Transportation Division states that such a proposal needs to be approved by the City Engineer; it cannot only be a standard in a sector plan. Street section illustrations will be added in the Plan document to illustrate the desired street sections and show how the added landscaping strips provide additional refuges for pedestrians.

Drainage Issue and Rear Alleyways

The sector plan mentions that rear drive isles (alleys) may be a viable method for providing parking to buildings that front Yale Boulevard. The west side of Yale also has the problem of inadequate drainage because there is no method of conveying storm water that collects on these sites. Thus, storm water runs off these sites and floods the properties typically to the west of them – the natural

grade slopes to the west. Since the properties to the west are at a lower grade (in some cases there is a 20-foot elevation change), they typically flood from the over abundance of water on higher properties. The alleyways seem to be a good solution for both the problems: 1) access to sites which allows the buildings to be placed closer to the street; and 2) conveyance of storm water to the streets that intersect with Yale.

The issue of these rear-drive-aisles/alley-ways has been the focus of some discussion. Drainage of the properties west of Yale is a problem. The lots facing Yale (on the west side) are not very wide, but are fairly deep and would support the rear-drive-isle concept. However, in order for it to function, all property owners within a block would have to agree that this is desired. It cannot be made mandatory as it can be considered a taking of land. Therefore, a master drainage study should be performed with its recommendations followed. The access to properties can happen through shared agreements with adjacent property owners if the rear alleyways are not an option.

Zoning Enforcement

Additional comments from Zoning Code Enforcement are attached to this staff report as well. Many of these comments will be clarified when the Plan is revised for adoption. This list of their comments has provided the design team with the specific items that need to be addressed. This has been listed as a condition of approval.

Staff has discussed some other issues of interest with the Zoning Enforcement Division. These are listed below:

1. Are residential, commercial, office defined terms in the Zoning Code?

The term residential is defined in the Zoning Code:

“The RO-1, RO-20, R-1, MH, R-T, R-LT, RG, R-2, R-3, RA-1, RA-2, RC, and RD zones; and the segments of the SU-1, SU-2, and SU-3 zones where the predominant use allowed in a sub-area is residential.”

Thus, all other zones that are not residential zones are presumed to be non-residential.

2. How is the front and rear of a lot determined?

The setbacks determine the front, the side and the back. The rear of the property must be directly across from the back of the property.

3. Can the Wireless Telecommunications Tower be a prohibited use in a zone?

Yes, Wireless Telecommunications Facilities can be prohibited from zones.

4. Why is there a minimum lot size for each zone?

The language specifying lot size will be removed from the Plan for all plan-specific zones.

5. Does an accessory living quarters have a kitchen?

No, a kitchen makes the living quarters become a dwelling unit.

6. How can alcohol be both a prohibited and conditional use?

Alcohol sales cannot be both conditional and prohibited. Thus, alcohol sales will be removed from the list of prohibited uses and remain as conditional. The intent is that alcohol sales are to be ancillary to a primary use. An example is a liquor department in a grocery store.

7. Can the RMF zone require that R-2 permissive uses be allowed when property is zoned R-3? *The Lot Size in the R-3 zone is a governing portion for this zone. As stated in the Zoning Code:*
- (D) Lot Size (R-3)**
- (1) A minimum lot width and depth shall be 150-feet**
- (2) Lots legally nonconforming to minimum lot width or depth may be developed governed by the R-T zone in all respects; no variance is required for such development.**

Comments from PNM

PNM submitted a letter at the July EPC hearing that makes several comments about the location of their transmission lines for electricity, the need to have adequate clearance around their ground mounted facilities, the need for dedicated easements for new gas lines and electrical distribution lines as the Plan area develops and the need to address encroachment issues. This letter also presents suggested text to be inserted into the Plan regarding utilities, especially encroachment on easements.

City Council is working on language with regard to implementing a form-based approach to zoning with respect to utility easements on a citywide basis. Since the comments from PNM have many references to the South Yale Plan, the design team will address those comments and clarify language in the Plan. For example, language in reference to setbacks will state that “coordination must be made with PNM” and that “PUEs will need to be shown on site-plans.” Also, the Plan will have encroachment language that will follow the City’s standard language for right-of-ways.

NAIOP Concerns

NAIOP submitted a letter at the May EPC hearing that expresses their concerns with the South Yale Plan. There are three specific points of concern and they all deal with the portion of the Plan area that is to be “Gibson C-3” zoning. Their concerns are addressed below:

1. We believe that the addition of new design guidelines constitutes a zone change, and should require that the process for zone changes be followed.

R-270-1980 has been followed and explanation has been made for each of the new zone categories. Below is what was stated for under the justification of R-270-1980, criteria D.3 for Gibson C-3:

The proposed zoning in the South Yale Sector Plan is “more advantageous to the community” per policy D.3. This sector plan uses a form-based approach, which promotes development of the Plan area as a more pedestrian oriented, mixed use, urban area. Allowable land uses in Gibson C-3 are not altered, but the sector plan’s design standards are applied in order to achieve the more urban type setting that the community within and surrounding the Plan area desires. Properties in the area of Gibson C-3 will also have the option to use the PNR zoning, which allows developments to become more integrated with the surrounding area by allowing a mixture of uses including a residential component. The adoption of the form based approach and the creation of character zones rather than individual parcels having

their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.

2. We do not believe that the City has adequately justified the zone changes contained in the SYSDP.

The City has gone through each of the new zone categories presented in the South Yale Sector Development Plan and justified why the zone changes are more beneficial to the community and the City using the criteria as specified by R-270-1980.

3. We believe that adding the Girard peninsula to the Yale Sector Plan was an arbitrary decision and amounts to gerrymandering.

As mentioned earlier, the boundaries of the Plan area were developed with input from the public, the Development Commission, the City Council and staff. The center of the Plan area is Yale Boulevard and includes the Gibson corridor (on its northern side) that is not already in an MRA. A decision was made to not include lands controlled by the university west of University Boulevard or the single-family neighborhoods besides Clayton Heights and Lomas del Cielo or the golf course east of Girard Boulevard.

The decision to include the "Girard Peninsula" was not an arbitrary one. The "peninsula" is adjacent to residential neighborhoods and is considered a part of this community. The design standards are applied in order to achieve the more urban type setting that the community within and surrounding the Plan area desires. The intent is for the "C-3 peninsula" to become integrated with this adjacent community.

OTHER CONCERNS

Project Share, a non-profit that serves meals to homeless people or anyone in need of a meal, is concerned that the City is pursuing a sector plan when there are many people in need in the community. Project Share is also concerned that the public meetings were held at the Loma Linda Community Center where Project Share clients do not feel comfortable.

All meetings were public and no one was turned away. The sector plan process was initiated by City Council at the request of area residents.

CONCLUSIONS

This is a request for a recommendation of approval to the City Council of the South Yale Sector Development Plan. The Plan uses a form-based approach as the mechanism to implement design standards and allow for a modern identity for the area to emerge. The intent is that the adoption of this Plan will assist in the community to be able to move to a healthy, economically viable neighborhood and establish itself along the Yale Corridor as a destination.

FINDINGS – 08EPC 40072 – September 11, 2008

1. This is a request for a recommendation of approval to the City Council for the adoption of the South Yale Sector Development Plan.
2. This project was created with the adoption of City Council Bill R-06-81 that established an objective of completing a sector plan focusing around south Yale Boulevard including the south University area and the north side of the Gibson Boulevard corridor. The resolution also declared a moratorium on the issuance of conditional uses allowing residential uses to be constructed in commercial zones.
3. The Plan area is approximately 519 acres. The Plan boundaries are University Boulevard on the west, St. Cyr (and its alignment relatively east-to-west) on the north, Columbia Drive south to Kathryn Avenue and west to the alley (on the west side of Cornell Drive) and south to Vail Avenue and then east to Girard Boulevard and south to Gibson Boulevard – for the eastern boundary, then west on Gibson to University Boulevard (see attached map).
4. The boundaries of the sector plan area were determined approximately at the same time the boundaries for the (South Yale) Metropolitan Redevelopment Area (MRA) were determined. Residents of the area spoke at the Development Commission and asked for the boundaries to be drawn to include areas they felt needed to be improved or were blighted. The Yale corridor and the north side of Gibson Boulevard were seen as logical boundaries for both the MRA and the sector plan because they lack pedestrian connectivity and design standards which has led to blighted conditions along these corridors.
5. The City of Albuquerque contracted with the professional planning firm Strata Design to produce the South Yale Sector Development Plan. The project began in May 2007 with a public meeting that was organized by the community. A total of five public meetings took place for this project with the last meeting held at the end of April 2008. One of the meetings was an all-day design workshop (July 2007) where the community started to formulate the desired Goals.
6. The community established four goals that helped guide the development of this Plan. They are:
 - Develop South Yale into a retail/ commercial destination with local identity to serve local needs. (For retail and commercial development)
 - Develop South Yale into an enjoyable entertainment and hospitality destination, which is an inviting, comfortable and easy to use environment for tourists and sports enthusiasts as well as residents. (For Entertainment and Hospitality Development)

- Develop South Yale as a healthy neighborhood, which is safe, clean, and walkable with a vibrant mixed-use economic area that promotes community ownership. (For Healthy Neighborhood Development)
 - Develop South Yale with a public setting that reflects New Mexico, is family friendly, and an easy and attractive place to conduct business for all populations. (For the Public Realm)
7. There was an economic study performed by Bob Gibbs and Associates. This economic study gave insight to the economic picture for the area and a view of future economic activity of this older area and how the Gibson corridor and future development in the UNM business park would impact the area.
 8. The South Yale Sector Development Plan uses a form-based approach and creates five new “character” zones. These zones regulate land uses, building form and articulation, lot layout, parking, landscaping, and signage. The new zones are applied in order to achieve the community’s goals.
 9. There are a few large parcels within the Plan area that are not within the City’s zoning jurisdiction. These parcels are owned by the institutions of UNM, CNM and APS. Since these lands surround Yale Boulevard, they are still considered part of the Plan area. While there are no formal agreements with any of these entities, representatives from each institution have supported City staff’s efforts in creating this sector plan.
 10. There are properties within the sector plan area that were not rezoned - their uses and existing developments will not be affected by the Plan. These properties are zoned R-1, C-3 and some properties that are zoned SU-1 such as the South Yale Business Park, the Isotopes Stadium, the Veloport, the east side transit facility, and the cemetery.
 11. The sector plan proposes five new character zones, four of which use a form-based approach. They are:
 - Yale Corridor Commercial (YCC) consisting of the existing C-2 zoned properties located along Yale Boulevard from St. Cyr to Ross Avenue. The intent is to allow a mixture of uses that include retail, offices, commercial services, residential and civic uses that will create economic and social vitality.
 - Residential Multi-family (RMF) consisting of the existing multi-family residential that is scattered throughout the Clayton Heights residential area. When these properties are redeveloped, form based code standards will apply to ensure that multi-family redevelopment is sensitive to existing single-family homes.
 - Neighborhood Mixed Use (NMX) consists of a mix of R-2 and C-2 zoned properties at the southern end of Yale Boulevard and Gibson Avenue extending to the west. This zone

addresses site planning and land use issues and topographical issues in order to better integrate properties in existing neighborhoods while increasing opportunities for high-quality, mixed-use development.

- Planned Neighborhood Residential (PNR) consists of the existing SU-1 PRD parcels that are located within the Plan area. This is primarily a residential zone with limited non-residential uses. This zone allows for large-scale site planning opportunities at a neighborhood scale.
- Gibson C-3 (C-3) does not adopt the form based code standards, yet is still subject to the design standards. The properties within this zone, at the southeast portion of the Plan area, maintain the uses and regulations provided by the C-3 zone and incorporate the design standards of the sector plan in creating a more pedestrian friendly commercial node.

12. Design standards are presented in the South Yale Sector Development Plan through the description of each character zone and a General Standards section. These design standards are to create an image for this southern gateway (from the Sunport) into the City. This will help to create a sense of 'place'.

13. The South Yale Sector Development Plan is within the area designated **Established Urban** by the *Comprehensive Plan*. The sector plan is in compliance with applicable land use goals and policies for Established Urban Areas as follows:

- The Plan area contains a variety of zones that allow for both residential and commercial uses. These zone categories support densities of 5 du/acre on average (policy a).
- The newly created zones of the sector plan are tailored to promote economic vitality and stable land uses while respecting the existing development and topographical elements (policy d).
- The Plan area is fully served with urban infrastructure and new developments will add to the efficiency of these services (policy e).
- The sector plan has 3 SU-1/PRD zoned properties, which can choose to remain with that zoning or change to the PNR zone. The YCC, RMF and NMX zones allow for a higher density residential use, which is appropriate given the proximity to the Activity Centers (Policy h).
- The YCC, NMX and PNR character zones allow for a mix of multi-family and non-residential uses (Policy i).
- The more intense commercial uses are along the Yale corridor. Other non-residential uses are controlled through design standards. The proposed design standards for these character zones are intended to promote a quality environment for these areas by the incorporation of design elements for buildings and sites and the encouragement of a pedestrian environment (Policy k, l).

14. The South Yale Sector Development Plan is generally in compliance with the goal and policies of the **Activity Centers** section of the Land Use component of the Comprehensive Plan. These are met as follows:
- There are 2 designated Special Activity Centers in and adjacent to the Plan area – the Albuquerque International Sunport and the UNM South Sports Complex. There are also 2 Major Activity Centers in and adjacent to the Plan area: one is the lands surrounding the Sunport and the other is the lands surrounding CNM (Policy a).
 - The Special Activity Center of the UNM South Sports Complex lies across Buena Vista Avenue from the Clayton Heights single-family neighborhood. There is not a proposed buffer/transition offered from this Plan because the City does not have control over the state owned land that the sports complex resides on. The only land separating these uses is Buena Vista Avenue which is a local street. This does not meet this goal (policy f).
 - These Activity Center locations shall guide more intense development away from existing residential areas (policy g).
 - The newly created sector-plan-specific zones are a large portion of the Plan area including the lands adjacent to the Sunport, CNM and the Sports Complex (policy j).
15. The South Yale Sector Development Plan is generally in compliance with the goal and policies of the **Air Quality** portion of the Environmental Protection and Heritage Conservation section of the Comprehensive Plan. The Goal for Air Quality is achieved through Policies b and c that promotes Yale Boulevard as a transit corridor with slower traffic speeds.
16. The South Yale Sector Development Plan is generally in compliance with the goal and policies of the **Developed Landscape** portion of the Environmental Protection and Heritage Conservation section of the Comprehensive Plan. These are met as follows:
- West of Yale Boulevard and west of the single-family homes of Clayton Heights, west of Buena Vista Avenue, the grade changes rapidly – about 30-feet. This natural ‘bench’ provides for some of the greatest views of the Rio Grande river Valley looking west. The sector plan is not suggesting to alter this grade change and has actually taken it into account when determining the placement of the zones NMX and the mobile home park on the southwest portion of the Plan area.
 - The form based regulations of building types and facades, along with the design standards of the Plan, landscaping will be an integral portion of each development. streetscape standards will also add to the visual experience of right-of-ways while mitigating against dust and erosion.
17. The South Yale Sector Development Plan is generally in compliance with the goal and policies of **Community Identity and Urban Design** of the Environmental Protection and Heritage Conservation component of the Comprehensive Plan. These are met as follows:

- The sector plan promotes pedestrian connectivity through its design standards for each of the character zones and the General Standards, section 5 in chapter 3. The buildings of each character zone are designed specifically to promote pedestrianism. This is best seen in the YCC zone where no new curb cuts are allowed and access to the buildings is encouraged to be from the back of the building allowing for pedestrian activity on the sidewalks of Yale Boulevard. The form-based approach also encourages greater pedestrian activity through design that invites people to participate with the buildings rather than to keep them away from the buildings. Landscaping, street furniture, textured pavement for pedestrians, etc. are also an integral part of this Plan (policy d).
- The sector Plan's design standards for each zone and in general promote community identity by regulating a more uniform and consistent type of building and façade as well as promoting connectivity and walk ability through the Plan area (Policy e).

18. The South Yale Sector Development Plan is generally in compliance with the goal and policies of the **Transportation and Transit** section of the Community Resource Management component of the Comprehensive Plan. These are met as follows:

- The sector plan provides the elements of creating Yale Boulevard into a transit corridor that is consistent with the Comprehensive Plan's objectives of street design as presented in this goal's table. The tailored zone of YCC allows for transportation and transit to co-exist along with pedestrian and bike modes of transportation (policy a).
- Yale Boulevard allows for the modern streetcar to be placed in the traffic lanes when it is constructed. Part of creating Yale to be a transit corridor is limiting the number of curb cuts and slowing traffic and these are a part of the proposed sector plan (policy d).
- Non-motorized connections are incorporated into intersections crossings linking pedestrian and bicycle movements together within the Plan's area (policy g).
- Yale Boulevard, Avenida Cesar Chavez and Gibson Boulevard are suggested in this Plan as roadways that could use improvements to enhance mobility needs. Further, connectivity does not terminate at the Activity Centers; the design standards allow for both motorized and non-motorized connectivity throughout the Plan area.

There are specific infrastructure projects addressed in the Plan's Implementation: Projects chapter, chapter 5. These elements, collectively, address the promotion and integration of pedestrian opportunities, including at-grade crossings, urban walkways and overall Plan improvements to mobility (policy q).

19. The South Yale Sector Development Plan is generally in compliance with the goal and policies of the **Housing** section of the Community Resource Management component of the Comprehensive Plan. These are met as follows:

- The Plan area has a section-8 housing development and an older trailer park and the City has no intention of providing future opportunities for those developments to be something

else. Additional residential is allowed above the ground floor of the buildings that are in the YCC zone which may be affordable. Further, multi-family housing is permissive in the mixed-use zone (NMX), the multi-family zone (RMF) and the planned residential (PNR) zones (policy a).

20. The South Yale Sector Development Plan is generally in compliance with the goal and policies of the **Economic Development** portion of the Resource Management component of the Comprehensive Plan. These are met as follows:

- Development and redevelopment along the Yale Boulevard corridor will bring various employment opportunities. The allowance of residential above the commercial space on the ground floor in the YCC zone will allow residents to walk a short distance to their place of employment. As well as many local residents could work close to their home. The proximity to the Sunport and the UNM research area also allows for many companies to locate within the Plan area as well (policy a).
- The Sunport is located directly south of the Plan area and brings many residents and visitors from all over to it – regionally, nationally and internationally. UNM’s sports complex is also within the Plan’s area and many visitors are drawn to sporting events. The university is also located further north on Yale Boulevard. All of these attractions will promote tourism in the Plan area (policy d).

21. The South Yale SDP proposes new zoning as indicated on the Proposed Zoning Map on page 12 of the Plan. The proposed zoning is justified per **Resolution 270-1980** as follows:

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

YCC: The proposed zoning to Yale Commercial Corridor is found to be consistent with the health, safety and general welfare of the City by giving property owners flexibility of the types of uses and the types of buildings they can place on their property. This gives the area certainty that development will have a better chance to occur in the near future and support the economic vitality of the area. Further, the types of uses allowed under the proposed zoning will promote multi-modal forms of transportation throughout the Plan area that will contribute to the health, safety and general welfare of the citizens within the Plan area.

RMF: The proposed zoning to the Residential Multi-Family Zone is found to be consistent with the health, safety and general welfare of the City by ensuring that the apartment buildings are built to the standards for building types, their location on the property and the design standards set by the Plan. These attributes support the Goal and housing policies of the Comprehensive Plan by ensuring all residents have the opportunity for quality housing.

NMX: The proposed zoning to the Neighborhood Mixed-Use Zone is found to be consistent with the health, safety and general welfare of the City by giving property owners flexibility of the types of uses and the types of buildings they can

place on their property. This gives the area certainty that development will have a better chance to occur in the near future and support the economic vitality of the area.

PNR: The proposed zoning to the Planned Neighborhood Residential zone is found to be consistent with the health, safety and general welfare of the City by giving property owners flexibility of the densities, intensities, types uses and buildings they can place on their property. This gives the area certainty that development will have a better chance to occur in the near future and support the economic vitality of the area.

Gibson C-3: The proposed zoning to the Gibson C-3 area is found to be consistent with the health, safety and general welfare of the City. The allowable uses are not changing, but the area will be under control of a sector plan, which contains design and landscaping standards. This zone will also have the PNR zone available as an option. The intent is to allow the properties to be developed/redeveloped with a great amount of flexibility. This flexibility will allow for better developments/redevelopments to occur that will complement the surrounding neighborhood and the surrounding area.

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.

YCC: The proposed zoning offers stability to the area by providing better utilization of land use. The increased flexibility of allowable uses and the increase in allowed intensity of uses promotes more development in the area, which will support an increase in economic vitality of the Yale Corridor. The expansion of allowable uses along with the ability to mix these uses (R-2 and C-2 permissive and C-2 conditional uses) and thus, increased economic vitality, support land use stability. This promotes people to be along the corridor on a 24/7 basis, thereby providing a more stable environment. Other individual parcels in the Plan area are given a character zone category that is relevant to their existing use.

RMF: The zoning of the multi-family areas does not change greatly with the introduction of the RMF zone. The RMF zone allows for R-2 uses and accessory living quarters as the existing developments are using currently. The RMF zone standardizes the types of buildings that are used and the way the buildings address the street. This standardization will help to stabilize the area via consistent developments.

NMX: The proposed zoning offers stability to the area by providing better utilization of land use through allowing a mix of residential and non-residential uses. This increased flexibility of allowable uses along with an increase in allowed intensity from the building types and allowed heights and building placement as presented in the Plan, encourages more development in the area, which will support an increase in economic vitality. These increases in use and economic vitality support land use stability.

PNR: The proposed zoning offers stability to the area by providing better utilization of land use. As an option to the SU-1/PRD properties and the Gibson C-3 properties, the PNR zone gives a large degree of flexibility in how the property owner can tailor their development/redevelopment to the surrounding areas. The increased flexibility of allowable uses and varied level of intensity of the different levels available in the PNR zone promotes more development in the area, which supports land use stability.

Gibson C-3: The permissive uses are not changing, but the area will be under control of a sector plan, which contains design and landscaping standards. This zone will also have the PNR zone available as an option. The intent is to allow the properties to be developed/redeveloped with a great amount of flexibility. The increased flexibility of allowable uses and varied level of intensity of the different levels available in the PNR zone promotes more development in the area, which supports land use stability.

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.

YCC: This sector plan-specific-zone furthers applicable goals and policies of the Comprehensive Plan and promotes a better-served community. The Yale Commercial Corridor promotes activity in several aspects: It lines the Yale Corridor with buildings (brought closer to the public ROW) with commercial or office activities on the ground floor and residential or non-residential uses above; placement of the buildings enhances transit activity; it is pedestrian oriented and promotes multi-modal transportation. The use of a form based approach for building types and the establishment of specific design standards will ensure quality and innovation in design, ensure compatibility between residential and non-residential uses, and provide a balanced circulation system with safe and convenient pedestrian connectivity.

RMF: This sector plan-specific-zone furthers applicable goals and policies of the Comprehensive Plan by encouraging multi-family developments to have an identity. Yet be constructed with some standards as to ensure the development will be a recognizable part of the Plan area while maintaining a quality that will serve the residents.

NMX: The sector plan-specific-zone of Neighborhood Mixed Use allows for greater flexibility by encouraging a mix of residential and non-residential uses. This zone allows the already existing zones of C-2 and R-2 permissive uses on all properties and furthers applicable goals and policies of the Comprehensive Plan and, thus, promotes the idea of a better-served community.

PNR: The sector plan-specific-zone of Planned Neighborhood Residential furthers applicable goals and policies of the Comprehensive Plan and promotes the idea of a better-served community by allowing permissive uses of C-2 and R-2 in a wide variety of intensity and a mix of uses, which encourages the property owner to

tailor their development to the surrounding neighborhoods and adjacent developments.

Gibson C-3: The permissive uses are not changing, but the area will be under control of a sector plan, which contains design and landscaping standards. This zone will also have the PNR zone available as an option. The intent is to allow the properties to be developed/redeveloped with a great amount of flexibility. The increased flexibility of allowable uses and varied level of intensity of the different levels available in the PNR zone supports applicable goals and policies of the Comprehensive Plan and promotes the idea of a better-served community. The use of a form based approach for building types and the establishment of specific design standards will ensure quality and innovation in design, ensure compatibility between residential and non-residential uses, and provide a balanced circulation system with safe and convenient pedestrian connectivity.

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 1) and 2) above do not apply.**

The proposed zoning in the South Yale Sector Plan is “more advantageous to the community” per policy D.3 as described below for each of the new sector-plan-specific zones:

YCC: This sector plan uses a form-based approach, which promotes development of this corridor as a pedestrian oriented, mixed use, transit corridor. Allowable land uses are not generally altered, but in fact expanded in order to achieve the more urban type setting that the community within and surrounding the Plan area desires. These expanded uses also further applicable goals and policies of the Comprehensive Plan by creating an economically viable community. That is, the expanded allowable uses are more advantageous to the community as it gives greater flexibility to the land owner of the type of development to place on their land, and in turn, promotes stability from the allowance of these additional uses thereby promoting the greater likelihood of development/ redevelopment occurring.

The sector Plan provides uniformity of developments through the form based approach, and the use of design standards throughout the Plan area. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community’s vision for the area, but enables development outcomes that are more predictable for the property owners and the City.

RMF: The form-based approach used in this sector plan promotes a different approach to development. The allowable land uses in the multi-family zone are R-2 permissive uses and accessory living quarters, which are not altered from the

- existing land uses. The RMF zone creates a zone that the existing land use is compatible and complimentary to the Plan's form based approach. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.
- NMX: The form-based approach used in this sector plan promotes a different approach to development. The allowable land uses in the neighborhood mixed-use zone are an R-2 and C-2 permissive and C-2 conditional use, which expands the allowable uses for all the properties within this area. The properties of this area were zoned either R-2 or C-2; now property owners can have the expanded mixed-use developments with residential and non-residential uses and tailor their development to the community and the adjacent properties. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.
- PNR: This sector plan uses a form-based approach, which promotes development of the Plan area as a more pedestrian oriented, mixed use, urban area. Allowable land uses are not altered, but in fact expanded in order to achieve the more urban type setting that the community within and surrounding the Plan area desires. It shall be noted that the PNR zone is to be offered as an alternative to the existing zoning. Properties currently zoned SU-1/PRD and in the area of Gibson C-3 will have the option to use this zoning. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.
- Gibson C-3: This sector plan uses a form-based approach, which promotes development of the Plan area as a more pedestrian oriented, mixed use, urban area. Allowable land uses in Gibson C-3 are not altered, but the sector plan's design standards are applied in order to achieve the more urban type setting that the community within and surrounding the Plan area desires. Properties in the area of Gibson C-3 will also have the option to use the PNR zoning, which allows developments to become more integrated with the surrounding area by allowing a mixture of uses including a residential component. The adoption of the form based approach and the creation of character zones rather than individual parcels having their own zoning not only seeks to implement the community's vision for the area, but enables development outcomes that are more predictable for the property owners and the City.
- 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 following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones; YCC, RMF, NMX, PNR and Gibson C-3.

The various character zones provide certainty regarding future development by regulating permissive uses, building types and frontage types. These regulations will assure compatibility of adjacent uses and prevent harm to adjacent properties.

F. A proposed zone change which, to be utilized through land development, requires major and un-programmed 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.**

The following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones; YCC, RMF, NMX, PNR and Gibson C-3.

The sector plan commits the city to capital expenditures and includes a capital improvements list for projects that are intended to enhance the area. These projects are public investments to be made to increase the functionality/ attractiveness of the area and to make private investment in the area more desirable by private property owners.

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 following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones; YCC, RMF, NMX, PNR and Gibson C-3.

The City is interested in guiding the area's development and keeping the area a healthy economically viable part of the community. The City is not interested in private economic interests.

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

The following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones; YCC, RMF, NMX, PNR and Gibson C-3.

The Yale Corridor is already a transit corridor and has become the proposed alignment for the Modern Street Car when it serves the Sunport. The current use of transit (and the future increase) coupled with increased development of a mix of uses presents an opportunity to promote Yale as a commercial/transit corridor. The parcels of land within each of the 5-sector plan-specific zones have specific standards and are to be developed in a manner that is conducive to promoting this area as a destination that includes various uses.

- 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 make the site unsuitable for the uses allowed in any adjacent zone.**

The following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones, YCC, RMF, NMX, PNR and Gibson C-3.

The rezoning of properties into the character zones of the Plan create a contiguous area of appropriate uses as identified by the zone. Parcels are identified as a member of the character zones by the existing use already developed.

- 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 following paragraph is universally applicable to all sector plan-specific zones in the South Yale sector plan. Thus, it is stated once and applies to all new character zones, YCC, RMF, NMX, PNR and Gibson C-3.

As mentioned in I. above, the rezoning of properties into the character zones of the Plan create a contiguous area of appropriate uses as identified by the zone.

The zones identified in the Plan are appropriate due to their adjacent transportation facilities and surrounding land uses - there will be no strip zoning.

RECOMMENDATION - 08EPC 40072 – September 11, 2008

That a recommendation of APPROVAL be forwarded to the City Council for the South Yale Sector Development Plan, EPC case number 08EPC 40072, based on the preceding Findings and subject to the following Conditions.

CONDITIONS FOR RECOMMENDATION OF APPROVAL - 08EPC 40072 –September 11, 2008

1. Upon receiving additional agency comments, the Planning Department shall make appropriate revisions to the Plan document.

2. The Planning Department shall work on the reorganization of the Plan document to make it flow in a logical sequence.

3. The Planning Department has suggested modifications to the General Regulatory Requirements section of Chapter 3, Section 3.0 – specifically §3.1, §3.2 and §3.3 - §3.4 shall remain unchanged. The changes are as follows:

3.1 Development Review Process – (This table shall replace the current table in the document.)

	Yale Corridor Commercial (YCC)	Planned Neighborhood Residential (PNR)	Neighborhood Mixed Use (NMX)	Multi-Family Residential (MFR)	Gibson C-3
Compliant on Use and Form	<i>Building Permit</i>	DRB	<i>Building Permit</i>	<i>Building Permit</i>	<i>Building Permit</i>
	<i>No Public Notification Required</i>	Public Notification Required	<i>No Public Notification Required</i>	<i>No Public Notification Required</i>	<i>No Public Notification Required</i>
Conditional Use and Compliant on Form	<i>ZHE and Building Permit</i>	ZHE and DRB	<i>ZHE and Building Permit</i>	<i>ZHE and Building Permit</i>	<i>ZHE and Building Permit</i>
	<i>ZHE Public Notification Required</i>	<i>ZHE and DRB Public Notification Required</i>	<i>ZHE Public Notification Required</i>	<i>ZHE Public Notification Required</i>	<i>ZHE Public Notification Required</i>
Non Compliant on Use or Form	EPC	EPC	EPC	EPC	EPC

Per City Zoning Code, all cases heard by the EPC are publicly notified.

3.2 General Development Compliance

1. For undeveloped sites: all new development shall comply.
2. For sites with existing structures: when there is an increase or decrease of 10% or more of a building’s existing square footage, the site shall comply.
3. Repairs and maintenance of existing structures, and/or buildings: shall be exempt.
4. Façade improvements shall be exempt.

Landscape Requirements

All sites shall be required to comply with the General Landscaping Standards found in Chapter 3, §5.3, page 37 within Five years of the adoption of this plan.

3.3 Modifications to allowable building type

The existing section 3.3 in chapter 3 on page 14 would be omitted. It will be replaced by a subsection that speaks to modifications of the allowable building dimensions that are specified in the Plan. The new language is as follows:

Two levels of modifications to the zoning regulations are permitted:

1. Minor: the Planning Director or his/her designee may approve deviations from the dimensional standards by no more than 10 %.
 2. Major: Any modification of the dimensional standards and modifications to use that is greater than 10% of the building square footage will have to be reviewed by the Environmental Planning Commission for approval.
4. The PNR zone shall be an alternative to the SU-1/PRD zone. The following language shall be placed in the zoning code for the 3 properties within the Yale Sector Plan boundary that are currently SU-1/PRD:

SU-2/SU-1 for PRD or with South Yale Sector Plan PNR alternative
 5. The PNR zone shall be an alternative to the Gibson C-3 zone. The following language shall be placed in the zoning code for the C-3 zoned properties on the northwestern portion of the intersection of Gibson and Girard and within the Yale Sector Plan boundary:

SU-2/C-3 or with South Yale Sector Plan PNR alternative
 6. Chapter 4, Transportation, shall be modified to provide *policy guidance* (as opposed to regulating standards) to the City for development within the ROW. This change is due to the fact that the City may choose not to implement the changes being proposed.
 7. The comments from the Transportation Division (attached) shall be considered and incorporated.
 8. A map shall be added into the Plan document that shows bicycle routes, lanes and trails in and around the Plan area. Bicycle routes/lanes should not be compromised in order to give space within the public right-of-way to make sidewalks wider. All language that can be interpreted as not supportive of bicycles should be eliminated from the Plan - including vague language that prohibits bicycle lanes in travel lanes. Bicycle parking should be located within convenient proximity to the entrance of the building.
 9. A master drainage study should be performed around the Yale Corridor with its recommendations followed.

10. The comments from the Zoning Enforcement Division (attached) shall be considered and incorporated. Clarification in the Plan document shall be made where appropriate.
 11. Package liquor sales shall be removed from the Prohibited Uses list and remain as a Conditional Use in the YCC, NMX and PNR zones.
 12. The language “screening of transformers, electrical boxes and other utility structures shall not impede access to the equipment and shall provide for safe maintenance and repair by utility workers” will be added to the regulation section of the plan.
 13. The Plan document shall include language in reference to setbacks will state that “coordination must be made with PNM” and that “PUEs will need to be shown on site-plans.” Also, the Plan will have encroachment language that will follow the City’s standard language for right-of-ways.
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***Christopher Hyer
Senior Planner***

cc: City of Albuquerque, Planning Department, 600 2nd St. NW, Albuquerque, NM 87102
Isabel Cabrera, Clayton Heights/Lomas Del Cielo NA, 1720 Buena Vista SE, Albuquerque, NM 87106
John Conlon, Clayton Heights/Lomas Del Cielo NA, 1212 Wilmoore SE, Albuquerque, NM 87106
Vincent Baty, Kirtland Community Assoc., 1924 Sunshine Terrace SE, Albuquerque, NM 87106
Barbara Williams, Kirtland Community Assoc., 1401 Alamo SE, Albuquerque, NM 87106
Chris Smith, Nob Hill NA, 226 Sierra Pl. NE, Albuquerque, NM 87106
Stace McGee, Nob Hill NA, 142 Truman NE, Albuquerque, NM 87106
Bill Cobb, Silver Hill NA, 1701 Silver Ave. SE, Albuquerque, NM 87106
Gordon Reiselt, Silver Hill NA, 1575 Silver SE, Albuquerque, NM 87106
John Pate, Southeast Heights NA, 1007 Idlewild Ln. SE, Albuquerque, NM 87108
Richard Macpherson, Southeast Heights, 601 Carlisle SE, Albuquerque, NM 87106
Ben Roberts, University Heights NA, 315 Harvard Dr. SE, Albuquerque, NM 87106
Sherry Smith, University Heights NA, 405 Stanford SE, Albuquerque, NM 87106
Feroza Jussawalla, Victory Hills NA, 1109 Richmond Dr. SE, Albuquerque, NM 87106
Juan Larranaga, Victory Hills NA, 1205 Vassar SE, Albuquerque, NM 87106
Joseph Valentine, Yale Village NA, 2126 Cornell Dr. SE, Albuquerque, NM 87106
Robin Berry, Yale Village NA, 2123 Cornell SE, Albuquerque, NM 87106

Attachments

1. Letter from NAIOP submitted July 10, 2008
2. Letter from PNM dated July 3, 2008

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Zoning staff met with Planning staff regarding the proposed regulations in the plan, prior to publication of the current, June 2008 plan. No new comments were received by Zoning staff.

New Comments from Zoning Code Services Received 8/12/08

Page 14: Review Process

- ❖ Type of notification requires clarification.
- ❖ Language under 3.2 regarding non conforming needs to be clarified to specify if the language pertains to non conforming uses or non conforming buildings.
- ❖ Language under 3.4 regarding phasing specifies that developments over 45,000 automatically require a phasing plan. What if phasing is not proposed? Would the site still require a phasing plan?

Page 19: YCC Zone

Land use

- ❖ YCC Land Use column shows Package Liquor Sales as both conditional and prohibited, which contradicts each other.
- ❖ YCC Land Use column shows additional uses for alcohol sales for off-premise consumption as an additional use, but does not specify if the use is permissive or conditional, nor does it address sales within 500 feet of a residential zone.
- ❖ Wireless Telecommunications Tower should be changed to Freestanding Wireless Telecommunications Facilities, consistent with defined terms.

Building Uses

- ❖ The language under Building Uses should be changed to read:

Ground Floor	Residential/Non Residential
All other Floors	Residential/Non Residential

Parking Requirements

- ❖ Plan does not specify if parking spaces are not required for buildings less than 1,000 square feet or for businesses less than 1,000 square feet. Clarification is required.
- ❖ In a Live/Work development where parking is 1.5/unit, will there be no parking required if the “work” area is less than 1,000 square feet?
- ❖ Parking on a “shared side access aisle” may allow for parking to be met on a different site, contrary to the Comprehensive City Zoning Code.

Pages 20-21: RMF Zone

Building Frontage

- ❖ Clearly specify the requirements for changes in height, depth, material or articulation for those building frontages wider than 60 feet.

Building Uses

- ❖ The language should be modified to read residential/home occupations so that other types of home occupations are allowed other than just a “home office.”

Parking Requirements

- ❖ Parking Landscape Requirements should be specified that this applies to multi-family developments.

Landscape Requirements

- ❖ Language should be amended to read, “Landscape requirements shall be per the Comprehensive City Zoning Code.”

Page 22: NMX Zone

Building Frontage

- ❖ Clearly specify the requirements for changes in height, depth, material or articulation for those building frontages wider than 120 feet.

Open Space Requirements

- ❖ Other zone designations refer to Useable Open Space requirements, however, this zone references Open Space requirements (Both defined terms in the Comprehensive City Zoning Code). Language should be consistent to clarify the requirements for Useable Open Space and Open Space.

Building Uses

- ❖ The language under Building Uses should be changed to read:
Ground Floor Residential/Non Residential
All other Floors Residential/Non Residential

Building Placement

- ❖ The distance requirements for the Build-to-line and the front setback appear to be contradictory.

Parking Requirements

- ❖ Plan does not specify if parking spaces are not required for buildings less than 1,000 square feet or for businesses less than 1,000 square feet. Clarification is required.
- ❖ In a Live/Work development where parking is 1.5/unit, will there be no parking required if the “work” area is less than 1,000 square feet?
- ❖ The amount of trees required for parking areas is confusing. “1 tree min. per parking area and a min. of 1 tree per 4 additional parking spaces.” Please clarify.

Land Use

- ❖ NMX Land Use column shows Package Liquor Sales as both conditional and prohibited, which contradicts each other.
- ❖ NMX Land Use column shows additional uses for alcohol sales for off-premise consumption as an additional use, but does not specify if the use is permissive or conditional, nor does it address sales within 500 feet of a residential zone.
- ❖ Wireless Telecommunications Tower should be changed to Freestanding Wireless Telecommunications Facilities, consistent with defined terms.

Page 24: Planned Neighborhood Residential Zone

Building Frontage

- ❖ Clearly specify the requirements for changes in height, depth, material or articulation for those building frontages wider than 100 feet.

Building Uses

- ❖ The language under Building Uses should be changed to read:
Ground Floor Residential/Non Residential
All other Floors Residential/Non Residential

Parking Requirements

- ❖ The size of plantings needs to be clarified.
- ❖ Item number 4 which reads, Pavement in parking areas shall be limited to areas required for travel and parking”, needs clarification. Seems that it could be worded differently to capture the intent.
- ❖ The amount of parking spaces should be clarified for residential uses indicating 1 or 2 spaces per unit and not for each development.
- ❖ Plan does not specify if parking spaces are not required for buildings less than 1,000 square feet or for businesses less than 1,000 square feet. Clarification is required.

Land Use

- ❖ NMX Land Use column shows Package Liquor Sales as both conditional and prohibited, which contradicts each other.
- ❖ NMX Land Use column shows additional uses for alcohol sales for off-premise consumption as an additional use, but does not specify if the use is permissive or conditional, nor does it address sales within 500 feet of a residential zone.

- ❖ Wireless Telecommunications Tower should be changed to Freestanding Wireless Telecommunications Facilities, consistent with defined terms.

Open Space Requirements

- ❖ Other zone designations refer to Useable Open Space requirements, however, this zone references Open Space requirements (Both defined terms in the Comprehensive City Zoning Code). Language should be consistent to clarify the requirements for Useable Open Space and Open Space.

Gibson C-3

Permitted Building Materials

- ❖ Generic Trade Dress needs to be defined.

Fences and Walls

- ❖ Is the Design Manual for subdivision access and perimeter walls a document formally adopted by the City? If not, enforcement is not feasible. We recommend the design regulations in the Zoning Code.
- ❖ Clarification is required specifying how much a wall or fence is to be changed at 30 foot intervals.

Landscape and Open Space Standards

- ❖ A Landscape requirement of 15% is not an “exception.” The plan should list those items that are an exception to the Zoning Code.
- ❖ The six foot wide landscape buffers on the side and/or rear of property is also not an exception. However, the plan should reconcile this requirement in those areas where a shared access drive is provided.

General Standards

General Building Standards

General Building and Site Design Regulations

- ❖ Item number one under General Building and Site Design Regulations has a number missing from the section number.
- ❖ Item number seven indicates that ground mounted equipment cannot be located adjacent to a major façade – please define adjacent.

Street Walls

- ❖ Item number three specifies that walls over three shall be transparent, but does not specify by how much. The entire wall? Only those portions over three feet? A percentage of the wall?

Lighting

- ❖ The beginning sentence should read, “As per Section 14-16-3-9 of the City of Albuquerque Zoning Code with the following additions” instead of the following “exceptions.” Those items listed thereafter are actually additions to the Zoning Code.

General Landscaping Standards

- ❖ Standard Landscape Buffers regulations are not consistent with landscape buffer requirements identified for Gibson C-3 zoning.

Building Types

In general, this section contains regulations that contradict regulations found within the zone categories themselves. For example, the “Civic” building type requires public open space a minimum of 10% of the lot. However, each of the zone categories specifies that no open space or useable open spaces are required in those categories that allow for a “Civic” type building.

In addition, the Urban Standard building type requires a change in articulation for those facades greater than 75 feet. However, none of the specific zone categories within the plan area requires a change in articulation at 75 feet in width.

If additional regulations are going to be housed in the Building Types section that are not consistent with the zone categories, the plan should clearly specify which regulations apply.

Office of Neighborhood Coordination

Clayton Heights/Lomas Del Cielo NA (R), Kirtland Community Assoc. (R), Nob Hill NA (R), Silver Hill NA (R), Southeast Heights NA (R), University Heights NA (R), Victory Hills NA (R), Yale Village NA (R)

6/11/08 – Article in the June/July issue of the “Neighborhood News” will be done and will be on ONC’s newsletter webpage - siw

CITY ENGINEER

Transportation Development (City Engineer/Planning Department):

- See Transportation Planning comments.

Hydrology Development (City Engineer/Planning Department):

- Hydrology supports the idea of the alley concept on the west side of Yale to help blend the grades of the properties with the residential behind. This alley will serve as the drainage outfall.

Transportation Planning (Department of Municipal Development):

- The two weeks allotted staff to review the proposed strategic action plan is not adequate.

Recommendation:

- An additional 30 days at a minimum to allow adequate time for review and comment.

New Comments from Traffic Planning Received 7/20/08

COMMENTS BY THE ENGINEERING DIVISION OF THE DEPARTMENT OF MUNICIPAL DEVELOPMENT

The Engineering Division of the Department of Municipal Development had previously recommended this case be continued to provide adequate time to review and comment. We have completed our review and offer the following comments.

1. **Page 37, 5.2 General Parking Standards.** Item number 5 reads, "Bicycle spaces shall be required per City of Albuquerque Zoning Code with the exception that bicycle spaces may be provided at the back or front of the building. "

Request: Expand the standard description to clarify that bicycle spaces may be provided at the back or front of the building in convenient proximity to the entrance of the building.

2. **Page 50, 2.2.2 Roadway Realm, Travel Lanes.** The last sentence in this paragraph reads, "Bicycle lanes may not be permitted in travel lanes on some streets. " This statement is too vague. If there are specific streets where bicycle lanes will not be permitted, they need to be

identified. Also, if this prohibition will affect the adopted Long Range Bikeway System policy related to the existing and proposed bikeway system, then the impacts of this action will need to be detailed in this Plan.

Request: Provide the names and limits of the streets that may be affected and if this prohibition will affect the adopted policy designated on the Long Range Bikeways System map. And if applicable, explain the rationale for the prohibition.

3. **Page 52, 3.1.1. General Yale Pedestrian Realm Standards.** Under the sub-heading lighting standards it states, "Street lights shall be 13-16 feet in height." The Plan further states that, "Street lights shall be located every 50-60 feet." The determination of both height and spacing is a function of a lighting analysis which must first be performed to ensure the illumination of the area in question will be adequate. While it may be appropriate to describe a general range of heights and spacing standards in the Plan, the text should make clear that the final details need to be made based on the result of a lighting analysis. Also, where applicable, this analysis will need to distinguish fixture heights for pedestrian lighting oriented toward the building amenity zone, as well as, fixture heights for roadside lighting oriented toward the parking/street amenity zone. In general, the fixture height for pedestrian lighting may be on the order of 15± feet while roadside lighting is on the order of 30± feet.

Request: That the Plan clarify that the final height and spacing for both roadside and pedestrian lighting fixtures will be made based on the results of a lighting analysis approved by the City Engineer.

4. **Page 53, 3.1.2 General Yale Roadway Realm Standards.** Under the sub-heading Bicycle Routes it states, "Intent: To ensure that limited roadway is not dedicated to designated bike lanes, potentially reducing the pedestrian zone." First off, this statement has a rather negative tone suggesting that the needs of cyclists are secondary in importance to those of pedestrians. Secondly, why is this statement even necessary since the intent is not to move any of the curb locations? (Ref. top paragraph, last sentence on page 51). If the curb locations do not change, then the addition of bicycle lanes should not have an effect on the pedestrian zone.

Request: That the intent statement be deleted from the Plan.

5. **Page 53, 3.1.2 General Yale Roadway Realm Standards.** Under the sub-heading Bicycle Routes Standards it states, "Per the City's Bicycle Facility Plan, bike routes shall remain located along Buena Vista and Stanford/Columbia." This statement might give the impression that these are the only two routes in the Plan area. In fact they are not. There are existing or proposed routes along Avenida Cesar Chavez (east of Buena Vista), Santa Clara, Garfield, Girard (south of Santa Clara) and Sunshine Terrace. There are also existing or proposed on-street bicycle lanes along University Boulevard, Girard (north of Santa Clara), Avenida Cesar Chavez (west of Buena Vista) and Gibson Boulevard.

Request: That a map be added to the Plan showing both existing and proposed routes in the Plan area, as well as, on-street bicycle lanes as designated on the adopted Long Range Bikeway

System. That the Plan state specifically if there are any changes proposed to the existing adopted bikeways policy, and if so, the rationale for the change(s).

6. **Page 54, 3.2.1 Yale Street Design: St. Cyr to Cesar Chavez.** In the last sentence of the first paragraph it states, "From north of Cesar Chavez to Bell Street the Plan proposes introducing on-street parking and landscaping improvements.... " In addition, under the Street Section Standards sub-heading, an illustration of the proposed typical mid-block street section is included. However, nowhere in the Plan is there a description of the existing street section and the changes proposed to be made.

Request: That the Plan include a discussion and illustration of both the before and after condition of the street section so that the reader can understand what specific changes are proposed and the rationale for the changes.

7. **Page 55, 3.2.2 Yale Street Design: Avenida Cesar Chavez to Ross.** Under the sub-heading Curb Extensions at all Intersections Standards, it states, "An 8' wide by a minimum 20' long curb extension with landscaping area shall be provided at all intersections along Yale " The photo at the bottom of page 55 of a curb extension, does not adequately describe the concept of the changes proposed at each of the intersections along Yale.

Request: That the Plan needs to include a plan-view illustration of the proposed curb extension concept together with a discussion of the before and after condition of the curb extensions so that the reader can understand what specific changes are proposed and the rationale for the changes.

8. **Page 55, 3.2.2 Yale Street Design: Avenida Cesar Chavez to Ross.** Under the sub-heading Curb Extensions at all Intersections Standards, it states, "Corner radii of curb extensions shall be set to 15 '-20'." A corner curb radii of 15 to 20 feet may be problematic at intersections needing to accommodate vehicles requiring a larger turning radius (e.g. buses, large delivery trucks.). Is this proposed standard intended to be used at the intersection of Avenida Cesar Chavez and Yale Boulevard? There needs to be an evaluation of large truck traffic patterns to assess the proposed changes of the corner curb radii at each of these intersections.

Request: That the Plan needs to include a before and after plan-view illustration and discussion of each of the affected intersections, including an evaluation of large truck traffic patterns along this segment of Yale.

9. **Page 57, 3.2.2 Yale Street Design: Avenida Cesar Chavez to Ross.** Under the sub-heading Intersection Design: Yale at Kathryn, it states, "Relocate southbound signal stop location to the north side of Kathryn." Because of the off-set configuration of the intersection of Yale and Kathryn, there may be safety or operational problems associated with making this proposed modification. An engineering study needs to be performed to evaluate the feasibility of the proposed relocation.

Request: That the inclusion of this proposal in the Plan needs to be conditioned on the approval of the City Engineer.

10. **Page 57, 3.2.2 Yale Street Design: Avenida Cesar Chavez to Ross.** Under the sub-heading Intersection Design: Yale at Kathryn, it states, "Introduce a diagonal crosswalk. The introduction of a diagonal crosswalk, because of the additional green time required for this movement, will likely have a negative impact on the capacity of this intersection - which is in conflict with the statement of intent to maintain existing capacity in the first sentence of Section 3.1.2 (top paragraph on page 53).

Request: That the proposal of a diagonal crosswalk at Yale and Kathryn be removed from the Plan.

11. **Page 59, 4.1 Avenida Cesar Chavez Improvements.** Under the sub-heading Pedestrian Safety Standards, it states, "Provide pedestrian refuges at medians to enhance pedestrian safety and slow turning traffic. " The graphic illustrating the concept of pedestrian refuges at medians is not realistic, and if built as shown, would likely result in either head-on or side-impact collisions between opposing left turn traffic. Additionally, trucks with large turning requirements would not likely be able to maneuver such a tight turn. An engineering study needs to be performed to evaluate the feasibility of the proposed median changes.

Request: That the inclusion of this proposal in the Plan needs to be conditioned on the approval of the City Engineer.

12. **Page 60, 4.2 Gibson Boulevard Improvements.** Under the sub-heading Pedestrian Refuges at University, Yale and Girard, it states, "Median refuges shall be provided to lessen the crossing distance and provide islands to physically separate the pedestrian from traffic." There are existing on-street bicycle lanes on Gibson Boulevard that will likely be adversely affected by the proposed addition of island refuges at these three intersections as shown in the Plan. An engineering study needs to be performed to evaluate the feasibility of the proposed refuge islands.

Request: That the inclusion of this proposal in the Plan needs to be conditioned on the approval of the City Engineer.

13. **Page 60, 4.3 Girard Avenue Improvements.** Under the sub-heading Reduced Travel Lane Width, it states, "Reduce travel lane width to 10 feet wide. " Girard Avenue between Gibson and Santa Clara is an existing Bike Route. The AASHTO Guide for a shared travel lane/bike route specifies a minimum width of 14 feet. A shared 10-foot wide lane would be very dangerous. If the intent is to calm traffic speeds, consideration should be given to increasing the pavement width, as necessary, and striping the outside 5 feet (including gutter pan) on either side of Girard as an on-street Bike Lane.

Request: That the proposal for reducing the travel lane width to 10 feet along Girard Avenue be removed from the Plan.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

PARKS AND RECREATION DEPARTMENT

Planning and Design

General Informational Comment: A statement should be made to indicate that these are recommendations and that they will not be built unless funding is made available for such projects.

Pg. 66

Who will maintain street trees and furnishings in the existing sidewalk along Yale and Ross?

Pg. 67

A Korean War memorial was just completed at NM Veterans Memorial Park the designated location for all war memorials in the City of Albuquerque.

New program elements at Korean War Veterans Park (Loma Linda Community Center) will be considered when funding is made available.

Who would be responsible for managing leases of City property at Korean War Veterans Park (Loma Linda Community Center).

Where would the building proposed to wrap the BMX facility be located?

Pg. 68

Sunport pool- A goal of Parks and Recreation is to develop an aquatics master plan to identify needed improvements to existing pool facilities. Sunport pool will be evaluated as part of that master plan for improvements.

Parks and Recreation will provide additional comments prior to the public hearing.

Open Space Division

Open Space has no adverse comments

City Forester

South Yale Sector Development Plan

- Why is landscaping always placed in parking requirements?
- PNR zone
 - Tree wells size – Long rectangles are better... 5x10, 5x15 and will reduce infrastructure conflict
 - No trees mentioned in PNR 4
 - PNR 1, 2, 3
 - Trees per X parking spaces must be located along those same X spaces?
 - Tree located where? In parking area? Is on edge OK? It should be internal to parking lot
 - Shade tree or any tree? Preference should be on shade if space/design allows
- NMX zone
 - location of trees per parking spaces?
 - Trees in front setback – shade or ornamental? Preference should be on shade if space/design allows
- RMF zone
 - refers to R-2 landscaping but R-2 only refers to dedicated open space
 - location of trees per parking spaces?
- YCC zone
 - Tree located where? In parking area? Is on edge OK? It should be internal to parking lot
 - Shade tree or any tree? Preference should be on shade if space/design allows
- I see ‘parking area’ defined as a maximum of 150 spaces but the zones say one tree required per area plus more trees for 6-8 spaces. One tree per 150 spaces is insufficient and against other codes. There are several options available to allow sufficient parking spaces and provide space for trees.
- Large truck parking should also be away or screened from designated open space or park areas
- Water harvesting in parking lots,
 - To what extent? Any method? Maybe a minimum of 50% of parking impervious surface or something like that...
 - All planting areas should be designed at lower grade (with a higher and lower side to facilitate siltation away from plants if need be) to allow more runoff storage and infiltration
- Suggestion – p.37 5.2.2 - Parking paved areas can be extended if they are pervious surfaces feeding the root zone of a tree / landscape or water harvesting feature.
- Suggestion – p.37 5.3.3 – screening should obtain a certain density or opaqueness (word?) such as 75%. If the wall is 4’ then to what height should the landscape buffer obtain?
- What reasons are acceptable to not collect rainwater? Who decides? If all water stays on site... what about special compensation for stormwater regs?
- Pg 51 – Streetscape landscaping
 - Trees should be identified as a required element not just the word ‘landscaping’
 - Tree grates should not be required and only used as last option. Gravel, pavers, pervious hardscape, and other alternative materials can be used and smaller plantings can be used protect edge from pedestrians. If 6’ of sidewalk is obtained as required farther up this page... then a grate would not be necessary

- 4x8 tree wells should be absolute minimum and designs that provide more surface area and greater rooting volume should be encouraged
- Water harvesting along sidewalks should be encouraged
- Alternating species just for the sake of variety will lead to conflicts. Tree species can be in groups covering 1/3-1 full block with special designs near all corners (for bulb outs or the use of smaller or columnar species to highlight end of block). Varying species tree by tree is OK for view, signage, lighting, or other needs as long as its by design
- No multi-trunk trees along streetscapes unless in median or planting area with 8' or greater
- Use streetscape landscaping to control pedestrian crossings and maintain other street amenities
- In streetscape landscaping and other places trees are mentioned and why we want them... no mention is made of shade, stormwater reduction, conserving water resources thru water harvesting, cleaning stormwater, improving air quality, reductions in EPA regulated pollutants, improved property values, trees and landscaping to improve business values and length of stay by customers, and only mentioned briefly is traffic control to protect pedestrians (by not using trees to reduce vehicle speeds) and improved walkability.
- Tree and plant list
 - Caution on Chinaberry – toxic seeds and invasive if used near any site with water
 - Caution with Mimosa - weak wooded
 - Its spelled 'Mariola' pg 85

POLICE DEPARTMENT/Planning

Southeast Area Command

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No adverse comments.

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

ALBUQUERQUE PUBLIC SCHOOLS

The South Yale Sector Development Plan will limit the development of stand-alone apartment buildings within the Plan by requiring mixed-uses. The Plan will also create a pedestrian friendly setting where transit is easy to use. APS supports these design concepts as they create safe path for students to walk or bicycle to school.

The residential units built within the South Yale Sector Development Plan will impact, Lowell Elementary School, Kirtland Elementary School, Bandelier Elementary School, Jefferson Middle School, Wilson Middle School, Albuquerque High School, and Highland High School. Lowell Elementary School is nearing capacity, Kirtland Elementary School has excess capacity, Bandelier Elementary School is nearing capacity, Jefferson Middle School has excess capacity, Wilson Middle School is nearing capacity, and Albuquerque High School and Highland High School have excess capacity.

Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available
300	Lowell	407	412	5
279	Kirtland	334	413	79
222	Bandelier	575	600	25
425	Jefferson	834	888	54
470	Wilson	508	531	23
590	Albuquerque	1,792	2,100	308
520	Highland	1,803	2,100	297

MID-REGION COUNCIL OF GOVERNMENTS

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM requests additional time to provide detailed comments on the *Draft South Yale Boulevard Sector Development Plan*. PNM will contact the staff planner to discuss initial comments.