



**Environmental
Planning
Commission**

*Agenda Number: 2
Project Number: 1007364
Case #'s: 08EPC 40077
August 28, 2008*

Staff Report

| | |
|------------------------|---|
| Agent | COA, Planning Department |
| Applicant | City of Albuquerque |
| Request | Rescind 1995 Uptown SDP; Adopt Revised 2008 Uptown SDP |
| Location | Approximately Menaul on the north, Pennsylvania and Espanola on the east, Constitution on the south, and San Pedro on the west (see attached map) |
| Size | Approximately 460 acres |
| Existing Zoning | SU-3; SU-2/R-2 O-1; SU-2/R-2 C-2; SU-2/R-1; R-1 |
| Proposed Zoning | SU-3/MU-UPT; SU-3/MU-UPT/Buffer |

Staff Recommendation

CONTINUANCE of 08EPC 40077, based on the findings on page 21.

Staff Planner

Carmen Marrone, Division Manager

Summary of Analysis

This is a request to amend the 1995 Uptown Sector Development Plan (USDP) and adopt a new USDP. Upon Council adoption of the USDP, the 1995 Uptown Sector Development Plan is to be rescinded. The primary purpose of the revised plan is to provide new zoning and design regulations to facilitate opportunities for development and redevelopment of Uptown as an economically and environmentally sustainable, business and pedestrian friendly Major Activity Center where people can live, work and play.

The draft USDP was completed on July 30, 2008 and was distributed to commenting agencies and to the EPC the following day. Because of the short time frame, Planning staff only performed a technical review of the USDP and noted several concerns with the Plan in this Staff Report. The Technical Review affects compliance with applicable goals and policies of the Comprehensive Plan and Resolution 270-1980. In order to bring the USDP into further compliance with the Comprehensive Plan and R-270-1980, the Plan will have to undergo minor revisions. Planning staff is working with Councilor Mayer to address the concerns raised by staff and other commenting agencies and to revise the USDP accordingly.

Staff is requesting that the EPC begin a discussion of the USDP and solicit public comments at the August 28 EPC Hearing. Staff is also requesting a continuance of the EPC hearing to a second hearing in order to address the concerns raised and to provide appropriate policy analysis.

City Departments and other interested agencies reviewed this application from 7/31/08 to 8/15/08. Agency comments were used in the preparation of this report and begin on page 23.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

| | <i>Zoning</i> | <i>Comprehensive Plan Area</i> | <i>Land Use</i> |
|--------------|----------------------------------|--------------------------------|--|
| Site | SU-3; SU-2 for various uses; R-1 | Established Urban | commercial, office, & multi-family residential |
| North | R-1 | ” ” | Single-family residential, school |
| South | R-1 | ” ” | Single-family residential, I-40 |
| East | R-1 | ” ” | Single-family residential, park, school |
| West | R-1 | ” ” | Single-family residential, church |

Background

This is a request to rescind the 1995 Uptown Sector Development Plan and adopt a revised Uptown Sector Development Plan (USDP). The primary purpose of the revised plan is to provide new zoning and design regulations “to facilitate opportunities for development and redevelopment of Uptown as an economically and environmentally sustainable, business and pedestrian friendly Major Activity Center where people can live, work and play”.

The Plan’s boundary is approximately Interstate 40 on the south, Pennsylvania and Espanola Streets on the east, Phoenix Avenue and Menaul Boulevard on the north, and San Pedro Drive on the west. This area includes the Coronado Shopping Mall, ABQ Uptown Lifestyle Shops, and Winrock Shopping Mall.

The authority to revise this Rank 3 Plan is contained in the Resolution R-05-259 adopted by the City Council for fiscal year 2006 providing support for *Goal 4 – Sustainable Community Development – Guide growth to protect the environment and the community’s economic vitality and create a variety of livable, sustainable communities throughout Albuquerque*, and additionally to provide support for *Community Revitalization – To Plan and actively coordinate with other agencies and the private sector to redevelop and revitalize existing communities*. Additionally, the update of the Plan is authorized pursuant to Section 14-16-4-3 *Sector Development Plan Procedures* of the Zoning Code requiring review of sector plans at least every ten years.

Planning Process

In 2007, the Uptown Progress Team Neighborhood Association (UPTNA), with assistance from the Planning Department, undertook the task of updating the USDP to guide the evolution of the Uptown Area into a Major Activity Center. At the end of 2007, the City Council Office got involved in the planning process and has remained involved ever since. In February 2008, the City of Albuquerque hired consultants Otak, Inc., a professional planning/ architecture/engineering firm, and Mark Childs, a public plaza expert and Planning Professor, to develop strategies for creating a safe and efficient circulation system in the Uptown Area. As part of the process, the Planning Department invited

property owners within the USDP boundaries to a public meeting on **February 27, 2008** to share their ideas for creating an interconnected circulation system within the Uptown Area. The consultants produced the *Uptown District Pedestrian and Bicycle Study and Wayfinding Program* (Study). Some of the ideas in the Study have been incorporated into Chapter VI, "Public Connectivity Infrastructure" in the updated USDP.

The Study, along with the new mission and goals for the updated USDP, were presented to the public on **April 1, 2008**. Generally, the public responses from this meeting were positive and supportive.

A second public meeting was held on **April 17, 2008** to present information on proposed zoning regulations, residential buffer zones, and sector plan goals. Input from the public was solicited and recorded.

The draft USDP was completed on **July 30, 2008** and was distributed to commenting agencies and to the EPC the following day. The public was also notified of the draft and where it could be obtained.

On **August 14, 2008**, the Final Draft was presented to the public at a community meeting in the Uptown Area. Over 3,000 notices were mailed out regarding the meeting, however, only a handful of persons attended the meeting (see attached sign-in sheet).

1995 Uptown Sector Development Plan

The current Uptown Sector Development Plan was adopted by City Council in 1995 and designates the Uptown area as an Urban Center with SU-3 Special Center zoning. The Plan establishes goals to guide Uptown's evolution into an Urban Center and special place as directed by the Comprehensive Plan. The Plan also provides policy and design controls to ensure appropriate development and design opportunities while also protecting the integrity of the surrounding areas. The Plan includes **five governing concepts** that "set the stage" for developing the Uptown area into an urban center. They are:

1. Contain the Uptown Center within rigid boundaries and avoid deleterious impacts on the surrounding residential areas.
2. Coordinate the timing of land development with the timing of public infrastructure commitments so as not to exceed Uptown's capacity to accommodate growth.
3. Recognize that ambient air quality in Albuquerque does not meet Federal Standards and that Uptown has been a major contributor to that status.
4. Require the installation and maintenance of extensive landscaping in and around the area to alleviate air, noise, and visual pollution.
5. Provide transit, bicycle, and pedestrian options for travel and encourage their use.

The Plan also establishes the following goals to provide guidance for public policies and implementation actions regarding Uptown:

Land Use

Goal 1: Contain the Uptown Urban Center within rigid boundaries and avoid negative consequences to surrounding residential neighborhoods

Goal 2: Coordinate land development, infrastructure development and other service options.

Goal 3: Create Uptown as an urban center

Transportation

Goal 4: Balance the modes of travel used in the Uptown Sector Plan area in order to minimize congestion and exceedances of the National Ambient Air Quality Standards

Goal 5: Limit excess availability of free parking spaces.

Goal 6: Create highly visible, convenient, safe, attractive transit, bicycle, and pedestrian facilities

Goal 7: Provide balance between roadway improvements and effective alternatives to the single occupancy automobile

Goal 8: Maintain reasonable peak period traffic operations on all Uptown streets and intersections and prevent significant deterioration with new development

Environment

Goal 9: Meet and maintain Federal standards for air quality in Uptown.

Urban Design

Goal 10: Establish site design criteria for Uptown which promote pedestrian and vehicular accessibility and provide a strong relationship between buildings and the street.

Goal 11: Promote Uptown as being a special place consistent with the *Comprehensive Plan*.

Goal 12: Protect views from the residential areas surrounding Uptown.

July 2008 Uptown Sector Development Plan

The July 2008 Draft USDP is divided into seven chapters, which are described below:

I. Introduction and Purpose:

This chapter describes the Uptown area and the planning process for updating the 2008 USDP. One of the main reasons given for updating the current USDP is that the current plan “limits the opportunities needed for continued economic growth, infill and redevelopment in the Uptown Area.”

In order to become an “economically and environmentally sustainable, business and pedestrian-friendly area where people can live, work and play”, the plan proposes two different sets of standards for the Uptown Area - one for projects that include public/private partnerships and one for those projects that don’t include public/private partnerships. Chapters IV and V describe the requirements and regulations for properties that are not participating in Public/Private Partnership

funding. Chapter VI presents a framework for the Public Connectivity Infrastructure if Public/Private funding is available.

Analysis

Paragraph 3 (p. 7) says in part, “Problems were identified and solutions were provided.” However, other than limited opportunity for economic growth and redevelopment, few issues are listed in the plan to help explain the purpose of the plan.

II. Definitions:

This chapter provides terms and definitions that are unique to the USDP. Many of the terms are already defined in other City Ordinances, however new definitions are provided to better understand and interpret the USDP. The definitions will apply in all cases “unless the context clearly indicates or requires a different meaning and in such cases every effort shall be made to maintain the intent of the definition.” Words “shall” and “will” and “must” are mandatory or regulatory and “may” and “should” are permissive.

Analysis

Many of the terms described in this chapter are already defined in the Zoning Code and in other City Ordinances. No reasons are given as to why different definitions are necessary except that they provide a better understanding of the USDP. According to City Legal, a sector plan may provide alternative definitions for terms already defined in City Ordinances, provided the plan clearly states that the definitions are unique to the sector plan area.

The following terms, provided in the USDP, are already defined in the Zoning Code:

Accessory Building, Adult Amusement Establishment, Drive-In Restaurant, Drive-Up Service Window, Façade, Floor Area Ratio (FAR), Helipad, Landscape Area, Buffer and Plan, Lot, Net Site Acreage, Nonconforming, Off Premise Sign, Off-Street Parking, On-Street Parking, Open Space, Parking Lot, Pedestrian Plaza, Pedestrian-Scale Lighting, Premise, Public Right-of-Way, Public Utility Structure, Utility Structure, Recreational Vehicle, Setback, Site, Site Development Plan, Structure, and Trailer.

The terms **Alley** and **Local Street** are already defined in the Subdivision Ordinance, §14-14-1-6.

The term **Sidewalk** is already defined in the Sidewalk Ordinance, §6-5-5-4.

The term **Street Tree** is already defined in the Street Tree Ordinance, §6-6-2-3.

Some definitions are unclear in their meaning or are contrary to already defined terms that have a universal meaning. Some examples are:

Accessory Building differs from the Zoning Code definition by restricting accessory buildings to only “non-residential” buildings. However, the examples given for a “non-residential” accessory building are garage, shed, and gazebo, which are typically associated with residential buildings.

Development Process Manual (DPM) is defined as an administrative and design standard. Actually, the DPM is a manual that delineates the development process and provides development standards generally accepted by the City.

Landscape Plan is too limited in its definition and should reference §14-16-3-10 of the Zoning Code for specific landscape requirements that are not addressed in the USDP.

Notification only requires notification of duly Recognized Neighborhood Associations in or contiguous to the project site. This is contrary to the Zoning Code's requirement for notification which also requires notification of property owners within 100 feet of the project site, posting of signs, and published notice in a local newspaper.

Sidewalk or Walkway: Sidewalk is defined in the Sidewalk Ordinance, §6-5-5-4 as "that portion of the public right-of-way which is primarily devoted to pedestrian use". Walkway usually refers to "sidewalks" on-site (see §14-16-3-1(H) of the Zoning Code). The terms should not be used interchangeably.

Signature Tree should refer to Appendix A as indicated on page 50. *Note: Appendix A was not included with the revised USDP.*

Site Development Plan: Per the USDP, a Site Development Plan is defined as "a plan (to scale) showing uses and structures proposed for a parcel of land *as required by regulations involved.*" Does this mean the applicant is required to provide a site development plan for building permit as defined in the Zoning Code or merely a plan and landscaping plan but no Grading & Drainage Plan, Utility Plan, or Building Elevations Plan? Will Traffic Impact Studies be required?

Street Trees should include a reference to Appendix A and B as indicated on Page 50. *Note: Appendix B was not included with the revised USDP.*

Walkways is defined the same as 'sidewalk' in the Sidewalk Ordinance. The terms should not be used interchangeably.

III. Intent and Goals:

This chapter describes the intent of the various key components of the Plan. The overall intent of the Plan is to create two new mixed-use zones for the entire Uptown Area. The new mixed-use zones are less prescriptive and more flexible than the zoning in the 1995 USDP. Additionally, the Plan introduces an expedited approval process for Site Development Plans that support the purpose and meet the regulations of the USDP.

One of the key components of the Plan is the formation of public/private partnerships. These partnerships are necessary to implement the Public Connectivity Infrastructure that is essential to the future success of the Uptown area. The Plan suggests that only through the formation of public/private partnerships such as a Tax Increment Development District (TIDD), can the Uptown Area provide the necessary Public Connectivity Infrastructure that includes: a Pedestrian and Bicycle Circulation System parking structures, a Wayfinding System and civic spaces.

Analysis

The intent and goals of the revised USDP were determined by the Councilor for the Uptown Area and the Uptown Progress Team Neighborhood Association and then discussed with the general public in the Uptown Area. The 2008 USDP goals are generally consistent with the 1995 goals with the slight exception of Goals 1 and 5. The 2008 Plan is not as restrictive with land uses and parking regulations adjacent to residential environments as the 1995 Plan.

IV. Zoning:

This chapter proposes two new zones: SU-3/MU-UPT for the core of the plan area and SU-3/MU-UPT/Buffer for the periphery. Both zones allow a variety of uses that may be located on the same site and in the same structure. There are no specific mixed-use requirements for each site and a single land use on a site is allowed.

All permissive and prohibited uses within the plan area apply to both mixed-use zones. There are no Conditional Uses.

The Zoning chapter also regulates lot size, building size, height, and setback, parking, and open space. There are different height and setback requirements under each zone.

In addition to the regulations in the Buffer Zone, vehicle access to and from the west side of Espanola Street between Cutler and Indian School Road is not allowed.

Analysis

SU-3/MU-UPT/Buffer Zone:

- Having the same permissive uses in the Buffer Zone and the Uptown core does not provide a transition between the core and surrounding low density residential uses that is called for in the *1995 Plan* on page 26. The periphery currently contains properties zoned R-1; SU-2/R-1; SU-2/R-2 & O-1; and SU-2 R-2& C-2. The R-1 zoning resides along San Pedro, south of I-40. SU-2/R-2&O-1 is found mostly along the southern and eastern boundaries of the plan area and along the far northern edge of the plan area. SU-2/R-2&C-2 zoning is found along Menaul and along San Pedro, north of I-40. The proposed buffer zone does not refer to any established zones in the Zoning Code but rather lists uses as either permissive or prohibited. Some uses such as **Crematorium, Gasoline Sales, Helipad, Hotel, Mortuaries, Amphitheaters, Restaurants with outdoor seating, and Theater** may not be appropriate in the buffer zone adjacent to single-family residences. **Wireless Telecommunication Facilities** should only be allowed adjacent to residential zones if all antennas are mounted on an existing vertical structure per the O-1 and C-1 zones in the Zoning Code.

Note:

Staff met with Councilor Mayer on August 15, 2008 to discuss the impact of the uses in bold lettering above. As a result of the meeting, Councilor Mayer is recommending that these land uses be PROHIBITED in the MU/Buffer Zone, unless the EPC finds reason that they should remain Permissive.

- There may be other Permissive Uses in the Buffer Zone that may be offensive and incompatible with existing residential development, however, there have been no comments from residents adjacent to the Buffer Zone regarding these uses.
- Another concern regarding the buffer zone is that site development plans within this zone do not require EPC approval as currently required in the *1995 Plan* (§E, p.26). Under the 2008 Plan, if an applicant proposes a Permissive Use such as a hotel or theater and meets the design regulations of the sector plan, the site development plan can be approved by the Planning Director. Notice is required to be given to Recognized Neighborhood Associations but no notice is required to be given to adjacent property owners.

B.7, Crematorium – The Zoning Enforcement Manager recently declared that all crematoriums require EPC approval of a site development plan.

B.21, Public Utility Structure – these types of structures are only allowed if they are in accordance with an adopted facility plan. However, some utility structures such as drainage and pump facilities are not included in any type of facility plan.

B.25.c, Restaurants – revise sentence as follows: “Alcoholic drink provided the cash register is not within 500 feet from the nearest residential lot line of an area zoned R-1...”

B.26, Retail and Wholesale – Item d calls out ‘garage or yard sale for residential uses’. This does not make sense since retail and wholesale are commercial uses.

C.15 – add construction equipment to the list

F.1 - Change the number “52” in the diagram to 48” to coincide with the definition of “stepback”.

G.1.d. – revise sentence to read, “If there is an alley adjacent to the Site, a minimum 10-foot setback will be required from the alley right-of-way to provide adequate space for trash pickup and other utilities.”

G.2.b

- ‘Buffer zone’ should be referred to as ‘buffer area’ so as not to be confused with the SU-3/MU-UPT/Buffer Zone.
- Revise the first sentence to read, “There shall be a 30 foot setback from the back of the sidewalk for the lot at the southwest corner of Pennsylvania and Indian School.”

H.3 – Minimum parking required is 2 spaces per 1,000 sf of ‘building’ (2/1000). This assumes parking is based on the total square footage of the building rather than ‘net leasable area’ as is typically required. The parking requirement applies to both zones in the USDP, the core and the buffer. This is a departure from the 1995 Plan that requires more parking as you go out from the core. For retail uses, the 1995 Plan requires 3.33/1000 in the Intense Core, 4/1000 Outside the Intense Core, and 5/1000 in the Periphery. Although this section requires the applicant to demonstrate that parking will not overflow into residential neighborhoods, there is no way to ensure that this won’t happen.

I.1 – This section requires a minimum of 10% of a site to be dedicated to open space. A minimum of 40% of the open space area must be landscaped. 75% of the landscaped area must be covered in live, vegetative material. This means that only 4% of the entire site is required to be landscaped. While this is a good proposal for open space, it completely eliminates the general landscape requirements of the Zoning Code, as prescribed in Section B on page 18 of the 1995 Plan. The 1995 Plan requires open space “**in addition to** the landscaped area required for parking areas in Section 14-16-3-1 and 14-16-3-10 of the City Zoning Code.” The 2008 USDP greatly reduces the requirement for landscape areas. To understand landscape requirements more clearly, staff has prepared the following comparison between the 1995 and the 2008 USDP:

Example Site Development Plan: 5-acre site with a 60,000 square foot building

1995 USDP Landscape Requirements (p.18):

15% of net area

5 acres = 217,800 sq. ft minus 60,000 (building) = 157,800 sq. ft (net area)

15% of 157,800 = 23,670 sq. ft.

TOTAL LANDSCAPING REQUIRED = 23,670 sq. ft.

In addition to the landscape requirement, usable open space/pedestrian plaza is required for non-residential uses @ 15 sq. ft. per parking space provided. At one parking space per 250 sq. ft., a 60,000 sq. ft. building would require 240 parking spaces minimum.

Total Open Space Requirement = 3,600 sq. ft. (15 sq. ft. x 240 parking spaces)

40% of the open space area is required to be landscaped

Total Landscape Required = 1,140 sq. ft. (40% of 3,600)

TOTAL LANDSCAPE REQUIREMENT = 25,110 SQ. FT. (23,670 + 1,140)

2008 USDP Landscape Requirements

10% of site is required to be open space

10% of 217,800 sq. ft. = 21,780 sq. ft.

40% of open space area is required to be landscaped

40% of 21,780 = 8,712 sq. ft.

TOTAL LANDSCAPE REQUIREMENT = 8,712 sq. ft.

In addition to the landscape requirement, the 2008 USDP calls for ‘landscape buffers’ to separate surface parking lots from adjacent streets (E.1.f, p.45) but ‘landscape buffer’ is not defined. Street Trees are also required on all streets and along all Walkways.

Since the Uptown Area includes large shopping center sites, another way to look at the landscape requirements is to look at a 50-acre site, which would require 5 acres of open space with 2 acres of landscaping in the open space area.

The requirement for Street Trees and parking lot trees could begin to offset the minimal landscape requirements in the revised Plan but this has not been tested.

I. Sections 2-8 are related to design of the open space area and should be relocated under Chapter V. F. Having all the design-oriented requirements in one section prevents the confusion of having to flip back and forth between chapters.

I.8.d – Open Space is intended to be accessible to the public. Public access to Traffic Circles could pose safety issues and should not be included as open space.

V. Design Regulations:

The Design Regulations in the USDP are intended to create a unique, quality environment that unifies the Uptown Area. New Construction or Redevelopment Construction of exterior walls in an existing building which involves 10% or more of the existing total Building square footage are subject to the design regulations. Interior modifications that do not change exterior walls are not affected by the regulations.

The Design Regulation goals of the Plan include:

1. Enhance the aesthetic conditions of the Uptown Area.
2. Require architectural design and building materials that create quality buildings.
3. Create a “sense of place” by requiring wide, connected walkways, enhanced landscaping, public spaces, and Wayfinding signage.
4. Require ‘signature’ landscaping and landscaped open spaces.
5. Take advantage of views to the Sandia Mountains when designing public spaces.

Analysis

C. Signage:

1.A: One freestanding sign is allowed for every 150 feet of street frontage along a single roadway. This is twice the amount of signage that is allowed in Shopping Centers (14-16-3-2, Zoning Code).

1.B.1: Signs are limited to 40 sf in size except an additional 20 sf is allowed for every 150’ of street frontage. This statement is unclear in its meaning. *Note:* Compared to the Shopping Center Regulations, the proposed size is 1/3 of the size allowed in Shopping Centers (150 sf max.).

1.B.2: change ‘80 feet’ to ‘80 square feet’

1.B.4: If only one side can be counted in the total sign area, what will occur on the other side of a 40 sf sign? If it is a 2-sided sign, the sign size is limited to 20 sf – for a shopping center, this is very limiting.

E. Parking Design Regulations:

1.b&c – Need to reference the Zoning Code.

1.e – does this mean parking spaces *that are adjacent* to infiltration basins, etc.?

1.f - landscape buffer is not defined.

2.h - crime prevention is indicated, but no design guidance is offered.

F. Open Space Design

It is unclear whether the design regulations apply to both residential and nonresidential properties.

5 – Landscaping is required on 40% of the open space area. Landscaping only requires live vegetative materials, not necessarily trees. Some type of shading should be required in the open space areas – either living or man-made.

6 – How much seating is required?

G. Landscape

- There is no reference to the General Landscape Regulations of the Zoning Code, §14-16-3-10 to provide 15% of the net area in landscaping. The only landscaping required on a site is in the open space area (4% of the site) and Planting Strips. Planting Strip is defined in Chapter II and is described in #8 of this section, but there are no requirements to provide them. Also, there is no requirement to provide Landscape Buffers. These are serious omissions.
- ‘Landscape Buffers’ and ‘Planting Strips’ and used interchangeably. What is the difference?
 - 4** – What is the difference between this list and the list provided on page 39, I.7?
 - 8** – Planting Street Trees in the Planting Strip should be required in cases where sidewalks are not already in place. Besides, Section I.4.g, page 51 requires street trees to be planted between the curb and the public walkway and/or in the planting strip.
 - 16** - What are “structural soil links”? These should either be defined or illustrated.

H. Landscape Plan

7 and 10 call for the same thing. Delete either 7 or 10

9. add “and overhead” between “underground” and “utility” in the first sentence

I. Street Trees

In specifying that 50% of street trees be flowering trees, the Plan intends to make a “signature” look for Uptown. However, the flowering cycle of a tree is very brief, and for the rest of the year, the signature trees may not look special. Also, buildings in Uptown can be tall and most streets are wide, a two-fold reason to emphasize tall street trees, not flowering ornamentals.

4.a - Appendix A and B were not included in the Plan and should be reviewed by the City Forrester prior to final adoption of the USDP.

4.c and 4.d contradict each other

J. Parking Lot Landscaping

1. Since the tree requirement begins at 8 parking spaces, the landscape requirements should apply to parking lots containing 8 parking spaces, not 4 parking spaces as stated in the previous sentence.

1 and 2 – is it one shade and one signature tree per 12 spaces or is it one or the other?

4. What if parking is adjacent to the landscape buffer

7. Replace the last part of the sentence, “~~even though the amount of Site construction would require otherwise~~” with “until the time of construction of the building or parking structure.”

L. Pedestrian Plazas

4. change ‘landscaping’ to ‘trees’

10. add ‘early’ before ‘evening hours’

Last sentence on page 54 – Why can’t a minimum amount of pedestrian plazas be required without public/private partnerships?

VI. Public Connectivity Infrastructure:

This chapter proposes a framework and a vision for coordinated planning of the necessary public infrastructure that will make Uptown an exciting “place to be”. In order to finance all of the necessary infrastructure, the Plan proposes to create Public/Private Partnerships between governmental entities and the property owners in the Uptown Area. The USDP recognizes that without a Public/Private Partnership, the level of public infrastructure described in this chapter cannot be achieved or required. As Public/Private Partnership funding becomes available, a Public Connectivity Infrastructure Plan will be written with specific goals and regulations in order to achieve the greatest public benefits from those funds.

The Public Connectivity Plan envisioned in this chapter includes a Pedestrian Circulation System (PCS), a Bicycle Circulation System (BCS), Public Parking Structures, a Wayfinding System, a Localized Transportation System, and Civic Spaces. The PCS and BCS are proposed to make Uptown a safer, more enjoyable experience for pedestrians and bicyclists.

Mid-block signalized crossings of major streets and other safe crossings are suggested.

Analysis

The proposal to seek the infrastructure funding first and then prepare a plan is completely the opposite from the way planning has been done in the past. Typically, a plan document is adopted that establishes the framework for seeking funding. This reversed approach is intended to be more realistic and is designed set reasonable expectations when funding becomes available.

VII. Approval Process:

This chapter proposes an expedited approval process for site development plans that meet the requirements of the USDP. A Site Development Plan and a Landscaping Plan are required to be approved by the Planning Director for each new building or for a change of 10% or greater to the square footage of an existing building that meet the requirements of the USDP. If an applicant seeks approval for a project that varies from the requirements and regulations of the Plan, it will require EPC approval.

Analysis

1. **A** - The term “Site Development Plan” is defined differently in the USDP than in the Zoning Code. Per the USDP, a Site Development Plan is merely “a plan (to scale) showing uses and structures proposed for a parcel of land *as required by regulations involved.*” Does this mean the applicant is required to provide a site development plan for building permit as defined in the Zoning Code or merely a plan and landscaping plan but no Grading & Drainage Plan, Utility Plan, or Building Elevations Plan? Will Traffic Impact Studies be required?
2. **A** - What is the approval process for a change of square footage of an existing building that is less than 10%?
3. **A** – If the intention is to have site development plans approved *administratively* by the Planning Director, then this should be clearly stated. If the intention is to have the Planning Director delegate his authority to the DRB, then this should be clearly stated.
4. **A.1** – “DRB” is described as Development Review Building Permit Process. The Planning Department provides several development processes including the Development Review Board (DRB) and the Building Permit process (front counter). It is not clear which process applies, particularly since the preceding paragraph “A”

5. **A.1**, 2nd sentence – The Zoning Hearing Examiner is typically the approval body that grants variances to zoning requirements. If the intention of the Plan is to pass that authority onto the EPC, then the Plan needs to clearly state this. In addition, the Plan should include the criteria that will be used by the EPC as a basis for making a final decision on the “variance” request.
6. **A.2** – not sure what the intention of this section is. EPC and City Council decisions are typically made at public hearings, not after public hearings.
7. **A.4** – refer to #1 above.
8. **A.5** – In addition to notifying Neighborhood Associations by certified mail, applicants are usually required to post signs and the City is responsible for notifying property owners within 100’ of the subject site and posting notice in the local newspaper. Does the last sentence mean that the other usual means of notification are not required?
9. **D** – Need to clarify who the final approval body is, DRB or EPC.
10. The chart on page 62 is not consistent with the approval process description on page 61.
 - a. The chart indicates that only Prohibited Uses require EPC approval. Application for a Prohibited Use constitutes a zone change, which naturally requires EPC approval. Page 61 of the Plan also requires EPC approval of a project that varies from the requirements and regulations of the Plan.
 - b. The terms “Renovation” and “Redevelopment” are used in the chart but there is no reference to these terms in the narrative explanation on page 61.
 - c. The DEFINITIONS section of the USDP includes a definition for “Remodel”. How does the approval process affect Remodels?
 - d. The chart provides separate processes for “Redevelopment up to 10%” and “Redevelopment over 10%”. This is not explained on page 61.
 - e. The words “of existing square footage” should be added after “Redevelopment up to/over 10%”.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated Established Urban by the *Comprehensive Plan* with a Goal to “create a quality urban development which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” Applicable policies include:

Developing and Established Urban Areas, II.B.5

Policy a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

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

Policy e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

Policy h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.

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

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

- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.

Policy k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

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

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

Analysis

Activity Centers, II.B.7

Uptown is a designated **Major Activity Center** per the Comprehensive Plan with a goal to “expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities”. Applicable policies include:

Policy a: Existing and proposed Activity Centers are designated by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed-use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services. Each Activity Center will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation. The following policy objectives apply to Major Activity Centers per Table 22:

Purpose: Provides the most highly concentrated locations of commercial, service and employment uses in conjunction with area-wide needs.

Service/Market Area: Serves the entire metropolitan population and beyond.

Access: Street designation. Modes of travel. - Accessible by all modes of travel, including pedestrians and bikes; Located at major roadways and/or major transit stops/ transfer points; Served by on street and off-street parking; structures encouraged; Major street intersections designed to facilitate pedestrian; Transit connections.

Land Uses: Area: 300 acres or more; Land uses typical in modern commercial, office, and technology centers, including medium to high density residential in sensitive relationship to employment; transition from intense core to surrounding residential neighborhoods; Example of uses: mid and high rise office, hotels, major cultural, entertainment uses, regional and corporate offices, retail, service, technology/light manufacturing, higher education facilities, public and quasi-public uses, medium to high density residential.

Scale: a) platting – mixed small and large parcels. b) buildings (size, massing, height, intensity, setbacks) – 3 story and higher; floor area ratios of 1.0 and larger; connections between buildings and to sidewalks; buildings close or touching in more urban centers. c) parking – on-street and off-street parking; opportunity for par-and-ride; structured parking encouraged. d) pedestrian amenities – larger scale plazas and paths; greater opportunity for public-private partnership in creating public spaces.

Policy b: net densities above 30 dwelling units per acre should generally be within Major Activity Centers; lower densities in areas surrounding all types of Activity Centers will serve as a transition to residential neighborhoods.

Policy c: Structures whose height, mass or volume would be significantly larger than any others in their surroundings shall be located only in Major Activity centers to provide for visual variety and functional diversity in the metropolitan area while preserving pleasing vistas and solar access.

Policy f: The most intense uses in Activity Centers shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development.

Policy j: The City will structure capital expenditures and land use regulations in support of creating multi-use Activity Centers, and will promote ongoing public/private cooperation necessary for private market conditions that support the development and functioning of Activity Centers.

Analysis

Air Quality, II.C.1

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

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

Policy k: Citizens shall be protected from toxic air emissions.

Analysis

Noise, II.C.4

Goal: to protect the public health and welfare and enhance the quality of life by reducing noise and by preventing new land use/noise conflicts.

Policy a: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.

Analysis

Developed Landscape, II.C.8

Goal: To maintain and improve the natural and the developed landscapes' quality.

Policy b: Public facilities (including buildings, parks, plazas, utilities, bridges, streets, stadiums, and airports) shall be designed to realize opportunities for City/County beautification.

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

Analysis

Community Identity and Urban Design, II.C.9

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

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

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

Analysis

Energy Management, II.D.3

Goal: To maintain an adequate, economical supply of energy through energy management techniques and use of alternative and renewable energy sources.

Policy d: A transportation system that is more energy efficient shall be developed. In particular, promote:

- a variety of transportation modes including expansion of transit, paratransit, and railway systems; and
- fuel efficiency standards for automobiles.

Analysis

Transportation and Transit, II.D.4

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

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

Policy h: A metropolitan area-wide recreational and commuter bicycle and trail network which emphasizes connections among Activity Centers shall be constructed and promoted.

Policy q: Transportation investments should emphasize overall mobility needs and choice among modes in the regional and intra-city movement of people and goods.

Analysis

Economic Development, II.D.6

Goal: To achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policy g: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

Analysis

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

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

The Uptown Sector Development Plan proposes two new zones, SU-3/MU-UPT and SU-3/MU-UPT/Buffer. The two new zones are analyzed per the following policies of R-270-1980:

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

SU-3/MU-UPT

SU-3/MU-UPT/Buffer

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 the City to show why the change should not be made.

SU-3/MU-UPT

SU-3/MU-UPT/Buffer

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.

SU-3/MU-UPT

SU-3/MU-UPT/Buffer

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

- (1) there was an error when the existing zoning 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) or (2) above do not apply.**

SU-3/MU-UPT

SU-3/MU-UPT/Buffer

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.

SU-3/MU-UPT

SU-3/MU-UPT/Buffer

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.**

Analysis

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

Analysis

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

Although the new zones in the USDP abut major streets, this is not the sole justification of apartment, office or commercial zoning.

- I. A zone change request that 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.”**

- J. A zone change request that would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.”**

The new zones proposed in the USDP do not constitute a spot or strip zone since the zones involve more than one premise and one strip of land along a street.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Agency comments begin on page 23 of this staff report. The City Forrester, PNM and Zoning Code Services provided significant comments that need to be addressed.

NEIGHBORHOOD/PUBLIC CONCERNS

The Uptown community was notified by mail of the availability of the Plan the week of July 29, 2008. The Plan was presented to the Uptown community at a public meeting on August 14, 2008. Over 3,000 notices were mailed out regarding the meeting, however, only a handful of persons attended the meeting (see attached sign-in sheet). Public comments were taken and recorded. A list of the comments is attached.

CONCLUSIONS

This is a request for a recommendation of approval from the Environmental Planning Commission to the City Council for an amendment to the Uptown Sector Development Plan (USDP). The July 2008 Final Draft Uptown Sector Development Plan (USDP) is proposed to replace the existing Uptown Sector Development Plan. Upon Council adoption of the USDP, the existing Uptown Sector Development Plan is rescinded.

Given the short time frame for review and analysis, staff was only able to provide a technical review of the USDP. Several concerns have been raised as a result of the technical review that will affect policy review. As a result, staff is working with Councilor Mayer to correct deficiencies in the Plan

in order to bring the Plan into compliance with applicable goals and policies of the Comprehensive Plan and to provide justification of the two proposed zones per *R-270-1980*.

Staff is requesting a continuance of the EPC hearing to a second hearing in order to address the concerns raised by staff and to provide appropriate policy analysis.

FINDINGS – 08EPC 40077, Uptown Sector Development Plan, August 28, 2008

1. This is a request to amend the Uptown Sector Development Plan (USDP). Upon Council adoption of the USDP, the 1995 Uptown Sector Development Plan is to be rescinded.
2. The primary purpose of the revised plan is to provide new zoning and design regulations to facilitate opportunities for development and redevelopment of Uptown as an economically and environmentally sustainable, business and pedestrian friendly Major Activity Center where people can live, work and play.
3. The boundaries of the USDP are approximately Interstate 40 (south), Pennsylvania and Espanola (east), Phoenix Avenue and Menaul Boulevard (north), and San Pedro (west).
4. The public planning process for the USDP includes four public meetings in the Uptown Area in which all affected Neighborhood Associations were invited and close involvement with representatives from the Uptown Progress Team Neighborhood Association, City Councilor Sally Mayer, Council staff, Otak, Inc. Consultants, and the Planning Department.
5. The 2008 draft Plan was completed on July 30, 2008 and distributed to commenting agencies and to the EPC the following day. The public was also notified of the draft and where it could be obtained. On August 14, 2008, the Final Draft was presented to the public at a community meeting in the Uptown Area.
6. Because of the short time frame, Planning staff only performed a technical review of the USDP and noted several concerns with the Plan in this Staff Report. The Technical Review affects compliance with applicable goals and policies of the Comprehensive Plan and Resolution 270-1980. In order to bring the USDP into further compliance with the Comprehensive Plan and R-270-1980, the Plan will have to undergo minor revisions. Planning staff is working with Councilor Mayer to address the concerns raised by staff and other commenting agencies and to revise the USDP accordingly.
7. Staff is requesting that the EPC begin a discussion of the USDP and solicit public comments at the August 28 EPC Hearing. Staff is also requesting a continuance of the EPC hearing to a second hearing in order to address the concerns raised and to provide appropriate policy analysis.

RECOMMENDATION – 08EPC 40077, August 28, 2008

That the EPC CONTINUE the hearing of 08EPC 40077, the revised Uptown Sector Development Plan, to a second hearing.

***Carmen Marrone, Division Manager
Advance Planning & Urban Design***

cc: City Of Albuquerque, Planning Department, 600 2nd St. NW, Albuquerque, NM 87102
Bill Sterchi, Alvarado Park NA, 5607 Princess Jeanne NE, Albuquerque, NM 87110
Natasha Carty, Alvarado Park Na, 5907 Princess Jeanne NE, Albuquerque, NM 87110
Stephen Verchinski, Classic Uptown NA, 2700 Espanola NE, Albuquerque, NM 87110
Patti Flanagan, Classic Uptown NA, 2716 Espanola NE, Albuquerque, NM 87110
Evelyn Feltner, Inez NA, 2014 Utah St. NE, Albuquerque, NM 87110
Bette Weber, Inez NA, 1927 Virginia St. NE, Albuquerque, NM 87110
Julie Jones, Jerry Cline Park NA, 7625 Winter Ave. NE, Albuquerque, NM 87110
Ron Goldsmith, Jerry Cline Park NA, 1216 Alcazar St. NE, Albuquerque, NM 87110
Lisa Whalen, Quigley Park NA, 2713 Cardenas Dr. NE, Albuquerque, NM 87110
Maria Young, Quigley Park NA, 2932 Madeira Dr. NE, Albuquerque, NM 87110
Laura Heitman, Snow Heights NA, 8011 Princess Jeanne NE, Albuquerque, NM 87110
Andrea Henderson, Snow Heights NA, 1317 Rhode Island NE, Albuquerque, NM 87110
Louis Abruzzo, Uptown Progress Team, 10 Tramway Loop NE, Albuquerque, NM 87122
Marcy Cook, Uptown Progress Team, 6565 Americas Parkway NE, #200, Albuquerque, NM 87110
Richard Peterson, Winrock South NA, 7110 Constitution Ave. NE, Albuquerque, NM 87110
Virginia Kinney, Winrock South NA, 7110 Constitution Ave. NE, Albuquerque, NM 87110
Sharon Berlint, Zuni NA, 7516 Euclid NE, Albuquerque, NM 87110
Allan Smith, Zuni NA, 7522 Euclid NE, Albuquerque, NM 87110

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Chapter II - Definitions

- ❖ Some of these terms are already defined in the Comprehensive City Zoning Code and not consistent with how they are already defined, which can cause some confusion. It is recommended to provide language indicating that the terms provided in the USDP only apply to sites within the plan area.
- ❖ The USDP does not contain all definitions found within the Zoning Code. What is to become of those in relation to this plan? Additional language should be included that specifies the relationship of those terms defined in the Zoning Code that are not in this plan and how they apply.

Chapter IV - Zoning

A. Mixed-Use Zone

- ❖ The second sentence which begins with, "Upon adoption of the Uptown Sector Development.... Is unclear. Does this language apply to the use of the buildings or the design and placement of the buildings? This needs to be clarified.

B. Permissive Uses

- ❖ The language under number 12, hotels/ motels should be clarified in regards to the meaning of "selective service" and "boutique hotels."
- ❖ The word "is" should replace the word "in" on item number 25c.
- ❖ Item number 35 can be deleted since it is covered under item 26f.

C. Prohibited Uses

- ❖ Does item number 14 include parking at a hotel for overnight stay or at any of the malls for shopping or eating?
- ❖ The word "outdoor" should not apply to household items.

F. Height

- ❖ 1. SU-3, MU-UPT: The illustrations are not consistent with the text.
- ❖ 2. SU-3, MU-UPT: The word width should be removed from the second sentence.

G. Setbacks

MU-UPT

- ❖ The word "adjacent" should not be used and should be replaced with "abutting" or a specific distance should be included to provide guidance on what residential zones are considered adjacent.
- ❖ Under letter b, the word foot (singular) should be replaced with feet (plural).
- ❖ The "visual barrier" requirement on the last sentence in letter b needs a specific height.

H. Parking Regulations

- ❖ Item number 3 contains a typo. The word "Site" should be included.

I. Open Space Requirements

- ❖ Under item number 8, letter a should be reworded. The sentence does not read clearly.

Chapter V. Design Regulations

A. Buildings

- ❖ The first sentence should clarify if nonconforming applies to use, structure height, or design.
- ❖ Under Floor Area Ratio, letter b, the language specifies that Floor Area Ratio does not apply “if the Tax Increment Allotment is not sufficient.” This needs clarification.
- ❖ Under Building Additions, the number of trees required in the last sentence needs to be specified.

C. Signage

- ❖ Signage is a use that should be listed under the Permitted Use section of the plan. The current location of the signage language in regards to how it is allowed is not appropriate in the Design Regulations section. Only regulations in regards to design should be in this section.

Section 1 Freestanding Signs

- ❖ Under Number of Signs: Business Complex or Shopping/Mixed Use Center should be defined.
- ❖ Under Number of Signs: The words roadway and street are used interchangeably and should be consistent.
- ❖ Under Sign Area and Height: Does this provision allow 20 additional square feet for every 150 of street frontage?
- ❖ Item number 2 appears to be in conflict with item number 1.
- ❖ Item number 5 should specify from what point is the height of the sign to be measured.

Section 2 Wall Signs

- ❖ Projecting signs are not Wall Signs, according to the definition of a Projecting Sign under the Comprehensive City Zoning Code.
- ❖ Item number 8 under Projecting signs refers you to Section 6.02B. Where is this section?

Section 5 Sign Permits

- ❖ Under number 6, the method of determining the number of allowed real estate signs is not specified.
- ❖ Under number 8, flags with logos or emblems for private advertisement are considered a sign by definition of a sign in the Comprehensive City Zoning Code. This conflict should be clarified.

D. Wireless Telecommunication Facilities

Are these facilities required to be both concealed and co-located in order for them to be allowed?

E. Parking Design Regulations

- ❖ Specific section numbers, for example in 1c, which reads, “Disabled Parking Spaces are required in 14-16-3-1 Section (F)(9)” should not be used in case the sections of the Zoning Code are modified. The language should read, “Disabled Parking Spaces are required in 14-16-3-1.”
- ❖ The sentence under 1e should be clarified.
- ❖ The width of the required landscape buffer should be specified under 1f.
- ❖ Under 2h, the provision is written too vaguely.
- ❖ Under 2i needs lots of clarification. “Space (how much space?) for an Uptown Shuttle Stop and/or a City Transit Stop must be provided at every Parking Structure including room (how much room?) for seating and a provision (what sort of provision?) for shade. The space does not need to be built until there is Uptown Shuttle or increased (Define increased) City Transit Service.”

- ❖ The following items should be clarified under 2j. Entrances, extending (extending how much?) outward from a façade. Lintel, projecting (projection how much?) and exposed.
- F. Open Space Design
- ❖ Under 1, Day and Evening hours should be defined.
- G. Landscape Area and General Landscape Design Requirements
- ❖ Items number 1 & 4 should be included under F. Open Space Design
 - ❖ Item number 9 should not be included in the plan and is a civil matter between the property owner and PNM.
 - ❖ Item number 11 has a typo error.
- I. Street Trees
- ❖ Item number 2 contains a typo error.
 - ❖ Under 4e, how many street trees will be required?
- J. Parking Lot Landscape
- ❖ Under 7b, how much of an extension can be granted?
- K. Walkways
- ❖ Section should be numbered beginning with New Construction...
 - ❖ The definition of Walkways should be modified clarify that walkways includes those on private property.
 - ❖ Item 6 needs to specify how many trees are required.
- Pedestrian Plazas
- ❖ The word “should” needs to be replaced with the word “shall.”
 - ❖ Under number 3, the amount of seating should be clearly specified.
 - ❖ How the area is to be landscaped should be clarified under number 5.
 - ❖ Appears to be legally inappropriate for the plan.
 - ❖ Under number 10, define hours of public access.
 - ❖ Under number 11, define other public areas.

Office of Neighborhood Coordination

The following Neighborhood Associations are affected by this proposal: Fair Heights NA (R), Sombra Del Monte NA (R) and the Uptown NA List consisting of the following: *Alvarado Park NA (R), Classic Uptown NA (R), Inez NA (R), Jerry Cline Park NA (R), Quigley Park NA (R), Snow Heights NA (R), Uptown Progress Team, Inc. (R), Winrock South NA (R), Zuni NA (R)*

CITY ENGINEER and DEPARTMENT OF MUNICIPAL DEVELOPMENT

- a. Chapter VII Approval Process page 61 #1 – the City currently has a DRB process (Development Review Board). Therefore, the Plan should refer to the expedited building permit process as something else other than DRB.
- b. Chapter VII Approval Process page 61 #2 – the last part of the sentence does not make sense. Either it needs to be re-written or wording is missing.
- c. Chapter VI Public Connectivity Infrastructure page 56 #2 – Bicycle Circulation System (BCS). The second to the last sentence in this paragraph reads, “*Parking for bicycles should be provided*”

inside Parking Structures which have connectivity to Bikeways”. After the words Parking Structures, add ...and in proximity of entrances to businesses...

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No comments received

Environmental Services Division

No comments received

PARKS AND RECREATION

Planning and Design

Reviewed, no objection. Request does not affect our facilities.

Open Space Division

Open Space has no adverse comments

City Forester

Definitions

- ‘Permeable Pavement’ services should also include stormwater control, heat island reduction, reduction in winter freezing of surfaces, provide for LEED credits, and water quality as suggested uses
- Why is ‘Shade Tree’ limited as to height and width? Shade tree itself is a vague term. How about... “Any medium to large sized mature tree exceeding 20 feet in width and 30 feet in height”
- The tree list is not included.
- The definition of street tree in the City’s existing ordinance conflicts with the 50% guideline as defined. Street trees should be prioritized for shade as should parking lot trees.
- ‘Tree Well’ definition should be: “Rooting volume provided in a confined area for tree growth and stability. A tree well shall be as deep and twice as wide, at minimum, of tree rootball. A minimum of 2 inches to maximum of 4 inches of organic mulch shall be applied over the entire tree well surface but not touching the tree trunk.”
- ‘Water Harvesting’ should be highly recommended for all parking structures and roof tops. Water harvesting methods of dispersal can include solar powered pumps and tanks can be underground making this a non-space taking, green building, method of achieving cost savings

Page 23

- Parking goals should include and should have minimum requirements of...
 - water harvesting
 - reduction of heat island effect

Page 25

- #6 – Water harvesting is always possible – can it be required for some percentage of stormwater? Other options include no-curb tree wells and swale planters

Page 38

- Guidelines can be added to help remediate heat island effects and add to a desirable business location
 - Pervious surfaces
 - Cool surfaces
 - Tree shade
- Another section on parking on p.45? Pervious is mentioned there but should also include tree wells.
 - I made comments as I read the plan and see that some things are mentioned later. Whichever location you prefer to discuss these concerns, can you refer to the other location?

Page 48

- #8 – Pavers used in planting strip – Recommend pervious paving or construction method that is compatible with nearby trees and landscaping. Keep paving areas at least 4 feet away from trees and outside mature size of any shrubs or plants

Page 49

- #16 – “Structural soil, soil channels, alternative paving materials, reinforced sidewalks, pervious surfaces, and other methods to direct roots under a hardscape surface without damaging the hardscape ...”
 - Soil channels are exactly what they sound like... such as large diameter pipe filled with soil or narrow deep trenches with desirable, uncompacted soil
 - Alternative paving materials include crushed granite, bridging, and materials such as plastic matrix support systems
 - Reinforced sidewalks using welded wire type materials – low cost and fast

Page 50

- 4.a – Appendix A and B are missing. These should be reviewed by the City Forrester.

Page 51

- 4 F – Porous paving near trees should not be used within expected mature diameter of tree unless using removable paving materials – This is true for any paving or constructed material
- J 1 & 2 – one shade and one signature tree per 12 spaces or is it one or the other?

POLICE DEPARTMENT/Planning

No comments received

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No adverse comments.

FIRE DEPARTMENT/Planning

No comments received

TRANSIT DEPARTMENT

No comments received

COMMENTS FROM OTHER AGENCIES

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

At this time, APS cannot determine the impacts this amended Sector plan will have on the district.

MID-REGION COUNCIL OF GOVERNMENTS

No comments received

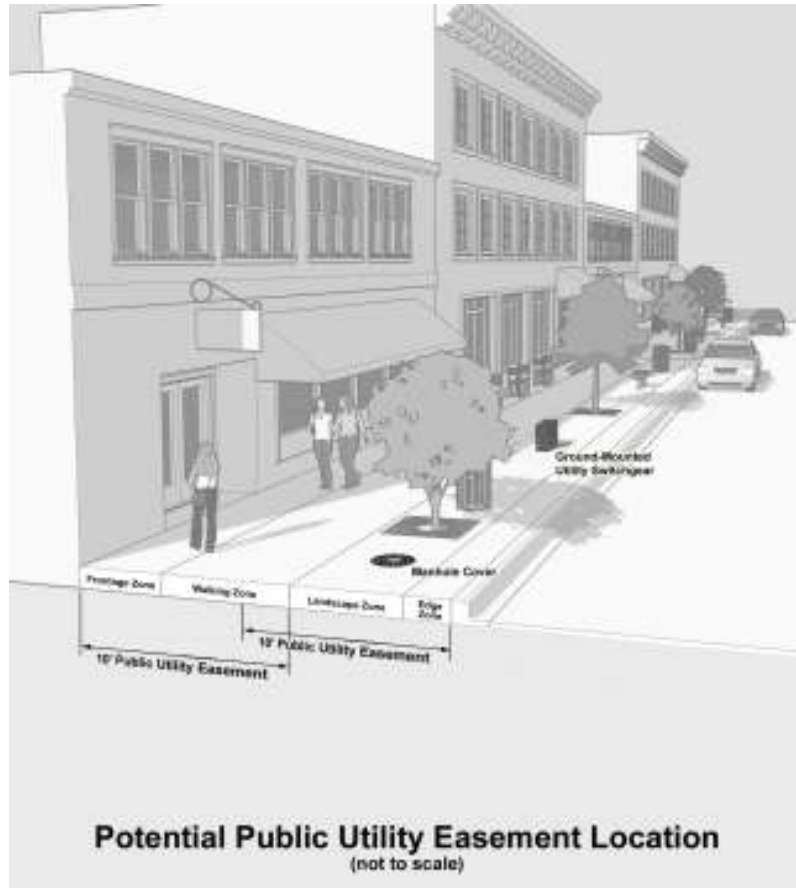
PUBLIC SERVICE COMPANY OF NEW MEXICO

1. In Chapter II, Definitions, on page 16, the term “Public Utility Structure” must be consistent with the definition in the Revised Ordinances of Albuquerque 1994, Chapter 14, Zoning, Planning and Building, Article 16, Zoning Code, Part I, General Provisions, 14-16-1-5, Definitions, which defines “Public Utility Structure” as, “A structure, owned by a unit of government or by a public utility company, which is an electric switching station; electric substation operating at voltages greater than 50 kilovolts (kV); gas transfer station or border station; city-owned lift station, odor control (or chlorine) station, water well or pump station, or water reservoir; or any other public utility structure controlled by a rank two facility plan.”

2. In Chapter II, Definitions, on page 17, the term “Right-of-Way” must be consistent with the definition in the Revised Ordinances of Albuquerque 1994, Chapter 14, Zoning, Planning and Building, Article 16, Zoning Code, Part I, General Provisions, 14-16-1-5, Definitions, which defines “Public Right-of-Way” as, “The total area of land deeded, reserved by plat, or otherwise acquired by the city, the county, or the state, primarily for the use of the public for the movement of people, goods, and vehicles.”
3. PNM has numerous electric facilities within the Plan boundary including four substations located near major arterials, the MT 115kV transmission line near Menaul Boulevard, the HW 115kV transmission line near Interstate 40, the EB 115kV transmission line near Constitution Avenue and many overhead distribution lines. These transmission facilities are an important part of the existing infrastructure system in the area and should be identified as protected transmission corridors. As stated in the City of Albuquerque’s Rank II Facility Plan: Electric Service Transmission and Subtransmission Facilities (1995-2005) as amended, the preservation of transmission corridors and protection from encroachment is particularly critical for continued reliable electric service in Albuquerque. In addition, the Facility Plan states that development shall not encroach on transmission rights-of-way, unless written permission for such encroachments are obtained from the utility.
4. PNM also has numerous natural gas facilities within the Plan area. The gas lines are currently located in the street in the Plan area; however, the preferred location is within right-of-way in an easement. Gas facilities require clearances for safety, access and maintenance that are mandated by American National Standards Institute (ANSI) Standard 31.8 and the Code of Federal Register (CFR) 49, Part 192 --Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards. As redevelopment occurs, coordination with the utility will be necessary to protect these facilities to ensure public safety.
5. PNM supports Goal 7 of Section G., Environment, on page 25, to use solar energy or other alternative energy systems and energy efficient design.
6. In Section H., Open Space, on page 25, revise the sentence as follows:
*“Require all New Construction, excluding public utility structures, or
Redevelopment Sites in the Uptown Area to provide publicly accessible Open Space.”*
7. Certain standards are established for electric utilities in the Rank II Electric Facility Plan. It is important that the new zoning for appropriate development considers existing utility facilities and allows for the placement of new utility facilities. On page 29 at the end of Section A, please add the following sentence:
“Utilities are compliant in all zones.”
8. PNM has numerous gas and electric underground facilities within the Plan area currently serving existing customers. As redevelopment occurs, it will be necessary to coordinate with PNM

regarding these existing facilities. Any utility relocation costs associated with redevelopment will be paid by the developer.

9. The following illustration shows the potential location of public utility easements. Please include this illustration in the Plan to indicate the location of public utility easements.



10. On page 41, Chapter V., Design Regulations, A. Buildings, 3. Articulation Regulations, it is critical that projections such as canopies, portals, balconies and awnings in public utility easements are coordinated with PNM to avoid conflicts with utility infrastructure per NESC standard. Awnings, canopies, portals and balconies adjacent to overhead utilities must be located in order to avoid proximity to overhead utilities and must meet NESC standard.
11. On page 42, in Section B. Fencing and Walls, please revise the last sentence to state, "Walls or fences shall be no higher than 6 feet, excluding electric substation walls."
12. On page 48, Section G., Landscape Area and General Landscape Design Regulations, Item 9., delete the last three sentences.

13. On page 51, Section I., Street Trees, Item 4.k., minimum height for branches must be compatible with existing electric distribution and transmission lines. Any new street trees must meet the guidelines of the National Electrical Safety Code (NESC) at mature height to be compatible with existing distribution and transmission lines. Street tree placement should be carefully considered to avoid interference with the existing transmission and distribution lines along streets. PNM reserves the right to trim or remove any vegetation that interferes with the safe, reliable delivery of utility service.
14. On page 52, Section K., Walkways, Item 1 requires a 6 foot clear width of the Walkway. Existing and future utility facilities such as structures, transformers or switchgear may not be readily located outside Walkways unless the City acquires necessary easements for a nearby alternative location. In addition, the alternative locations must work within the PNM system framework. In some cases, this may not be feasible. It is recommended that the sentence be revised to state, "...clear width of the Walkway, where feasible."
15. The Plan needs to state that utility facilities shall be allowed adequate clearances for repair and maintenance and for the safety of the public and the utility crews who maintain and repair the facilities. The clearances are established by the NESC. NESC provides the standard, which covers basic provisions for safeguarding of individuals from hazards arising from the installation, operation or maintenance of conductors and equipment in electric stations and overhead and underground electric lines. It also includes work rules for the construction, maintenance, and operation of electric lines and equipment. The standard is applicable to the systems and equipment operated by utilities. Please add the following statement to Chapter V., Design Regulations, as a new subheading "M" on page 54:
- Utilities:*
"Infrastructure shall be coordinated as appropriate with all affected utility companies. Public utility easements (PUEs) of adequate width and appropriate location are established to accommodate the extension of public utility facilities and to ensure the safety of the public as well as the utility crews who maintain and repair the facilities per NESC standard. Transmission facilities are not included in PUEs."
16. Adequate clearance must be allowed within setbacks for PNM electric and natural gas easements and the Plan needs to allow adequate clearance for utility infrastructure along the street front. Portals, shop fronts, stoops and other projections must accommodate existing PNM easements and infrastructure per NESC standard.
17. Regarding parking areas and alleys, these areas need to be coordinated with PNM to allow for adequate utility access per NESC standard and PNM's equipment requirements.