



**Environmental
Planning
Commission**

**Agenda Number: 11
Project Number: 1001620
Case #'s: 07EPC 40084
December 20, 2007**

Staff Report

Agent	City of Albuquerque Planning Dept.
Applicant	City of Albuquerque City Council
Request	Amendment to the Code of Ordinances
Legal Description	Proposed Section 14-20-1-1 et. seq.
Location	City- Wide
Size	N/A
Proposed Zoning Categories	TOD-MAC (Transit Oriented Development – Major Activity Center), TOD-CORCOM (Transit Oriented Development – Corridor / Community Activity Center), PVD (Planned Village Development), CAM (Campus Zone), MX (Mixed Use Zone) and ID (Infill Development)

Staff Recommendation

DEFERRAL of 07EPC 40084 for 30 days to the 17 January 2008 EPC hearing, based on the applicant's request.

Staff Planners

**Carmen Marrone, Senior Planner
& Russell Brito, Division Manager**

Summary of Analysis

This is a proposal to create a new Form Based Code with zones that allow mixed use development in a variety of contexts to encourage a more efficient and sustainable urban form, contained in a new article of the Code of Ordinances, Section 14-20-1-1 et. seq.

The applicant, Councilor Benton, is requesting a 30-day deferral to the 17 January 2008 hearing to allow more time for public input.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 5 November 2007 to ONGOING.
Agency comments were used in the preparation of this report and begin on page #.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>			
<i>North</i>			
<i>South</i>			
<i>East</i>			
<i>West</i>			

Background, History and Context

(text)

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates () as a Limited-Access Principal arterial, with a right-of-way of 156'.

The Long Range Roadway System designates () as a Minor Arterial, with a right-of-way of 86'.

The Long Range Roadway System designates () as a Principal Arterial, with a right-of-way of 124' (Established & Developing Urban) or 156' (elsewhere).

The Long Range Roadway System designates () as a Collector street, with a right-of-way of 68'.

The Long Range Roadway System designates () as a Major Local street, with a right-of-way of 56-60'.

Public Facilities/Community Services

(text)

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics*

Albuquerque Comprehensive Zoning Code

(analysis)

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated (text) by the *Comprehensive Plan* with a Goal to “(text).” Applicable policies include:

Policy ?

(analysis)

Water Conservation/Green Principles

(analysis)

Example Sector Plan (Rank #)

The (name) Sector Plan was first adopted in 1981, and revised in (). The Plan generally encompasses properties between (); specific boundaries are shown on Figure () in the Plan. It sets forth goals and policies regarding land use (Goals x-x), (etc.)

(example) Land Use Goal 1a states that traffic, parking, air pollution, and noise should be controlled to minimize negative impacts to surrounding neighborhoods. (p. no., (name) Sector Plan)

(analysis)

Resolution 54-1990 (Policies on Annexation to the City of Albuquerque)

This Resolution sets forth policies and requirements for annexation of territory to the City. Land to be annexed shall be generally contiguous to City boundaries, be accessible to service providers, and have provision for convenient street access to the City. The applicant must agree to timing of capital expenditures for any necessary major streets, water, sanitary sewer and other facilities. Additionally, the *Comprehensive Plan* area designation of a subject site corresponds to specific policies that must be met for approval of an annexation request.

As per the Zoning Code, a zone map amendment for the subject site must be filed and processed concurrently with an annexation action. The Environmental Planning Commission is charged with forwarding recommendations for the requests to the City Council.

(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.

(analysis)

ANALYSIS OF SITE DEVELOPMENT PLAN FOR SUBDIVISION/BUILDING PERMIT

Site Plan Layout / Configuration

compatibility with surrounding development
orientation of building(s), parking, dumpster, etc.
height, setbacks, open space, f.a.r.

Walls/Fences

(text)

Vehicular Access, Circulation and Parking

(text)

Pedestrian and Bicycle Access and Circulation, Transit Access

(text)

Lighting and Security

(text)

Landscaping

(text)

Public Outdoor Space

(text)

Grading, Drainage, Utility Plans

(text)

Architecture

(text)

Signage

(text)

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

(only significant comments that affect the request)

NEIGHBORHOOD/PUBLIC CONCERNS

(text)

CONCLUSIONS

(text)

FINDINGS - (CASE NO.) (DATE) (REQUEST)

1. These “findings” and “conditions” paragraphs have been formatted to allow a three-line spacing between each paragraph. Copy & paste the entire section for cases with multiple sets of findings and recommendations.
2. (text)
3. (text) (continue as needed)

RECOMMENDATION - (CASE NO.)(DATE)

APPROVAL DENIAL DEFERRAL of ##### ##, a (request description), for (legal description), based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - (CASE NO.)(DATE)(REQUEST)

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The applicant shall demonstrate how the Water Management Goal, Section II.D.2 of the Comprehensive Plan, is furthered.
4. The applicant shall demonstrate how the Energy Management Goal, Section II.D.3 of the Comprehensive Plan, is furthered.
5. (text) (continue as needed)

(Planner's Name)
(Title)

cc: COA/City Council, P.O. Box 1293, Albuquerque, NM 87103
COA/Planning Department, 600 2nd St. NW, Albuquerque, NM 87102

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Office of Neighborhood Coordination

City-wide

11/5/07 – Notice will be e-mailed to all NA contacts w/e-mail and article in the “Neighborhood News” newsletter - siw

Advanced Planning

Bill 0-07-116

- The Bill 0-07-116 requires the Planning Department to administer the Form Based Codes. This will require a staff with design (architecture, urban design and landscape architecture) background.

Form Based Codes

- Page 23, 14-16-2-1 Building Forms - Residential Building Forms (a) Detached single-family dwelling requires parking loading and trash disposal from an alley. The Form Based Code does not specify the size of site it where it may be applicable. In the built up neighborhoods, there may not be an alley if someone is building on a single vacant parcel. Does this assume that a City garbage truck will back into a narrow driveway or 'ribbon driveway'? This comment is also applicable for Side yard Dwelling, Townhouse, Rowhouse, Courtyard Townhouses and maybe other building types, if there is no alley, especially in the older part of the City. It may be necessary to address this and clarify in the Code.
- Page 33, Commercial or Mixed Use Building Form - Flex Building (a) Access and Entry - The main entry to each unit should be 'distinctly' marked. While the Form Based Code requires residential dwelling units, including a single family house to mark their entry with stoops, porches etc, it requires no such distinction for commercial or office type uses. There is no requirement to distinctly identify entry to buildings either under the 'Articulation' title.
- Page 43 and 44, 14-20-2-2 Frontage Types. The sketches should be labeled plan and section views. The sketch for Portal (Arcade) is confusing, a space separation should be provided between the plan and section view.
- Page 51, 14-20-2-5 Building Design (D) Wall Openings. The Form Base Code prohibits windows where horizontal dimension exceed vertical "except where otherwise prescribed in the Form Based Code". It is not clear where they are allowed. This is restrictive. This will provide unnecessary restriction on a warehouse where horizontal windows may be appropriate in some locations. Frank Lloyd Wright houses often have horizontal widows.
- Page 52, 14-20-2-5 Building Design (F) Glazing (1) The required light transmittance factor of glazing is a minimum of 90% for the ground floor and a minimum of 75% on the upper floors in a façade facing 'A' Street. This requirement may be contrary to green building codes which require

energy efficient glazing with an e factor. According to window manufacturer, a 90% transmittance factor may not be possible or desirable to be achieved.

- Page 74, 14-20-3-3 (TODCOM) allows multifamily residential on the ground floor and requires 75% minimum glazing on ground floor up to 8' height. This may not be practical or desirable in a residential development on the ground floor facing a street.

PUBLIC WORKS DEPARTMENT

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments.

Hydrology Development (City Engineer/Planning Department):

- No comments received.

Transportation Planning (Department of Municipal Development):

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

Utility Development (Water Authority):

- No comments received.

Water Resources, Water Utilities and Wastewater Utilities (Water Authority):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT,

WATER AUTHORITY and NMDOT:

Conditions of approval for the proposed Amendment to Zoning Code or Subdivision Regulations Text shall include:

a. None.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

City Forester

PARKS AND RECREATION

Planning and Design

Open Space Division

Open Space has no adverse comments

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No adverse comments.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

The City of Albuquerque is proposing a **City Wide** creation of a new form based code with zones that allow mixed use development in a variety of contexts to encourage a more efficient and sustainable urban form. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has conducted a preliminary review of the proposed code and has concerns regarding the code. PNM will need more time to conduct a more rigorous analysis of the code and the impact on service to PNM customers. Areas of concern, as an example, include: 14-20-2-8 Mechanical Equipment (A), which indicates the location of franchised utility facilities and 14-20-3-2 Permitted Building Forms – Composite Matrix, which apparently does not include any utility facilities as permitted uses. PNM will be providing more complete and detailed comments to the EPC.