



**Environmental
Planning
Commission**

**Agenda Number: 10
Project Number: 1003224
Case #'s: 08EPC40042
August 21, 2008**

Staff Report

Agent	
Applicant	City of Albuquerque
Request(s)	Text Amendment to Sector Development Plan
Legal Description	Huning Highland East Downtown Urban Conservation Overlay Zone
Location	Central Ave. between John St. SE and Broadway Blvd. and Broadway Blvd. between Central Ave. and Coal Ave. SE.
Existing Zoning	CRZ and SU2/SU3
Proposed Zoning	same

Staff Recommendation

APPROVAL of 08EPC40042/Project # 1003224 0000 a recommendation of approval to the City Council to amend the Regulatory Plan for the Huning Highland-East Downtown Urban Conservation Overlay Zone, based on the Findings 1-11 beginning on page 9.

Staff Planner

Maryellen Hennessy, Staff Planner

Summary of Analysis

This is a request for a text amendment to the Huning Highland Sector Development Plan to provide for text amendments to the Regulatory Plan for the Huning Highland East Downtown Urban Conservation Overlay Zone (HH-EDo UCOZ), created by City Council Resolution (R-032) in March 2005. The Regulatory Plan for the UCOZ, adopted by City Council Resolution, contains the standards for development in the zone. The Plan is administered by the Landmarks and Urban Conservation Commission(LUCC) and city staff and it includes design standards on such issues as building height, massing, proportion and scale, use of materials in new and existing buildings, relationship between buildings, landscaping, roadways and sidewalks. The HH-EDo UCOZ protects the historic and architectural characteristics of individual buildings and encourages revitalization in the district by specifying form-based standards for new development. The (LUCC) retains review authority over the exterior appearance of significant, contributing, and City Landmark buildings within the UCOZ. Alterations to existing buildings and new construction on other properties are subject to review for compliance with the standards by an Architectural Review Committee composed of representatives from neighborhood associations, the LUCC, and City staff. The Regulatory Plan that was adopted by the Council in 2005 is the product of the efforts of several sources. Since implementation in 2005, city staff have identified areas where the users do not easily understand the plan. Planning staff has proposed technical corrections that would facilitate the use of the document by city staff and the public.

City Departments and other interested agencies reviewed this application from 5/5/08 to 5/21/08. Agency comments were used in the preparation of this report and begin on page 11.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU2/CRZ , SU-3, C-2, SU2/SU1	Established Urban Area, Central Urban Area; Huning Highland Sector Development Plan; Regulatory Plan for the HH-EDo UCOZ; Downtown 2010 Plan.	Commercial, residential
North	SU2/MR; SU2/SU1	Established Urban Area, Central Urban Area; Huning Highland Sector Development Plan;	Residential
South	SU2/MR	Established Urban Area, Central Urban Area; Huning Highland Sector Development Plan;	Residential, commercial
East	SU2	Established Urban Area, Central Urban Area; University Neighborhoods	Commercial
West	SU2/SU3; M-1	Established Urban Area, Central Urban Area; Downtown 2010 Sector Development Plan;	Commercial

Background, History and Context

In March of 2005, the City Council amended the Huning Highland Sector Development Plan to create the Huning Highland-East Downtown Urban Conservation Overlay Zone (HH-EDo UCOZ). The Central Ave. and Broadway corridors were “removed” from the Huning Highland Historic Overlay Zone, and a new Urban Conservation Overlay Zone was created by the petition of the majority of property owners along Central Ave. and Broadway. The petitioners also submitted a Regulatory Plan to the City and asked that it be adopted. The Council created a new zoning category called Community Revitalization Zone (SU2/CRZ) and applied it to all properties previously zoned SU2/NCR in the Huning Highland Sector Plan. They also adopted a Regulatory Plan for the new zone.

The Regulatory Plan (the Plan) contains standards for new development in the zone. The Plan is administered by the Landmarks and Urban Conservation Commission (LUCC), who are responsible for Urban Conservation Overlay Zones. The Plan includes development standards addressing issues such as building height, massing, proportion and scale, setback, landscaping, parking and sidewalks. The

architectural standards address items such as material, signage and lighting, building walls and windows and doors.

The HH-EDo UCOZ intent is to protect the historic and architectural characteristics of individual buildings and encourage revitalization in the district by specifying standards for new development. The LUCC retains jurisdiction over the exterior appearance of certain historic and City Landmark buildings within the UCOZ. Alterations to existing buildings and new residential and non-residential construction on the other properties are subject to an expedited review for compliance with the standards by an Architectural Review Committee composed of representatives from the two affected neighborhood associations, the LUCC, and City staff.

The Regulatory Plan that was adopted by the Council in 2005 is the product of the efforts of several sources. Moule & Polyzoides, Architects and Urbanists and Denish & Kline Assoc., Urban Consultants originally prepared the Plan for the Broadway and Central Corridors Partnership Neighborhood Association.

The Landmarks and Urban Conservation Commission reviewed the Plan and made several recommendations, as did the Environmental Planning Commission. Finally, the City Council, assisted in their plan review by Ferrell Madden Assoc., made several amendments to the Plan that was eventually introduced to the City Council.

Since implementation in March 2005, there have been no new buildings constructed in the UCOZ. The majority of applications have been for small additions and rehabilitations to existing buildings. City Zoning and planning staff have identified technical issues and areas where the Plan is not as readily understood as a document used by the public and the City should be. Staff has made recommendations for text amendments to address those areas that have been identified as confusing or not specific.

There are no changes to underlying zoning or land use entitlements in the proposed amendments.

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 Broadway Blvd. and Central Ave. NE as Principal Arterials, with a right-of-way of 124' (Established & Developing Urban).

There is an existing bicycle route on Edith Blvd. that crosses Central Ave.

Route 16-18 the Broadway, University, Gibson route runs along Broadway and provides all day transit service. The 766 Rapid Ride Red Line and the Route 66 Central Ave. bus routes provide service to the district.

Public Facilities/Community Services

The Old Main Branch of the Public Library system is located within the Overlay Zone.

PROPOSED AMENDMENTS TO THE REGULATORY PLAN FOR HH-EDo UCOZ

(Proposed amendments are in regular type staff comments in bold italic)

PAGE 3 Non Contributing properties (not shown on this plan)

At the end of the first paragraph add: Alterations to and demolition of non-contributing properties are exempt from LUCC procedures prescribed by §14-12-8.

The Landmarks and Urban Conservation Ordinance, Article 12 Section 14-12-8 (A)(4) “Procedures for Alteration, Demolition and new Construction” states that a Certificate of Appropriateness shall not be required for “Any construction, alteration, or demolition which is exempted from this requirement by approved specific development guidelines”. The Plan provides for procedures for the approval of development. Those procedures specify that Contributing buildings in the Huning-Highland Historic District are subject to “existing” LUCC procedures, and that other new development is subject to review by an Architectural Review Committee. Accordingly, some development is exempt from existing LUCC procedures as provided in Article 12, however; the Plan should specifically state this exemption rather than imply it. The new language will make the Plan consistent with the LUC Ordinance. See attachment.

PAGE 4 In Implementation Process Matrix change see ~~page 4~~ to see page 9.

This is a technical cleanup. The wrong page number is cited.

After appeals of staff decisions add:

The Development Codes and Architectural Standards set forth in this plan are mandatory, however, the Architectural Review Committee and/or staff person may approve minor changes or deviations if the applicant can demonstrate that the Plan’s intents for corresponding development categories are still furthered. If the ARC and/or staff person determines that the proposed change or deviation from the Development Codes and Architectural Standards is not minor, then the request shall be forwarded to the LUCC who may approve changes or deviations from the Development Codes and Architectural Standards if the applicant can demonstrate that the Plan’s intents for corresponding development categories are still furthered.

As written, the Plan does not stipulate a process for allowing deviations from the standards. It is titled regulatory, thereby implying that the standards are mandatory, but that is never explicitly stated. The respective review bodies have no direction for

addressing even minor deviations. It is also not clear, what recourse an applicant might have to vary from the standards when specific circumstances might warrant such flexibility.

PAGE 5-8 After the introductory paragraph add new heading: STANDARDS FOR NEW BUILDINGS

The development standards as illustrated and specified are not compatible with remodeling or rehabilitating existing buildings. The City has implemented these standards for new buildings only. The new language would clarify when these standards apply.

At the bottom of the second column under 2. Height add: See page 11 for additional standards

Page eleven contains standards also related to the height of buildings. The new language provides a cross-reference.

Fourth column 1. Parking Requirements. Second paragraph add: Parking requirements are subject to the existing underlying zoning. Parking requirements for the CRZ zone below...

Parking requirements for the SU2/CRZ zone were established in Council Resolution 2005-185 (appended to the Plan). However, these parking requirements are also contained in the Regulatory Plan. The UCOZ contains properties on the west side of Broadway that are zoned SU2/SU3 and C-2. These SU3 properties are contained within the Downtown 2010 Sector Plan, which establishes parking requirements for SU3 properties. The new language would clarify that parking requirements are associated with the underlying zoning.

PAGE 9 Third column F. Signage: delete Per SU2/CRZ Zone add: Per Architectural Standards.

As provided by the designation ordinance R-2005-185 (appended to the Plan) Section 1.A.1, signage in the CRZ zone is regulated by the Plan. The existing reference on page 9 to signage “per the CRZ zone” is not meaningful. The standards for signage are contained in the architectural standards on page 18 of the Plan.

First column A.6: add c. Unpainted brick and tile masonry should not be painted.

The Landmarks recommended this conservation standard and Urban Conservation Commission for the treatment of those designated historic properties under their purview.

PAGE 12 *At the end of the first paragraph add: These standards apply to new buildings, alterations and additions to existing buildings.*

The Architectural Standards found on pages 12 – 19 apply to all development whether alteration to an existing building or new construction. The new language would state that clearly.

PAGE 13 First column: delete: ~~INTENT AND GUIDING ILLUSTRATIONS FOR BUILDINGS WALLS~~

delete: ~~The illustrations on this page and statements in this column are advisory only.~~

The statement related to “advisory only” seems to refer to the photographs and general statement of intent contained within the shadowed box. The standards themselves are mandatory. Staff recommends deleting language related to “advisory only” as it can be confusing for city staff and the public. The introductory paragraph in the shadowed box communicates the intent and is sufficiently distinguished from the specific standards.

Last column: Delete: ~~Colors permitted: warm colors, tone of 30% minimum grayscale.~~

The specific development guidelines for Historic Overlay Zones throughout the City do not regulate color. Historically, buildings were painted in diverse colors, oftentimes vibrant. The district contains buildings that are being rehabilitated, and the distinction between a color that is considered warm and one that is cool is not considered to be necessary by the Landmarks Commission.

PAGE 14-19 First column: delete: ~~INTENT AND GUIDING ILLUSTRATIONS FOR.....(AS APPLICABLE)~~

delete: ~~The illustrations on this page and statements in this column are advisory only.~~

As discussed above.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

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

Albuquerque Comprehensive Zoning Code

The intent of the Zoning Code is to “create orderly, harmonious, and economically sound development in order to promote the health, safety, convenience and general welfare of the citizens of the city.”

14-16-2-28 states that overlay zones apply to areas where they are mapped in addition to the provisions of another zone. Section (C) addresses Urban Conservation Overlay Zones and outline procedures for establishment of the overlay. This overlay is used for areas that have distinctive characteristics that are worthy of conservation but which lack sufficient historical, architectural, or cultural significance to qualify as historic areas.

Section D (1) specifies that the City Council, in its Resolution applying the overlay zone, shall identify general development guidelines for the area. The Landmarks and Urban Conservation Commission is to adopt specific development guidelines for the area within 60 days of the designation. The guidelines are to be consistent with the City Council Resolution and the LUCC may amend the guidelines at a public hearing.

In the designation of the Huning Highland-East Downtown UCOZ, the City Council amended the Huning Highland Sector Development Plan and incorporated the Regulatory Plan in its resolution. Therefore, the Plan must be amended by the City Council as well as the LUCC.

The proposed amendments will support the intent of the zoning code by contributing to orderly and harmonious development.

Albuquerque-Bernalillo County Comprehensive Plan of 1988, amended 2003

This site is a Historic Resource in terms used in the *Comprehensive Plan*. The plan sets out goals and policies concerning land use, environmental protection and heritage conservation. Chapter II, Section 5, Historic Resources Goals and Policies (pp. II-61-II-62) states:

“The Goal for Historic Resources is to protect, reuse or enhance significant historic buildings and districts.”

Applicable Historic Resources policies include:

Policy a: Efforts to provide incentives for the protection of significant buildings and districts shall be continued and expanded.

Policy b: Research, evaluation, and protection of historical and cultural properties in the City and County shall be continued where appropriate.

Policy c: Increase public and inter-agency awareness of historic resources and preservation concerns.”

This site is contained in the Central Urban Development Area, a portion of the Established Urban Development Area as defined in the *Comprehensive Plan*, and is subject to the policies of Section II.B.5 (Established Urban Area) as well as the Central Urban Area policies. The Goal of the Central Urban Area is to “promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.”

The proposed amendments do not conflict with the Central Urban Area goals and policies. The historic resources within the Overlay Zone are not negatively affected by the proposed amendments.

In its Resolution R-2005-032, the City Council stipulated that the historic properties within the UCOZ are subject to the standards contained in the Regulatory Plan. The proposed amendments would provide some discretionary authority to the review committee and the LUCC in reviewing alterations to historic properties.

The Goal of the Established Urban Area is to “create a quality urban environment which perpetuates the tradition of identifiable, individual, but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

Applicable Established Urban Area policies include:

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 o: “Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.”

The proposed amendments are intended to clarify the development guidelines that were adopted for the overlay zone. Redevelopment and rehabilitation are supported by the orderly application of the guidelines.

The Housing Goal (Section II.D.5) is “to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents’ and assure against discrimination in the provision of housing. Policy e is applicable:

Policy e: “Encourage efficiencies in the public development review process and reduce unnecessary construction costs, but balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protection of quality of life.”

Policy e is supported by the proposal. The amendments are intended to improve the efficiency in the public development review process.

The Economic Development Goal (Section II.D.) is “To achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.” Policy f is applicable:

Policy f: “The City and County should remove obstacles to sound growth management and economic development throughout the community.”

The proposed amendments do not affect the goals and intent associated with the Urban Conservation Overlay Zone and the revitalization of the district. The proposed changes serve to make the Regulatory Plan more readily understood by the development community and city review staff and boards.

Huning Highland Sector Development Plan (Rank 2)

The Huning Highland Sector Development Plan was first adopted in 1977, and revised in 1988. The Plan generally encompasses properties between Martin Luther King Boulevard and Coal Avenue and Broadway Boulevard and Locust Avenue; specific boundaries are shown on Map 2 on page 4 in the Plan. It sets forth goals and policies regarding land use:

The Goal of the Plan is “the continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.” Plan objectives include, as related to this proposal:

2. To encourage and support appropriate commercial development.
3. To clarify zoning language for easier use.
8. To encourage appropriate neighborhood-oriented use of vacant lands and buildings.
11. To represent fairly all interests in the Huning Highland Sector Plan area.

The proposed amendments support goals 2, 3, 8 and 11 by acknowledging the nature of the re-development that is occurring. Since the Plan’s adoption in 2005, the area has primarily seen improvements to and re-use of existing buildings. The new language would allow some limited flexibility for specific buildings and sites. They would also allow support the interest of individual property owners in the zone by clarifying parking requirements.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

No adverse comments

NEIGHBORHOOD/PUBLIC CONCERNS

Neighborhood Associations within a one-mile radius were notified of this request. These include the Broadway Central Corridors Partnership, Huning Highland Historic District Association, South Broadway Neighborhood Association, Santa Barbara Martineztown Neighborhood Association, Downtown Neighborhood Assoc., Citizen's Information committee of Martineztown, Raynolds Addition Neighborhood Association, Barelas Neighborhood Association and the Downtown Action Team. No comment has been received to date.

CONCLUSIONS

The proposed text amendments clarify how the development standards are to be applied. The amendments also provide direction to the responsible review bodies and allow limited flexibility in applying the standards. They also provide consistency between the various sector plans and ordinances that affect the overlay zone. They will also serve to avoid misinterpretation or conflicting interpretations.

The proposed amendments do not affect the intent or substance of the Regulatory Plan for the Huning Highland-East Downtown Regulatory Plan in a substantive manner.

FINDINGS - (08-EPC-40042/Project # 1003224) (August 21, 2008) (A TEXT AMENDMENT TO THE REGULATORY PLAN FOR THE HUNING HIGHLAND EAST DOWNTOWN URBAN CONSERVATION OVERLAY ZONE)

1. This application is a request by City Planning for a recommendation to the City Council to amend the text of the Regulatory Plan for the Huning Highland-East Downtown Urban Conservation Overlay Zone.
2. The property affected by this request is the Huning Highland-East Downtown Urban Conservation Overlay Zone located on Central Ave. between I-25 and Broadway and on Broadway Ave. between Central Ave. and Iron, zoned SU2/CRZ, SU2/SU-3 and C-2, Map K-14.
3. The Regulatory Plan for the Huning Highland-East Downtown Urban Conservation Overlay Zone was adopted by the City Council with Resolution 2005-032 on March 7, 2005.
4. The Landmarks and Urban Conservation Commission adopted the Regulatory Plan for the Huning Highland-East Downtown Urban Conservation Overlay Zone as the specific development guidelines for the Urban Conservation Overlay Zone on July 13, 2005.
5. The Landmarks and Urban Conservation Commission reviewed the proposed amendments to the Regulatory Plan on May 14, 2008 and voted to approve a recommendation to City Council to amend the Regulatory Plan as proposed.
6. The proposed amendments are primarily technical in nature and serve to clarify the application of the development standards contained in the Plan.
7. The Established Urban Area Goal as identified in the Comprehensive Plan and policy d is furthered because there are no changes to the location, intensity or design of new development; thereby existing neighborhood values, condition and resources are respected. Policy o is furthered because the changes support redevelopment by private sector investors.
8. The Economic Development Goal as identified in the Comprehensive Plan and policy f is furthered because the proposed amendments to the Regulatory Plan will remove obstacles to sound growth management and economic development.

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9. The Housing Goal as identified in the Comprehensive Plan and policy e is furthered because the proposed amendments to the Regulatory Plan encourage efficiencies in the public development review process.

 10. The Goal and Objectives of the Huning Highland Sector Development Plan are furthered because the proposed amendments to the Regulatory Plan serve to clarify zoning language for easier use, support appropriate development and represent the interests of the users of the plan.

 11. There is no known neighborhood opposition to this request.

RECOMMENDATION - (08-EPC-40042/Project # 1003224) (August 21, 2008)

THAT APPROVAL OF 08-EPC-40042/Project # 1003224, A TEXT AMENDMENT TO THE REGULATORY PLAN FOR THE HUNING HIGHLAND EAST DOWNTOWN URBAN CONSERVATION OVERLAY ZONE BE FORWARDED TO THE CITY COUNCIL, based on the preceding Findings.

***Maryellen Hennessy
Senior Planner***

cc: City of Albuquerque/Planning Department, 600 2nd St. NW, Albuquerque, NM 87102
Steve Grant, Huning Highland Historic District Assoc., 209 High St. NE, Albuquerque, NM 87102
Kay Adams, Huning Highland Historic District Assoc., 816 Silver Ave. SE, Albuquerque, NM 87102
Robert Vigil, Barelás Neigh. Assoc., 919 Sante Fe, SW, Albuquerque, NM 87102
Kathleen Esquibel, Barelás Neigh. Assoc., 1100 Santa Fe SW, Albuquerque, NM 87102
Terry Keene, Broadway Central Corridors Partnership, 424 Central Ave. SE, Albuquerque, NM 87102
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E. Joaquin Griego, Santa Barbara Martineztown Assoc., 427 Placido Martinez Ct. NE, Albuquerque, NM 87102
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Lorraine Candelaria, South Broadway Neigh. Assoc., 619 Arno SE, Albuquerque, NM 87102
Brian Morris, Downtown Action Team, 309 Gold Ave. SW, Albuquerque, NM 87102

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Office of Neighborhood Coordination

Downtown NA List which includes the following: Barelás NA (R), Broadway Central Corridors Partnership (R), Citizen's Information Committee of Martineztown (R), Downtown NA (R), Huning Highland Historic District Assoc. (R), Raynolds Addition NA (R), Santa Barbara-Martineztown Assoc. (R), South Broadway NA (R), Downtown Action Team

Advanced Planning

CITY ENGINEER

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no objection to the text amendment to the HH Sector Development Plan.

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.

New Mexico Department of Transportation (NMDOT):

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT
and NMDOT:**

Conditions of approval for the proposed Sector Development Plan Amendment shall include:

- a. None.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

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

Open Space Division

Open Space has no adverse comments

City Forester

No adverse comments.

POLICE DEPARTMENT/Planning

No Crime prevention or CPTED comments at this time concerning the proposed Text Amendment to Sector Development Plan.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

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 proposes a text Amendment to the HH-Edo UCOZ Sector Development Plan. Specifically, a revision of the Development Guidelines. The area this amendment impacts is Central and Broadway. 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

No comment based on the information provided to date.