



**Environmental
Planning
Commission**

*Agenda Number: 2
Project Number: 1001620
Case #'s: 07EPC 40084
24 July 2008*

Staff Report

Agent	City of Albuquerque Planning Department
Applicant	City of Albuquerque City Council
Request	Amendment to the Zoning Code
Legal Description	Proposed Section 14-16-3-20
Location	City- Wide
Proposed Zoning Categories	TOD-MAC (Transit Oriented Development – Major Activity Center); TOD-COM (Transit Oriented Development - Community Activity Center); MX (Mixed Use); ID (Infill Development); and PND (Planned Neighborhood Development)

Staff Recommendation

CONTINUANCE of 07EPC 40084 to the 18 September 2008 EPC hearing, based on the Findings on page 14.

Staff Planner
Russell Brito, Division Manager

Summary of Analysis

The Form Based Code (FBC) was originally scheduled to be heard by the EPC in February 2008, but was deferred at the request of the applicant to allow for modification in response to comments from citizens, community representatives and other stakeholders. The proposal has not been heard by the EPC at a public hearing and has been deferred multiple times since the first version was originally submitted in late 2007.

The most recent version of the proposal is 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. The FBC would become a new article of the Zoning Code, Section 14-16-3-20. In a sense, the proposed regulatory language has evolved into a “hybrid” of traditional zoning and a pure, form based code. The result is a set of design standards and regulations that can be utilized by property owners and developers through a zone map amendment and site development plan review process. Requests of this kind to take advantage of the FBC would occur at a public EPC hearing where neighbors and other interested parties could participate and provide input.

The FBC as submitted is intended to fulfill the directives and guidance of the PGS, but some additional information such as more specificity regarding permitted uses and the appropriate, overall mix of uses for each new zone is desired by Planning staff. Additional comments from outside groups, citizens and other interested parties are needed so the submittal can be refined to a form that is comprehensive, enforceable, acceptable and transparent. Notable public comment is expected at the 24 July 2008 EPC hearing. Time will be necessary to address comments, issues and concerns that are brought up by interested parties. The EPC normally holds at least two hearings on major proposals such as this to ensure that a meaningful recommendation can be made to the City Council. Staff recommends a continuance to the 18 September 2008 EPC hearing for a final review and recommendation to the City Council.

City Departments and other interested agencies reviewed this application from June 2008 to ONGOING. Agency comments were used in the preparation of this report and begin on page 16.

BACKGROUND, HISTORY AND CONTEXT

This is a proposal to create a new Form Based Code (FBC) 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 Zoning Code, Section 14-16-3-20. The Form Based Code was introduced at the November 5, 2007 meeting of the City Council per Ordinance 07-116 and referred to the Environmental Planning Commission for comments and recommendations. The proposal was scheduled to be heard by the EPC on December 20, 2007, but was deferred at the City Council's request to February 21, 2008. Further deferrals resulted in the first EPC hearing on 24 July 2008.

Public Outreach

Following the introduction of the Form Based Code to the City Council on November 5, 2007, the sponsor of the Bill, Councilor Benton, and council staff have held several public outreach meetings in each Council District. These meetings have provided an opportunity for the public to be informed and to comment on the proposal. The interested public raised many concerns with the proposal, particularly with the initial, hurried pace that was once pursued by the sponsor of the Bill. Since the original version of the FBC, it appears to have been revised to address a majority of the concerns and issues raised by the public.

Please refer to the Council's transmittal letter, dated 12 June 2008, for a summary of changes made to the FBC since its original version.

Intent

The explicit intent of the Form Based Code is to implement the goals and policies of the Comprehensive Plan and the Planned Growth Strategy. The Form Based Code is also intended to create an alternative to suburban zones and building code to allow a mixture of uses and the development of areas that are oriented toward pedestrians rather than automobiles. The Form Based Code will not replace the current Comprehensive Zoning Code and does not propose any specific zone map amendments for any individual properties. Rather, the FBC represents an alternative to the current zoning districts, with an emphasis on form and function rather than use and use segregation. Any public or private entity that wants to utilize the FBC zones will need to apply request approval via the existing public process.

The details of how the FBC will be applied include:

- Using the zones as templates for drafting new or updated zones in existing and new Sector Development and Corridor Plans.
- Zone map amendments and site development plan reviews for specific development proposals through the existing EPC review and approval process.

Form Based Code Content

The Form Based Code (FBC) identifies a variety of building forms, establishes requirements for how the buildings must be situated on a lot (setbacks, location of parking, access to parking, etc.), regulates the way buildings relate to their neighboring uses (massing, height restrictions within a certain distance of single family development, etc), and regulates construction materials and wall configurations, the positioning of windows and doors, the placement of mechanical equipment and the character of lighting and signage.

The FBC introduces **five new zones** that allow mixed-use development in a variety of contexts. The new zones are as follows:

TOD-MAC (Transit Oriented Development-Major Activity Center) – This zone provides a compact urban form that is restricted to areas within walking distance (approximately ½ mile) of a major transit center such as the Alvarado Center and other major transit centers that may develop, and uses that are dependent upon, or may generate, a relatively high level of transit usage. This zone mixes intense commercial and residential forms that are highly pedestrian oriented.

TOD-COM (Community Activity Center) – This zone is appropriate for development in Community Activity Centers that serve a relatively large area. This zone provides a mixture of residential, commercial, entertainment, civic, and employment uses that are restricted to areas designated at Community Activity Centers. Densities are transit supportive, but are smaller in scale than the TOD-MAC zone.

MX (Mixed Use) – This zone provides a mixed-use environment with higher density residential, shopping, service, office, and entertainment uses. This zone permits commercial uses in a wider variety of situations than conventional zoning, subject to design standards. This zone is appropriate for establishing commercial mixed-use centers that serve residential neighborhoods, or to redevelop existing shopping centers.

ID (Infill Development) – This zone is appropriate for the context-sensitive development of empty lots or the redevelopment of lots in substantially built up areas. In order to encourage infill development, while protecting the neighborhood context, the regulations for this zone include reduced front and side setbacks, reduced parking requirements, design standards and access requirements. A zone change to Infill Development should support pedestrians and pedestrian activity.

PND (Planned Neighborhood Development) – This zone provides for complete neighborhoods on vacant sites or in developed or partially developed areas that can support a mix of uses. A central mixed use node or a network of smaller nodes would provide the essential functions for the area.

The FBC as currently proposed is a hybrid of a “pure” form based code and traditional, existing land use regulations, including review and approval processes. It is intended to implement policies and directives of the Planned Growth Strategy and applicable goals and policies of the Comprehensive Plan. The FBC allows for a variety of building types and includes requirements for their relation to the street in a way that is pedestrian oriented rather than automobile oriented. How the buildings

relate to the surrounding built and natural environments is also part of the FBC. The FBC includes standards for building design that is in scale with the pedestrian and which can be refined and implemented for specific sites through the EPC site development plan review process.

The FBC's relationship to other, existing City regulations, including the Subdivision Regulations, the General Regulations of the Zoning Code and the Development Process Manual (DPM), is that wherever a conflict exists, the FBC prevails for sites that have and/or receive a FBC zone.

Incentives for property owners and developers to request and implement FBC zones include:

- Variation from DPM standards inherent in the FBC regulations and additional variation possible with EPC approval.
- Variance from Subdivision Regulations standards inherent in the FBC regulations and additional variation possible with EPC approval.
- No explicit limits on density other than what is possible given the requirements for parking and open space provision.
- Existing, known review process with simplified requirements.
- Exemption from TIS (Traffic Impact Study) requirements.

The Development Approval Process for the FBC includes:

- Request for zone map amendment to a FBC zone(s) for a specific site at the EPC and concurrent review and approval of a corresponding site development plan at the EPC.
- Request for zone map amendment to a FBC zone(s) via an overlay zone in a Sector Development Plan or an overlay zone that covers a group of properties with owner consent.
- All properties requesting a FBC zone must meet the eligibility criteria for each requested FBC zone.

Administration of the FBC is through the existing review and approval processes and enforcement is by the Planning Department's Code Enforcement Division, which will have authority to ensure compliance with this new section of the Zoning Code. Variances, or what the FBC calls "Modifications," are possible through either administrative review for minor deviations or through the EPC for major deviations. The FBC is specific in outlining what standards may or may not be modified by the Planning Director and/or the EPC.

Permitted/Prohibited Uses

The ID (Infill Development) Zone is the only FBC zone that clearly states what uses area allowed by referring to R-2 permissive uses and C-1 permissive uses with prohibitions. The other four zones (TOD-MAC, TOD-COM, MX and PND) clearly state prohibited uses by referring to other specific zones, but the permissive uses are vague or indefinite (retail, commercial, service). The permitted building types are useful to a point, but clear reference to allowed uses, as in the ID zone, are needed to ensure that property owners, developers, neighbors, Planning Commissioners, Planning staff and enforcement staff know what to expect with a requested FBC zone.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

The following analysis is a partial review based on the language as submitted. Planning Department staff is awaiting additional comments from some City Departments and outside agencies. Comments on this most recent version from other interested groups have either just been submitted or are to be soon forthcoming. These comments include or will include suggestions for changes to the proposed text of the Form Based Code.

City Council staff has been conducting education and outreach meetings in each of the City Council districts. Potential comments from individual citizens and neighborhood groups may further alter the review of and ultimate content of the submitted Form Based Code. A final analysis and recommendation from Planning Department staff will be possible after all issues, concerns and other input can be compiled and addressed throughout the EPC review process.

Policy Citations are in Regular Text; Staff Analysis follows each citation in ***Bold Italics***

Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971.

Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. **The purpose of this Charter is to provide for maximum local self-government.** A liberal construction shall be given to the powers granted by this Charter.” [emphasis added]

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, **insure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment.** To effect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.” [emphasis added]

The proposed text amendment to the City’s Code of Ordinances is an exercise in maximum local government. The City Council has the authority to create development entitlements and associated regulations through legislative action (Article I). The proposed review and development processes will permit applicants to request the proposed land use categories at public hearings, rather than making them mandatory across the City.

The proposed text amendment is intended to further the interest of the public by insuring the proper use of land and promoting and maintaining an aesthetic and humane urban

environment. Where appropriate, the proposed land use categories will allow for the proper use and development of land to promote and maintain an aesthetic and humane urban environment. The proposed land use categories are intended to take advantage of infrastructure and services already existing in the developed portions of the City, while striving to maintain surrounding, existing neighborhoods and their identities (Article IX).

Albuquerque / Bernalillo County Comprehensive Plan

The proposed Form Based Code amendment to the Zoning Code is subject to the *Comprehensive Plan Goals* and applicable policies for Activity Centers, Developed Landscape, Community Identity and Urban Design, Transportation and Transit, Housing and Economic Development.

The Activity Centers “Goal is 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.”

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 table specifies policy objectives for each type. [See table in hard copy Comp Plan]

The intent of the Form Based Code (FBC) is to give property owners and developers options for land use that will create, and in some cases, strengthen concentrations of mixed land use which help reduce urban sprawl, auto travel and service costs. Specific land uses need to be identified, though, to ensure that a proper mix of appropriate uses are attached to each zone. Furthermore, the ability to customize the mix of uses for individual sites and activity centers, in addition to the general and component design standards, will help to enhance the identity of individual communities within Albuquerque.

The submitted text amendments to the City’s Zoning Code provide entitlements and regulations for development that will contribute to sustainability, mixed uses and promotion of transit and pedestrian access. Development that occurs within one of the proposed zones will be able to take advantage of existing City services, which will maximize the cost-effectiveness of the investment already made by the City.

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

The FBC includes a variety of zones that allow for the desired densities outlined in this policy, which will give guidance to applicants, Planning staff and the Planning Commission when selecting the appropriate zone category for a given site. The required, public review process

will also help to ensure that the ultimate density is compatible with the surrounding, existing neighborhood(s).

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.

The public review process for changing to a FBC zone will ensure that the appropriate zone is established for each individual site and center. A requirement for site development plan review would make sure that proposed development responds to and reflects the identity of adjacent and nearby neighborhoods and is acceptable to surrounding residents.

Policy d Size, functional diversity, and supporting market area are the primary determinants for designation as an Activity Center. Smaller Activity Centers serving surrounding neighborhoods may be developed, but are not designated or mapped.

The criteria of the FBC for each zone category, such as a distance requirement from transit service, will ensure that more intense development is appropriately located.

Policy e New Activity Centers may be designated and added to the Comprehensive Plan through local government review and approval based upon the following criteria:

- The proposed Activity Center's potential for shaping the built environment, consistent with policies of the Comprehensive Plan.
- Market potential for concentrating activities to higher than average intensities, and potential for promoting infill of vacant land inside the existing urban services boundary.
- Appropriateness of the proposed Activity Center, including location relative to the market area and access/connections including transit service potential.
- Fiscal impact of the proposed Activity Center on City government and the private sector.
- Compatibility of the proposed Activity Center with surrounding neighborhoods.
- Capacity and availability of public services such as transportation, water, and sewer systems to support the Activity Center as proposed.
- Environmental impact of the proposed Activity Center.

Changes of zoning and subsequent development as per FBC zoning that occurs within a proposed Activity Center may serve as precedence for Activity Center designation and/or expansion.

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.

The design standards for FBC zones require transition areas, but community response to the proposed dimensions and requirements for the transition areas may necessitate further altering of the proposal as currently submitted.

Policy g Activity Center locations shown on a Comprehensive Plan map, and their predominate uses in accordance with their unique roles and expected needs of the community, shall be developed in accordance with more specific sub-area planning efforts.

The submitted FBC has a variety of zones that can be applied to a specific Activity Center location in appropriate combinations. The site development plan review requirement for changes to FBC zones fulfills the sub-area planning intent.

Policy h Changing zoning to commercial, industrial or office uses for areas outside the designated Activity Centers is discouraged.

The FBC zones will be available outside of designated Activity Centers in a “future” activity center, but should generally be adjacent to or nearby transit service in a linking Corridor.

Policy i Multi-unit housing is an appropriate use in Neighborhood, Community and Major Activity Centers.

The FBC zones allow for a variety of uses, including multi-unit housing.

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.

Changes to FBC zones may necessitate upgrades to existing infrastructure to accommodate increased traffic, service provision, etc. A pattern and/or trend of changes to FBC zones in a specific area will help the City to plan for and project the need for capital expenditures.

The Developed Landscape “Goal is to maintain and improve the natural and the developed landscape’s quality.” Applicable policies include:

Policy a The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

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.

Policy e In highly scenic areas, development design and materials shall be in harmony with the landscape. Building siting shall minimize alteration of existing vegetation and topography and minimize visibility of structures in scenic vista areas.

The FBC and its design standards will give property owners and developers options to implement the intent of the FBC, which will help to maintain and improve the quality of the natural and developed landscape. The FBC intends to respect the natural and visual environment of the area as a determinant in development decisions. The FBC does not affect the existing requirements for the use of native and/or low water use landscaping and vegetation. The FBC design standards are intended to provide for harmony with the landscape and scenic vistas. The site development plan review requirement in conjunction with a zone change request goes far to ensure compliance with the goals and policies of the Comprehensive Plan and the Planned Growth Strategy.

The Community Identity and Urban Design “Goal is 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.”

The FBC zones and accompanying regulations give property owners guidance for planning and design. Site development plan requirements ensure that projects will be compatible with and strengthen the identity of each distinct community.

The Transportation and Transit “Goal is 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.”

The proposed FBC zones create a mix of land uses, densities and pedestrian scale development that are appropriate in designated and future transit corridors. This mix of land uses, both horizontally and vertically, will increase the efficiency of existing infrastructure to meet mobility and access needs for a growing, urban population. Building form and placement that emphasize access and circulation for pedestrians, transit users and bicyclists will encourage alternatives to automobile travel.

Policy a Table 11 on pages II-82 and II-83 of the Comprehensive Plan presents ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan’s Activity Centers and Transportation Corridors map in the Activity Centers section. Each corridor will undergo further

analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation.

The proposed regulations for each FBC zone generally correlate to the policy objectives outlined in Table 11 for Express Corridors, Major Transit Corridors, Enhanced Transit Corridors and Arterial Streets. The General Street Standards of the FBC contain design elements for local streets, collectors, and various arterials that can be implemented as part of a FBC development proposal.

Policy b The City will structure capital expenditures and land use regulations in support of creating additional housing and jobs within Major Transit and Enhanced Transit Corridors, and will promote ongoing public/private cooperation necessary to create private market conditions that support intensified development of jobs and housing in these corridors.

The FBC is a set of land use regulations that support the creation of additional housing and jobs within and/or in close proximity to Transit Corridors. The FBC promotes ongoing public/private cooperation to create new and take advantage of existing market conditions to support more intense, mixed use development in these corridors.

Policy c In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The FBC is intended to create conditions that are favorable to increase transit ridership while respecting existing neighborhood conditions. Destabilization of adjacent neighborhoods will be avoided through the review of development proposals at a public hearing in front of the EPC.

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

The intent of the FBC is encourage, promote and realize development that is pedestrian scale and that integrates pedestrian access and circulation for individual sites and throughout larger activity center and transit corridor areas.

Policy i Street and highway projects shall include paralleling paths and safe crossings for bicycles, pedestrians, and equestrians where appropriate.

The FBC regulations and standards for each zone and the general street standards place emphasis on pedestrian and bicycle access, circulation and safety adjacent to and when crossing adjacent and nearby streets.

Policy o Peak hour demands on the circulation system should be decreased.

The mixed use concepts inherent in the FBC will create synergy between jobs and housing that will decrease peak hour demands on the existing transportation system by locating disparate but related uses in closer proximity to each other.

Policy p Efficient, safe access and transfer capability shall be provided between all modes of transportation.

The intent of the FBC is to create development that focuses on pedestrian and bicycle access while still accommodating motorized modes of transportation.

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

The FBC is intended to be both the “chicken” and the “egg” in terms of transportation investment incentives and direction for future land use and transportation planning and implementation. Pedestrian, transit and bicycle access is emphasized to balance the historical domination of the transportation modes by the automobile.

The Housing “Goal 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.” Applicable policies include:

Policy a The supply of affordable housing shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.

The FBC and its zone categories are intended to create increases in housing as part of mixed use development, which may be more affordable than detached single family and/or townhouse developments (Housing Goal). The additional housing choices of the FBC may give property owners opportunities to create products that are more affordable and/or obtainable to a wider range of residents (Policy a).

The Economic Development “Goal is to achieve steady and diversified economic development balanced with other important social, cultural and environmental goals.” Applicable policies include:

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

The FBC will help to achieve steady and diversified economic development by giving property owners choices for design, development and marketing of various products which can be tailored to specific areas throughout the City (Economic Development Goal). The FBC and its

development options create more opportunities for economic development throughout the community (Policy f).

Planned Growth Strategy (F/S R-02-111 (A) and F/S O-02-39 (2))

Both F/S R-02-111 (A) and F/S O-02-39 (2) are attached to this staff report for reference.

The City Council, in 2002, received the Planned Growth Strategy (PGS) report as a comprehensive guide for managing City of Albuquerque urban growth. Several directives of the PGS have been adopted by the City Council via F/S O-02-39 (2), including:

- Amendments to the Comprehensive Plan that detail specific goals and policies for Activity Centers and Transit Corridors;
- Creation, adoption and implementation of impact fees based on land use assumptions; and
- A directive to prepare legislation and regulations to implement the PGS, including the creation of new zones as options for new growth.

The FBC fulfills the directive of F/S O-02-39 (2) to create new zones as options for new growth that further the intent of the PGS. Details about allowed land uses and mixes of compatible uses would benefit the FBC and its intent.

The new zones are described in F/S R-02-111 (A), which requires them to be reviewed by the Planning Department, Environmental Planning Commission and the City Council. The subsections of the Resolution provide general guidance for the creation of the new zone categories, which are listed as:

- Planned Village Development
- Transit-Oriented Development / Corridor
- Conservation Subdivision
- Commercial Center
- Campus
- Employment Zone
- Infill Development Zone

The FBC proposes six zone categories, which correspond to the above “new zones” as follows:

- *Transit Oriented Development - Major Activity Center (TOD-MAC) corresponds to Commercial Center*
- *Transit Oriented Development – Corridor / Community Activity Center (TOD-CORCOM) corresponds to Transit-Oriented Development / Corridor*

- *Planned Neighborhood Development (PND) corresponds to* Planned Village Development
- *Mixed Use Zone (MX) corresponds to* Commercial Center
- *Infill Development (ID) corresponds to* Infill Development Zone

The FBC does not have zone categories that directly correspond to Employment Zone, Campus Zone or Conservation Subdivision, but the building types and five proposed zones will probably accommodate the intentions of these three PGS zones.

General guidance for Design standards are also part of the Resolution, including:

- Preservation and compatibility with historic, social, cultural, environmental and architectural elements;
- Conduciveness to pedestrians, transit, bicycle and other transportation modes;
- Predominant architectural styles;
- Southwestern building forms and materials and green site development;
- Compatible building massing;
- Colors that create visual interest;
- Integration of building heights with adjacent facades;
- Human scale details;
- Pedestrian scale lighting and signage;
- Streetscape design elements; and
- Other elements as needed.

The FBC includes all of the design standards included in the PGS, but comments from outside groups, citizens and other interested parties will probably affect the specific requirements based on whether or not they are deemed satisfactory when applied City-wide. Additional latitude and discretion for approval of a required site development plan and its components at the time of a change in zone at the Planning Commission will ensure compatibility with existing neighborhoods.

Zoning Code

Zoning Code Section 14-16-1-3, Intent states:

“(A) This article is intended to help achieve Article IX of the Charter of the City of Albuquerque and the city’s master plan; in particular the master plan documents which compromise the Albuquerque/Bernalillo County Comprehensive Plan. . . .”; and

“(B) Any use not designated a permissive of conditional use in a zone is specifically prohibited from that zone, except as otherwise provided herein.”

The PGS directs the City to include the “new zones” as part of the Zoning Code. The current intent of the FBC is for it to be a part of the Zoning Code, subject to the map amendment processes of the Zoning Code. Additional details such as allowed uses and specific mixes of uses allowed will be helpful to implement the FBC as part of the Zoning Code.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Comments on the previous version of the FBC have been received from the Advanced Planning Division that outline proposed changes to make clarifications and to ensure compatibility with green building codes.

PNM has concerns that should be addressed by the applicant.

NEIGHBORHOOD/PUBLIC CONCERNS

Some inquiries have been received by the Planning Department, but much of the community is not familiar enough with the proposal to give distinct comments about the whole or specific parts. Notable public comment is expected at the 24 July 2008 EPC hearing.

CONCLUSIONS

The most recent version of the proposal is 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. The FBC would become a new article of the Zoning Code, Section 14-16-3-20. In a sense, the proposed regulatory language has evolved into a “hybrid” of traditional zoning and a pure, form based code. The result is a set of design standards and regulations that can be utilized by property owners and developers through a zone map amendment and site development plan review process. Requests of this kind to take advantage of the FBC would occur at a public EPC hearing where neighbors and other interested parties could participate and provide input.

The FBC as submitted is intended to fulfill the directives and guidance of the PGS, but some additional information such as more specificity regarding permitted uses and the appropriate, overall mix of uses for each new zone is desired by Planning staff. Additional comments from outside groups, citizens and other interested parties are needed so the submittal can be refined to a form that is comprehensive, enforceable, acceptable and transparent. Notable public comment is expected at the 24 July 2008 EPC hearing. Time will be necessary to address comments, issues and concerns that are brought up by interested parties. The EPC normally holds at least two hearings on major proposals such as this to ensure that a meaningful recommendation can be made to the City Council. Staff recommends a continuance to the 18 September 2008 EPC hearing for a final review and recommendation to the City Council.

FINDINGS

1. This is a request to create a Form Based Code (FBC) that will 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 Zoning Code, Section 14-16-3-20.
2. The Planned Growth Strategy (PGS) directs the City to create new zones as options for new growth that are pedestrian and transit oriented as opposed to automobile oriented.
3. The proposed FBC zones are not mandatory, but may be requested through the existing Zone Map Amendment and site development plan review processes at the EPC.
4. The submitted FBC furthers the majority of applicable Comprehensive Plan goals and policies. Additional information is needed, such as allowed uses for each zone to ensure that applicable goals and policies are furthered.
5. Comments from outside groups, citizens and other interested parties are needed so the submittal can be adjusted to a form that is consensus-based and comprehensive.
6. The EPC normally holds at least two hearings on major proposals such as this to ensure that a meaningful recommendation can be made to the City Council.
7. A continuance of this request will allow additional time for clarifications that can respond to comments and ensure full compatibility with applicable Master Plan goals and policies.

RECOMMENDATION

CONTINUANCE of 07EPC 40084, an amendment to the City's Zoning Code to create a Form Based Code, to 18 September 2008, based on the preceding Findings.

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Division Manager***

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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.

New comments for 7/17/08

Transportation Development (City Engineer/Planning Department):

- See Transportation Planning comments.

Hydrology Development (City Engineer/Planning Department):

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

Transportation Planning (Department of Municipal Development):

Findings

- *Page 3-132, Street Type Standards.* The typical street sections shown on pages 3-133 through 3-138 describe only a mid-block condition for the ten (10) different street types. In every case, the mid-block width is the basis for right-of-way standard being proposed. In no case is there a graphic showing the additional right-of-way that will be required to accommodate left and right turning lanes or connections to adjacent access roads (BV-115, BV-125, BV-135A, BV-135B) at the upstream or down stream street intersections. The existing adopted right-of-way standards for collector, minor arterial and principal arterial are based on the width requirements at the intersection NOT at a mid-block location.
- The street type standards section also proposes a standard curb radius for an arterial street between 15 feet and 25 feet. For an arterial street which is expected to accommodate large turning vehicles, such as buses, garbage trucks, moving vans in order to maneuver safely without conflicting with oncoming traffic, a *minimum* curb radius of 25 feet is required.

Conditions

- Provide a clear graphic showing the typical standard right-of-way width for each street type at the intersection location. Amend the table of standards for each street type, as necessary, to designate the required right-of-way based on the intersection location NOT the mid-block location.
- For all arterial street types which are expected to accommodate large turning vehicles, such as buses, garbage trucks, moving vans, a *minimum* 25 foot curb radius will be required, and in exceptional cases, a curb radius greater than 25 feet may be permitted as approved by the City Engineer.

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 Form Based Code shall include:

- a. Provide a clear graphic showing the typical standard right-of-way width for each street type at the intersection location. Amend the table of standards for each street type, as necessary, to designate the required right-of-way based on the intersection location NOT the mid-block location.
- b. For all arterial street types which are expected to accommodate large turning vehicles, such as buses, garbage trucks, moving vans, a *minimum* 25 foot curb radius will be required, and in exceptional cases, a curb radius greater than 25 feet may be permitted as approved by the City Engineer.

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.