

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

August 14, 2015

City of Albuquerque
Planning Department
600 2nd Street NW
Albuquerque, NM 87102

Project# 1001620
15EPC-40022 Text Amendment to the Zoning Code

LEGAL DESCRIPTION:

The above action to amend the Zoning Code Sections 14-16-3-10 (Landscape Regulations), 14-16-3-1 (Off-Street Parking Regulations), 6-6-2-4 (Required Street Trees), 6-6-2-5 (Street Tree Policies), 6-6-2-6 (Street Tree Programs), 6-6-2-7 (More Detailed Regulations) and 6-6-2-8 (Waivers and Variances) to establish standards that enhance, improve and maintain the quality of the public environment. City-Wide.

Staff Planner: Vicente Quevedo

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On August 13, 2015, the Environmental Planning Commission (EPC) voted to forward a **RECOMMENDATION OF APPROVAL** to City Council regarding Project #1001620/15EPC-40022, Text Amendment to the Zoning Code, based on the following findings:

FINDINGS:

1. The request is for a recommendation to City Council regarding text amendments to amend the City's Comprehensive Zoning Code § 14-16-3-10 (Landscaping Regulations) and § 14-16-3-1 (Off-Street Parking Regulations). These changes are directly related to Sections § 6-6-2-4 (Required Street Trees), § 6-6-2-5 (Street Tree Policies), § 6-6-2-6 (Street Tree Programs), § 6-6-2-7 (More Detailed Regulations) and § 6-6-2-8 (Waivers and Variances) to establish standards that enhance, improve and maintain the quality of the public environment. The proposed text amendments are being requested by the Planning Department.
2. The purpose of the proposed text amendments are to clarify the intent and purpose of the overall regulations, create an official plant palette and sizing list, re-focus the vegetative coverage requirement to encourage trees canopy, update standard landscaping buffer requirements, update the installation plant size requirements, permit the limited installation of artificial turf and improve coordination with the Off-Street Parking Regulations and Street Tree Ordinance.

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3. The coordination of the Landscaping Regulations, Off-Street Parking Regulations and the Street Tree Ordinance acknowledges that street trees may be accommodated provided that on a site immediately abutting the public sidewalk, on private property and that these trees may be counted towards the vegetative coverage requirements (§14-16-3-1 and §14-16-3-10).
4. The task of the Environmental Planning Commission (EPC) is to make a recommendation to the City Council for the proposed text amendments with regard to the Landscaping and Off-Street Parking Regulations of the Zoning Code.
5. The Street Tree Ordinance is located within Part 2 (Trees, Vegetation and Landscaping) of the City's Water, Sewers and Streets Code. The Street Tree Ordinance will need to be amended to reference the Official Albuquerque Plant Palette and Sizing List, tree planting requirements to avoid conflicts with overhead and underground utility lines and to allow administrative approval of alternative planting schemes. Amendments to the Street Tree Ordinance must be sponsored by a member of the Albuquerque City Council. The City Council is the City's Zoning Authority and will make the final decision on all parts of this request.
6. Intent of the City Charter: Amending the Landscaping, Off-Street Parking and Street Tree regulations is an exercise in local self-government (City Charter, Article 1). Clarifying the intent and purpose of the Landscaping Regulations and calling for the coordination of the Street Tree Ordinance requirements with the Landscaping Regulations, generally expresses the Council's desire to ensure the proper use and development of land, and promote and maintain a humane urban environment (City Charter, Article IX).
7. Intent of the Zoning Code (§14-16-1-3): The application for proposed text amendments was filed in accordance with Zoning Code requirements. The proposed text amendments generally further the Zoning Code goals of promoting the health, safety and welfare of the citizens and enhancing the appearance of the landscape.
8. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Comprehensive Zoning Code are incorporated herein by reference and made part of the record for all purposes.
9. The request furthers the following, applicable Comprehensive Plan Goals and Policies:
 - A. Developed Landscaping Goal: The Goal is to maintain and improve the natural and the developed landscapes' quality. The proposed text amendments seek to improve the natural and developed landscapes' quality by prescribing landscaping regulations that appropriately respond to Albuquerque's high desert environment and its many existing microclimates.
 - i. Policy II.C.8.a: The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

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The proposed text amendments respect the natural and visual environment by recognizing that sustainable desert landscapes are a vital component toward enhancing Albuquerque's overall appearance. The request furthers Policy II.C.8.a.

- ii. Policy II.C.8.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.

The proposed text amendments ensure the use of native and or adapted, low water use or xeric species that are regionally appropriate to conserve water resources, as well as regulating landscaping design to prevent water erosion. The request furthers Policy II.C.8.d.

- B. Community Identity and Urban Design Goal: The 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 proposed text amendments preserve and enhance the natural and built characteristics of Albuquerque and Bernalillo County by establishing consistent, attractive streetscapes that generate a sense of continuity and a positive City image.

- i. Policy II.C.9.b.(2): In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

2) Built environment

- Landscaping materials, both planting and hardscape

The proposed text amendments address strategic and neighborhood planning, development and redevelopment and their relationship to the built environment by improving the aesthetic appearance of commercial, industrial and multi-family residential development and enhancing public/private investments. The request furthers Policy II.C.9.b(2).

10. Agencies reviewed the proposed text amendments from June 1, 2015 to June 12, 2015. Several comments were received and reviewed by Planning Staff, which are reflected in the current draft of the proposed text amendment language.
11. In response to the agency comments submitted by the Planning and Design Division of the Parks and Recreation Department, Planning Department Staff met with Parks and Recreation Department Staff to discuss their agency's concerns. As a follow up to this meeting, The Planning Department revised the proposed text amendment language to reflect the tangible feedback provided by the Parks and Recreation Department.

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12. The proposed text amendments were posted on the Planning Department's main web page and were announced in the June/July 2015 issue of the Neighborhood News, published by the Office of Neighborhood Coordination (ONC). There is no known neighborhood opposition to this request.
13. Planning and Council Staff will continue to work with stakeholders to address their concerns.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **AUGUST 28, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

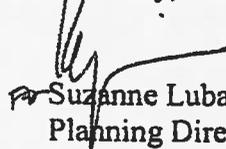
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Sincerely,



Suzanne Lubar
Planning Director

SL/VQ

cc: COA, Planning Dept, 600 2nd St. NW Albuquerque, NM 87102

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