



**Environmental
Planning
Commission**

**Agenda Number: 08
Project Number: 1001620
Case #: 14EPC 40080
December 11, 2014**

Staff Report

Agent City of Albuquerque Planning Department

Applicant City of Albuquerque Council Services

Request
Changes to the Subdivision Ordinance to provide a reference to the Complete Streets Ordinance for new streets when they get platted, or subdivided, within the Central and Established Urban Areas of the City Comprehensive Plan

Location City-Wide

Staff Recommendation

That a recommendation of CONDITIONAL APPROVAL of 14EPC 40080 be forwarded to the City Council, based on the Findings beginning on page 4 , and subject to the Conditions for Recommendation of Approval beginning on page 5 .

Staff Planner
Jack Cloud, Chair
Development Review Board

Summary of Analysis

This request is for a recommendation to City Council regarding revisions to the Subdivision Ordinance §14-14-5-1 and 14-14-5-2, ROA 1994, to provide appropriate references to the Complete Street Ordinance regarding street design (as regulated by the Subdivision Ordinance). The revisions are in Bill No. **O-14-32** which was introduced at City Council on October 20, 2014 and referred to the Planning Department for recommendation from the Environmental Planning Commission/ EPC.

The proposed text amendments would provide references to the Complete Street Ordinance, which is currently under consideration at the City Council Land Use, Planning, and Zoning (LUPZ) Committee as Bill No. O-14-27.

The basic intent of the proposed ordinances are to establish engineering and design standards for Complete Streets Projects in order to integrate general purpose roadways, sidewalks, bike lanes, transit amenities, traffic calming and safe crossings. This will help create a balanced transportation system that meets the needs of motorized and non-motorized travelers and persons with disabilities.

Staff found two additional sections of the Subdivision Ordinance (§14-14-4-5 and 14-14-6-1 ROA 1994) that have to do with street design which should be referential to the Complete Streets Ordinance as well. Staff recommends that a recommendation of conditional approval be forwarded to the City Council.

City Departments and other interested agencies reviewed this application from 11/03/2014 to 11/14/2014. Agency comments used in the preparation of this report begin on Page 7.

I. INTRODUCTION

Request

This is a proposed change to the Subdivision Ordinance (**O-14-32**) to provide appropriate references for street design standards in conjunction with a proposed change to Chapter 6 Article 5 of the City Code of Ordinances, STREETS AND SIDEWALKS. These changes are in a separate ordinance, O-14-27 which is scheduled for hearing by the City Council Land Use, Planning, and Zoning Committee on December 10; that ordinance would have to pass prior to or concurrent with the Subdivision Ordinance changes.

Purpose/Intent

The intent of these particular text amendments to the Subdivision Ordinance is to provide a cross reference for street design standards, in order to have consistency throughout the City Code. As a package, the basic intent of the proposed ordinances altogether are to establish engineering and design standards for Complete Streets Projects in order to integrate general purpose roadways, sidewalks, bike lanes, transit amenities, traffic calming and safe crossings. This will help create a balanced transportation system that meets the needs of motorized and non-motorized travelers and persons with disabilities.

Environmental Planning Commission (EPC) Role

The task of the Environmental Planning Commission (EPC) is to make a recommendation to the City Council regarding the proposed text amendments; the EPC is a recommending body with review authority similar to the Zoning Code, but in this case it is a provision of the Subdivision Ordinance §14-14-1-7(B).

The City Council is Albuquerque's legislative body with the authority to amend or adopt ordinances, and as such the Council is the sole body reviewing the proposed Complete Street Ordinance (*not* for review by EPC); however there has been a committee including Council Staff, Department of Municipal Development Staff, and private sector representatives working on that legislation (O-14-27). The proposed Complete Street Ordinance and endorsements have been included at the end of this packet (after **O-14-32**) for informational purposes with the acronym "LUPZ" added to the page number footers 1-11.

II. PROPOSED TEXT AMENDMENTS

If the proposed Complete Street Ordinance (O-14-27) is approved by City Council, there needs to be corresponding changes to the Subdivision Ordinance to provide consistency for the design and engineering in the platting of new streets designated for the proposed standards. This proposed legislation (**O-14-32**) would add a new section, §14-14-5-1(B) ROA 1994 as follows:

“(B) Roadway improvements that will be constructed within the Central and Established Urban Areas and are listed on the Mid-Region Council of Governments Current Roadway Functional Classification Map or are designated Complete Streets by Resolution of the City

Council or action of the Mayor shall be subject to the provisions set forth in §6-5-6 or any successor documents or standards that may result from their amendment or replacement.”

and existing paragraphs would be renumbered accordingly (the reference to §6-5-6 is for the proposed O-14-27 amendment to STREETS AND SIDEWALKS). Additionally there would be a new section, §14-14-5-2(C) ROA 1994 as follows:

“ (C) For streets subject to §6-5-6, ROA 1994, alternative intersection spacing, geometry, alignment and other characteristics shall be considered for approval on a case-by-case basis, provided they meet the criteria established in §6-5-6-6 (F) or any successor documents or standards that may result from their amendment or replacement.”

There are other sections of the Subdivision Ordinance which are specific to street design (PUBLIC RIGHT OF WAY STANDARDS AND STREET CHARACTERISTICS as well as VARIANCE FROM MINIMUM STANDARDS), and if the Complete Street Ordinance is approved by City Council it is recommended that the following amendments be included in in O-14-32:

§14-14-4-5(A) ROA 1994 is amended by adding the underlined language as follows:

“(A) Public streets and alleys, if needed, shall be provided in accordance with the minimum standards and requirements in the *Development Process Manual* and as described below, except roadways that will be constructed within the Central and Established Urban Areas and are listed on the Mid-Region Council of Governments Current Roadway Functional Classification Map or are designated Complete Streets by Resolution of the City Council or action of the Mayor shall be subject to the provisions set forth in §6-5-6 or any successor documents or standards that may result from their amendment or replacement.”

Long Range Planning staff also noted that there is an existing exception in §14-14-4-5(A)(5)(c) under “Local Streets” which should be applicable to all streets in a sector development plan. It is recommended that this particular section be deleted out from under “Local Streets” (with remaining items lettered accordingly) and incorporated with the above changes to paragraph (A).

Regarding the provision in the Subdivision Ordinance for variances to street standards, there should be a reference for variances from the new standards of the Complete Streets Ordinance (O-14-27) as well as from sector development plan standards with the following:

§14-14-6-1(A) ROA 1994 is amended by adding the underlined language as follows:

“(A) The Development Review Board may vary the provisions of Part [3] 4 of this article, Minimum Standards for the Design of Subdivisions, [and] the *Development Process Manual*, and streets subject to §6-5-6, ROA 1994 in cases:”

This would also correct an apparent typo in the reference to the Minimum Standards for the Design of Subdivisions.

III. ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Note: Policy citations are in regular text; *Staff analysis is in bold italics.*

Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

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.”

Adding provisions to the Subdivision Ordinance to allow for consistency between other sections of the City Code is a responsible exercise in local self-government, and generally expresses the Council’s desire to ensure the proper use and development of land.

Albuquerque/Bernalillo County Comprehensive Plan

The Comprehensive Plan, the Rank I planning document for the City, contains goals and policies that provide a framework for development and service provision.

The proposed text amendments to the Subdivision Ordinance would provide a consistent framework for development with other sections of the City Code.

IV. CONCERNS OF REVIEWING AGENCIES

Long Range Planning Staff supports the text amendments and have some recommendations regarding other sections of the Subdivision Ordinance which should include similar references as proposed in O-14-32. These have been incorporated into the preceding analysis and are included in the Conditions of Approval.

V. NEIGHBORHOOD/PUBLIC CONCERNS

The proposed text amendments were posted on the Planning Department’s website and announced in December 2014 issue of the Neighborhood News (NN); Staff sent a brief article to the Office of Neighborhood Coordination (ONC) for inclusion in the NN, and has not received any comments as of this writing. [the Complete Streets Ordinance (O-14-27) has been posted on the City Council website and subject to several public meetings]

VI. CONCLUSION

It is important to provide for consistency within the City Code of Ordinances. If the City Council approves the Complete Street Ordinance, these amendments to the Subdivision Ordinance are important to provide that consistency and equality for new streets as well as other City projects.

RECOMMENDED FINDINGS - 14EPC-40080, December 11, 2014- Subdivision Ordinance Text Amendments

1. The request is for a recommendation to City Council regarding text amendments to the City's Subdivision Ordinance to provide appropriate references for street design standards in conjunction with a proposed change to Chapter 6 Article 5 of the City Code of Ordinances, STREETS AND SIDEWALKS.
2. The intent of these particular text amendments to the Subdivision Ordinance is to provide a cross reference for street design standards, in order to have consistency throughout the City Code. As a package, the basic intent of the proposed ordinances altogether are to establish engineering and design standards for Complete Streets Projects in order to integrate general purpose roadways, sidewalks, bike lanes, and transit amenities.
3. The proposed text amendments are found in legislation authored by Council Services Staff and known as Bill No. **O-14-32**. O-14-32 was introduced at City Council on October 20, 2014 and subsequently referred to the Planning Department for review. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's legislative body and will make the final decision regarding City Ordinances.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Subdivision Ordinance are incorporated herein by reference and made part of the record for all purposes.
5. Intent of the City Charter:
Adding provisions to the Subdivision Ordinance to allow for consistency between other sections of the City Code is a responsible exercise in local self-government, and generally expresses the Council's desire to ensure the proper use and development of land.
(City Charter, Article I).
6. Goals and Policies of the Comprehensive Plan:
The proposed text amendments to the Subdivision Ordinance would provide a consistent framework for development with other sections of the City Code.

RECOMMENDATION - 14EPC-40080, December 11, 2014- Subdivision Ordinance Text Amendments

That a Recommendation of APPROVAL of Text Amendments to the Subdivision Ordinance, be forwarded to the City Council based on the preceding Findings and subject to the following Conditions for Recommendation of Approval.

CONDITIONS FOR RECOMMENDATION OF APPROVAL - 14EPC-40080, December 11, 2014- Subdivision Ordinance Text Amendments

1. Bill O-14-27, to be known as the "Complete Streets Ordinance," shall be approved prior to or concurrent with these Subdivision Ordinance changes in Bill O-14-32.
2. Insert as a new **SECTION 1.** on page 3, at Line 5 as follows, and all subsequent **SECTIONS** be renumbered appropriately:

SECTION 1. §14-14-4-5(A) ROA 1994 is amended by adding the underlined language as follows:

“(A) Public streets and alleys, if needed, shall be provided in accordance with the minimum standards and requirements in the *Development Process Manual* and as described below, except roadways that will be constructed within the Central and Established Urban Areas and are listed on the Mid-Region Council of Governments Current Roadway Functional Classification Map or are designated Complete Streets by Resolution of the City Council or action of the Mayor shall be subject to the provisions set forth in §6-5-6 or any successor documents or standards that may result from their amendment or replacement.”

3. Insert as a new **SECTION 4.** prior to the **SEVERABILITY CLAUSE SECTION** as follows:

SECTION 4. §14-14-4-5(A)(5)(c) ROA 1994 is deleted and all subsequent items are lettered appropriately.

4. Insert as a new **SECTION 5.** following the new **SECTION 4.** as follows:

SECTION 5. §14-14-6-1(A) ROA 1994 is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

“(A) The Development Review Board may vary the provisions of Part [3] 4 of this article, Minimum Standards for the Design of Subdivisions, ~~[and]~~ the *Development Process Manual*, and streets subject to §6-5-6, ROA 1994 in cases:”

Jack Cloud, Chair
Development Review Board

cc: City of Albuquerque, City Council, Attn: Andrew Webb, P.O. Box 1293, Abq. NM 87102
City of Albuquerque, Planning Department, P.O. Box 1293, Abq. NM 87102

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

11/3/14 – Newsletter article in the “Neighborhood News” newsletter for official notification to the NA/HOA/Coalitions

Long Range Planning

The request is to amend the subdivision regulations to require consistency with the proposed Complete Streets Ordinance and to adopt by reference alternative standards manuals such as the NACTO Urban Street Design Guide, the AASHTO bicycle and pedestrian facilities guides, and the ITE Manual for Context Sensitive Solutions. These newer guidance documents have been developed to recognize the multiple services and purposes that public right-of-way can accommodate. Our current Development Process Manual and other City Regulations have not been amended to reflect these newer standards manuals.

Long Range Planning has several recommendations to strengthen these amendments:

1. This text amendment should consider also amending §14-14-4-5, Minimum Standards for Design of Subdivisions, Public Right of Way Standards and Street Characteristics, to reference the Complete Streets Ordinance and to require streets standards to be consistent with adopted Sector Development Plans.
2. The text in §14-14-4-5(A)(5)(c), “In areas covered by sector development plans or site development plans duly approved under the terms of the Zoning Code, which plans specify different right of way widths as appropriate, those plans shall control” should be relocated to be §14-14-4-5 so that it is clear that different rights-of-way adopted through sector development plans should control over the citywide DPM standards.
3. Since the Complete Street Ordinance is not referential to the DPM there also likely needs to be a reference at the beginning of §14-14-6-1.

Long Range Planning supports these proposed text amendments.

CITY ENGINEER

Transportation Development Services

Traffic Engineering Operations

Hydrology

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

Open Space Division

City Forester

POLICE DEPARTMENT/PLANNING

No Crime Prevention or CPTED comments concerning the proposed Amending the Subdivision Ordinance request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/PLANNING

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO