



***Environmental
Planning
Commission***

***Agenda Number: 5
Project #: 2019-003030
Case: RZ-2019-00067
Hearing Date: 09 January 2020***

Staff Report

<i>Agent</i>	Shanna Schultz, City Council
<i>Applicant</i>	Albuquerque City Council
<i>Request</i>	Zoning Map Amendment to create new CPO for North 4th Street
<i>Legal Description</i>	
<i>Location</i>	Portions of 2 nd , 3 rd , and 4 th streets north of Mountain Rd to City Limits.
<i>Size</i>	
<i>Existing Zoning</i>	Various
<i>Proposed Zoning</i>	Character Protection Overlay

Staff Recommendation

RECOMENDATION OF APPROVAL of Project # 2019-003030 RZ-2019-00067, be forwarded to the City Council.

***Staff Planner
Whitney Phelan***

Summary of Analysis

The request is for a recommendation to City Council regarding a zoning map amendment for a Character Protection Overlay Zone (CPO) for portions of 2nd, 3rd, and 4th streets, north of Mountain Rd to the Albuquerque city limits.

The subject site contains both Areas of Change and Areas of Consistency, as designated in the ABC Comp Plan. The site contains Main Street Corridor along 4th Street as well as an Activity Center.

The applicant has shown that the request generally agrees with the ABC Comp Plan, as amended. City Council staff has provided a revised proposal that limits the potential CPO to regulating only roadway cross-sections, and building mass & scale. Council staff appears satisfied that Planning staff's proposed Annual Update text amendments to the IDO for Main Streets will sufficiently address setbacks and building design (façade articulation).

There was a facilitated public meeting held by City Council Staff. There was 1 letter of support and 2 letters of public comment for this request.

Planning staff recommends that the EPC forward an Approval recommendation for the revised proposal.

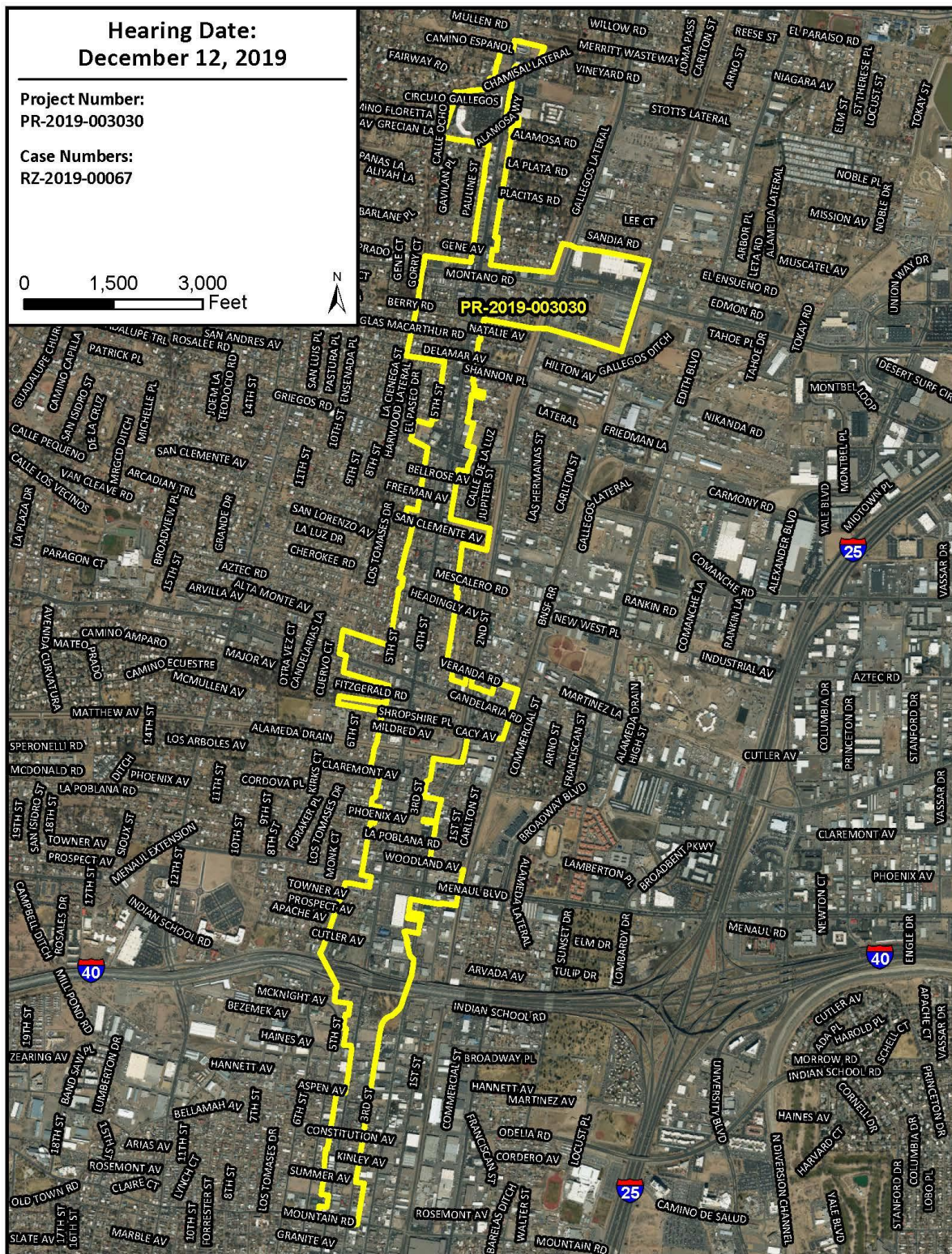


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I. Introduction

Revised Request

The request is for a recommendation to City Council regarding a Zoning Map Amendment to establish a new CPO (Character Protection Overlay) Zone District to a determined area along North 4th St. The proposed Character Protection Overlay, North 4th Corridor CPO-9, would include regulations from City Council Resolution R-19-162 that were largely taken from the North 4th Corridor Plan.

The resolution also included required street cross-sections that new development would be required to comply with, however those regulations would need to be included into the Development Process Manual or DPM. Since the passage of R-19-162, the draft regulations in the proposed CPO-9 have been updated in response to public comment, Planning staff comments from December 2019, and to clarify the intent.

City Council staff has provided a revised proposal that limits the potential CPO to regulating only roadway cross-sections, and building mass & scale. Council staff appears satisfied that Planning staff's proposed Annual Update text amendments to the IDO for Main Streets will sufficiently address setbacks and building design (façade articulation).

II. Revised Planning Staff Recommendation

The request is for a recommendation to City Council regarding a Zoning Map Amendment to establish a new CPO (Character Protection Overlay) Zone District to a determined area along North 4th St. The proposed Character Protection Overlay, North 4th Corridor CPO-9, would include regulations from City Council Resolution R-19-162 that were largely taken from the North 4th Corridor Plan.

The applicant conducted a facilitated meeting on October 2, 2019. Mailed notice was sent to all property owners with 100 feet of the proposed CPO boundary and email notice was sent to the required Neighborhood Association Representatives.

The resolution also included required street cross-sections that new development would be required to comply with, however those regulations would need to be included into the Development Process Manual or DPM. Since the passage of R-19-162, the regulations in the proposed CPO-9, have been updated in response to public comment and to clarify the intent.

Staff has performed a policy-based analysis of this request and recommends that the Environmental Planning Commission recommend approval of this new, revised CPO with updated Findings that reflect a reduced scope of CPO regulations and corresponding, city-wide amendments to the IDO.

Findings, Zoning Map Amendment (Zone Change)

Project #: 2019-003030, RZ: 2019-00067

1. This is a request for a Zoning Map Amendment- Council to establish a new Character Protection Overlay Zone District, CPO-9, North 4th Street Corridor. The site contains properties on 2nd, 3rd, and 4th Streets north of Mountain Rd. NW and the Albuquerque City Limits.
2. The proposal is based on legislation authored by Council Services Staff and is known as City Council Resolution R-19-162 and was largely taken from the North 4th Corridor Plan. The EPC's task is to make a recommendation to the City Council regarding the proposed Character Protection Overlay. The City Council is the City's Zoning Authority and will make the final decision.
3. The Environmental Planning Commission (EPC) is hearing this case as a recommending body to the City Council. Pursuant to Subsection 14-16-6-7(D)(1)(a) of the Integrated Development because the request is to create or amend the text of a Character Protection Overlay zone, which are processed as part of a Zoning Map Amendment- Council pursuant to Subsection 14-16-6-7(G).
4. The proposed CPO-9 zone district includes Guadalupe Plaza (Activity Center) and the 4th St Main St Corridor as designated by the ABC Comp Plan, as amended.
5. The Albuquerque City Charter, the Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers the following, applicable Comprehensive Plan Goals and policies in regards to Community Identity:

POLICY 4.1.2- Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

GOAL 5.1- Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

POLICY 5.1.1- Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

POLICY 5.1.6- Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

POLICY 5.1.9- Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood-oriented businesses.

GOAL 5.2- Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

POLICY 5.2.1- Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

GOAL 5.3- Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

POLICY 5.3.1- Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

GOAL 5.6- City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

POLICY 5.6.2- Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

POLICY 5.6.3- Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas, outside of Centers and Corridors, parks, and Major Public Open Space.

POLICY 5.6.4- Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

GOAL 5.7- Implementation Processes: Employ procedures and processes to effectively and equitably implement the Comp Plan.

POLICY 5.7.2- Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

POLICY 5.7.4- Streamlined Development: Encourage efficiencies in the development review process.

POLICY 7.2.2- Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

POLICY 7.3.2 -Community Character: Encourage design strategies that recognize and embrace character differences that give communities their distinct identities and make them safe and attractive places.

GOAL 8.1- Placemaking: Create places where businesses and talent will stay and thrive.

POLICY 8.1.1- Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

7. The applicant has adequately responded pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:
 - A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The required policy-based response demonstrates that the request would generally be consistent with a preponderance of applicable Goals and policies and not be in significant conflict with them. The subject site is located within both Areas of Change and Areas of Consistency and contains a Main Street Corridor (North 4th) and an Activity Center. Portions of the site are also designated Premium Transit. Main Street corridors, as designated by the ABC Comp Plan are intended to be lively, highly walkable streets lined with local-serving business. Main Streets are intended to have 1 – 4 story buildings, usually placed right up to the sidewalk. Fourth street historically has inadequate sidewalk widths, the current allowance for zero foot minimum setbacks in the MX-M zone allows for some development that imposes on the pedestrian environment. Although 4th Street is designated as a corridor, the intent of the Comprehensive Plan is to treat it as a linear center. The proposed zone change is generally consistent with applicable Goals and policies cited above. However, the applicant's justification does not expound on how applicable Comp Plan policies are furthered by this request.
 - B. Criterion B: The subject site is located wholly in an Area of Consistency. The changes in zoning regulations for the proposed CPO-9 boundary would add protections to serve appropriate transitions between the pedestrian environment and low-density residential zones to the more intense uses and zones along 4th St. The implementation of new development standards would be more advantageous to the community by moving closer to the policy intentions for Main Street Corridor areas as articulated in the ABC Comp Plan.
 - C. Criterion C: A different set of regulatory standards for the North 4th Street Main Street Corridor is more advantageous to the Community as articulated by the ABC Comp Plan by updating regulations could better implement the intention of the Comprehensive Plan.
 - D. Criterion D: The request does not propose regulation changes to any allowable uses and therefore would not create any additional harm to the community.
 - E. Criterion E: The City's existing infrastructure and public improvements will have adequate capacity to serve the development made possible by the change of zone (Criterion 1) because the subject site is already currently a developed area of the City. The updates to sidewalk infrastructure would also add or improve infrastructure to the area that helps to fulfill ABC Comp Plan intentions for Main Street corridors.

- F. Criterion F: This request to change or modify regulations for building mass & scale and roadway cross sections would apply to all properties within the proposed CPO boundaries.
 - G. Criterion G: The request is not based primarily on economic considerations, it is based on fulfilling the policy intentions for designated Centers and Corridors in the ABC Comp Plan, as amended.
 - H. Criterion H: Establishing a new CPO would establish a “strip zone” that is design-oriented would facilitate implementation of the ABC Comp Plan and help create a transition from the corridor to the adjacent neighborhoods.
- 8. The 2019 IDO annual update proposes recommended conditions of approval to amend building design regulations in Subsection 5-11(E)(2) to achieve the intent of upgraded articulation standards.
 - 9. The 2019 IDO annual update proposes a recommended condition of approval to require a minimum setback of 10 feet, if the sidewalk is less than 10 feet wide, in UC-MS-PT areas that would otherwise allow a 0-foot setback in Table 5-1-2.
 - 10. The 2019 IDO annual update proposes a recommended condition of approval that would require DRB review/decision for projects that would otherwise be eligible to be decided by staff as a Site Plan – Administrative if an Infrastructure Improvement Agreement is necessary in order to comply with IDO or DPM standards. This change is intended to close a procedural gap in the process that would review and require sidewalks where they are needed in projects that would otherwise be reviewed/decided administratively.
 - 11. The Development Process Manual Executive Committee revised the 2019 Draft Development Process Manual to incorporate recommended street cross-sections and designs from adopted Sector Development Plans that were rescinded by the IDO as the basis for future design for any street enhancement. The EPC recommends that the Administration adopt the revised and updated 2019 Development Process Manual so that these street cross-sections and designs would guide future City projects and development-related infrastructure improvements. [This would help implement the regulations proposed as Subsection 3-9(E)(2).]
 - 12. City Council staff held a facilitated public meeting in regards to this request. As of Staff writing, there were 3 letters from the public. One in support, and two public comments. (See attached).

Recommendation – RZ-2019-00067, 09 January 2020

That a RECOMMENDATION of APPROVAL of Project #: 2019-003030, RZ-2019-00067, a request for Zoning Map Amendment- Council for a new CPO be forwarded to the City council as detailed in the preceding Findings.

***Whitney Phelan
Staff Planner***

Notice of Decision cc list:

(List to be compiled after final decision)

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Long Range Planning

The Comprehensive Plan establishes and designates Main Street corridors that are more urban and walkable than other areas of Albuquerque. The Integrated Development Ordinance (IDO) implements this policy by allowing taller buildings by right, providing opportunities for building height bonuses in exchange for development that provides a public benefit, allowing zero-foot setbacks at the front property line, and requiring different building design standards for façades in these areas.

The proposed Character Protection Overlay (CPO) zone would modify citywide standards for building mass & scale, setbacks, and building design on 4th Street. Given that this area includes a Main Street, an Activity Center (Guadalupe Plaza), and Major Transit corridors, and that a majority of this area is an Area of Change, the proposed CPO seems to be out of alignment with the applicable goals and policies of the Comp Plan.

One of the considerations in creating a new CPO is whether the standards are addressing a unique character that warrants an individual overlay zone or whether the same conditions might exist elsewhere in the City and need the same regulatory intervention and benefit from the same regulatory approach to improve or protect the existing or desired condition. The other designated Main Street corridors include Broadway, San Pedro, Bridge, and Central. Citywide regulations, even those that apply only in certain areas such as Main Streets, are implemented and enforced more easily and consistently than overlay zones or regulations for small areas. In adopting new regulations, not only must the vision of the Comp Plan be furthered, the City's ability to enforce them should be a primary consideration. If the regulations proposed for 4th Street would actually benefit other Main Street areas, City Council should first consider whether to adopt these rules to apply in all Main Street areas.

The IDO sets out criteria for the creation of new CPOs in Section 3-4(A); the most applicable is the first criteria "Have recognized neighborhood identity and character." The proposed regulations are intended to create a different character than what currently exists and different from what was envisioned and allowed by the prior Corridor Plan. In light of this, Long Range recommends that the proposed regulations be adopted citywide for Main Street areas except for the proposed massing regulations, which could be adopted as small area regulations in Section 5-11 Building Design.

The proposed CPO reduces building heights and increases setbacks along the Corridor. The proposed changes are intended to provide a less jarring transition between the existing low-slung buildings on the corridor and the taller buildings that were first intended and allowed through the North 4th Street Corridor Plan. These proposed CPO regulations may hinder the ability of development to fulfill the policies related to desired growth and development areas. By imposing limitations on building height and removing any height bonuses, the Comp Plan's strategy of directing growth where it is most appropriate would be undermined, but perhaps in service of a different conception of what a Main Street area should be. One consequence of this change in strategy may be to increase development pressures on nearby existing residential neighborhoods by limiting the amount of growth that can be accommodated in the designated Corridor area.

If the City wants Main Street areas to have lower building heights than allowed by the IDO, it might make more sense to replace Main Street corridors with Major Transit corridors as the appropriate areas for receiving taller building heights and optional height bonuses for workforce housing and structured parking. Major Transit corridors are aligned with locations that the City plans to improve transit service, and as such, may have an even stronger connection to allowing taller buildings and workforce housing incentives. Long Range recommends considering whether the reduced building heights in this Main Street area should be applied to all Main Street areas as a citywide approach.

The increased setbacks recognize that the existing sidewalks on 4th Street and the constrained right-of-way pose challenges to the intended pedestrian-oriented regulations associated with Main Streets in the IDO. The proposed 10-foot setback would allow for additional pedestrian amenities and the required street trees to be provided in front of the building. However, new development is typically required to dedicate any additional right-of-way needed for the future road cross sections, so these elements could and should be accommodated in the public right-of-way, making this proposed change unnecessary if it is only meant to rectify existing conditions. If the same conditions exist in other Main Street areas, and the City wants to address those conditions with a consistent approach, then the proposed regulations should be added to Section 5-1 to apply to all mixed-use zones in Center and Corridor areas that allow a zero-foot setback where the sidewalk is less than 10 feet wide.

Related to this proposal is the updated Development Process Manual (DPM) that incorporates recommended street cross-sections and designs from adopted Sector Development Plans that were rescinded by the IDO as the basis for future design for any street enhancements in those areas.

In the IDO Annual Update Staff Report dated October 10, 2019, the Planning Department suggested applying the building design elements proposed for 4th Street citywide in appropriate Center and Corridor areas, thereby making some of the proposed standards unique to a new North 4th Street CPO unnecessary.

Similarly, Long Range recommends considering whether the proposed setbacks, limits on building height bonuses, or massing regulations should be applied all Main Street areas as a citywide approach.

If any of the proposed regulations only apply to 4th Street, and Council agrees that they are appropriate to enhance and protect 4th Street corridor, then it makes sense to adopt them either as small area regulations in the relevant IDO section or, if most or all of the proposed regulations are to be adopted, as a CPO zone.

Recommended Findings

1. The proposed CPO is inconsistent with the implementation of several Comp Plan policies. The IDO could be made more consistent with adopted policies and vision by adopting the following proposed regulations amending the IDO text through conditions of approval in the 2019 IDO annual update.
 - a. Revise Table 5-1-2 and 5-1-3 for building heights and height bonuses from “UC-MS-PT” to apply to “UC-PT and MT in Areas of Change.” [This would implement the regulations proposed as Subsection 3-9(E)(3)(a) & (c).]
 - b. Revise Table 5-1-2 and 5-1-3 for setbacks from “UC-MS-PT” to apply to “UC-PT-MS and MT in Areas of Change” and add a new note that says, “If the sidewalk abutting the front lot line is less than 10 feet wide, the minimum front setback in UC-MS-PT-MT areas is 10 ft.” [This would implement the regulations proposed as Subsection 3-9(E)(4).]
 - c. Revise Subsection 5-11(E)(2) for building design regulations proposed in this CPO so that they apply citywide to designated Main Street corridors. [This would implement the regulations proposed as Subsection 3-9(E)(5).]
2. The regulations proposed for massing along 4th Street seems related to desired character in this area. Those regulations could be adopted into the IDO as a zone map amendment for a small area without creating a CPO.
 - a. Revise Subsection 5-11(E)(2)(b) for building massing regulations proposed in this CPO as a new small area regulation that applies within the North 4th Street area. Provide graphic illustrations of example façades and massing to communicate the regulations. [This would implement the regulations proposed as Subsection 3-9(E)(3)(b) & (d).]
3. The 2019 IDO annual update proposes recommended conditions of approval to amend building design regulations in Subsection 5-11(E)(2) to achieve the intent of the proposed CPO articulation standards proposed as Subsection 3-9(E)(5).
4. The 2019 IDO annual update proposes a recommended condition of approval to require a minimum setback of 10 feet in UC-MS-PT areas that would otherwise allow a 0-foot setback in Table 5-1-2 if the sidewalk is less than 10 feet wide.

5. The 2019 IDO annual update proposes a recommended condition of approval that would require DRB review/decision for projects that would otherwise be eligible to be decided by staff as a Site Plan – Administrative if an Infrastructure Improvement Agreement is needed to comply with IDO or DPM standards. This change is intended to close a procedural gap in the process that would review and require sidewalks where they are needed in projects that would otherwise be reviewed/decided administratively.

6. The Development Process Manual Executive Committee revised the 2019 Draft Development Process Manual to incorporate recommended street cross-sections and designs from adopted Sector Development Plans that were rescinded by the IDO as the basis for future design for any street enhancement. The EPC recommends that the administration adopt the revised Development Process Manual so that these street cross-sections and designs would guide future City projects. [This would implement the regulations proposed as Subsection 3-9(E)(2).]

Zoning/Code Enforcement

Metropolitan Redevelopment

CITY ENGINEER

Transportation Development

Hydrology

New Mexico Department of Transportation (NMDOT)

DEPARTMENT OF MUNICIPAL DEVELOPMENT (DMD)

Transportation Planning

Traffic Engineering Operations

Street Maintenance

WATER UTILITY AUTHORITY

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/PLANNING

SOLID WASTE MANAGEMENT DEPARTMENT

TRANSIT DEPARTMENT

ABQ Ride has the following comment on the North Fourth Character Protection Overlay (Project # 2019-003030): “ABQ RIDE has no objection to the basis of the North Fourth Street Character Preservation Overlay. However, we are concerned that the changes, if applied broadly as proposed in Condition of Approval #26, might chip away at the narrow edge of viability and affordability of mixed-use transit-oriented developments that we believe will help to revitalize or enhance the City’s transit corridors and centers.”

FIRE DEPARTMENT

COMMENTS FROM OTHER AGENCIES

ALBUQUERQUE PUBLIC SCHOOLS

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO)

MRMPO has no adverse comments.

MID-REGION COUNCIL OF GOVERNMENTS (MRCOG)

MIDDLE RIO GRANDE CONSERVANCY DISTRICT