LAND USE PLANNING AND ZONING COMMITTEE
OF THE
CITY COUNCIL

November 30, 2011

COMMITTEE AMENDMENT NO._____   TO   <u>C/S R-11-225</u>

AMENDMENT SPONSORED BY COUNCILLOR   _____

1. On page ___, in the second sentence in the introductory paragraph, delete ", but excludes all commercial uses" and insert in lieu thereof, "<u>and provides an opportunity for the development of a limited number of neighborhood-serving commercial uses through the conditional use process.</u>"

2. On page ___, amend Section A of the SU-2/DNA-OR (Office Residential) zone as follows:

   ## A. Permissive Uses
   1. Uses Permissive in the R-2 zone with the following EXCEPTIONS:
      a. Townhouses shall be as regulated in the SU-2/TH zone as specified in this Plan, except maximum building height is 40 feet.
      b. Single-family detached houses shall be as regulated in the SU-2/SF Zone, as specified in this Plan.
      c. There is no maximum floor area ratio.

   3. ~~The following non-residential uses are permissive provided certain conditions listed under A.3. are met:~~
      a. ~~Church or other place of worship, including incidental recreational or educational facilities.~~
      b. ~~Library.~~
      c. ~~Office~~

   3. ~~Non-residential uses as listed under A.2. above are permissive provided any one of the following conditions are met:~~
      a. ~~A minimum of 50% of the total acreage of premises along individual block faces and within the same block as the subject lot contains existing legal non-residential uses. If a premise has more than one street frontage, at least one street frontage must meet this condition; or~~
      b. ~~The subject property contains a building that had a non-residential use for a minimum of 6 of the past 10 years; or~~
      c. ~~The building on the subject property was originally built for~~

~~non-residential use.~~
2. Church or other place of worship, including incidental recreational or educational facilities.
3. Library.
4. Office, except bail bond office is a conditional use.

3. On page ___, amend Section C of the SU-2/DNA-OR (Office Residential) zone as follows:

C. Conditional Uses
Conditional Uses shall comply with §14-16-4-2 Special Exceptions in the Comprehensive City Zoning Code. The following uses are the only conditional uses allowed in the SU-2/OR zone:

1. Existing non-conforming uses are to be treated as approved conditional uses.

~~1~~2. Senior housing facility.

3. The following non-residential uses, provided that either of the following criteria is met:
- the building on the subject property was originally built for commercial uses; or
- the subject property is located on a corner.
    a. Retail sales of food and drink for consumption on- or off-premise subject to the following restrictions:
        i. There shall be no drive-up service windows.
        ii. Alcoholic drink may be sold only under a restaurant license for the sale of beer and wine, as provided by Section 60-6A-4 NMSA 1978.
        iii. Outdoor seating shall be allowed along the 7th Street, Tijeras Avenue, Kent Avenue, and Copper Avenue frontages only.
    b. Retail Sales of the following goods, plus incidental retailing of related goods and incidental service or repair, provided there is no outdoor storage or activity except parking.
        i. Arts and crafts objects, supplies, plus their incidental creation - artist studios.
        ii. Books, magazines, newspapers, stationery, except adult book store material.
        iii. Cosmetics, notions, hobby supplies.
        iv. Flowers and plants.
        v. Jewelry.
        vi. Clothing and shoes.
    c. Services, provided there is no outdoor storage or activity, except parking.
        i. Barber, beauty.
        ii. Day care center.

iii. Dry cleaning station (no processing).
iv. Instruction in music, dance, fine arts, or crafts.
v. Interior decorating.
vi. Photography, except adult photo studio.
vii. Tailoring, dressmaking, shoe repairing.
4. Bail Bond Office. Criteria for the approval of a Conditional Use Permit to allow a Bail Bond Office:
a. Shall be located on a collector or higher street classification.
b. Shall not be permitted on a block face with more than 30 percent residential.
c. Shall not be located further than 1,000 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings (see map, Appendix D.)
d. The number of employees shall be limited to 5.

4. On page ___, amend section B. of the SU-2/DNA-OR zone as follows:
"B. Prohibited Uses
   1. Commercial parking lots. Existing commercial parking lots must comply with the requirements set forth in section P, which can be found on pages ___ - ___ of this Plan.

5. On page ___, add the following new section to the SU-2/DNA-OR zone:
P. Requirements for Existing Commercial Parking Lots
   1. Commercial parking lots shall comply with certain requirements of § 14-16-2-15, the O-1 zone, regarding barriers (A)(12)(b) and ingress and egress (A)(12)(e).
   2. Lighting
      a. Commercial parking lots shall provide adequate lighting for safety and visibility at night.
      b. Adequate lighting requires that commercial parking lots shall be illuminated with a minimum maintained one half (0.5) foot-candle of light at ground level during the hours of darkness, maximum to minimum uniformity ratio lighting in parking areas shall be 15:1. (This means that when the minimum is at 0.5 footcandle of light, the maximum footcandle level shall not be higher than 7.5 footcandles.)
      c. Landscaping shall not be planted so as to obscure required light levels.
      d. Parking lot lights shall be designed and arranged in such a manner so that light is reflected away from adjoining residential properties and streets.
      e. All light poles, standards and fixtures shall not exceed a height of twenty (20') feet above grade level.
      f. All commercial parking lots shall comply with the illumination requirements in section 14-16-3-9 (A) and (C) of the Area Lighting Regulations of the City's Zoning Code.

g. Adequate lighting of commercial parking lots is a public safety issue and, therefore, compliance with these lighting regulations shall be provided within one year of the effective date of the adoption of this Plan. There shall be no extension of the one-year compliance timeframe.

3. Landscaping
   a. Landscaping is the planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or low-growing plants that are native or adaptable to the climatic conditions of the Albuquerque area. In addition, landscaping may include some natural and manufactured materials including but not limited to rocks, fountains, reflecting pools, works of art, screens, walls, fences, benches and other types of street furniture.
   b. Trees. Street trees meeting the requirements of Section 6-6-2-1 et seq. ROA 1994, Street Trees, are required along all street frontages. Additionally, for lots that exceed 50 parking spaces, a minimum of one (1) tree must be planted, either in the ground or in above-ground planters, for every ten (10) parking spaces that are not adjacent to the public Right-of-Way.
      i. The tree species must be selected from the Street Tree Palette included in Appendix B of this Plan.
      ii. Trees may be planted in the ground or in above-ground planters and shall have an area that is a minimum of 36 square feet with a minimum width of 4 feet.
      iii. Trees that are installed and maintained in the adjacent public right-of-way, such as an existing parkway, may count towards this requirement.
   c. For commercial parking lots with greater than 60' of street frontage along the east/west arterial street immediately abutting the property, a minimum landscaped strip of three feet shall be maintained between parking areas and all street right-of-way lines. This landscape strip shall be covered with live plants over at least 75% of the required landscape area. Coverage will be calculated from the mature spread of these live plants. Compliance with this requirement may be met, in whole or in part, by providing street trees within the landscape strip or in public right-of-way adjacent to a commercial parking lot. The ground area occupied by a street tree for the purposes of coverage percentage shall be calculated by determining the spread of the trees at 30 years. Credit shall be given for ground area coverage of a street tree even if some or all of the mature spread of the street tree is not above the commercial parking lot.
   d. To minimize water consumption, the use of vegetative ground cover other than turf grass is required. Landscaping that dies,

including street trees that are 50% dead, is the responsibility of the owner and shall be replaced within 60 days.

    e. Compliance with these landscaping requirements shall be provided within two years of the effective date of the adoption of this Plan. There shall be no extension of the two-year compliance timeframe.

4. Paving
   a. Commercial parking lots shall be paved with a minimum of two inches of asphalt or concrete or a surface of equal or superior performance characteristics such as compacted, stabilized crusher fines. For drive pads the minimum thickness shall be 6 inches of concrete.
   b. Paving shall be maintained level and serviceable.
   c. A standard parking space is 8.5 feet in width and 18 feet in length, and a compact parking space is at least 8 feet in width and 15 feet in length. There is no minimum requirement for the number of standard or compact spaces, meaning that a parking lot may be comprised entirely of compact spaces.
   d. Compliance with these paving requirements shall be provided within three years of the effective date of the adoption of this Plan. There shall be no extension of the three-year compliance timeframe.

5. Screening
   a. Commercial parking lots adjacent to the sidewalk shall be screened by a fence, wall, or hedge of 36 inches (3 feet). Existing screening in the form of a fence, wall, or hedge that achieves the intent of this screening requirement is allowed to remain and shall be considered compliant with this provision. This screening shall be in addition to any required landscaping. Chain link fencing with or without slats shall not constitute acceptable screening.
   b. Compliance with the screening requirement shall be provided within two years of the effective date of the adoption of this Plan. There shall be no extension of the two-year compliance timeframe.

Explanation: Parts 1-3 of this amendment change the way in which permissive and conditional uses are regulated in the SU-2/DNA-OR (Office Residential) zone by removing restrictive criteria on non-residential uses and adding a limited number of uses as conditional uses. Parts 4-5 add lighting, landscaping, paving, and screening requirements for existing commercial parking lots – which have been a prohibited use in the DNASDP area since 1999 – that mirror the requirements that were added to the Downtown 2010 Sector Development Plan by the City Council last November.

Parts 1-3:

An early, pre-EPC-submittal draft of the proposed zoning map that was prepared by Planning staff and consultants contained more proposed OR zoning in the southeast part of the Plan area (generally south of Tijeras, east of 12th, and between Tijeras and Roma, east of 9th) in order to acknowledge the historic pattern of office uses interspersed with residences in the area. However, because of neighborhood concerns about further encroachment of office uses into the neighborhood, a larger portion of the southeast area was proposed as MR (Mixed Residential) in the EPC Draft (10.28.10). Additionally, restrictive criteria were added to the OR zone that would essentially limit anything that was not already in use as an office at the time of the Plan's adoption to residential uses.

After extensive review of numerous issues related to zoning and requests for different zoning in the southeast part of the Plan area, staff is recommending this fairly substantial change to the OR zone based on the following:

1. The name of the zone, "Office Residential," suggests that the zone allows for both office and residential development/uses. However, the restrictive criteria virtually eliminate any opportunity for office development/use for properties with OR zoning that do not already contain an office use. Since the OR zone is only proposed in areas where office uses are already established (refer to Existing Land Use map on page 31 of C/S R-11-225) or have historically been located, and given that the intent of the zone, as stated in the Plan, is "to provide a transition between the higher intensity corridor of Central Avenue and the neighborhood to the north," it seems appropriate to actually allow similarly-situated properties the ability to develop similar uses. Removing the restrictive criteria would achieve this.

2. There are a number of commercial surface parking lots located along the eastern edge of the Plan area where the DNASDP boundary meets the Downtown 2010 boundary. It has long been a goal of both the Downtown 2010 Plan and now, through the inclusion of Implementation Policy 5, the DNASDP to encourage redevelopment of commercial parking lots. These parking lots have proposed OR zoning, but, because of the restrictive criteria of the OR zone, would not be able to develop as anything other than residential. Removing the restrictive criteria and expanding the range of uses that could potentially be developed would create additional incentives to properties owners to redevelop these lots.

3. The low density, single-family areas of the neighborhood will not be negatively impacted by these changes since the OR zone is only proposed to be mapped in areas at the edge of the neighborhood that serve as transition areas to higher-intensity development, i.e., Central Avenue to the south and the Downtown Core to the east. Staff feels that the large, long-existing office building in the 1000 block of Tijeras is an appropriate boundary beyond (north of) which office and non-residential uses are not appropriate. However, in the area south of that building and north of the SU-2/CC zone along Central Avenue, it is difficult to justify limiting development to purely residential uses. That is not to say that

residential uses are not appropriate in this area. In fact, as multi-family is one of the strongest development markets, even during these difficult economic times, it is altogether possible that new development in this area will be residential in nature. However, to disallow limited non-residential uses that are compatible with a neighborhood setting in this area seems overly restrictive.

4. The Nob Hill Highland Sector Development Plan (NHHSDP), adopted in 2007, serves as a model for creating a true mixed-use transition zone between Central Avenue and established single-family areas without imposing prohibitive restrictions. The NHHSDP contains two "OR" zones: OR-1 and OR-2 (same uses allowed, just slightly different development standards, e.g., height and setbacks). The OR-1 and OR-2 zones permissively allow R-2 and O-1 development and conditionally allow R-C uses. It should be noted that the majority of properties in the area zoned OR-1 in the NHHSDP are used as single-family residences but are zoned OR-1 in order to recognize their proximity to a Major Transit Corridor and high-intensity corridor zone.

5. Amending the OR zone as proposed is consistent with the following applicable goals and policies of the Comprehensive Plan:

   - Section II.B.5, Policy i: "Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments."
     The subject properties are located in the southern- and eastern-most parts of the Plan area, away from the single-family residential core. They help to serve as transition, or buffer, areas between the single-family residential areas and the Downtown Core and Central Avenue corridor.

   - Section II.B.5, Policy o: "Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened. Possible Technique 7) Introduce mixed-use concepts as a means of strengthening residential markets."
     Appropriately-scaled and –regulated mixed-use areas are intended to serve, not detract from, residential neighborhoods. The area in question contains a number of vacant, undeveloped, and underdeveloped parcels that currently do not serve the neighborhood. Allowing the OR zone to be a true mixed-use zone in this area can help encourage redevelopment of these sites and provide opportunities to introduce new neighborhood-serving uses.

   - Section II.C.1, Policy b: "Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services. Possible Technique 2) Encourage mixed use and infill development, where appropriate, which integrates residential, commercial and industrial uses for a better employment-housing balance."

The OR zone as currently written does not actually encourage mixed use and infill development. The areas proposed to be zoned OR are appropriately located for mixed-use development since they serve as a transition between high-intensity activity and low-density, single-family residential areas.

Parts 4 &5:

In 1999, the City Council amended the 1976 Downtown Neighborhood Area Sector Development Plan to prohibit parking lots in zones that had previously allowed them (Enactment No. 35-1999). The '99 amendment provided that "Parking lots established prior to the effective date of this amendment are allowed to remain, as regulated by standards for parking lots in the O-1 zone, based upon a site plan submitted for approval of the Zoning Enforcement Officer within 60 days of adoption of this amendment, to include landscaping. Landscaping shall be installed within 60 days of site plan approval, and subsequently maintained according to the approved site plan."

Like the '99 amendment to the 1976 DNASDP, the Downtown 2010 Sector Development Plan, adopted in 2000 and located to the immediate east of the DNASDP area, prohibited commercial parking lots and sought to require certain improvements to existing lots. Due to difficulty enforcing what were deemed by a judge to be "ambiguous" regulations, an amendment to the 2010 Plan was proposed and adopted (November, 2010) by the City Council that added specific, unambiguous requirements (lighting, landscaping, paving, and screening) for "Commercial Surface Parking Lots."

This amendment proposes to add the same requirements for commercial lots in the DNASDP area that were adopted for commercial surface parking lots in the Downtown 2010 Plan area. If anything, it would seem even more critical to have these requirements for lots that are located within or at the edges of residential neighborhoods. Implementation Policy 5 contained in this update to the DNASDP provides that "The City should restrict all new commercial parking lots from locating within the Downtown Neighborhood Area and promote the redevelopment of existing commercial parking lots." This is similar to the goal for parking lots in the Downtown 2010 Plan area, where, one strategy being used by the City is to require these improvements in hopes that people will choose to redevelop these lots instead.

It should be noted that the earlier part of this amendment, if adopted, would result in a significant up-zoning for commercial parking lots in the DNASDP, most of which currently have residential zoning but would receive additional entitlements for non-residential uses under this proposal. The goal of this amendment, taken in its entirety, is to help carry out the latter part of Implementation Policy 5 by promoting the redevelopment of parking lots via a two-pronged approach: 1) incentivize redevelopment by increasing the range of permissive uses and, thus, opportunities for development, and 2) disincentivize continued use of properties as parking lots by requiring that they comply with higher standards in order to minimize their adverse effect on the neighborhood.

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