***Draft NHNA Comments to LUPZ, Draft of July 25, 2017***

Albuquerque is re-writing its zoning code. The Integrated Development Ordinance (IDO) will do away with Sector Plans like our 2007 Sector Plan. **As an example, the sector plan limits building heights on Central from Girard to Aliso to 39 feet. In its current version the IDO would allow these to 45 feet and 65 feet in the blocks immediately adjacent to ART stations.**

For the last 18 months your Nob Hill Neighborhood Association (NHNA) has sought neighborhood input and used it to provide recommendations to CABQ. Some of our recommendations have been incorporated and some have not.

Soon a committee of 5 city councilors will accept public comment and prepare the IDO for approval by the full city council. This committee, the Land Use, Planning, and Zoning Committee (LUPZ) will accept written comments until August 9 and oral comments on August 16. Our councilor, Pat Davis, is on the LUPZ. Council generally accepts LUPZ recommendation for the bulk of what they adopt.

**This is the last chance for NHNA and individuals to influence the IDO.**

NHNA seeks input from neighbors using the framework on the attachment. We also invite input not yet included in this framework. Pages refer to the location of the language in the July 2017 draft which can be seen at [www.abc-zone.com](http://www.abc-zone.com) Look at the Interim LUPZ draft.

You can bring your input personally to a study session August 2 between 6:30pm and 8:00pm at 2918 Campus NE and/or email it to [theboard@nobhill-nm.com](mailto:theboard@nobhill-nm.com)

NHNA will use input to craft written comments to LUPZ by August 9. NHNA encourages neighbors to provide input for NHNA comments and also to provide comments directly to LUPZ at [www.abc-zone.com](http://www.abc-zone.com)

and orally at its August 16 meeting.

The discussions below include recommendations which the Environmental Planning Commission (EPC) has made to LUPZ and recommendations from CABQ planning staff.

**NHNA Recommendations are grouped:**

**Group 1: Recommendations that have been voted and submitted to CABQ but NOT SATISFIED in the draft IDO**

**Group 2: Recommendations that have been voted and submitted to CABQ and SATISFIED in the draft IDO; note that NHNA may be expressing concerns on these satisfied comments**

**Group 3a: Recommendations NHNA board will address on July 10 and may add to Group 1 (not satisfied)**

**Group 3b: Recommendations NHNA board adopted unanimously on July 10 and will add to Group 2 (satisfied)**

**Group 1: Recommendations that have been voted and submitted to CABQ but NOT SATISFIED in the draft IDO**

**1.1 2-4.1 Building Height, Mixed Use Transition Zone…MX-T…**page 23… Table 2-4-1 allows building height 30 ft, 2 stories….NHNA Board voted 9-2, 1 abstain, favoring 26 ft as in the 2007 Sector Plan…In comment 1095 staff state: *“Staff does not believe there is an appreciable difference between 26 and 30 ft.*

**1.2 2-7.2.B.5 Building Height, MX-M Zone, Girard Blvd to Aliso Dr…..**Table 2-4-5, page 27…states: base height 45 ft (3 stories)….Urban Center-Main Street-Premium Transit 65 ft, 5 stories……..Character Protection Overlay CPO-6…page 94 states: height and density standards associated with the Main Street designation or workforce housing are not applicable. Height and density standard associated with Premium Transit designation (65 ft height) are only available within the blocks adjacent to the Premium Transit (ART) station….NHNA board voted 9-2,1 abstain, favoring base height 39 ft as in 2007 Sector Plan and make all bonuses unavailable……………*in comment 315 staff state: “In recognition of the existing sector plan limits and the policies that recognize the character of Lower Nob Hill the IDO limits the Premium Transit building heights to within one block and does not apply Main Street heights from Girard to Aliso.”* In comment 660 staff state: *“Staff is asking direction from EPC on whether a condition is appropriate removing PT bonus between Girard and Aliso or perhaps only at east(staff meant west) most station, Bryn Mawr*….EPC condition 12 states: *Replace “four stories” with “3 stories” to describe general building heights in MX-M*….EPC condition 29 states: *“Revise as follows: “within the CPO between Girard Blvd and Aliso Ave” and replace the phrase “within one block of” with “within the blocks contiguous to the most proximate intersection to a premium transit station.”* Nob Hill’s Councilor Davis has indicated that we do not need tall buildings in historic Nob Hill but we are not certain exactly where he means.

**1.3 2-2.2.B.5 Building Height, MX-M Zone, Aliso Dr to Graceland Dr**… Table 2-4-5, page 27…states: base height 45 ft (3 stories)….Urban Center-Main Street-Premium Transit 65 ft, 5 stories……..Character Protection Overlay CPO-6…page 94 states: height and density standards associated with Main Street designation do not apply.” NHNA BOD voted 12-0 to allow 54 ft as agreed by stakeholders in the 2007 Sector Plan….. In comment 340 staff state: *Building heights in this stretch would be limited to 45 ft unless someone wanted to do Workforce Housing which would be eligible for 57 ft, 3 ft higher than the sector plan…*..

**1.4 Building height, MX-M Zone within 660 ft of the Washington ART station, (roughly down to Morningside Dr)** Table 2-4-5, page 27…states: base height 45 ft (3 stories)….Urban Center-Main Street-Premium Transit 65 ft, 5 stories……..CPO-6 is silent on height bonuses so the Premium Transit bonus would apply allowing building height of 65 ft. If a project meets standards for Workforce housing it would qualify for the workforce bonus, 12 ft, for a total of 77 feet. (Qwest switching station at Copper and Graceland is 50 ft high.)

**1.5 4-6.9.B.2-b…page 290…Draft states: Walls greater than 3 ft are not allowed between the front or side façade of a primary building and an abutting public street of parcels with low density in the mapped area shown** (Monte Vista and College View Historic District is one of the mapped areas) …..this is consistent with the 2007 Sector Plan…NHNA board voted 11-0 in support and to apply this provision not only to the Monte Vista and College View Historic District but to the boundaries of the NHNA….in comment 279 staff state: *“Staff would need direction from decision makers to expand the area where this provision applies.”*

**Group 2: Recommendations that have been voted and submitted to CABQ and SATISFIED in the draft IDO; note that NHNA may be expressing concerns on these satisfied comments**

**2.1 4-5.6.B.1…page 251…Draft states: Carports for low density residential development are prohibited within the front yard setback in the mapped areas** (Monte Vista and College View Historic District is one of the mapped areas)….this is consistent withthe 2007 Sector Plan. NHNA board voted 10-1, 1 abstain, in support.

**2.2 Off-premise signs in Nob Hill Character Protection Zone, CPO-6**… NHNA board voted 11-0 that such signs be not permitted as in the 2007 Sector Plan….page 327 states: Off premise signs are not allowed in the following mapped areas (Nob Hill CPO-6 is one of the areas…)

**2.3 4-11.3…page 307….Draft IDO states: In the areas listed (includes Nob Hill Highland area) second story additions to existing buildings (residential) shall incorporate a minimum step back of six ft from the front façade.** NHNA board voted 9-0, 1 abstain, to maintain sector plan language …page 107… “Second story additions to existing buildings must be set back a minimum of 5 ft from the front façade to preserve scale of the original building…This does, although making the step back 6 feet to conform with the standard in several other areas.

**Group 3a: Recommendations NHNA board will address on August 7 and may add to Group 1 or 2**

**3a.1 5-1-1 Summary of Development Review Procedures..…Decisions requiring a public meeting and/or hearing…**

-Demolition of non-designated structure outside of a historic preservation overlay shall be reviewed by city staff/zoning enforcement office and a decision made at a public hearing by the Landmarks Commission…………….

-Certificate of appropriateness-major (applies to historic preservation overlays)

-Subdivision of land-major, preliminary plat (including variance and/or improvement agreement)

-Policy decision, amendment to IDO text…..

EPC condition 317 states: revise to read:” Currently preliminary plat approvals(including variance and/or subdivision improvement agreement/extension) require neighborhood notification.”

NHNA BOD voted XXXXXXX to recommend requiring neighborhood meetings for the actions above

**3a.2 5-5.2.B.3 Review and Decision Criteria…*The ZHE shall approve a conditional use if the ZHE determines that: c. it will not “create significantly adverse impacts” to the adjacent property, the neighborhood, or the community***….NHNA BOD voted XXXXX to provide more specific criteria than “create significantly adverse impacts” or return to “be injurious”…..EPC condition 260 disagrees….Staff indicate that the new language was recommended by CABQ counsel who say old language is difficult to interpret.

**3a.3 Front setback, R-T zone…**MR-HD zone in College View is to be converted to R-T...Table 4-1-1, page 166 establishes minimum front setback at 15 ft…In comment 1048 staff states: Staff will review the Contextual Standards Section 4-1.3.B on page 167-8 and develop a condition for EPC to consider that revises the setback provisions and the types of dwellings that the standards apply to” ……Garage setback…R-T 15 ft…in comment 277 staff states: On page 166 revise table 4-1-1 to remove reference to carports. Add provision for 20 ft setback to R-T for garages…..EPC condition 97 states: Remove reference to carports. Add provision for 20 foot setback to R-T for garages.”

NHNA BOD voted xxxxx to keep front setback for principal building and garage in this registered historic district at 20 feet as it has been since its platting in 1926. The universal 20 ft front setback is crucial to preserving the integrity of association and integrity of design of this national register district.

**3a.4 Front setback, R-1 zone**…4-1.3-B Dimensional Standards, Contextual Residential Development in Areas of Consistency**,** page 194, states: In residential zone districts in areas of consistency the front setback for construction of new low density development shall be based on the existing front setbacks of primary buildings on adjacent lots…in some cases setback would be based on adjacent lots or the front setback required by table 4-1-1, whichever allows the new structure to be closer to the street. NHNA BOD voted xxxxx to keep front setback for principal building and garage in NHNA boundaries at 20 feet as it has been since its platting in from 1916 to 1945. The universal 20 ft front setback is crucial to preserving the integrity of association and integrity of design of this national register district.

Remove

“Or the front setback required by table 4-1-1, whichever allows the new structure to be closer to the street”

Or to change the front setback for R-1 and R-T in Table 4-1-1 from 15 ft to 20 ft.

**3a.5 Fence and Wall Height….Table 4-7-1…page 284…view fencing and courtyard walls…**.staff recently developed table. They indicate that it reflects existing policy for permissive use on walls over 3 ft high in front setbacks. NHNA has had experience with special exception requests where ZHE applied the information in this table only to approved special exceptions. NHNA routinely opposes special exceptions for walls like those in the table on the grounds that they create significantly adverse impacts by damaging streetscape and security (eyes on the street). Our boundaries overlap with SEHNA. On a request for a property in the overlap area SEHNA indicated that they have a blanket opposition to walls over 3 ft in front setbacks. NHNA board voted xxxx to state in the strongest terms that adopting this table for permissive use would be inconsistent with established practice and would have major negative impacts on streetscape and security (eyes on the street) and to label it as applying to special exceptions or, preferably, to remove the table.

**3a.6 4-5…Parking and Loading…Exemptions**…page 230 states: *The following areas are exempt from requirements in sec 4-5.5 (off street vehicle parking) and 4-5.4 (motorcycle parking) except those required to satisfy the requirements of the ADA…d..****Non-residential uses other than restaurants in establishments of less than 3,000 s.f. in the Nob Hill CPO-6 zone***… NHNA board voted xxx in support of the intent of the exemption (encouraging small businesses) but to replace “Non-residential uses other than restaurants in establishments of less than 3,000 s.f. in CPO-6” by “Offices and Services and Retail Sales (as defined in table 3.2.1) in establishments of less than 3,000 s.f. and in buildings less than 26 ft high in CPO-6”.

**3a.7 Historic Neighborhoods Coalition**…Staff indicate that the coalition has presented a letter to Council asking for a delay. Letter is part of the public record. NHNA can review and consider its position….Mo Chavez has volunteered to research this as has Veronica Salinas.

**3a.8 (Location missing)….Maximum building height for structured or podium parking.** EPC Recommended Conditions #111: adds a bonus 12 feet of building height for structured or podium parking: “Revise the Maximum building height for the MX‐L, MX‐M, and MX‐H zones in the UC‐MS‐PT line to add a new note "[3]" that reads as follows: ‘Any structured or podium parking provided may count toward one additional story in the MX‐L and MX‐M zones and two additional stories in the MX‐H zone. For subterranean parking, one additional building story is allowed. For the purposes of this provision, up to 12 feet in height is allowed as a story.’” NHNA board voted xxxx to add the following to CPO-6 (section 14-16-2-7.2.B.5) in d.i.b and d.i.c.: “No height bonuses for structured, podium, or subterranean parking are applicable.”

**3a.9 Maximum building heights in MX-M and MX-H zones, 100 ft from lot edges.** Note [2] in Table 4-1-2 (Summary of Mixed-Use Zone District Dimensional Standards), maximum building height, states “No height limit applies to portions of the building located more than 100 ft. from each lot line.” There are no apparent restrictions on maximum lot sizes in these zones (Table 4-1-2) and no apparent limits to combining existing lots in these zones (Section 4-4). Consequently, block sizes in east Nob Hill allow combination of all the lots of the block to be combined to a single lot and a building of unlimited height to be built in the center of the block (100ftx130ft plan area). The Board voted xxxx to add the following to CPO-6 (section 14-16-2-7.2.B.5) as d.i.d: “Note [2] of Table 4-1-2 on height limits for portions of the building located more than 100 ft from each lot line is not applicable.” Add section that states: “If 75% or more of the block frontage along Central is being developed or redeveloped, one third of the new development is limited to one story (12 ft) less than the maximum allowable height.”

**3a.10 Nob Hill Character Protection Overlay, CPO-6….fails to carry over General Regulations from the Sector Plan, page 103, on Signage and Lighting as well as Historic Preservation which is quoted here*…..”****All buildings on the state and national historic registers, city landmarks, and characteristic buildings shall be preserved within the project area. Alteration, demolition, and/or new construction to (such buildings) shall be reviewed by the LUCC staff and a report provided…to the…Planning Dept. LUCC staff shall proceed to have designated characteristic buildings, Nob Hill Business Center, Monte Vista Fire Station, deAnza Motor Lodge, and Solar Building as City Landmarks.”*

**Group 3b: Recommendations NHNA board adopted unanimously on July 10 and will add to Group 2 (satisfied) or drop**

**3b.1 3-3.4.G…Bar, Nightclub, Restaurant, and Taproom**…page 163…states: Liquor retail…this use is prohibited in the following locations: within 1,000 ft of any other liquor retail use…b. within 500 ft of any residential or NR-PO or any group home use or c. within 300 ft of any religious institution or elementary, middle, or high school.

**3b.2 Maximum stories…**EPC condition 104 states: Add maximum stories, in addition to building heights in each zone and in the dimensional standard tables in Chapter 2.”… (This comment satisfied by EPC condition 12 in NHNA comment II above)

**3b.3 4-9.…Neighborhood Edges…**…Applicability…Protected Lots…draft states: intended to protect lots in a…R-1 or…R-T zone district that contain a household living use (as shown in Table 3-2-1) other than a multi-family dwelling use (this refers to a dwelling with some entrances above the second floor)…..lots regulated by this section…include all those in a..…mixed use or non-residential zone district that are adjacent to **a** protected lot…development on regulated lots is limited to 30 ft high within 100 ft of a protected lot line. ….in comment 1143 staff state: *‘Staff believes this comment refers to parcels currently zoned MRHD in the sector plan. These properties are currently proposed to convert to R-T. Therefore, the neighborhood edge provision would be triggered by this zone.”*…EPC 186:….part of NHNA board vote is to keep 100 ft as the operative horizontal distance.

**3b.4 Drive–through or Drive-up facility**….3-3.6.D…page 175…states *drive through or drive up facility is prohibited in the following mapped areas”…Map d. Nob Hill Highland...(entire area covered in Nob Hill Highland sector plan of 2007)*

**3b.5 Solar rights…..4-10 Solar Access, 4-10.3 Building Heights**…page 304…Draft states: *“The building heights shall not exceed the following heights, determined by the distance cardinally south from the northern boundary of the lot as shown in Table 4-9-1 or angle plane equivalent. Distances in Table 4-9-1 have been calibrated to a 32 degree angle that allows one hour of Winter Solstice sunlight that hits at least two feet up on a southern-facing wall located 10 feet from the property line.”*…EPC 189: Add text to subsection A.: *“or angle plane equivalent.”*