***Nob Hill Neighborhood Association***

***Statement of Position***

***August 9, 2017***

Submitted to Clerk of the Council [cortega@cabq.gov](mailto:cortega@cabq.gov) by email August 9, 2017

The Nob Hill Neighborhood Association has taken an active role in the IDO process since its inception. We received neighborhood input at 3 public workshops we organized and from several discussions on our organization’s email list. Our Board of Directors debated each item below, developed our position on each and, over several meetings, voted nearly unanimously to adopt them. Statements are based on the LUPZ draft dated 2017-07-28.

We are grateful for the professional service we have received from staff. It reflects great credit on the Planning Department. We have spent significant energy reviewing numerous draft versions, attending public meetings and office hours, and engaging our members. The IDO is complex and detailed. We are not comfortable with the schedule the city has pursued for passing the IDO and remain concerned that many of our neighbors and the population of the city in general have not had enough time to absorb the detail and understand the consequences of the IDO. Here is our position statement.

**1. NHNA strongly opposes building heights on Central Ave. that exceed those in the Nob Hill Highland Sector Development plan.** The sector plan limits the maximum height to 39 feet/3 stories from Girard to Aliso, and 54 feet/4 stories from Aliso to Graceland.

* 1. The heights negotiated in the sector plan in 2007 were already contentious, with most residents preferring 1 and 2 stories consistent with historic design principles; 39 feet and 54 feet were viewed as losses when the final plan passed. NHNA supports increased residential density on Central Ave but asserts that 39 feet and 54 feet will accomplish this with balance for historic scale.
  2. In the initial public meetings on the Comp Plan and IDO, staff clearly stated that the intent was to simplify, clarify, and consolidate the existing zoning and sector development plans and that this was not an opportunity to request substantial changes. This was the consistent answer to explicit questions on the intent of the process. Nevertheless, the draft significantly raises building heights between Girard and Washington. From Carlisle to Graceland maximum heights are effectively doubled from 39’ to 35’ or 77’, and 54’ to 89’; East of Montclair building heights are effectively unlimited because of footnote [2] of Table 5-1-2, the size of blocks, and the lack of maximum lot sizes in MX-M zones.
  3. One of Nob Hill’s distinguishing features is its sense of place, and to a large degree that is created by the scale of buildings, their location against the sidewalk (in particular, no parking lot between the building and the street), and the rhythm of narrow shop fronts. The increased maximum building heights are in direct opposition to the existing scale and the larger buildings that will be built will diminish the sense of place that draws so many Albuquerque residents and tourists to Nob Hill.
  4. The State Historic Preservation Officer asserted during discussions on ART station design that historic scale is a character-defining feature of Nob Hill.  As a rare intact segment of Route 66, Nob Hill’s historic character benefits Albuquerque culturally and economically and is worthy of preservation. Projects have been permitted and successfully built using the Sector Plan height limits.
  5. While the intent to increase the available parking is appreciated, the NHNA opposes the height bonus for structured/podium/subterranean parking. There are requirements for parking based on the uses and number of dwelling units for a proposed building. There is no need to offer incentives to meet existing parking requirements.
  6. The NHNA notes that if the following were not applicable in CPO-6, the IDO would preserve the maximum building heights in the 2007 Nob Hill Highland sector plan:
     1. building height allowances for premium transit
     2. building height bonuses for structured/podium/subterranean parking
     3. building height bonuses for main street corridors
     4. note [2] in Table 5-1-2
     5. any other proposed maximum height allowances or bonuses except for workforce housing from Aliso to Graceland

**2. Building heights in MX-T that exceed those in the Nob Hill Highland sector plan**…page 231…Table 5-2-1 allows building height 30 ft, 2 stories….NHNA Board voted 9-2, 1 abstain, in favor of 26 ft as in the 2007 Sector Plan. In Nob Hill the OR-1 and OR-2 zones were originally houses. Preserving their 26 ft max height would tend to preserve historic structures in the MX-T zone and protect the neighborhood edge.

**3. Walls greater than 3 feet high in front setbacks**…5-7(D) (3) (b)…page 330…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 but 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.”*

**4. View fencing and courtyard walls**…Table 5-7-1…page 325…developed since EPC review, changes walls that are currently conditional to permissive; (reference section 14-16-2-6 of the current code, conditional uses in R-1). The only permissive wall today in a front setback is 3 feet high. NHNA routinely opposes special exceptions for walls above 3 feet in front setbacks because they are injurious to the community by damaging streetscape and security (eyes on the street). Our boundaries overlap with SEHNA. On a request for a property in the overlap area in 2015 SEHNA indicated that they have a blanket opposition to walls over 3 ft in front setbacks. **NHNA board voted 8-0 to state in the strongest terms that making view fencing and courtyard walls permissive would have MAJOR NEGATIVE IMPACTS ON STREETSCAPE AND SECURITY (EYES ON THE STREET) and to modify the table as reflecting conditional use or, preferably, to remove that portion of the table.** Even though walls over 3 feet in front setbacks are prohibited in Nob Hill this table, if applied to permissive use, is injurious to the rest of Albuquerque.

1. A large part of our city was developed more than 50 years ago (1967). The Historic Preservation Act declares resources 50 years or older worthy of preservation if they convey their period of significance and display design principles of their period. Walls over 3 feet high in front setbacks were not among the principles of design in those neighborhoods and diminish the unique character of neighborhoods. When neighborhoods become registered in the NM Register of Cultural Places owners become eligible for 50% tax credits for renovating houses. Injuring streetscapes by building walls over 3 feet high in front setbacks makes listing less likely making these benefits unavailable. It diminishes the underlying cultural resource which hurts community stability and property value.
2. Jane Jacobs, in *Death and Life of Great American Cities*, makes the case for eyes on the street as a deterrent to crime. Walls over 3 ft high in front setbacks diminish eyes on the street. Attached is piece which NHNA has published in the last 10 issues of its biannual newsletter.

**5. Front setback, R-T and R-1**…NHNA Board voted 8-0 to keep front setback for principal building and garage in NHNA boundaries at 20 feet as it has been since its platting between 1916 and 1945. The universal 20 ft front setback is crucial to preserving the integrity of association and integrity of design of Nob Hill. NHNA needs further coordination with staff to confirm whether the draft accomplishes this.

**6. NHNA notes that protections in our sector plan have not been carried over to the CPO- 6 overlay;** General Regulations, page 103 of sector plan, on Signage and Lighting as well as Historic Preservation 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.”…..NHNA board voted 8-0 to carry these provisions over to the IDO.

**7. Character Protection…**We note that CPO-6 does not address building standards needed to protect character. NHNA board voted 8-0 to include character protection provisions as in East Downtown CPO-3 including but not limited to Building Materials, Doors and Windows, Roofs and Parapets, Awnings and Overhangs.

**8. Off-Street Parking Exemptions…page 266….**NHNA board voted 8-0 in support of the intent of the exemption (encouraging small businesses) if “Non-residential uses other than restaurants in establishments of less than 3,000 s.f. in CPO-6” is replaced with “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.”

**9. Decisions requiring a public meeting and/or hearing**….Table 6-1-1....NHNA board voted 8-0 in favor of requiring neighborhood meetings for these actions:

-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.”*

**10. Approval of Conditional Use…**6-6(A)(3)(c)…page 444...Draft states: The ZHE shall approve a conditional use if the ZHE determines that…it will not create significantly adverse impacts to the adjacent property, the neighborhood, or the community….NHNA board voted 8-0 to develop more specific criteria than “create significantly adverse impacts” or return to “be injurious. It will not create significantly adverse impacts to the adjacent property, the neighborhood, or the community.

**11. Carports…**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) 5-5(F) (2)…page 287….this is consistent withthe sector plan. NHNA board voted 10-1, 1 abstain, in support.

12. **Off Premise Signs**…Draft states: Off premise signs are not allowed in the following mapped areas (Nob Hill CPO-6 is one of the areas) NHNA board voted 11-0 in support.

**13. Second Story Additions (Residential)…**Draft 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 abstains, 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…The draft does, although making the step back 6 feet to conform with the standard in several other areas.

**14. 5-9(B).…Neighborhood Edges…**Protected Lots…Draft states: Neighborhood Edges…are 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 (multi-family uses have some entrances on or above the second floor)…..Lots regulated by this section…include all those in a..…mixed use or non-residential zone district that is 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.”*….**NHNA states that the operative horizontal distance of 100 feet is to be unchanged AND neighborhood edge protection needs to survive even if the regulated lot uses a Premium Transit bonus….Supported by board unanimously on July 10.**

**15. Liquor Retail**…4-3(D) (31) (c)…Draft states: this use is prohibited in the following locations: 1. Within 1,000 feet of any other liquor retail use. 2. Within 500 feet of any Residential or NR-PO zone district or any group home use. 3. Within 300 feet of any religious institution or elementary, middle, or high school...Supported by board unanimously on July 10.

**16. Solar Access, 5-10(c)**…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.” …..*Supported by board unanimously on July 10.

**17. Drive–through or Drive-up facility**….4-3(F) (4) (f) T…page 208…states this use (*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)…..*Supported by board unanimously on July 10.