

6-1-13
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Dear Neighborhood Association Representative,

You are receiving this notification because you represent a neighborhood within the boundaries of the Nob Hill Highland Sector Development Plan or within 100 feet of that boundary.

The Planning Department is submitting amendments to the Nob Hill Highland Sector Development Plan to the Environmental Planning Commission (EPC). The proposed changes do not affect properties with conventional zoning.

The proposed amendments:

- Provide for a demolition review per §14-12-9 ROA 1994, for the SU-2 zoned properties in the plan area
- Clarify the measurement of the building façade for window placement
- Increase the front building setback to 10 feet
- Allow a consistent building height along Central Avenue
- Propose a smaller building setback
- Allow for a decrease in parking for multi-family residential development
- Clarify parking reductions near transit stops
- Clarify the rules for walls and carports in the Historic residential zones

Please see the attached map and proposed amendments for more details.

These amendments are based on feedback from various stakeholders, including members of the public, property owners, developers, and Planning and City Council staff.

This request will be heard at the regular EPC hearing on July 11th. Please contact Madeline Carruthers at 924-3889, after July 3 to find out where this will be on the agenda or see the EPC website: <http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission>.

If you have questions, comments or concerns about this submittal please contact:

Maggie Gould


mgould@cabq.gov

924-3910

[+underlined bracketed text indicates an addition+], [~~struck through bracketed text indicates a deletion~~].
Pages numbers refer to page numbers in the **Nob Hill Highland Sector Development Plan**.

Insert on page 85

[+Development Process Triggers for compliance

All new construction shall comply with the regulations of this plan.

For additions to existing buildings that cannot comply with the standards of the plan due to placement of the existing building: the planning director or director's designee may approve an alternate site configuration provided that the alternate configuration meets the intent of the plan+].

Page 89 Figure 36 Allowable Building Heights

The map on page 89 will have to be amended to reflect new boundaries upon final adoption of any changes to setbacks. The label on this figure should read "Minimum Stepbacks"

Diagrams

The diagrams on pages 91, 92, 94, 95, 97, 98, 99, 100, 101, 102 and 105 do not reflect the actual regulations in the plan and/or are not clear. These diagrams will be amended to reflect the existing regulations and any changes that are made to the plan before the final adoption of changes.

Page 90 CCR-1 (Girard to Carlisle along Central)

2.A.3 3. Additions to [~~contributing~~] buildings shall reflect the historic façade demarcations (i.e., walls, pilasters or similar elements.)

2.B [[+Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+]]

2.D [[+ Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+]]

4. Setbacks

- 1- Front [~~Build to Line 0' to twelve inches~~ Front Build to Line 0' to twelve inches [[+Maximum 10 feet and may include landscaping, seating and similar pedestrian features as long as the sidewalk is not obstructed . No parking is allowed in the front setback.]]
1. Side street Setback 0' [[+ minimum +]]
2. Side yard setback 0' [[+ minimum +]]
3. Rear setback 0' [[+ minimum +]]

Page 93 CCR-2 (Carlisle to Washington along Central)

2. A.4 Additions to [~~contributing~~] buildings shall reflect the historic façade demarcations(i.e., walls, pilasters or similar elements.)

2.B [[+ Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+]]

2.D [[+ Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+]]

Page 94 4. Setbacks

A.

- 1- Front [~~Build to Line 0' to twelve inches~~ [[+Maximum 10 feet and may include landscaping, seating and similar pedestrian features as long as the sidewalk is not obstructed. No parking is allowed in the front setback.]]
2. Side street Setback 0' [[+ minimum +]]
3. Side yard setback 0' [[+ minimum +]]
4. Rear setback 0' [[+ minimum +]]

Page 95 5. Height

Building height shall be measured in feet from grade as defined in the zoning code to top of parapet or midpoint of pitch.

- A. A. Maximum: 4 stories/54' with lower heights, see Allowable Building Heights Plan. [~~If 75% or more of the block footage along Central is being developed or redeveloped, twenty-two percent (22%) of the new development is limited to 3 stories (39 feet) in height. No elevation of a building across Central Avenue frontage shall be more than 2 stories (26 feet) greater than an adjoining building (measured from adjacent building not from grade of adjacent lot or sidewalk).~~]
- B. Decorative variations in the parapet height are allowed up to an additional 5%; and
- C. Architectural features, such as a tower, are allowed up an additional 15% height (limited to 5% of building footprint) above the decorative variations in parapet height.
- D. [+The building setback is a minimum of 6 feet+]

Page 95 8. Parking Requirements

- A.
 - 2. Side Street Setback: six foot (6') minimum with exception of parking completely below grade whose setback is 0" [+ minimum +]
 - 3. Side Setback: 0" [+ minimum +]
 - 4. Rear Setback: five foot (5') [+ minimum +]
- B. Parking requirements below are subject to reductions due to credits allowed by the zone code:
 - 1. ~~1.5 spaces per 2 bedroom unit, 1 space/bedroom, One space per dwelling unit, 2 spaces maximum/DU.~~
- C. Uses within 650 feet of a [+ Transit Stop+], [~~Bus Rapid Transit or Streetcar~~] may factor a 20% reduction in parking requirements. Uses from 650 feet to 1300 feet of a [~~Transit Stop~~] [~~Bus Rapid Transit or Street car~~] or within 650 feet of another [+Transit stop+] [~~bus stop~~] may factor a 10% reduction in parking requirements.

Page 96 CCR-3 (Washington to San Mateo along Central and SW corner of Lomas and San Mateo)

- 2.A.4 Additions to ~~contributing~~ buildings shall reflect the historic façade demarcations(i.e., walls, pilasters or similar elements.)
- 2.B Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+
- 2.D. Façade measurement shall not include the area of the parapet. Façade measurement will be from floor to ceiling height+

Page 97 4. Setbacks

- A.
 - 1. Front [~~Build to Line 0' to twelve inches Front Build to Line 0' to twelve inches~~] [+Maximum 10 feet and may include landscaping, seating and similar pedestrian features as long as the sidewalk is not obstructed. No parking is allowed in the front setback.]
 - 2. Side street Setback 0' [+ minimum +]
 - 3. Side yard back 0" [+ minimum +]
 - 4. Rear setback 0" [+ minimum +]

Page 97 **5. Height.**

Building height shall be measured in feet from grade as defined in the zoning code to top of parapet or midpoint of pitch.

- A. Maximum: 5 stories/67' and transitions to lower heights, see Allowable Building Heights Plan. ~~[If 70% or more of the block frontage along Central is being developed or redeveloped, at least 20% must be five stories (67 feet) in height and 40% of the new development is limited to 4 stories (53 feet) in height.]~~
- B. Decorative variations in the parapet height are allowed up to an additional 5%; and
- C. Architectural features, such as a tower, are allowed up an additional 15% height (limited to 5% of building footprint) above the decorative variations in parapet height and are limited to 5% of floor area.
- D. ~~[The building stepback is a minimum of 6 feet]~~

Page 98 **8. Parking Requirements**

A.

- 2. Side Street Setback: six foot (6') minimum with exception of parking completely below grade whose setback is 0' ~~[+ minimum +]~~
- 3. Side Setback: 0' ~~[+ minimum +]~~
- 4. Rear Setback: five foot (5') ~~[+ minimum +]~~

B.

Parking requirements below are subject to reductions due to credits allowed by the zone code:

- 1. ~~1.5 spaces per 2 bedroom unit, 1 space/bedroom,~~ One space per unit, 2 spaces maximum/DU

C. Uses within 650 feet of a ~~[+ Transit Stop+]~~, ~~[-Bus Rapid Transit or Streetcar-]~~ may factor a 20% reduction in parking requirements. Uses from 650 feet to 1300 feet of a ~~[-Transit Stop-]~~ ~~[-Bus Rapid Transit or Streetcar-]~~ or within 650 feet of another ~~[+Transit stop+]~~ ~~[-bus stop-]~~ may factor a 10% reduction in parking requirements.

Page 101 **OR-2 (south of Silver, North of Coal/Zuni between Jefferson and Aliso)**
Height

A. Maximum: 3 stories/thirty-nine feet (39') high to 5 stories/sixty-seven (67') high, see Allowable Building Heights plan.

~~[+B A. Architectural features, such as a tower, are allowed up an additional 15% height (limited to 5% of building footprint) above the decorative variations in parapet height+].~~

Page 103 **3. Historic Preservation**

[+A. In order to limit the detrimental effect of demolition on the architectural character of the Nob Hill/Highland sector plan area, the total removal or removal of substantial portions of historic and characteristic buildings shall be subject to the provisions of §14-12-9, ROA. Historic buildings are defined as those buildings that are listed or are determined to be eligible for listing on the State Register of Cultural Properties or the National Register of Historic Places. Characteristic buildings are illustrated on page 11. The ordinance provides that the Landmarks and Urban Conservation Commission may, at a public hearing, invoke a review period on the demolition of buildings that are of fifty years of age or more. All properties zoned SU-2 -CCR-1, SU-2-CCR-2, SU-2-CCR-3, SU-2- OR-1, SU-2-OR-2, SU-2-SFHD, SU-2-RTHD and SU-2-MRHD zones must comply with §14-12-9 ROA 1994, which provides for the demolition review process by the Landmarks and Urban Conservation Commission+].

B. Alterations and additions to historic and characteristic buildings shall be reviewed by Landmarks and Urban Conservation Commission staff for conformance with the standards on page 90, 93 and 96 Section+]

Page 103 4. Environmental Planning Commission Review

A. Sites larger than 5 acres require review and approval from the Environmental Planning Commission. ~~[Those sites over 5 acres in size at the adoption of this plan shall comply with this standard regardless of platting action.]~~

Page 105 D. Forecourt

The facade is aligned close to the frontage line with a portion of it setback. The resulting forecourt is suitable for gardens, ~~[-vehicular drop offs-]~~, and outdoor dining.

Page 107 SU-2 SFHD (Lomas to Campus/Monte Vista and Girard to Morningside)

A. Conditional Uses

~~[1. A carport within the front yard setback is not allowed.~~

~~2. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.-]~~

1. Existing nonconforming uses are to be treated as approved conditional uses

[-B. Prohibited uses

1. A carport within the front yard setback is not allowed.

2. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.-]

Page 107 SU-2/RTHD (Scattered properties between Lomas and Copper and Carlisle and Morningside)

The SU-2/RTHD Townhouse Residential Historic District zone corresponds to the RT Zone in the Zoning Code with the following exceptions:

A. Conditional Uses

~~[1. A carport within the front yard setback is not allowed.~~

~~4. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.-]~~

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

[-B. Prohibited uses

1. A carport within the front yard setback is not allowed.

2. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.-]

Page 107 SU-2 MRHD (approximately Campus to Grand and Tulane to Morningside)

A. Conditional Uses

1. Uses listed as permissive in the R-2 Zone are conditional uses in this zone.

~~[2. A carport within the front yard setback is not allowed.~~

~~3. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.-]~~

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

[-B. Prohibited uses

1. A carport within the front yard setback is not allowed.

2. Walls, fences and retaining walls greater than three feet in height are not allowed in the front yard setback.-]

§ 14-12-9 PROCEDURE FOR DEMOLITION WITHIN A SECTOR DEVELOPMENT PLAN AREA THAT PROVIDES FOR DEMOLITION REVIEW FOR STRUCTURES NOT COVERED BY § 14-12-8.

(A) *Applicability.* This section shall only apply in areas governed by a sector development plan that adopts demolition review procedures in substantial compliance with this section.

(B) *Procedure.*

(1) No demolition permit for a structure, which is in whole or in part, 50 years or more old and located within a sector development plan area requiring demolition review shall be issued without following the provisions of this section. If a structure is of unknown age, it shall be presumed that the structure is over 50 years old for the purposes of this article.

(2) An applicant for a demolition permit proposing to demolish a structure shall file with the city an application containing the following information:

(a) The address of the structure to be demolished;

(b) The owner's name, address and telephone number;

(c) A description of the structure;

(d) The reasons for requesting demolition. A brief description of the proposed reuse, reconstruction or replacement;

(e) A photograph or photographs of the structure;

(f) A statement as to the age of the structure and the basis for that statement.

(3) The Chief Building Official shall forward a copy of the application to the Commission staff. The Commission staff shall, within 15 days after receipt of the application, make a written determination of whether the structure is subject to demolition review. Any structure that the Commission staff finds is or is presumptively more than 50 years old and as to which the Commission staff finds that there is a likelihood that it meets the criteria of division (H)(1) as set out below is subject to demolition review.

(4) Upon determination by the Commission staff that the structure is not subject to demolition review, the Commission staff shall so notify the Chief Building Official and applicant in writing. The city may then issue the demolition permit.

(5) Upon determination by the Commission staff that the structure is subject to demolition review, the Commission staff shall so notify the Chief Building Official and the applicant in writing. No demolition permit may be issued following a staff determination that the structure is subject to demolition review prior to a Commission hearing. If the Commission staff does not notify the Chief Building Official within 15 days of receipt of the application that the structure is subject to demolition review, the city may proceed to issue the demolition permit.

(6) If the Commission staff finds that the structure is subject to demolition review, the Commission shall hold a public hearing within 60 days of the written notification. The city shall publish notice of the place, time and subject matter of the public hearing and the city shall also

post the property subject to the application to indicate that a demolition permit has been requested. The city will mail written notice to the applicant and the record owners of the property subject to the application. If the address of the property owner is not a matter of record, any failure to send notice by mail does not invalidate any proceedings on the permit application. The city will mail written notice to recognized neighborhood associations within 300 feet of the subject property.

(7) Parties at the hearing shall be limited to:

(a) Applicants;

(b) Owners and occupants of the subject property;

(c) Owners and occupants of adjacent properties;

(d) Neighborhood associations covering or within 300 feet of the subject property;

(e) Other persons who so request and whom the Commission determines have due cause to be considered parties; and

(f) The city.

(8) The purpose of the public hearing is for the Commission to decide whether a 120-day demolition review period shall be invoked. In order to foster discussion and possible resolution of issues between the city and the applicant the Commission may postpone the issuance of its decision if agreed to in writing by the applicant.

(a) To invoke the 120-day review period, the Commission must find that, in considering the public interest, it is preferable the structure be preserved or rehabilitated rather than demolished. Factors for consideration include:

(i) the structure's historic, architectural, engineering or cultural significance;

(ii) the structure's potential to contribute to the city's economic development or tourism industry;

(iii) the structure's potential to enhance the city's heritage and historical identity;

(iv) whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city or the region; and

(v) the structure's condition.

(b) Upon a determination by the Commission that the 120-day review period is to be invoked, the Commission shall notify the Chief Building Official and applicant in writing. No permit for demolition, new construction or alterations on the premises shall be issued for a period of 120 days from the date of the determination. If the Commission does not notify the Chief Building Official in writing within 21 days of the public hearing that the review period is to be invoked, the Chief Building Official may issue the demolition permit.

(c) No permit for demolition of a structure determined to be subject to a review period shall be granted until all plans for future use and development of the site have been filed with the Chief Building Official and have been found to comply with all laws pertaining to the issuance of a building permit, or, if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

(d) A "Determination of No Feasible Alternative" may be issued during the public hearing if the Commission finds that, as to a structure that otherwise meets the requirements for the 120-day demolition review period, there is no feasible alternative to demolition.

(e) If the Commission determines that the 120-day review period is not to be invoked, the Commission shall so notify the Chief Building Official and applicant in writing. The Chief Building Official may then issue the demolition permit.

(9) The Chief Building Official may issue a demolition permit or a building permit upon expiration of the 120-day review period, and if a City Landmark designation has not been initiated or some other means of preserving the structure intact has not been agreed to in writing by the Commission and the applicant.

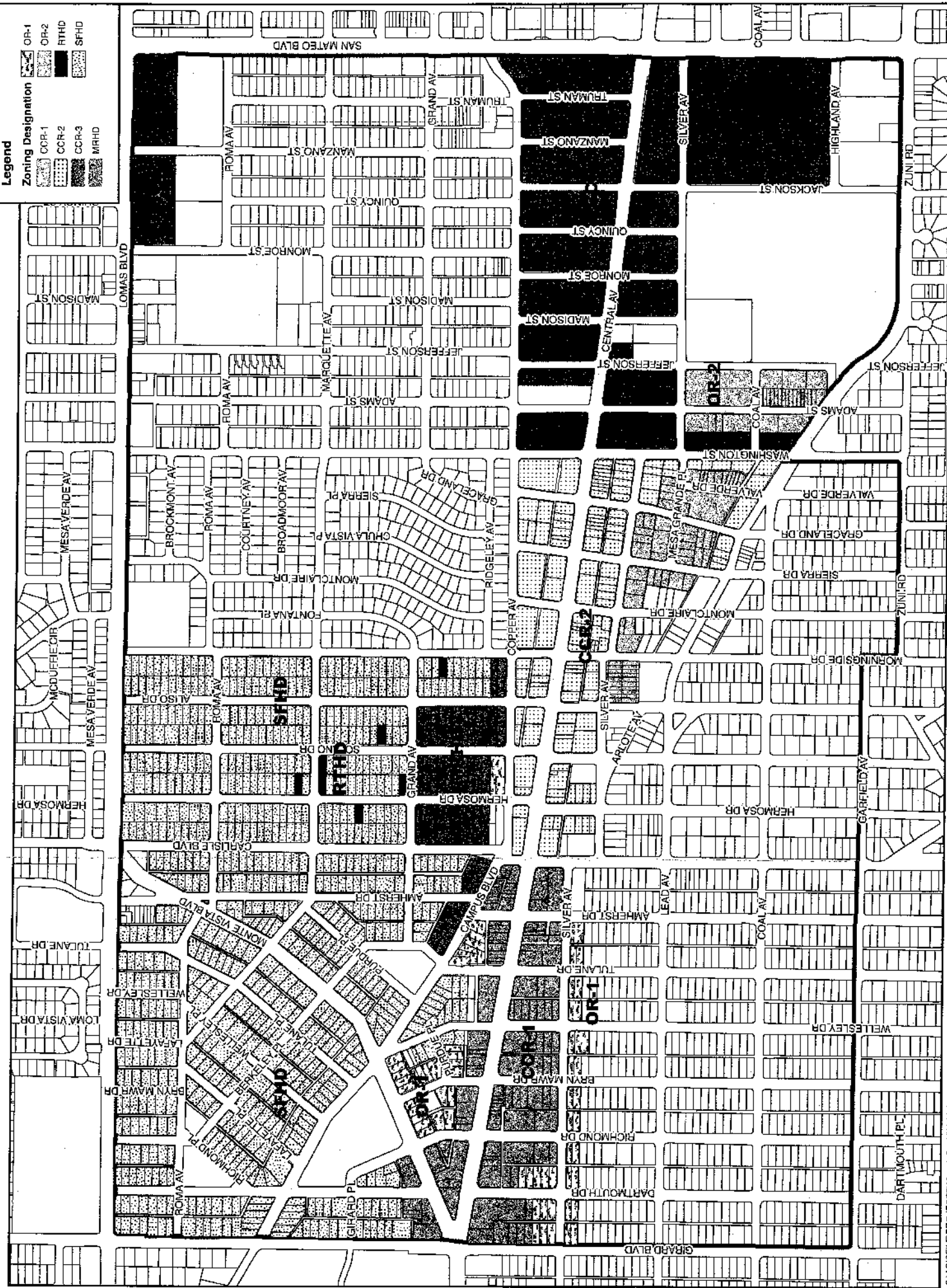
(10) During the demolition review period, the city and/or Commission staff may take any action that it deems necessary and consistent with this section to preserve the structure, including, without limitation, consulting with groups, public agencies, and interested citizens; recommending acquisition of the property by private or public bodies or agencies; exploring the possibility of moving structures that would otherwise be demolished; and salvaging significant or distinctive architectural materials or artifacts prior to demolition. During the review period the Landmarks and Urban Conservation Commission shall provide for the documentation of the structure.

(11) If after an inspection, the Chief Building Official finds that a structure subject to this article poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the structure, then the Chief Building Official may issue an emergency demolition permit to the owner of the structure. The Chief Building Official shall then prepare a report explaining the condition of the structure and the basis for his decision, which shall be forwarded to the Commission.

(12) The Commission may adopt such rules and regulations as are necessary to administer the terms of this article. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this article.

(Ord. 2012-005)

NOB HILL HIGHLAND SECTOR DEVELOPMENT PLAN BOUNDARY & ZONING



Legend

	OR-1
	OR-2
	RTHD
	SFHD
	CCR-1
	CCR-2
	CCR-3
	MPRD

Zoning Designation