

**CITY of ALBUQUERQUE
TWENTIETH COUNCIL**

COUNCIL BILL NO. R-13-164

ENACTMENT NO. B-2013-064

SPONSORED BY: Rey Garduño, by request

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RESOLUTION

ADOPTING A TEXT AMENDMENT, 12EPC-40076, TO THE NOB HILL HIGHLAND SECTOR DEVELOPMENT PLAN TO ALLOW FREESTANDING POLE MOUNTED SIGNS FOR ALL NEON SIGNS COMPLYING WITH THE REQUIREMENTS AND REGULATIONS OF THE CENTRAL AVENUE NEON DESIGN OVERLAY ZONE (CAN DOZ).

WHEREAS, the Council, the Governing Body of the City of Albuquerque, has the authority to adopt and amend plans for the physical development of areas within the planning and platting jurisdiction of the City authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule powers;

WHEREAS, on February 14, 2013 the Environmental Planning Commission, in its advisory role on land use and planning matters, recommended approval to the City Council of a text amendment to allow freestanding pole mounted signs for neon signs that comply with the requirements and regulations of the Central Avenue Neon Design Overlay Zone; and

WHEREAS, the Environmental Planning Commission found that the above mentioned text amendment is consistent with applicable Comprehensive Plan and the Nob Hill Highland Sector Development Plan goals and policies.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. AN AMENDMENT TO THE GENERAL REGULATIONS, 1. SIGNAGE, D. ALLOWABLE TYPES, FOUND ON PAGE 103 OF THE NOB HILL HIGHLAND SECTOR DEVELOPMENT PLAN. The text shall be amended as follows:

- 4. Free-standing pole-mounted signs are allowed as regulated by the O-1 zone, if all of the following are met:**

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- 1 a) Property must front Central Avenue and be within the boundaries
- 2 of the CAN DOZ.
- 3 b) Signage must meet the CAN DOZ Qualifying Sign Design Criteria.
- 4 c) The support system used for the signage cannot inhibit pedestrian
- 5 or vehicular circulation and must be a single pole that is exposed.
- 6 No other type of freestanding sign is allowed.
- 7 d) Mounting of signs on buildings, instead of freestanding signs, is
- 8 strongly encouraged.

9 Section 2. FINDINGS ACCEPTED. The following findings are adopted by
10 the City Council:

11 1. The City of Albuquerque Planning Department is proposing a text
12 amendment to the Nob Hill Highland Sector Development Plan (NHHSDP) in
13 order to allow freestanding pole-mounted signs. This text amendment is to
14 facilitate the implementation of the Central Avenue Neon Sign Design Overlay
15 Zone (CAN DOZ).

16 2. The NHHSDP currently does not allow freestanding or pole-mounted
17 signs.

18 3. The intent of the Sector Plan is to create a pedestrian friendly
19 environment. This characterization does not include impediments in
20 walkways or sidewalks that may be created by freestanding or pole-mounted
21 signs. Staff has suggested language to this text amendment that encourages
22 building placement, but would still qualify for the incentives offered by the
23 CAN DOZ.

24 4. The Charter of the City of Albuquerque, the Albuquerque
25 Comprehensive Plan, the Nob Hill Highland Sector Development Plan
26 (NHHSDP) and the City of Albuquerque Zoning Code are incorporated herein
27 by reference and made part of the record for all purposes.

28 5. The Zoning Code requires the same notification and other procedures
29 for text amendments to sector development plans, as it does for changes to
30 the text of the Zoning Code (§14-16-4-3 (A) (5), which refers to §14-16-4-1(D)).
31 The EPC is charged with evaluating the request and forwarding a
32 recommendation to the City Council.

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1 **6. The request meets the intent of the City Charter: Amending the text of**
2 **an adopted sector development plan falls within the City’s powers (Article I).**
3 **Allowing freestanding pole-mounted signs within the sector plan area**
4 **provides for a continuous design of the neon sign overlay along Central from**
5 **106th Street to the eastern I-40 interchange and promotes and maintains an**
6 **aesthetic and humane urban environment (Article IX).**

7 **7. The proposed text amendment generally furthers the intent of the**
8 **Zoning Code to promote the health, safety and general welfare of the public**
9 **because it would support improvements to the pedestrian environment in the**
10 **NHHSDP area. As the zoning authority for the City of Albuquerque, the City**
11 **Council will make the final determination.**

12 **8. The request is not in significant conflict with adopted elements of the**
13 **Comprehensive Plan, the Nob Hill Highland Sector Development Plan or other**
14 **city master plans including the following:**

15 **A. COMPREHENSIVE PLAN ESTABLISHED URBAN AREA POLICIES**

16 **1. The location, intensity, and design of neon signs in the Nob Hill**
17 **Highland area adds to the historic character along Central Avenue,**
18 **which respects existing neighborhood values. Also, additional neon**
19 **signs will enhance the urban visual environment as well. The CAN**
20 **DOZ offers a level of innovation that is unique and appropriate to the**
21 **area in a cost-effective manner that encourages the redevelopment of**
22 **older neighborhoods. (Comprehensive Plan Policies II.B.5.d, l, m, o**
23 **and p)**

24 **2. This request will have a beneficial impact on social and economic**
25 **activities along Central Avenue as a whole, but moreso in the two**
26 **Activity Centers within the NHHSDP area because of the concentration**
27 **of commercial activity. (Comprehensive Plan Goal for Activity**
28 **Centers)**

29 **B. ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION**

30 **1. The CAN DOZ is not an historic district, but is the creation of a**
31 **corridor that provides incentives for neon signs that are considered**
32 **of historic significance. The amendment to the NHHSDP to allow**
33 **freestanding pole-mounted signs will enable this corridor to be**

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- 1 realized as long as certain criteria are met. (Comprehensive Plan
- 2 Goal for Historic Resources)
- 3 2. Creating mechanisms to allow the realization of the CAN DOZ in the
- 4 Nob Hill area will enhance the quality and visual impact of the
- 5 developed landscape around Central Avenue. (Comprehensive Plan
- 6 Goal for Developed Landscape)
- 7 3. Encouraging neon signs to line Central Avenue enhances' the built
- 8 environment. The CAN DOZ will create an identity within the City
- 9 that doesn't exist today: a place that businesses can utilize neon
- 10 signs as a way of signifying that they belong to a special district.
- 11 The CAN DOZ is also a unique way to connect Activity Centers along
- 12 Major Transit Corridor. However, free standing pole-mounted neon
- 13 signs should be evaluated for each individual property as each
- 14 property is unique to the type of building, proximity to Central
- 15 Avenue, location of parking, its use, etc. This will facilitate walking
- 16 safety and convenience while improving the streetscape.
- 17 (Comprehensive Plan Goal for Community Identity and Policy II.C.9.b
- 18 and e)

C. COMMUNITY RESOURCE MANAGEMENT

- 19 1. Since the guiding principles of the Plan are to find ways to improve
- 20 pedestrian and vehicular circulation and encourage more
- 21 pedestrianism and transit ridership throughout the Plan area, staff
- 22 suggested modifications to the text amendment will help to achieve
- 23 this goal while finding ways to improve pedestrian and vehicular
- 24 circulation in the Plan area. (Comprehensive Plan Goal for
- 25 Transportation and Transit)
- 26

D. NOB HILL HIGHLAND SECTOR DEVELOPMENT PLAN:

- 27
- 28 1. The CAN DOZ helps to identify and preserve the existing character of
- 29 the Central Avenue corridor, enhance the streetscape and stimulate
- 30 commercial activity and revitalization within the NHHSDP area.
- 31 (Guiding Principle b, d and g)
- 32 2. Since the CAN DOZ traverses the entire City, it will add an incentive
- 33 for businesses to be located as a part of this overlay. This will

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- 1 stimulate economic development in the Nob Hill Highland area as
2 well as along Central Avenue. (Guiding Principle i)
- 3 3. The modified text amendment will maintain pedestrian mobility while
4 addressing aesthetics to improving the streetscape. (Policies A.1.3
5 and A.1.5)
- 6 4. The modified text amendment supports high quality streetscapes,
7 maintains a comfortable experience of true urban street life, while
8 supporting an incentives for neon signage that are a part of the style
9 characteristic of historic Route 66. (Policies B.1.4 and B.1.6).
- 10 5. The modified text amendment supports the City in the preservation
11 of historic landmarks and streetscapes, while emphasizing
12 pedestrian-oriented design in the Nob Hill Highland area. (Policy
13 B.2.8 and B.2.9)
- 14 6. The CAN DOZ promotes neon signage, which will bring another facet
15 of an interesting streetscape and will encourage more pedestrian
16 activity. This should help promote a greater economic vitality along
17 Central Avenue. (Economic Vitality Goal)
- 18 9. Additional language to the text amendment in the resolution addresses
19 the City's desire to keep this design overlay zone only abutting Central
20 Avenue. The new language is offered as a Condition for recommending
21 approval to the City Council.
- 22 10. The Neighborhood Associations within the NHHSDP area were notified
23 and an article has been included in the December 2012 Neighborhood News
24 Newsletter distributed to all neighborhood representatives – December 18,
25 2012. Notification will be posted on ONC's homepage for the newsletter.
- 26 11. Staff has received a letter from the Nob Hill Neighborhood Association
27 that is opposed to the text amendment as written. The letter states that they
28 are in support of the CAN DOZ "in spirit and objective", but want the proposed
29 text amendment language tightened as to only allow freestanding pole-
30 mounted signs as intended by the CAN DOZ and not anywhere else in the
31 sector plan area. The modified language as presented by staff should satisfy
32 their concerns.

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1 **12. Staff has not received any other communications supporting or**
2 **denying this request.**

3 **13. The Policies and Criteria of R-270-1980 are furthered as follows:**

4 **A. The change is consistent with the health, safety, morals, and general**
5 **welfare of the City by furthering applicable Master Plan Goals and Policies**
6 **(see Findings 6, 7 and 8).**

7 **B. This change to allow free standing signage will not destabilize**
8 **existing land use and zoning. The allowance may actually benefit the**
9 **viability of some businesses by increasing their visibility along Central**
10 **Avenue.**

11 **C. The change is not in conflict with the adopted elements of the**
12 **Comprehensive Plan or the Nob Hill Highland Sector Development Plan**
13 **(see Findings 6, 7 and 8).**

14 **D. The existing zoning regulations for properties along Central Avenue**
15 **have some elements that are less advantageous to the community**
16 **because:**

17 **The proposed use category, freestanding sign, is more advantageous to**
18 **the community as articulated in the Comprehensive Plan and the Nob Hill**
19 **Highland Sector Development Plan (see Finding 6, 7 and 8).**

20 **E. This change allows a new use that will not be harmful to adjacent**
21 **property, the neighborhood or the community. The area where the use is**
22 **allowed is limited to properties along Central Avenue and only signs that**
23 **meet CAN DOZ qualifying criteria.**

24 **F. The proposed change does not require any capital expenditures by**
25 **the City.**

26 **G. The cost of land or other economic considerations are not a**
27 **determining factor for the change.**

28 **H. The change's applicability to only properties along Central Avenue is**
29 **not the sole justification for the expanded commercial use.**

30 **I. This change is not a "spot zone".**

31 **J. This change could be considered a justified "strip zone" that clearly**
32 **facilitates realization of the Comprehensive Plan and the Nob Hill Highland**
33 **Sector Development Plan.**

1 **Section 3. EFFECTIVE DATE AND PUBLICATION.** This legislation shall
2 take effect thirty days after publication by title and general summary.

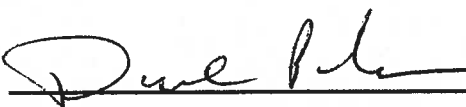
3 **Section 4. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
4 clause, word or phrase of this resolution is for any reason held to be invalid or
5 unenforceable by any court of competent jurisdiction, such decision shall not
6 affect the validity of the remaining provisions of this resolution. The Council
7 hereby declares that it would have passed this resolution and each section,
8 paragraph, sentence, clause, word or phrase thereof irrespective of any
9 provisions being declared unconstitutional or otherwise invalid.

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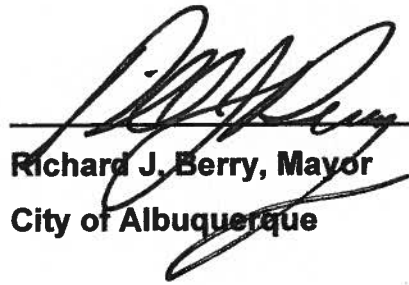
1 PASSED AND ADOPTED THIS 24th DAY OF June 2013
2 BY A VOTE OF: 8 FOR 0 AGAINST.

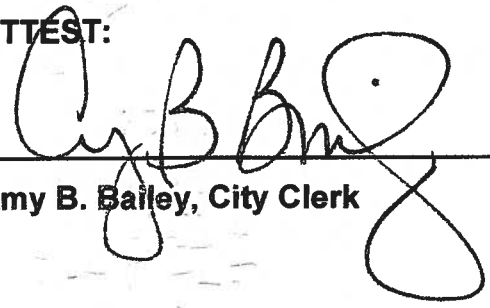
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4 **Excused: Winter**

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7 _____
8 **Daniel P. Lewis, President**
9 **City Council**

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12 APPROVED THIS 12th DAY OF July, 2013
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16 **Bill No. R-13-164**

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19 _____
20 **Richard J. Berry, Mayor**
21 **City of Albuquerque**

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25 **ATTEST:**
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27 _____
28 **Amy B. Bailey, City Clerk**

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