

0-2014-002

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

JKZ - 1/15/14

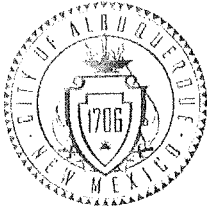
SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. F/S O-13-61 Amending Chapter 6, Article 5, Part 4, Section 3 ROA 1994 Inserting Definitions And Adding A New Subsection Requiring Impact Assessments Prior To The Issuance Of A Curb Cut Permit For Charter, Private Or Public Schools That Require Access To Public Rights Of Way (Benton), which was passed at the Council meeting of January 6, 2014, by a vote of 8 FOR AND 0 AGAINST.

Abstain: Winter

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh
Attachment



Office of the City Clerk
P.O. Box 1293
Albuquerque, NM 87103
Phone (505) 924-3650 Fax (505) 924-3660

Richard J. Berry, Mayor

Trina Gurule, Interim City Clerk

To: CITY COUNCIL

From: TRINA GURULE, INTERIM CITY CLERK

Date: January 24, 2014

Subject: BILL NO. O-13-61; ENACTMENT NO. O-2014-002

I hereby certify that on January 22, 2014, the Office of the City Clerk received Bill No. O-13-61 as signed by the president of the City Council, Ken Sanchez. Enactment No. O-2014-002 was passed at the January 6, 2014 City Council meeting. Mayor Berry did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-13-61.

Sincerely,

Trina Gurule
Interim City Clerk

CITY of ALBUQUERQUE
TWENTIETH COUNCIL

COUNCIL BILL NO. F/S O-13-61 ENACTMENT NO. 0-2014-002

SPONSORED BY: Isaac Benton

ORDINANCE

1
2 AMENDING CHAPTER 6, ARTICLE 5, PART 4, SECTION 3 ROA 1994
3 INSERTING DEFINITIONS AND ADDING A NEW SUBSECTION REQUIRING
4 IMPACT ASSESSMENTS PRIOR TO THE ISSUANCE OF A CURB CUT PERMIT
5 FOR CHARTER, PRIVATE OR PUBLIC SCHOOLS THAT REQUIRE ACCESS TO
6 PUBLIC RIGHTS OF WAY.

7 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
8 ALBUQUERQUE:

9 SECTION 1. FINDINGS.

10 The Council finds:

11 (A) Public, private and charter school facilities present unique
12 community impacts in the form of traffic congestion at peak drop-off and pick
13 up times as well as unique safety issues for parents and children accessing
14 school facilities via all modes of transportation.

15 (B) Public, private and charter schools require safe public access to City
16 right-of-way that integrates with the values of surrounding communities while
17 ensuring safe and efficient traffic flows and pedestrian movements.

18 (C) The City owns and controls public facilities, such as roadways,
19 sidewalks, curbs and gutters adjacent and providing access to schools and
20 has the obligation to protect the public interest in granting or denying
21 applications to modify or grant access to those facilities.

22 (D) Requiring impact assessments for public right-of-way access for
23 school facilities will create a process for the City to help ensure traffic safety
24 and will allow an opportunity for the City to work with school facilities to help
25 mitigate any negative impacts.

26 SECTION 2. A new Section §4-6-4-3 (E) ROA 1994 is added to read as

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 follows:

2 “(E) Curb-cut applications requesting access to a City right-of-way
3 from a Public, Private, or Charter Schools, will not be approved until the
4 Planning Director, or designee, has approved a Neighborhood Impact
5 Assessment (“NIA”).

6 (1) Definitions.

7 CHARTER SCHOOL. A public school established under the authority of
8 §§ 22-8B-1 to 17.1 NMSA 1978.

9 PRIVATE SCHOOL. A school established, conducted and primarily
10 supported by a non-governmental entity in which instruction is offered by one
11 or more teachers and is discernible as a building or group of buildings
12 generally recognized as an elementary, middle, junior high or high school or
13 any combination of those.

14 PUBLIC SCHOOL. As defined at § 22-1-2 NMSA 1978 a part of a public
15 school district that is a single attendance center in which instruction is
16 offered by one or more teachers and is discernible as a building or group of
17 buildings generally recognized as either an elementary, middle, junior high or
18 high school or any combination of those and includes a charter school.

19 SITE TRAFFIC ASSESSMENT (STA). Analysis of site access
20 (driveways), the need for turn lanes in advance of the site and impacts on
21 signals downstream and upstream of the site. A STA is a lower level of
22 analysis than a Traffic Impact Study.

23 STUDENT DROP OFF AND PICK-UP QUEUING LANE. A drive-lane on
24 the public right of way or on private property reserved for motorists picking
25 up or dropping off a student at the school site.

26 (2) NIA Purpose; Scope. For purposes of this section, a NIA is a
27 process to evaluate the overall affects that may result from the approval of
28 curb-cut applications to allow access to public rights-of-way from public,
29 private or charter schools, and to identify methods to mitigate such impacts
30 to a reasonable level.

31 (a) The applicant shall cause the NIA to be performed at the
32 applicant’s own expense, and shall provide at least three draft copies of the
33 NIA to the Planning Director, or designee.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 (b) The permit applicant shall schedule a scoping meeting for the
2 NIA in advance with the Planning Director and City Engineer, or designees,
3 and any other necessary staff, as determined by the Planning Director and
4 City Engineer.

5 (c) Upon receipt of the NIA, the Planning Director, or designee,
6 shall route the STA or TIS required by subsection (3)(d) of this Section to the
7 City Engineer for review, and if appropriate, approval. The City Engineer, or
8 designee, has sole review and approval authority over the STA or TIS
9 component of the NIA. No NIA may be approved without approval of an STA
10 or TIS by the City Engineer.

11 (3) NIA Minimum Requirements. At a minimum each NIA must include:

12 (a) A description of the project;

13 (b) The baseline community data that identifies existing
14 conditions with respect to adjacent land uses, traffic patterns, traffic turning
15 movements and volumes, nearby multimodal transportation options, area
16 pedestrian movements, and any other relevant information as determined at
17 the time of scoping;

18 (c) An analysis of the neighborhood impacts, if any, including but
19 not limited to:

20 (i) impacts on pedestrian and bicycle circulation, and
21 pedestrian and bicycle routes;

22 (ii) potential automobile and pedestrian conflict points;

23 (iii) potential noise and air quality impacts resulting from
24 stacking of idling vehicles or vehicle circulation;

25 (iv) consistency with existing or planned transit routes and
26 stops;

27 (v) other potential impacts as determined by the Planning
28 Director, City Engineer or designees;

29 (d) A Site Traffic Assessment (STA), unless a Traffic Impact Study
30 (TIS) is required under the Albuquerque Development Process Manual (the
31 "DPM"). The STA or TIS shall be at the applicant's cost. Unless the City
32 Engineer determines otherwise, the STA or TIS shall be conducted by a
33 Professional Engineer licensed in the State of New Mexico with Traffic

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 Engineering experience. The STA or TIS shall include an appendix with
2 support data for analysis and capacity analysis and shall be signed and
3 sealed in compliance with City Standards by the engineer that prepared the
4 report. The City Engineer shall provide written instructions to the preparer of
5 the STA or TIS. If a TIS is required, it is to be completed pursuant to the
6 relevant requirements of the DPM as determined by the City Engineer or
7 designee. If an STA is required, at minimum and as more fully defined at the
8 time of scoping, it shall address:

- 9 (i) The impact that motorists arriving and departing from
- 10 the school site will generate on traffic operations in the general vicinity;
- 11 (ii) The site's total capacity for student enrollment;
- 12 (iii) Anticipated student enrollment;
- 13 (iv) Scope of required analysis;
- 14 (v) Need for a student drop off and pick-up queuing lane;

15 and

16 (e) An evaluation of reasonable alternatives, if any, and their
17 anticipated effectiveness in mitigating potential impacts. The NIA shall
18 include a justification by the applicant for the selection of a particular
19 alternative or why no other reasonable alternatives existed.

20 (4) Planning Director Approval Required. After the scoping meeting,
21 the Planning Director, or designee, shall provide written instructions to the
22 preparer of the NIA, including any instructions by the City Engineer relating to
23 the STA or TIS. The Planning Director, or designee, shall review each NIA and
24 shall approve the NIA within thirty days of its receipt if all of the above
25 requirements have been reasonably satisfied.”

26 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
27 clause, word or phrase of this ordinance is for any reason held to be invalid
28 or unenforceable by any court of competent jurisdiction, such decision shall
29 not affect the validity of the remaining provisions of this ordinance. The
30 Council hereby declares that it would have passed this ordinance and each
31 section, paragraph, sentence, clause, word or phrase thereof irrespective of
32 any provision being declared unconstitutional or otherwise invalid.”

33 SECTION 4. COMPILATION. Section 2 of this ordinance shall be

1 incorporated in and made part of the Revised Ordinances of Albuquerque,
2 New Mexico, 1994

3 SECTION 5. EFFECTIVE DATE. This ordinance shall take effect five days
4 after publication by title and general summary.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 PASSED AND ADOPTED THIS 6th DAY OF January, 2014
2 BY A VOTE OF: 8 FOR 0 AGAINST.

3
4 Abstain: Winter

5
6 
7 _____
8 Ken Sanchez, President
9 City Council

10
11 APPROVED THIS 21st DAY OF January, 2014
12
13
14

15 Bill No. F/S O-13-61
16
17

18
19 _____
20 Richard J. Berry, Mayor
21 City of Albuquerque
22

23
24 ATTEST:

25 
26 _____
27 City Clerk
28
29
30
31
32
33

[+ Bracketed/Underscored Material +] - New
[- Bracketed/Strikethrough Material -] - Deletion


0-2014-001

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

 1/15/14

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. F/S O-13-1 Deterring The Sale Of Vapor Products (Harris), which was passed at the Council meeting of January 6, 2014, by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:dm
Attachment
1/7/14