



**Environmental
Planning
Commission**

**Agenda Number: 01
Project Number: 1001620
Case #: 16EPC-40082
April 24, 2017**

Supplemental Staff Report

Applicant City of Albuquerque Planning Department

Request Adoption of the Integrated Development Ordinance (IDO) to replace the Zoning Code, Subdivision Ordinance, Airport Zone Ordinance, and Landmarks & Urban Conservation Ordinance and include portions of the Planning Ordinance and the Development Process Manual (DPM)

Location citywide

Zoning See Zoning Conversion Map

Staff Recommendation

CONTINUANCE of 16EPC-40082, to the May 4, 2017 hearing, based on the findings beginning on Page 27.

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Summary of Analysis

This request is for a repeal and replacement of the City of Albuquerque Comprehensive Zoning Code (the “Zoning Code”) with the Integrated Development Ordinance, or IDO. The request was continued from Environmental Planning Commission (EPC) hearings on April and April 10, 2016.

The IDO is the second part of the ABC-Z project. On March 20, 2017, the City Council adopted the updated Comp Plan, the policy document for which the IDO is the implementation mechanism.

The IDO includes a revised Zoning Code (§14-16-1-1 et seq.) that incorporates the Subdivision Ordinance (§14-14-1-1 et seq.), the Airport Zone Ordinance (§14-15-1 et seq.), and Landmarks & Urban Conservation Ordinance (§14-12-1 et seq.). Portions of the Planning Ordinance (§14-13-1-1 et seq.) and the Development Process Manual (DPM) are also included. All are consolidated into a single document. Other regulations, currently adopted in many separate standalone documents, are also incorporated.

The ABC-Z project included extensive public engagement from February 2015 through January 2017. Draft documents have been available on the project website beginning in 2015 and available in hard copy at public libraries and community and senior centers. Notice of the April 2017 hearing for the IDO was published in the Albuquerque Journal, the Neighborhood News, and on the Planning Department website. Letters were sent to neighborhood organization contacts. Staff is addressing written comments that were submitted up to April 12 and testimony provided at the hearings on April 6 and 10.

Staff recommends that the request be continued to a hearing on May 4, 2017 to allow Staff additional time to respond to comments and testimony and for the EPC to continue to discuss significant issues and consider conditions for recommendation to the City Council.

Comments received before April 12, 2017 at 5 pm are attached to, and addressed in, this Staff report. Comments received up to April 20 at 1 pm (after report publication and more than 48 hours before the hearing) were made available to the EPC but are not attached to this report. Comments received after April 20 at 1 pm will be transmitted to the City Council for its consideration.

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I. INTRODUCTION

Overview

This Supplemental Staff report is intended to be read in conjunction with the original, April 6, 2017 Staff report, available online:

<http://documents.cabq.gov/planning/environmental-planning-commission/April2017-IDO/EPC-StaffReportAttachment00-1001620.pdf>

On April 6, 2017, the Environmental Planning Commission (EPC) voted to continue the request to a hearing on April 10, 2017 in order to provide additional opportunity for public testimony and input. On April 10, 2017, the EPC voted to continue the hearing to April 24, 2017 in order to have additional time to discuss substantive issues, including issues raised in comments and during public testimony.

Approach

This supplemental Staff report provides an expanded discussion of key issues (see Sections VI and VII of the original report, beginning on p. 57) based on comments received and public testimony provided at the April 6 and April 10 hearings.

Some information in the original April 6, 2017 Staff report is cross-referenced and is not repeated in this Supplemental Staff report. Please refer to the original Staff report for the following narratives:

I.	Introduction	p. 4-5
II.	Background	p. 5-8
III.	The 2017 Comp Plan Update- Framework	p. 8-12
IV.	The New IDO- Chapter Contents	p. 12-17
V.	Analysis of Relevant, Existing Documents	p. 17-49
VI.	Notable Content and Issues	Overlay Zones, p. 52-53 Use Regulations & Permitted Use Table, p. 53-54 Decision Rules for Zoning Conversions, p. 55-57
VII.	Key Issues and Discussion	Non-Conformance, Current Entitlements, p. 58-59 Sector Development Plan Issues, p. 59 Alcohol Sales, p. 60 Enforcement, p. 61 Density, p. 61 Public Notice, p. 61 Review & Approval Process, p. 62 Administrative Decisions, p. 64 ZHE Review and Approval, p. 65 DRB Review and Approval, p. 65 Landmarks Commission Review and Approval, p. 65 EPC Review and Approval, p. 65 City Council Review and Approval, p. 67 Appeals, p. 67
VIII.	Coordination with Other Agencies	p. 67-69
IX.	Public Engagement	p. 69-75

Other information is summarized here, with full information available in the original Staff report. Section III. Key Issues and Discussion has been expanded since the original Staff report, which contained overview information about each topic. This Supplemental Staff report contains detailed information (in addition to the overview information) to provide more explanation of each topic and to help continue the discussion of each.

While the project team expected to prepare conditions for EPC review based on public comments and EPC discussion, staff responses to over 850 comments from public testimony and written comments took the majority of time between the April 10 hearing and the due date for this Supplemental Staff report. The project team also met with multiple stakeholders – members of the public, the consultant, as well as City and agency staff – to discuss concerns and potential changes. Many of these productive conversations are captured in the Staff Response to Comments Spreadsheet, which is provided as an attachment to this report.

The amount of time between hearings and the multitude of tasks did not allow Staff to fully analyze all data, comments, responses, and direction from the EPC to create a comprehensive list of specific recommendations for proposed revisions that may be needed to improve the document.

Staff is recommending a continuance of the EPC hearing to the May 4, 2017 hearing to allow additional time to draft and coordinate recommended Conditions to revise the draft regulatory language of the IDO. Staff is also requesting that the EPC provide direction for potential changes that can be written as conditions and transmitted to the City Council with a recommendation.

In the Staff Response to Public Comments, the change column clearly requests EPC direction for many issues where policy decisions need to be made and/or multiple options to address a range of concerns are possible. These will be the focus of discussions on April 24, 2017, so that EPC can understand the issues, the range of perspectives, and potential directions to address concerns. Based on EPC direction, staff will propose recommended Conditions of Approval to discuss at the May 4, 2017 hearing.

In addition, EPC Commissioners requested additional information about several topics that staff has not had a chance to summarize. To date, those topics include Access & Connectivity (Section 4-3) and Parking (Section 4-5). These topics will be included in the Supplemental Staff Report for the hearing on May 4, 2017.

II. ZONING BACKGROUND & MAP

For sections regarding Zoning Code History and Impetus for Overhauling the Zoning Code, please refer to p. 5 of the April 6, 2017 Staff report.

The sections regarding Benefits of a New Zoning System and Zoning Conversion Map are summarized here. For full information, please refer to p. 7-8 and p. 54-58 of the original Staff report.

For Zoning Conversion Map Issues and Comments, please refer to p. 57-58 of the original Staff report.

Benefits of a New Zoning System (summarized)

The Integrated Development Ordinance (IDO) proposes a new and improved zoning system that has the following important benefits:

1. New zone categories for walkable, urban areas that allow the careful mixing of residential and non-residential uses, with built-in “Neighborhood Edge” provisions to protect nearby residential neighborhoods.
2. New zone districts tailored for a 21st-century, southwestern city regarding the uses allowed in each zone and the development standards tied to each zone.
3. Many tools within a flexible system, including overlay zones and use specific standards, to address the needs of small areas that differ from the rest of the City.
4. Integration of regulations from adopted sector development plans, by either extending a good sector plan rule City-wide, keeping a sector plan regulation, or updating outdated regulations with more effective best practices City-wide.
5. Coordination with DPM updates to reflect the updated Comp Plan; remove conflicts between zoning regulations and technical standards; provide clearer direction; and fully integrate requirements intended to make walking, biking, and transit safer and more viable City-wide.

Zoning Conversion Map (summarized)

The proposed IDO will replace the City’s existing zones with a set of 22 zones. The project team used the existing zoning map to identify today’s zones and convert them to the closest match to the proposed IDO zones, in terms of allowable uses and intended densities/intensities. A new zone map showing these conversions will need to be adopted with the IDO, and will rezone properties in the City to the zone with the closest match to the existing zone’s permissive uses.

The ABC-Z project website has a page with side-by-side maps of the existing zoning map and the proposed IDO conversion map (<https://www.abc-zone.com/ido-zoning-conversion-map>). Several comments were received that documented a mismatch between the property’s current land use and the current zoning designation. (See *Conversion Map Comment Responses, provided as an attachment to this staff report.*)

Please note that the proposed IDO and the Conversion Map is not expected to correct this mismatch of land use and zoning. Long Range Planning and City Council is collecting information about where

such mismatches occur and will address potential zone changes as a second step after the IDO is adopted and the new zone categories are in place as a City-sponsored package of discretionary zone changes.

III. KEY ISSUES & DISCUSSION

The following topics were raised by the public, agency staff, or the project team as worthy of deeper consideration and further discussion. They are presented in alphabetical order by topic. Each section provides more information about the IDO as drafted. In some cases, overview information was already provided in the April 6 Staff Report, which is noted in the sections below.

Please see the Public Comment Responses, Agency Comment Responses, and Conversion Map Comment Responses for more detail on these issues, including staff recommendations and items that indicate that direction is needed from EPC.

For sections regarding Non-Conformance, Current Entitlements and Sector Development Plan Issues, please refer to p. 58-59 and p. 59, respectively, of the April 6, 2017 Staff report.

For sections regarding Enforcement, Public Notice, and City Council Review/Approval, please refer to p. 61-62 and p. 67, respectively, of the April 6, 2017 Staff report.

Alcohol Sales

The IDO proposes to regulate alcohol sales differently than the existing Zoning Code does. The new approach is in part due to the new structure of the Permitted Use table and the flexibility it provides by allowing multiple uses on a parcel. It also reflects the State of New Mexico’s authority to regulate liquor licenses in terms of what can be sold.

(For more overview information, please refer to p. 60 of the April 6, 2017 Staff Report.)

In the existing Zoning Code, only beer and wine are allowed to be sold in restaurants in the C-1 zone. Full-service alcohol sales (for on- and off-premises consumption) are allowed in the C-2 zone and the more intense zones. The IDO groups alcohol-related uses into two categories: “food, beverage, and indoor entertainment” for on-premises sales and “liquor retail” for off-premises sales. The IDO proposes to eliminate the distinction between restaurants that can and cannot serve alcohol, and instead allow that to be regulated by the State’s liquor licensing process.

Zoning Code			
	C-1	C-2	C-3
Restaurant with Beer & Wine	P	P	P
On-premise sales	-	P	P
Off-premise sales	-	P	P

Key changes to alcohol-related uses allowed by zone are summarized in the table below. In the MX-L zone, the IDO proposes to allow on-premises consumption (not restricted to beer and wine) as a permissive use, as well as tap rooms and bars as conditional uses. The IDO proposes to make off-premises sales of liquor conditional in the MX-FB-Downtown zone and the MX-M zone, where it is currently a permissive use. The IDO adds a new restriction that requires a separation of at least 1,000 feet between liquor retail uses.

IDO	(C-1)	(C-2)	(C-3)	
	MX-L	MX-M	MX-H	NR-C
Restaurant (on-premise)	P	P	P	P
Tap Room (on-premise)	C	P	P	P
Bar (on-premise)	C	P	P	P
Liquor Retail (off-premise)	-	C	P	C

* Note: C-2 converts to MX-M on the East Side but NR-C on the West Side / C-3 converts to NR-C unless it is within a Center/Corridor on the East Side, in which case it converts to MX-H

(See Summary of Public Comments section, below, for “Alcohol” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

“Big Box” or Large Retail Facility (LRF) Regulations

The existing Zoning Code regulates “Big Box” development through the Shopping Center regulations, Section 14-16-3-2. There are six main categories of regulations for retail facilities over 75,000 square feet: size and access, site division, development phasing, site design, mixed-use component, and maintenance agreement for vacant sites.

The IDO inadvertently omitted providing footnotes to identify how these regulations were brought into the document. Despite this, most of the key concepts and regulations have been carried forward. The one element that is missing and needs to be added to the IDO is the provision related to the required access to Large Retail Facility sites. Staff recommends adding this as a Recommended Condition of Approval. The IDO regulations will be summarized below, in roughly the same order to allow comparison between the existing regulations and the IDO.

(See also the section below on Review and Approval Procedures – Administrative Decisions for discussion of thresholds Site Plan – Administrative for retail, as well as the Summary of Public Comments for “Retail” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

Size and Access

- The existing LRF building sizes start at 75,000 SF for the first group, 90,000 SF for the next set, and 125,000 SF for the largest of LRFs. The smallest LRFs are allowed in C-1 zones on sites that are over 7 acres, and all sites zoned C-2 and above. They must be accessed from a street classified as a collector or above with at least two through traffic lanes. The medium size LRFs are allowed in sites zoned C-2 and above and accessed from a street classified as a collector or above with at least four through traffic lanes. The largest size LRFs are allowed in sites zoned C-2 and above and have full access to two streets designated as collector and above. The streets must have at least 4 through lanes for one and at least six through lanes for the other.
- In the IDO, Large Retail Facilities would all fall within the Permissive Use Table's category of "General Retail, Large." This use and its related standards apply to establishments that are over 50,000 SF, and groceries over 70,000 SF (see Section 6-1, General Retail definition). The EPC Draft of the IDO does not provide street access requirements for the use General Retail, Large. These requirements could be added to the General Retail Use Specific Standards, and they could be drafted to reflect the existing requirements.

Site Division

- The existing LRF regulations aim to create block sizes for large retail facilities that are walkable and support land use changes over time.
- The IDO carries these forward in two sections: 4-3 Access and Connectivity and 4-4 Subdivision of Land.

Development Phasing and Mixed-Use Component

- The existing LRF has regulations to address future build-out of a large site over time; mixed use development is strongly encouraged in all phases of the site plans.
- The IDO carries this concept forward through maximum block sizes, which are similar to those in today's LRF regulations, see Section 4-3 Access and Connectivity, in particular 4-3.4 Pedestrian Circulation.

Site Design

- The existing LRF regulations aim to create pedestrian connections throughout the site by linking structures, adjacent neighborhoods, and adjacent developments. These regulations include context, off-street parking standards, on street parking standards, signage, drive-up window orientation, gas station and truck bay orientation, landscaping, pedestrian connections, pedestrian gathering area, lighting, outdoor storage, transit stops, stormwater facilities, and building design.
- Building design and articulation regulations aim to result in a cohesive site design. These regulations include setbacks, articulation, materials and landscaping.
- The IDO generally pulls relevant standards from this section into the parallel section in the IDO Development Standards. The requirement to break the parking lot into smaller parking fields with pedestrian connections between them is reflected in Sections 4-5.6 Parking Location and Design and 4-

3.4 Pedestrian Circulation. The minimum sidewalk widths from the LRF have been applied to all non-residential buildings (see 4-3.4 Pedestrian Circulation, Non-Residential Development). The requirements for building articulation, design, and outdoor gathering space are reflected in the IDO Section 4-10.5 Building Design.

Mixed-Use Component

- The existing LRF regulations aim to encourage a range of uses and building forms. These regulations apply to other buildings on the same site as the large retail facility, encouraging density, attractive street frontages, building articulation, and high quality building materials and design.
- The IDO provides a set of zone categories that will actually allow mixed-use sites to be developed, or to evolve over time on existing LRF sites. The Zoning Code's encouragement of mixed use is not actually allowed at most property in the City, except for locations in designated Centers and Corridors. The IDO allows mixed uses in all of the office and commercial zones.

Maintenance Agreement for Vacant or Abandoned Site

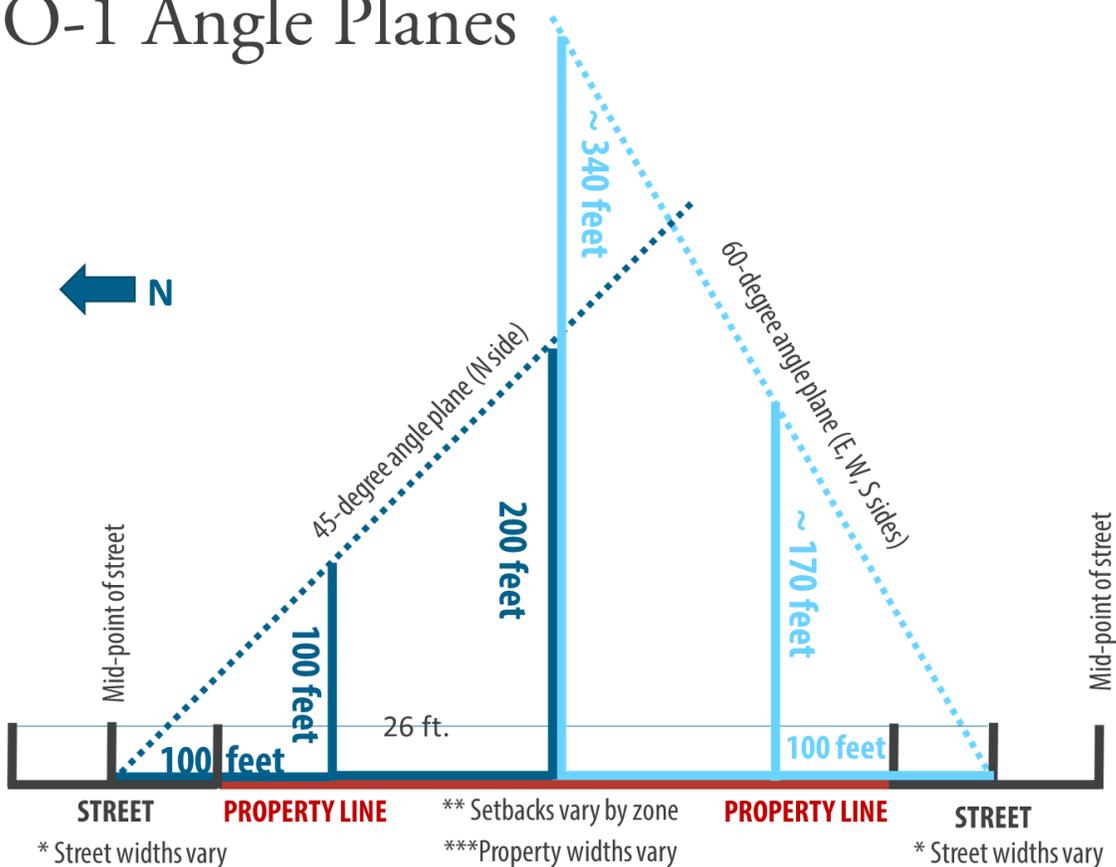
- The existing LRF regulations aim to maintain a quality built environment.
- The IDO provides similar, but more through regulations, in Section 4-12 Operations and Maintenance.

Building Height

Building heights for the single-family residential zones (R-A, R-1, R-MC, and R-T) remain the same as in the equivalent zones in the existing Zoning Code: 26 feet. The proposed basic height standards for the other, non-residential zones are increased marginally from existing standards to reflect modern construction preferences for taller ceilings.

Beginning in the O-1 zone, existing regulations allow a base height of 26 feet, but buildings may be taller if they fall within a complex set of angle planes that vary depending on the cardinal direction and the direction that abuts the public right-of-way. Generally, the height is limited by a 60° angle plane drawn from either the property line or the centerline of any adjacent street. To protect solar access on properties abutting to the north, building height is limited to that which falls within a 45° angle plane drawn from the northern property line. There is also a limitation that building heights may not exceed 26 feet within 85 feet of a lot zoned specifically for houses.

O-1 Angle Planes



In the IDO, a similar set of building height entitlements is maintained without relying on the angle planes. Tables 4-1-2 and 4-1-3 identify an allowable base building height for each zone. In place of the angle plane standard, the IDO provides for no height limit to portions of the building located more than 100 feet from each lot line. This standard approximates the allowances without the complex calculations required by the existing system. A separate section, Neighborhood Edges 4-8, addresses the height limitations for property adjacent to single-family residential zoned land. Buildings may not exceed 30 feet within 100 feet of a residentially zoned property.

Starting in the MX-L zone, buildings in Urban Centers, along Main Street Corridors, and within 660 feet of Premium Transit stations are allowed an additional 10 to 20 feet, depending on the zone district. This encourages denser development in areas prioritized for growth in the Comp Plan's Centers & Corridors vision. An existing height bonus for Family Housing Development Ordinance (§14-7), which was buried in another part of the Code of Ordinances is reflected in the IDO for those same select areas, to improve affordable housing options in locations with enhanced transit service and other nearby services.

Written comments show a full spectrum of reactions to the proposed building heights in mixed-use zone districts within Centers and along Corridors. Some developers have commented that the maximum heights are not high enough to make projects financially feasible, especially urban infill

projects, while some residents of adjoining neighborhoods consider them too high, especially near historic neighborhoods, in Nob Hill, and along Coors Boulevard.

(See Summary of Public Comments section, below, for “Building Height” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

The proposed building heights in the IDO have been adjusted several times during the drafting process to address concerns on both ends of the spectrum in an attempt to balance the feasibility of development, encouragement of development in areas prioritized by the Comp Plan for growth, and protections needed for nearby residents and areas with distinctive history and character. In the case of Nob Hill and East Downtown, the Character Protection Overlay zones for those areas adjust building heights to be closer to existing standards in the adopted Sector Development Plans for each area. For Coors Boulevard, building heights are restricted by the View Protection Overlay, which carries over the existing Design Overlay Zone standards.

Density

Densities increase between the Residential – Multifamily Low Density (R-ML) and Residential – Multifamily High Density (R-MH) zones from 30 du/acre to 50 du/acre. In the Mixed Use zones, the density is lowered in Mixed Use – Transition (MX-T) and Mixed Use – Low Intensity (MX-L) zones, to 20 du/acre and 30 du/acre respectively. This reflects the intent to encourage a mix of residential and non-residential uses, with less emphasis on the residential portion. In the Mixed Use – Moderate Intensity (MX-M) zone, the proposed density of 75 du/acre matches the existing density allowed in the C-2 zone through a Conditional Use approval. The Mixed Use – High Intensity (MX-H) zone allows up to 125 du/acre. To help implement the Comp Plan vision, there is no density limit in the R-MH and MX-H zones for property located in designated Urban Centers, Main Street Corridors, Premium Transit station areas, or Employment Centers.

(See the April 6 staff report starting on page 61 for an overview of densities from the existing Zoning Code.)

Zone	Density Standards
R-ML	<ul style="list-style-type: none"> • 30 DU/acre
R-MH	<ul style="list-style-type: none"> • 50 DU/acre as a Permissive Use • No maximum density in UC-MS-PT-Employment Centers & Corridors
MX-T	<ul style="list-style-type: none"> • 20 DU/acre
MX-L	<ul style="list-style-type: none"> • 30 DU/acre
MX-M	<ul style="list-style-type: none"> • 75 DU/acre
MX-H	<ul style="list-style-type: none"> • 125 DU/acre • No maximum density in UC-MS-PT-Employment Centers & Corridors

(See Summary of Public Comments section, below, for “Limiting sprawl / encouraging infill” and “Millennials / Mixed-use” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

Jobs and Housing Balance

As discussed in the 2017 Comp Plan, chapter 5 Land Use, the jobs-housing balance on the west side of the Rio Grande is an issue that affects the quality of life for many residents that have to commute to and from work. West of the Rio Grande there is only one job for every two households, which contributes to traffic congestion on our limited river crossings. This issue is reflected in Goal 5.4 Jobs-Housing Balance and Policies 5.4.1 and 5.4.2. One of the recommended actions is to adjust land use regulations to improve the jobs-housing balance.

Most of the jobs in the metro area exist on the east side of the Rio Grande, especially along the I-25 corridor from the Sunport/Kirtland Air Force Base area to the Journal Center business park area. Most of the residential development over the past two decades has been on the west side of the Rio Grande, without a corresponding increase in jobs in close proximity to the new dwelling units. Tailoring land use regulations to implement Comp Plan policy language could allow for more housing closer to existing jobs and near areas with the potential for more concentrated employment. It could also be a strategy to help foster more employment opportunities on the west side of the river. So, in response, the methodology for conversion of C-2 and C-3 zone categories differ depending on a site’s location, either east or west of the Rio Grande as follows:

- Parcels zoned C-2 east of the Rio Grande are converted to MX-M.
- Parcels zoned C-3 east of the Rio Grande, within designated Activity Centers and/or along a designated Transit Corridor or Main Street are converted to MX-H.
- Parcels zoned C-3 east of the Rio Grande, neither within a designated Activity Center nor along a designated Transit Corridor or Main Street are converted to NR-C.
- Parcels zoned C-2 or C-3 west of the Rio Grande are zoned NR-C, unless they are within 660 feet of an identified Transit Station along a Premium Transit Corridor, in which case, they would be converted to MX-M and MX-H, respectively.

Planning staff has received comments from some property owners requesting more MX-M on the west side of the Rio Grande. Because MX zoning allows, but does not require a mix of uses, there is a possibility that MX zones could be developed entirely as residential uses without an employment component. This could exacerbate the jobs-housing imbalance on the west side of the Rio Grande and increase traffic congestion on river crossings. The potential to create walkable, mixed-use areas along Central Avenue, the designated Premium Transit Corridor on the west side of the Rio Grande, is currently focused on areas within walking distance (660 feet or 1/8-mile) of an identified Premium Transit Station.

There have been some requests from property owners to increase that radius for conversion to MX-M around identified Transit Stations along Central Avenue to 1320 feet or ¼-mile. Planning staff will look to the EPC to provide guidance about the appropriateness of this change and how it would or would not further the land use Goals and Policies of the Comp Plan and how it could affect the intent to address the jobs-housing balance on the west side of the Rio Grande.

Some commenters have expressed a concern that assembling lots and replatting into smaller townhouse units could adversely affect neighborhood character. The 1979 Zoning Code’s R-LT and R-T zoning designations permissively allow small lot, single-family, detached homes and many housing developers took advantage of this entitlement, creating several small lot, single-family detached home subdivisions on the City’s west side and the far NE heights. Although these zones were often developed with this type of detached dwelling unit, they still also allow townhomes.

(See Summary of Public Comments section, below, for “Jobs-Housing Balance,” “NR-C on West Side,” and “Retail” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

Master Development Plans

In overhauling the City’s zoning system through the IDO project, several issues associated with what are currently known as “master plans”, “master development plans”, or “site development plans for subdivision” have come to light. Public comment on the EPC Draft IDO regarding terminology and procedures has been helpful and is being considered by Staff to come up with ways to clarify the distinctions between these types of plans and how existing and new plans will be treated in the regulatory system going forward.

Terminology

The Draft IDO uses the general “site plan” for development projects and then distinguishes their scale through thresholds for approval—administrative, DRB, or EPC. The site plans must provide all the information necessary to show compliance with applicable IDO use-specific and development standards. Some of these site plans, e.g. that involve subdivision, phasing, shopping centers, or business parks, will be akin to the site development plans for subdivision or master development plans of today.

It is only for projects in the PD (Planned Development) and PC (Planned Community) zones that the IDO requires provisions and regulations specific to each approval (see 2-6.1.F page 54 and 2-6.2.F respectively). The site plans for PD zones are similar to the SU-1 site plans under our existing system and the plans for PC zones are equivalent to the master plans for the Westland and Mesa del Sol communities.

To add to the complexity, the City also has adopted master plans for the BioPark, Balloon Fiesta Park, and other city facilities. The IDO refers to the BioPark MP in the NR-PO section (see 2-5.6.C.4 on page 52) and refers to Balloon Fiesta Park in the use-specific and development standards.

To clarify terminology used in the IDO, Staff will be recommending that the term “Master Development Plans” be reserved for private development with multiple lots and phases, such as business and industrial parks, and “Master Plans” for City-owned facilities.

Procedures

The public has also called for clarification of the approval and amendment procedures for master development plans, in particular how the IDO will treat build-out of existing master development plans that are only partially developed. Today, existing development within a master development plan area conforms to the approved design standards to ensure consistency of design and functionality. Staff will be recommending that the procedures be clarified along the following lines: the EPC would retain approval authority over new master development plans in NR-BP zones, which cover a minimum of 20 acres; the DRB would handle amendments to master development plans; and site plans for development on individual lots would default to the standard IDO thresholds.

(See Summary of Public Comments section, below, for “Administrative Amendments” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

Review & Approval Process – Administrative Decisions

There are a significant number of written comments and public testimony about the scope of changes to review and approval processes described in Chapter 14-16-5: Administration and Enforcements of the IDO.

(See Summary of Public Comments section, below, for “Power shift from EPC to Staff,” “Thresholds for approvals,” and “Administrative Deviations” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

Administrative Decisions

Table 5-1-1 divides decisions into those that can be made administrative by staff, those that require a public meeting or hearing, and those that require policy decisions by the EPC and/or Council. *(See April 6 Staff Report for an overview of these procedures, beginning on page 62.)*

IDO Section 14-16-5-5.1.F, beginning on p. 333, establishes thresholds for site plans for projects that can be reviewed and approved administratively by Staff. Some administrative decisions, such as Fence, Wall, or Sign Permit and Declaratory Rulings, are handled by Zoning Staff. Other administrative decisions, such as Grading, Drainage, and/or Paving Approval and Impact Fee Assessment, are closely related to criteria in the DPM. Wireless Telecommunication Facility (WTF) decisions are made in accordance with the Wireless Telecommunications Facility (WTF) Regulations. *(See also the section in this report on WTFs, below.)*

Some types of administrative decisions, such as Certificate of Appropriateness – Minor and Alternative Signage Plan, handled by Historic Preservation Staff and Zoning Staff, respectively,

include proposed criteria for decision. For all administrative approvals, decisions are made in writing and according to specific, applicable criteria. All administrative decisions can be appealed.

The proposed IDO would allow Staff to impose conditions as needed to bring the application into compliance with its requirements and other adopted City regulations. (See IDO Section 5-4: 16. Conditions of Approval, beginning on p. 321.)

Site Plans

This discussion focuses on administrative approval of site plans, described in Section 5-5.1.F Site Plan – Administrative, beginning on p. 337, and containing three parts: 1. Applicability (administrative thresholds), 2. Procedure, and 3. Review and Decision Criteria.

(For an overview of these sections, see the April 6 staff report, beginning on page 64.)

The Procedure and Review and Decision Criteria refer to the Zoning Enforcement Officer (ZEO) as the administrative decision maker; this duty would presumably be delegated to Staff. Existing language in the Zoning Code refers to the Planning Director as the decision maker who, in current practice, delegates approval authority for site development plans to Current Planning Staff. Typically, the Current Planning Manager reviews and decides administrative approvals (AAs) for site plans (except for WTFs).

Under the existing Zoning Code, a large proportion of development projects are already reviewed and approved administratively when they are zoned with “straight” zones and meet zoning standards. The shift in the IDO is to apply administrative approval processes to minor development projects that today’s zoning system might zone SU-1, SU-2, and SU-3 in order to negotiate higher-quality standards. Many of the newer sector development plans make the same shift to administrative approval for small to medium-size projects that meet requirements for higher-quality development.

Decision Thresholds

Decision-makers need to carefully consider whether these thresholds are appropriate, given the fact that the proposed IDO contains non-discretionary development standards and requirements. Without the “site plan control” of the SU-1 zone, or EPC review triggered by the SC (shopping center) designation or parcel size 5 acres or greater, there is clarity and predictability: the standard is either met or it isn’t.

If the proposed thresholds are considered inappropriate and Board review is desired, due to concern about project impacts and/or a preference for a public hearing, this may indicate that the development standards need to be more rigorous or more objective to ensure consistent interpretation and application by Staff. It may also be worthwhile to adjust the thresholds downward to reflect what decision-makers determine constitutes minor development projects, in order to allow Staff to decide such minor projects.

Again, the intent is not to lessen requirements but rather to build in requirements up-front, where they are clear to property owners, stakeholders, and Staff, and integrate them into one regulatory document that can be used and interpreted consistently and kept up-to-date over time.

Non-Residential Development

An administrative threshold that people have expressed concern about is non-residential development with less than 100,000 sf, which the IDO proposes be reviewed and decided administratively and includes what the existing Zoning Code refers to as Large Retail Facilities (LRFs). Concern has been expressed that large projects could adversely impact neighborhoods (ex. traffic) more than smaller projects. LRFs are a type of non-residential development that tends to raise concern due to its size and scale. However, note that non-residential development also includes industrial (ex. warehouse) and institutional (ex. church, civic use) uses.

LRFs, currently regulated pursuant to Zoning Code 14-16-3-2(D), Shopping Center Regulations, apply to a single-user retail building of at least 75,000 sf and contain requirements that differ slightly by LRF size (75,000-90,000; 90,001-124,999; 125,000 and up). The general requirements apply to all LRFs and address site division, main structure design, site design, landscaping, etc. (See also section above on “Big Box” or Large Retail Facilities.)

The IDO contains a definition of Retail, General that specifies:

General Retail	
Small	No more than 10,000 sf gross area
Medium	10,001 – 50,000 sf of gross area
Large	50,001+ sf of gross area, and grocery stores of >70,000 sf of gross area

However, the definitions of retail size do not align with the proposed threshold of review for non-residential uses. There are other types of non-residential uses (ex. industrial and institutional uses), though the thresholds for review of retail uses could be treated separately. Decision-makers need to carefully consider whether the proposed threshold is appropriate and if it should be revised, given that the proposed IDO contains regulations (ex. the Building Standards in Chapter 4-10) that apply to all commercial buildings and that are intended to mitigate impacts from the scale, bulk, and mass of large commercial buildings.

(See Summary of Public Comments, below, for “Retail,” “Power shift from EPC to Staff,” and “Thresholds for approvals” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

Review & Approval Process – Administrative Deviations

Overview

An administrative deviation is a minor (and defined) departure from a development standard that Staff is allowed to grant as part of a site development plan approval, provided that certain criteria are fulfilled. Currently, the more recent sector development plans (ex. East Gateway, Uptown, Downtown 2025, South Yale, Volcano Cliffs, Volcano Trails, and Volcano Heights) allow Staff to grant administrative deviations of certain standards based on established decision-making criteria. Other sector plans do not allow this, and other areas of the City are not covered by a sector plan. The IDO criteria would apply citywide.

Table 5-4-1 on p. 320 contains allowable administrative deviations. Generally, Staff would be allowed to grant a 10% deviation of most development standards. With respect to side setback, rear setback, maximum building height, and minimum vehicle parking spaces, a larger deviation (50%) would be allowed in Areas of Change zoned mixed-use or non-residential and a smaller deviation (10%) would be allowed in Areas of Consistency.

Implementation

With a shift to more administrative approval, it is important to include specific criteria that Staff can use to evaluate and decide an administrative deviation request. For consistent decisions and predictability, the criteria must be clear and objective. The criteria, found in 5-4.15.B as items 1 through 5 on p. 321 of the proposed IDO, are:

1. The applicant's site is subject to site constraints not generally shared by surrounding properties and not created by actions of the property owner, or the site was platted or developed in an usual pattern when compared to abutting properties (e.g. the property was developed with orientation or access facing a different street than abutting lots) that would prevent the development of a permitted land use in a type of structure generally found on sites of a similar size in the surrounding area.
2. The request is for a single site and is not part of a pattern of similar requests for adjacent properties or for nearby sites by the same property owner or within the same subdivision of Master Planned area.
3. The approval of the requested deviations will not cause material adverse impacts on surrounding properties.
4. The approval of the requested deviation for Maximum Height, Principal Building will not result in a violation of any View Protection Overlay zone restrictions on the subject property.
5. In the case of a request for "reasonable accommodation" or "reasonable modification" under the federal Fair Housing Act Amendments, the criteria in Subsections 1, 2, 3, and 4 above shall not apply, and the ZEO shall approve the Administrative Deviation if the ZEO determines that such deviation is necessary to comply with the requirements of the federal Fair Housing Act Amendments.

It is also important that Staff make findings to substantiate decisions regarding administrative deviations. Criteria 2 through 5 are conceptually distinct and would make for one finding each. Criteria 1, however, contains three different ideas and should be separated into three criteria. This will be clearer and allow for more consistent application.

A footnote (#1215) indicates that, in addition to the deviations described in Table 5-4-1, Alternative Equivalent Performance provisions that allow applicants to suggest alternative site plan layouts, would be included. However, it is unclear what these are and how they would function.

The amount of deviations per project should be limited, otherwise review could be cumbersome and delayed because of the amount of deviations having to reviewed, each against the criteria and each requiring a written decision. Once a project has so many deviations, it would no longer comply with the IDO.

Development Review Board (DRB) Review and Approval

See April 6 Staff report for an overview of review and approval procedures for the Development Review Board, beginning on page 65.

Environmental Planning Commission (EPC) Review and Approval

The scope of EPC review tracks very closely with the existing Zoning Code, which gives the EPC purview to review the adoption or amendments of Rank 2 and Rank 3 Plans; zone changes, including SU-1 site plans; text changes to the Zoning Code; annexations; and adoption or amendment of the Comprehensive Plan. (See April 6 Staff report for an overview of review and approval procedures for the EPC, beginning on page 65.)

One significant difference is that some Sector Development Plans have added EPC review of site plans for specific SU-2 zones, certain kinds of development, or development of certain sizes. Under the new IDO, fewer uses would need to be zoned SU-1 because of the greater mix of uses allowed in each zone. Also, the new standards, required up front of all development and built into the IDO, are better, more restrictive, and more predictable, which lessens the need to negotiate higher-quality standards through the SU-1 site plan review process.

Zone Changes - R270-1980

Enactment 270-1980 (R270-1980, see Appendix B of the Zoning Code) contains criteria that apply to zone change requests (sometimes called sector development plan map amendments*) for a given property. All ten tests (Subsections A-J) of R270-1980 are required to be met.

R270-1980 is found in the new IDO in Chapter 5: Administration and Enforcement. The following table is a summary of each test and its meaning:

Subsection of R270-1980	Location and name in IDO	Meaning (in brief)	Notes
A	5-5.3.B.3.c.i	Zone change must be consistent with health, safety, and welfare of the City	
B	-	Stability of land use and zoning is desirable; burden is on the	Removed

		applicant to justify the proposed change	
C	5-5.3.B.3.c.i	Zone change must not conflict significantly with the Comp Plan or other adopted plans	Combined with the former Test A (now B.3.c.i)
D	5-5.3.B.3.c.ii and c.iii	Applicant must demonstrate that the existing zoning is inappropriate	
E	5-5.3.B.3.c.iv	Some permissive uses in the proposed zone shall not be harmful to adjacent property, the neighborhood, or the community	
F	5-5.3.B.3.c.v	A zone change that requires unprogrammed capital expenditures could be denied	
G	5-5.3.B.3.c.vii	Cost or economic considerations shall not be the determining factor for the zone change	
H	5-5.3.B.3.c.vi	Location on a collector or major street it not, in itself, sufficient justification for a zone change	
I	5-5.3.B.3.c.viii	A zone change that would result in a spot zone can only be approved when it i) clearly facilitates realization of the Comp Plan and other, adopted plans, or ii) the land could function as a transition between zones	Combined with the former Test J (B.3.c.viii)
J	5-5.3.B.3.c.viii	A zone change that would result in a strip zone can only be approved when it i) clearly facilitates realization of the Comp Plan and other, adopted plans, or ii) the land could function as a transition between zones	Combined with the former Test I (B.3.c.viii)

**The term sector development plan map amendment is used when the land, which is proposed for a zone change, is located within the boundaries of a sector development plan.*

The majority of R270-1980's content is incorporated into the new IDO, with the most salient change being the inclusion of the new categories Area of Change and Area of Consistency as part of the test regarding consistency with the City's health, safety, and welfare (formerly Test A). Areas of Change and Areas of Consistency are separated out with respect to the former Test D, which is a demonstration of the existing zoning's inappropriateness, though each area is subject to the same new

criteria. This separation will make applying the regulation easier and clearer than if the areas were considered together.

Another significant change from the Zoning Code is under the former Test E, which is whether or not some of the permissive uses in the requested zone are harmful. Under the IDO, an evaluation of use-specific standards, and whether or not they would adequately mitigate the possible uses under the proposed zone, would be required. This raises three issues: i) the determination of “adequately mitigate” is a site plan issue and no zone changes would be required to include site plans; ii) often applicants don’t have a specific use in mind, so it would not be possible to evaluate impacts at the time of the zone change request, and iii) such an evaluation, as part of R270-1980, could become unwieldy due to the amount of uses allowed in the proposed zone.

Other changes include the combining of Tests I and J (spot zone and strip zone) and the re-ordering of some of the tests (e.g. G and H). Test B, which states that the burden is on the applicant to demonstrate that the zone change is warranted, has been removed from the body of R270-1980. Staff is continuing to review the proposed section and recommend edits for clarity.

Review & Approval Process – Appeals Process

The fact that City Council must have the final decision-making authority over appeals, as established by the State of New Mexico, means that our system has at least one more step than most other cities in other states. Partly for this reason, the IDO proposes eliminating the Board of Appeals (BOA) in order to streamline the appeals process and get the appeal before the ultimate land use authority (i.e. City Council) in a more timely fashion. *(See April 6 staff report for an overview of the appeals section, starting on page 67.)*

Regarding appeals of ZHE decisions, another difference with the IDO is that the appeal would be heard by an individual (the LUHO), rather than a body of five members (the BOA). Also, under the existing system, the LUHO produces a recommendation, and the BOA makes a decision, though both go to the City Council for a final administrative decision.

(See Summary of Public Comments for “Appeals” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

Standing

One commenter questioned the IDO’s new proposed provisions for determining standing for appeals, which would ask Recognized Neighborhood Associations to meet the same criteria for standing as an individual.

The existing Zoning Code’s language for appeals and standing (14-16-4-4(B)(2)) states that persons who have the right to appeal include:

“Any person who demonstrates a personal or pecuniary interest or property right adversely affected by the decision, which right or interest is more than merely nominal or remote.”

Front-counter intake staff currently takes any and all appeals for any action and/or decision made by the City or a duly appointed staff person. The hearing body, be it the Land Use Hearing Officer (LUHO) or the City Council, determines if the person has standing, but only after the appeal is filed.

In order to provide the public, appeal bodies, and staff more clarity when appeals are filed, the IDO includes language in the Appeals section titled “Who May Appeal” (14-16-5-4.21.B). Property owners and Recognized Neighborhood Associations (RNA) within a certain distance are included in the list of who may appeal. Additionally, any appellant must show a special and adverse impact.

Appellants, per draft IDO Section 14-16-5-4.21.B.2:

“must show that its or their property rights or other legal rights have specially and adversely affected by the decision. Such showing must be presented by the appellant as part of the appeal and the LUHO or City Council shall enter a finding or findings as to whether this requirement has been met. If it is found that the appellant cannot satisfy this standard, the appeal shall be denied.”

These provisions of standing are consistent with previous requirements of the Zoning Code, state statutes, and case law on standing in New Mexico. The requirement that parties demonstrate their standing in some instances is also consistent with the practices of New Mexico Courts that would review land use appeals. If any party ever disagrees with the City’s determination on standing, they can appeal that decision to court.

Site Design and Sensitive Lands

The Open Space Advisory Board (OSAB), working with Parks and Recreation staff, has proposed legislation to create a Joint Visitor Use Management Plan for the Petroglyph National Monument to guide City planning decisions, regulations, and City operations for development and infrastructure near the Monument. The Taylor Ranch and La Luz NAs have also expressed concerns with development adjacent to and near the Bosque (Rio Grande State Park), including what review process should be required for development along the east side of Coors Blvd.

The December 2016 draft of the IDO contains general protection standards for site design adjacent to Major Public Open Space, including landscape treatment, limiting access, site lighting, and uses (14-16-4-2.8). The ABC-Z team is exploring amendments to call out specific protections for these two unique Major Public Open Space areas identified by the OSAB and concerned NAs. Guidance from the EPC is needed to reflect what the Commission would be comfortable sending on to the City Council.

(See Summary of Public Comments for “Open Space protections” to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

Solar Access

The IDO carries over existing solar protections in residential zones that are currently codified in Section 14-14-4 (Subdivision Ordinance) and protections in several Sector Development Plans.

The IDO's Section 4-9 Solar Access is the primary location the solar protection regulations are consolidated. This carries forward content from the Zoning Code Section 14-16-3-3, and governs building height in relation to the building's distance from the northern property line. This protects solar access for the property to the north.

There are regulations to protect and enhance solar access on residential properties as they are developed and redeveloped. This is done through the subdivision regulations that require block layout to be designed to facilitate solar access, Section 4-4.5B.2. Additional building height and setback encroachments are allowed for rooftop solar collectors, Table 4-1-4, page 173. No screening of solar energy equipment is required that would reduce the efficiency or effectiveness of the solar energy equipment, Section 4-6.5. Finally, there is a new use in the Permissive Use Table for Solar or geothermal energy generation, which does not have any parking required.

Additional protections for solar access and passive solar gain are protected by regulations that apply to properties adjacent to residential lots. These protections include enhanced landscaping and building height limitations for development adjacent to residential zones. The Edge Buffer Landscaping regulations are required where multi-family and non-residential uses are developed adjacent to residential zones, see Section 4-6.5. A 25-foot buffer, with screening and landscaping is required. This larger setback will protect solar rights if larger buildings go in near residential land. The Neighborhood Edges regulations also serve to protect solar access, see Section 4-8. Maximum building height is 30 feet within 100 feet of residential zones. Increasing the side and rear yard setbacks adjacent to residential zones a minimum of 10 feet beyond that otherwise required. This larger setback will protect solar rights for the adjacent lot.

(See Summary of Public Comments for "Solar access/protections" to find line references to relevant comments and discussion in the Staff Response to Comments Table, provided as an attachment to this report.)

Wireless Telecommunications Facilities (WTFs)

The proposed IDO contains two significant improvements regarding WTFs: i) the type of WTF allowed is listed by zone in a single use table, rather than by each individual zone (ex. R-1, O-1, C-1, etc.) where WTFs are allowed; and ii) allowable heights for WTFs are included up-front, with the basic requirements, rather than listed separately by each individual zone.

Most content of the current Wireless Regulations is included in the new IDO. Staff is still reviewing the section to propose changes that track with federal language.

Another major issue is a sentence on p. 145 of the proposed IDO, which would exempt collocations from the concealment requirement of the Wireless Regulations, which was established with the 2008 amendments. The intention of the proposed IDO is not to change the existing Wireless Regulations, which currently prohibit new, non-concealed collocations unless the collocation is on an existing, non-conforming, non-concealed array. This sentence is included with the summary language regarding upgrades and substantial change; if replaced as mentioned above, consistency with the current Wireless Regulations will be maintained.

IV. COMMENTS AND RESPONSES

The submittal of official written comments regarding the EPC draft of the IDO was encouraged as part of the EPC process. Deadlines for comments were posted on the City’s website, emailed to the ABC-Z project contact list (which includes Neighborhood Association contacts), and included in flyers and the draft document.

- Written comments received after the March 21 deadline for the original staff report for April 6 were added to the Staff Response to Comments Table. Public testimony from April 6 and April 10, 2017 was also added to that table, which is provided as an attachment to this report.
- The IDO conversion map on the project webpage also allowed comments specific to certain parcels. Please see Conversion Map Responses, provided as an attachment to this report.
- Agency comments were also received since the April 6 staff report and have been added to the Staff Response to Agency Comments Table, provided as an attachment to this report.

Summary of Public Comments

The following table summarizes key topics from written comments and public testimony at the April 6 and 10th hearings. Please see the Staff Response to Public Comments spreadsheet for more details.

Topic	Concerns	Lines (in Staff Response Spreadsheet)
Scope of Change	Study/analysis needed	288, 343, 482, 513, 546, 763, 918, 929, 932, 933, 991
	Organization / learning a new structure	17, 36, 151, 223, 241, 371, 600, 985
	Benefits / need for IDO	92, 317, cc, 343, 344, 360, 385, 420, 506, 593, 600, 671-697 (staff testimony), 743, 772, 77, 803, 868, 869, 878-881, 883, 886
	Sector Development Plans	92, 140-144, 148, 225, 276, 282, 314, 318, 331-333, 334-342, d, ff, mm, 347, 361, 366, 389-390, 506, 661,663, 669, 676, 682, 688, 693, 694, 700, 730, 743, 773, 802, 806, 807, 857, 882-884, 886, 889, 954, 1006
Public engagement / input	Draft review meetings / Review & approval process	a, f, z, nn, 419, 420, 543, 554, 555, 572, 575, 581, 584, 588, 591, 592, 604, 651, 658, 731, 735, 791, 793, 812, 820, 830, 870, 873, 881, 903, 921, 950, 961, 983, 998, 1037
IDO Zoning Conversions / Use Changes	Requests for discretionary rezoning	53, 355-6, 359, 360, 361, 366, 566-567, 846, 858, 890, 919, 920, 1002, 1008, 1010-1012, 1017, 1018, 1024-1028
	SU-1 to Straight Zones	9, 511, 749, 759, 761
	R-D vs. MX-T	722, 1000
	NR-C on West Side	5, 53, 90, 171, 304, mm, 355-356,

Topic	Concerns	Lines (in Staff Response Spreadsheet)
		566-567, 983-984
	Lost / gained uses	s, u, 87, 89, 186, 189, 593, 802, 885
	Legislative vs. Quasi-judicial action	89, t, 403, 420, 592-594, 700, 706, 759, 767, 799, 919, 934, 939
	UNM/APS Exemptions	183, 305, 775, 776
	Retail	87, 89, 90, 108, 163, 186, 189, 726, 727
	Liquor	62, 87, 282, 284, 466, 644, 972-973, 974-982, 1027
	Community Residential Facilities / Group Homes	5, 6, c, d
	Bail Bonds	c, d
	Adult entertainment	62, 885, 1110
Proposed Changes to Review/approval Processes	Power shift from EPC to Staff (Table 5-1-1)	i, k-n, 417, 509, 542, 543, 568-570, 922-925, 988, 993
	Public notice / required NA meetings (Table 5-1-1)	37, 58, 59, h, I, k-m, hh, jj, kk, 598, 599, 995
	Thresholds for approvals (Section 5-5.1.F / 5-5.2.E / 5-5.2.F)	x, y, 417, 541-544, 923, 925, 987
	Community Planning Area (CPA) Process (Section 5-3)	412-415, 694, 799, 889, 1008, 1009
	Administrative Deviations	p, w, 499, 926, 989
	Appeals (Section 5-4.21)	h, 418, 545, 547, 549, 922, 927, 935-937, 944, 990, 992, 1132, 1133
	Validity/Expiration of Approved Site Plans (Section 5-4.23)	61, 100-102, 107, 116, 534
	Administrative Amendments (Section 5-4.24)	63, 102, 103, 426-428
	Nonconformities (Section 5-6)	107, 110, 112, 128, 130, 131, 426-8
High-quality development standards	Neighborhood protections, including Neighborhood Edges (Section 4-8)	44, 115, 150, 210, 221, 224, 370, f, h, dd, 485, 596, 612, 664, 866
	Citywide building design standards (Section 4-10)	148, 158, 162, 204, 213, 215, 221, 224, f, h, dd, 370, 511, 542, 597, 615, 923, 963
	Open Space protections, including MPOS standards (Section 4-2.8)	46, 512, 940, 943, 946, 947
	Landscaping	193, 206, 207, 233, 247, 251, 1038-1040
	Carports	145, 277, 296, 325-326, 341, 661
	Glazing	149, 154, 164, 175, 214, 220, 229
	Solar access / protections	57, 381, 387, 829, 832
Parking Requirements	Adjustments	27, 28, 33, 34, 200, 254, oo, pp, 486
	Too high	30, 150, 199, 200, 242, 245, 253, 254, 273, 274, oo, pp, 486
	Too low	31, 32, 47, 114
	Nob Hill	282-284
Building Heights	Too low	39, 41, 82, 95, 150, 152, 210
	Too high	140, 141, 143, 276, 331, 333, 336, 337, 339, 340, 386, 389, 390, 660, 662-665, 669, 700, 706, 841, 958, 969
	Height vs. Story	140, 232, 287

Topic	Concerns	Lines (in Staff Response Spreadsheet)
	UC-MS-PT Building Heights - Pro	51, 93-97, 152, 290, 309-312, 347, 349, 610, 954, 957, 1005-1007
	UC-MS-PT Building Heights - Con	142, 276, 313-315, 327-329, 331, 332, 337, 340, 660
Setbacks	Side	147, 156, 195, 231, 246, 249
	Front	166
	Alleys	147, 246, 256
	Limits to development	246, 249
Walls / Fences	Nob Hill	144, 278, 279, 661, 967, 1050
	Materials	1124, 1126
Retail	Size thresholds	89, 111, 306, 307, 430, 431, 726, 727, 996, 1111
	Large Retail Facility Ordinance	221, 382, 949
	Zoning conversions	87, 89, 90, 108, 163, 186, 189
Comp Plan / Trends	Limiting sprawl / encouraging infill	608, 628, 667, 931
	Millennials / Mixed-use	573, 608, 625, 647, 734, 798, 877,
	Environmental justice	bb, 563, 785
	Co-housing / cottage development	s, 559-561
	Jobs-housing balance	728, 748
	Areas of Change / Consistency	798, 856, 864, 880

Responding to Comments

The project team has carefully reviewed the comments and developed responses. In many cases, staff explained in the “No Change” column the internal logic of the IDO or other constraints related to the scope of the ABC-Z project.

Staff indicated in the “Change” column the edits needed as Conditions of Approval, request for direction from EPC where conflicting sets of comments were received, policy decisions need to be made, or multiple options to address comments were possible. For these discretionary decisions, Staff responded with the comment “Direction would be needed from decision makers” or “Staff is looking for direction from EPC.”

The “Change” column in the Staff Response to Comments, Staff Response to Agency Comments, and Staff Response to Mapped comments will be used to form recommended Conditions of Approval, which are not included at this time in order to have discussion on April 24, 2017. Staff will prepare Conditions for EPC consideration at the May 4, 2017 hearing.

V. CONCLUSION

This request is for a repeal and replacement of the City of Albuquerque Comprehensive Zoning Code with the Integrated Development Ordinance, or IDO. The Subdivision Ordinance (§14-14-1-1 et seq.), the Airport Zone Ordinance (§14-15-1 et seq.), and the Landmarks & Urban Conservation Ordinance (§14-12-1 et seq.) are included, as are portions of the Planning Ordinance (§14-13-1-1 et seq.) and the Development Process Manual (DPM).

Along with the 2017 Comp Plan update, the IDO is part of the City's larger ABC-Z project, undertaken to confirm the Centers & Corridors vision, update goals and policies, and ensure that regulations implement the vision for growth and development in Albuquerque.

The IDO modernizes the City's development standards and processes, incorporates best practices, and integrates regulations from Sector Development Plans in order to implement the updated Comp Plan. The IDO features new mixed-use zone categories, new zone districts and development standards for each zone, and regulations for small areas. The IDO applies citywide to land within the City of Albuquerque municipal boundaries. The EPC's role is to make a recommendation to the City Council.

Staff finds that the request is consistent with the intent of the City Charter and the Albuquerque Code of Ordinances, which contains the Zoning Code, the Subdivision Ordinance, and the Planning Ordinance.

Public engagement was a large part of the IDO effort. A testing session, public study sessions, and a survey were used to gather input. The Office of Neighborhood Coordination (ONC) notified neighborhood representatives by e-mail and via hard copy to those who do not have email. The proposed IDO was announced in the Albuquerque Journal, the Neighborhood News, and on the Planning Department's web page and social media.

Staff received official written comments from agencies and interested parties, such as the ABCWUA, the NMDOT, ABQ Ride, and the City Parks and Recreation Department. Their comments suggest revisions to clarify topics related to each agency's charge.

Comments submitted by interested parties cover a wide variety of topics, such as building heights, sector development plans, density, environmentally sensitive areas, environmental justice, and approval processes. Staff is considering all comments carefully and addressing them.

Staff recommends that the request be continued to the May 4, 2017 public hearing to provide additional time to discuss key issues, to continue EPC deliberation prior to forwarding a recommendation to the City Council, and to begin to draft potential revisions to the regulatory language of the IDO.

RECOMMENDED FINDINGS - 16EPC-40082, April 24, 2017- Recommendation Regarding Adoption of the Integrated Development Ordinance (IDO)

1. This request is for adoption of the Integrated Development Ordinance, or IDO. The IDO would repeal and replace the City of Albuquerque Comprehensive Zoning Code (the “Zoning Code”), the Subdivision Ordinance, the Airport Zone Ordinance, the Landmarks and Urban Conservation Ordinance, and portions of the Planning Ordinance and the Development Process Manual (DPM), and incorporate them into a single, consolidated document.
2. Council Bill No. R-14-46 (Enactment R-2014-022), which became effective on May 07, 2014, directed the City to update the Albuquerque-Bernalillo County Comprehensive Plan (the “Comp Plan”) and the land development regulations intended to implement it. The Comp Plan update and the new IDO were developed together through a planning effort called ABC-Z, undertaken to confirm the Centers and Corridors community vision, update goals and policies, and implement the vision and goals through updated regulations and review and approval processes.
3. On March 20, 2017, the City Council voted to adopt the updated Comp Plan (R-16-108) and to revise ROA 1994 to refer to Areas of Consistency and Areas of Change (O-16-27) and update associated terms in annexation policies (R-16-109).
4. The IDO is a single document that includes a revised Zoning Code (§14-16-1-1 et seq.) that incorporates the Subdivision Ordinance (§14-14-1-1 et seq.), the Airport Zone Ordinance (§14-15-1 et seq.), and the Landmarks and Urban Conservation Ordinance (§14-12-1 et seq.), and includes portions of the Planning Ordinance (§14-13-2-1 et seq.) and the Development Process Manual (DPM), which will be clearer and easier to use than the existing documents. The IDO modernizes the City’s development standards and processes, incorporates best practices, and integrates regulations from over 40 adopted Sector Development Plans in order to implement the updated Comp Plan.
5. The IDO applies citywide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.
6. The EPC’s task is to make a recommendation to the City Council regarding the new IDO. As the City’s Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. Adoption of the IDO is a legislative matter.
7. Language that refers to the Zoning Code is found in various locations of ROA 1994. This language will need to be correspondingly revised with the adoption of the IDO in order to maintain internal consistency in ROA 1994.

8. After adoption of the IDO, City Planning Staff will initiate an ongoing engagement and assessment process (Community Planning Area assessments) to work with communities throughout the City to address planning issues and develop solutions. Performance measures will be used to track progress toward Comp Plan Goals over time.
9. The proposed IDO was announced in the Albuquerque Journal, the Neighborhood News and on the Planning Department's web page. The Office of Neighborhood Coordination (ONC) sent e-mail notification to neighborhood representatives on December 29, 2016, as required, as part of the EPC application process. On March 22, 2017, Planning Staff sent a re-notification reminder to neighborhood representatives.
10. The public engagement process, which offered a range of opportunities for input, discussion, and consensus-building, featured a series of workshops and public meetings that included daytime focus groups organized by topic and evening meetings with a more traditional presentation and a question and answer session. The project team was invited to speak at over 100 meetings and local conferences. To reach more people and a broader cross-section of the community, the project team staffed booths and passed out promotional material at community events and farmers markets, and met with individuals and small groups during weekly office hours and periodic "Ask an Expert" zoning clinics.
11. Articles about the ABC-Z project appeared regularly in the City's *Neighborhood News*, and ads specifically for the proposed IDO were placed in print and social media. There is also a social media page for the ABC-Z project on Facebook.
12. Staff received official written comments from agencies. Among the agencies that commented are the ABCWUA, the NMDOT, ABQ Ride, the City Parks and Recreation Department, and PNM. Their comments suggest specific revisions to clarify topics related to each agency's charge. Staff is considering all comments carefully and addressing them.
13. Comments submitted by interested parties cover a variety of topics, including but not limited to, time for public review and comment, annexation, effect on vulnerable populations, and the focus on Centers and Corridors. Some comments express concerns that regulations crafted to address localized issues are applied broadly and that sector plans are being replaced. Staff is considering all comments carefully and addressing them.
14. At the April 6, 2017 EPC hearing, some members of the public provided testimony that expressed general support for the improved clarity and consistency that the proposed IDO would provide. Support was also expressed for the Citizen's Academy and the idea of directing growth inward, rather than continuing the trend of sprawl development.

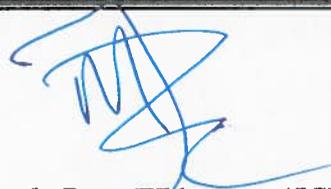
15. Some members of the public raised concerns that include, but are not limited to, the following: the IDO effort is progressing too quickly, the details of the document are not well understood by the public, increased use of administrative (Staff) approval would limit public input, EPC review would be greatly reduced from what it is currently, allowable building height and density would be too great, view preservation and the environment are insufficiently addressed, the Board of Appeals (BOA) would be eliminated, the sector development plan system would be replaced, more consideration for environmental justice issues is needed, and mixed use (M-X) zones could adversely affect established neighborhoods.
16. The EPC received substantial public testimony at the April 6, 2017 and April 10, 2017 hearings; no further public testimony will be allowed at the April 24, 2017 hearing.
17. Staff recommends a continuance of this case to the May 4, 2017 hearing to provide additional time to discuss concerns raised during public testimony and key issues such as alcohol sales, building height, density, jobs and housing balance, administrative decisions, and the appeal process. In order to make the most informed recommendation to the City Council that it can, the EPC needs another hearing to continue its deliberations.
18. Staff recommends a continuance to allow additional time to draft recommendations for potential revisions to the draft regulatory language of the IDO, based on input from the EPC, which can be written as conditions and transmitted to the City Council with a recommendation.

RECOMMENDATION - 16EPC-40082, April 24, 2017

A CONTINUANCE of 16EPC-40082, a recommendation regarding adoption of the Integrated Development Ordinance (IDO), to the May 4, 2017 EPC hearing, based on the preceding Findings.

Catalina Lehner

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