



**Environmental
Planning
Commission**

**Agenda Number: 03
Project #: 2018-001843
Case #: RZ-2019-00046
Hearing Date: December 12, 2019**

Third Supplemental Staff Report

Applicant City of Albuquerque Planning Department

Request Amendment to the Integrated Development Ordinance (IDO) Text for the 2019 Annual Update

Location Citywide

Staff Recommendation

That a recommendation of APPROVAL of Project 2018-001843, Case RZ-2019-00046 based on the FINDINGS beginning on page 21, and the RECOMMENDED CONDITIONS OF APPROVAL beginning on page 42, be forwarded to the City Council.

***Staff Planners
Russell Brito, UD&D Manager
Mikaela Renz-Whitmore, Long Range Manager***

Summary of Analysis

The request is for a legislative amendment to the text of the Integrated Development Ordinance (IDO) to adopt revisions as part of the Annual Update process to identify needed changes through a regular cycle of discussion among residents, City staff, businesses, and decision makers (14-16-6-3(D)). Proposed Technical Edits and Council Amendments are the main body of the application for this request.

The Environmental Planning Commission (EPC) heard the request for the first time on September 12, 2019. Staff presented the case, and public comment was taken. Approximately 26 people testified, primarily about Council Amendment J proposing to make liquor retail conditional in the MX-M zone and Council Amendment G proposing to revise drive-through design regulations, particularly staff's proposed condition removing exemptions proposed by the amendment.

A second hearing was held September 19, 2019. There were 4 speakers who commented in support of the liquor retail amendment, about the effectiveness of pre-application neighborhood meetings, requesting revisions to the Cluster Development Amendment, and requesting a public utility exemption from the barbed wire and outdoor lighting regulations.

A third hearing was held October 10, 2019. There were 7 speakers who requested more time to review proposed changes. EPC voted to continue the hearing to December 12, 2019.

This supplemental staff report includes new and revised conditions based on public and staff comments.

Please see staff report from the first hearing, September 12, 2019, the first Supplemental Staff Report dated September 19, 2019, and the second Supplemental Staff Report dated October 10, 2019 for additional analysis, public comments, and agency comments.

Comments received before December 2, 2019 at 9 am are attached to and addressed in this Staff Report. Comments received before December 4th at 9 am are attached but not addressed. Comments received before December 10th at 9 am (after publication of this report and more than 48 hours before the hearing) are provided to the EPC but not attached to this report.

Table of Contents

I. INTRODUCTION 3
 Request 3

II. ANALYSIS OF REQUEST – §14-16-6-7(D) AMENDMENT TO IDO TEXT 3

III. ANALYSIS OF RELEVANT EXISTING DOCUMENTS..... 3

IV. KEY ISSUES & DISCUSSION / ANALYSIS OF COUNCIL AMENDMENTS 3

V. PUBLIC OUTREACH..... 3

VI. NOTICE..... 3

VII. AGENCY & NEIGHBORHOOD COMMENTS 4
 Comments Received Prior to September 17 (and reflected in Sept. 19, 2019 Supplemental Staff Report & 48 Hour Rule Materials) 4
 Comments Received after September 17 (but not reflected in Sept. 19, 2019 Supplemental Staff Report & 48 Hour Rule Materials) 4
 Comments Raised at the EPC Hearing on October 10, 2019 4
 Comments Received after October 10 (but not reflected in Oct. 10, 2019 Second Supplemental Staff Report & 48 Hour Rule Materials) 5

VIII. CONCLUSION..... 20
 RECOMMENDED FINDINGS – RZ-2019-00046, December 12, 2019 – Text Amendment to the IDO 21
 RECOMMENDATION – RZ-2019-00046 – October 10, 2019 – Text Amendment to the IDO 41
 RECOMMENDED CONDITIONS OF APPROVAL – RZ-2019-00046 – December 12, 2019 – Amendment to the IDO Text 42

I. INTRODUCTION

Request

This is a request for an Amendment to the Integrated Development Ordinance (IDO) Text for the Annual Update required by IDO Subsection 14-16-6-3(D).

The IDO annual update process was established to require a regular cycle for discussion among residents, City staff, businesses, and decision-makers to consider any needed changes that were identified over the course of the year. As this is the first annual update, a notable number of changes are proposed. Each proposed change provides the page and section of the effective draft of the IDO that would be modified, the text that is proposed to change, and an explanation of the purpose or intent of the change.

The proposed text amendment consists of two documents:

- “Proposed Technical Edits” are adjustments in language to clarify the intent and improve implementation of adopted regulations. These edits were requested by residents, project designers, land developers, other agencies, and City staff. There are several exhibits that provide more detail related to the Technical Edits.
- “Council Amendments” are substantive additions that change the intent or scope of an adopted regulation or add a new regulation with new intent and scope. Each amendment is sponsored by a City Councilor.

II. ANALYSIS OF REQUEST – §14-16-6-7(D) AMENDMENT TO IDO TEXT

See staff report for hearing on September 12, 2019.

III. ANALYSIS OF RELEVANT EXISTING DOCUMENTS

See staff report for hearing on September 12, 2019.

IV. KEY ISSUES & DISCUSSION / ANALYSIS OF COUNCIL AMENDMENTS

See staff report for hearing on September 12, 2019.

V. PUBLIC OUTREACH

See staff report for hearing on September 12, 2019.

VI. NOTICE

See staff report for hearing on September 12, 2019.

VII. AGENCY & NEIGHBORHOOD COMMENTS

Comments Received Prior to September 17 (and reflected in Sept. 19, 2019 Supplemental Staff Report & 48 Hour Rule Materials)

See staff report for hearing on September 12, 2019 and September 19, 2019.

Comments Received after September 17 (but not reflected in Sept. 19, 2019 Supplemental Staff Report & 48 Hour Rule Materials)

See staff report for hearing on October 10, 2019.

WSCONA Comments (Conditions #8, #13, #14, #24, #26, #47, #63)

A letter was submitted by the West Side Coalition of Neighborhood Associations that raised 45 concerns. They include establishing densities, clarifying the sensitive lands standards and development near Major Public Open Space, removing “to the maximum extent practicable” language, concerns about notice and appeals, cluster development standards, and requests related to carrying over provisions from the Coors Corridor Plan. See the attachments for the full list of concerns raised and staff responses. Many of these concerns are proposed to be addressed in existing Technical Edits, Council Amendments, and EPC conditions.

Comments Raised at the EPC Hearing on October 10, 2019

Grading & Building Height definitions (Condition #33)

A new recommended Condition is proposed to remove the Technical Edit about Building Height on page 94 of 101 for measurements because it conflicts with the definition of grade. Commenters at the October 10th EPC hearing and written comments submitted after the hearing noted that there was a conflict in how building height is measured now and the proposed Technical Edit. Staff discussed this concern and agreed that the language proposed on page 94 of the Technical Edits would substantively change how building height is measured. This was not the intent of the Technical Edit; adding cross references to the definition of Measurement, Grade is sufficient for Code Enforcement staff to accurately measure building height, which is calculated at the average elevation across each building façade (not at the lowest ground elevation). The remainder of the definition is consistent with the prior zoning code “height” definition.

A new recommended Condition is proposed to revise the Technical Edit about “Grade” on page 95 of 101. Commenters at the October 10th EPC hearing and written comments submitted after the hearing noted that the second part of this definition is problematic because it reduces the allowable building height by including other slopes on a development site. This definition was taken directly from the zoning code, but Code Enforcement staff indicated that they measured allowable building height from the approved finished floor elevation and did not consider other grading on the site. This proposed Condition would strike the second part of Measurement, grade, which is a new definition taken from the defined term “Grade.”

One commenter also objected to a proposed Tech Edit on page 95 of 101 for the definition of “Ground Floor Height” clarifying that height measures the clear space between floor and ceiling. The IDO uses the term to require a minimum ground floor height in mixed-use zones (Subsection 14-16-5-11(E)(1) and Table 2-4-11) and parking garages (Subsection 5-5(G)(4)(a)) to ensure the viability of the building to accommodate retail uses on the ground floor in the future. As proposed, the ground floor height would not include any space used for dropped ceilings, HVAC conduits, or sub-floors but rather the “clear height” of the ground floor that is usable. Staff does not agree with recommended change from Titan Development.

Arroyo Definition (Condition #47)

A new recommended Condition is proposed to modify the City Council Exhibit A and/or Planning Department Exhibit 3 (depending on which one is adopted), to revise the definition of an arroyo as a facility that handles over 100 cubic feet per second (CFS) of water to 1,000 CFS. Multiple commenters at the October 10th EPC hearing noted that this volume was too small to be meaningful and that the definition would make even some parking lot runoff be considered an arroyo, which was not the intent of the amendment. Planning Staff supports the request to revise the threshold in the definition to be 1,000 CFS.

Two written comments were submitted after the hearing requesting that the Sensitive Lands definition refer to Major Arroyos, which is a defined term in the IDO. Staff disagrees with this request because those are a small subset of the defined arroyo waterways that are mapped that are large enough to have associated Major Public Open Space facilities or trails.

Comments Received after October 10 (but not reflected in Oct. 10, 2019 Second Supplemental Staff Report & 48 Hour Rule Materials)

Written Public Comments

Josh Rogers, Titan Development (Conditions #8.b.vi, #19, #22, #32, #47, and #56)

Mr. Rogers submitted a letter that raised 8 issues related to the proposed Technical Edits and recommended 1 change. The issues raised include the design of cluster development abutting Major Public Open Space (MPOS), required landscaping in water utility easements, conflicting glazing requirements proposed on page 293 of the IDO, the content of required notices, and the definitions related to grade, building height, and ground floor height.

The first concern is that the proposal to specify that 75% of the ground-level usable open space is contiguous to MPOS is overly burdensome for multi-family development. The IDO currently requires 100% of on-site open space to be contiguous with MPOS. (See IDO Subsection 5-2(H)(2)(a)2.) The proposed change lessens this restriction in response to Council Amendment D for cluster development. The amendment restricts the number of units in a cluster group and requires each cluster to be separated by common open space. These cluster provisions would conflict with the existing requirement for the open space to be contiguous to MPOS. The proposed change also requires these open space areas to provide pedestrian connections via sidewalks or trails. The proposed new use “conservation development” would also be subject to this provision, and 75 percent seems achievable for this use. Cluster development and multi-family development, the only other uses that would be subject to this provision, would likely struggle to meet 75 percent given other site design considerations. Required landscape areas and setbacks are often used to count toward on-site open space requirements. Staff is recommending a condition to revise the Technical Edit to require 25 percent of the common open space or ground floor usable open space to be contiguous with Major Public Open Space for cluster development and multi-family development but require 75 percent to be contiguous for conservation development. (See Condition #8.b.vi.)

The second concern is related to the proposal to delete the regulation in IDO Subsection 5-6(C)(15)(c) that assigns responsibility for damage to utility lines to the utility if the utility approves landscaping in an easement. The ABCWUA requested this change and stated that landscaping is not allowed in its utility easement; however, other utilities may allow landscaping in their easements with certain restrictions. There is another set of regulations regarding the location and type of landscaping materials allowed near utilities that address this concern. (See Subsection 5-6(C)(10).) Staff recommends striking the ABCWUA proposed Technical Edit for IDO Subsection 5-6(C)(15)(c) on page 258 as unnecessary. (See Condition # 19.)

The third concern is a conflict between two proposed Technical Edits related to the required glazing in Urban Centers, Activity Centers, Main Street, and Premium Transit Areas. The first edit reduces the required glazing from 60% to 50% of the ground floor, while the second one retained the 60% requirement. Staff proposes to revise the second one to 50% so that it is consistent with the first (Condition #22).

The fourth and fifth concerns are about the content provided in the required notice and offering of pre-application neighborhood meetings. Staff believes that the proposed Technical Edits clarify and standardize the information provided, which would make the process more efficient for both project owners and neighborhood associations. The list of information to be provided is qualified with the phrase “as relevant” so that if a request does not require certain items, they would not be needed to be included with the notice letter. The applicant would provide the design documents, even if in draft form, that are available at the time of the notification. It is up to a project team to communicate the information in a clear manner with adequate information to explain the context. Amendment Q takes a slightly different approach, requiring the same information for all decisions, which might not all generate the same information to share. Staff has spent some time reconciling the proposed edits in Amendment Q with the proposed edits in the Technical Edits and is recommending a new condition that would adopt this reconciled version via a new Exhibit – Facilitated Meeting. (See Condition #56.)

The remaining concerns and recommendation are addressed in the section above, as they reflect concerns raised at the EPC hearing. See above for discussion of the grade/building height and arroyo definitions. (Conditions #33 and #47.)

Michael Vos, Consensus Planning (*Condition #33 and #47*)

Mr. Vos submitted a letter that raised 2 issues related to the proposed Technical Edits. The first concerns the proposed changes to the definitions of grade, finished grade, natural grade, and building height. See above for discussion of the grading and building height definition. The second concern is about the Council Amendment to remove the “maximum extent practicable” language, specifically related to the definition of Sensitive Lands and arroyos. See above for discussion of the arroyo definition.

Dan Regan (*Conditions #36-39*)

Mr. Regan submitted a letter responding to the September 12th Staff Report analysis regarding barbed wire. The letter asserts that the proposed Council Amendment A does not accomplish the stated goal of the IDO annual update. The letter argues that if barbed wire is appropriate in non-residential zones because of safety that it should also be allowed in residential zones for the same reason. Staff disagrees with this recommendation. Non-residential and residential zones allow different uses by definition, and barbed wire has long been considered appropriate in non-residential areas but not residential areas. Some cities ban it altogether in urban areas. Barbed wire is dangerous for animals and people, particularly children, which are much more likely to be in residential areas. Beyond safety concerns, barbed wire is a visual symbol of crime and lack of confidence in safety. The City should carefully consider whether the additional safety barbed wire provides for the property owner, or at least the additional feeling of security it provides largely from deterrence, is worth the risk of unintentional injury and undermined confidence in our neighborhoods and our city as safe. Staff further recommends limiting the extent of the sunset provision in Council Amendment A and extending the barbed wire prohibition to properties adjacent to (touching or across the street from) a non-residential zone.

City Legal (Conditions #4 and #5)

City Legal made Planning staff aware that language in Subsection 1-10(B) and 1-10(C) may not apply to all applications, as was intended, because it is organized under the header “Transition from Previous Regulations.” Planning staff is therefore recommending that the language be moved to Section 14-16-1-7 Compliance Required as a new Subsection 1-7(C).

The existing language in 1-10(B) and 1-10(C) codifies long-standing practice that applications will be decided based on the rules that are in effect when the application is received as complete. If the rules that apply to a project were allowed to change after an application is in the review/decision process, then the applicant would have to try to hit a moving target, and no approval would provide predictable assurance that a particular project could actually move forward. Sequential approvals might necessitate continual re-design. This result would render the review/decision process, and the development process more broadly, unworkable for applicants and other stakeholders, including neighbors. Property owners and investors would have to take the risk that the rules might change mid-stream and require either an expensive re-working of submittal drawings or abandonment of a particular development project altogether.

As proposed, the language moved to Section 14-16-1-7 and revised to include surrounding land uses and zoning makes clear what rules apply in the case of two applications under review/decision at the same time for adjacent properties. Each property would be subject to the rules in effect when the application was accepted as complete, not an approval that either application received at some point during the review/decision process for the other.

Council Comments

Council Services staff – Historic Protection Overlay (*Condition #32c*)

Council Services staff noted that condition language establishing a minimum size for Historic Protection Overlay (HPO) zones may not be appropriate in all cases and recommended removing the minimum size for HPOs, as historic districts might be very small in size but still benefit from an HPO. Staff agrees and has deleted the language accordingly.

Councilor Davis - Liquor retail (*Condition #48*)

Councilor Davis, the Sponsor of Council Amendment J, submitted a letter to the EPC providing an explanation of the reasoning behind this proposed change. The first reason is that “residents should be given the right to a degree of self-determination in residential areas,” and because the MX-M zone allows residential uses this use should be conditional. The second reason is “concern regarding the unwanted side effects that sale of alcohol for offsite consumption has been shown to lead to in certain circumstances.” The letter cites public health studies that demonstrate negative effects associated with clustering of liquor retail stores, and proposes that the conditional use approval process is an appropriate remedy to address this use on a case-by-case basis.

In previous staff reports, Planning staff recommended that liquor retail remain permissive in the MX-M zone in designated Center & Corridor areas and in other areas if accessory to a grocery store. Another way to address concerns related to the clustering of liquor would be to establish a separation distance between liquor retail establishments. A new condition is proposed below as an option to add a distance separation between liquor retail establishments not associated with grocery stores of 500 feet to address the concern related to the clustering of liquor retail.

Planning Staff Comments

The following topics are organized in order of the IDO.

Official Zoning Map (*Condition #2*)

A new Technical Edit is proposed to revise the language of Subsection 14-16-1-6(B) to say explicitly that the Official Zoning Map is part of the Integrated Development Ordinance, similar to language from the Comprehensive Zoning Code. The Technical Edit also clarifies that the Environmental Planning Commission has been delegated authority to approve Zoning Map Amendments by the City Council.

Other Regulations (*Condition #3*)

The language in IDO Subsection 14-16-1-7(A)(2) on page 2 refers to the Uniform Administrative Code and the Uniform Housing Code but not the fire code, which also applies to all buildings. Staff is proposing to add a reference to the fire code in Article 14-2 in this subsection and to create a new subsection that clarifies that non-compliance with those codes does not constitute a violation of the IDO but may result in denial of an application.

Hierarchy of Zoning Rules (*Condition #6*)

Language proposed in the Technical Edits on page 6 of 101 for a new Subsection 14-16-1-8(A)(3) is not specific enough when it refers to “general regulations.” Staff proposes to add “any regulation in Parts 4, 5, and 6” to be more specific. These and other additions for Subsection 1-8(A) codify the order in which regulations are applied that might otherwise conflict.

Family Home Daycare in R-MC (*Condition #9*)

Code Enforcement staff noted that R-MC is the only low-density residential zone where a family home daycare use would be allowed without a Conditional Use approval per Table 4-2-1. For parity amongst the zones, this use should be changed from an Accessory use to a Conditional Accessory use. This change is consistent with entitlements in this zone prior to adoption of the IDO, which tracked with the permissive and conditional uses in the R-1 zone.

Cannabis Retail (*Condition #40*)

A revision to Council Amendment B is recommended to clarify that the distance separation between cannabis retail and schools is intended to apply to elementary, middle, and high schools, but not vocational schools or universities. As written, the regulation could be interpreted to apply to vocational schools, which was not the intent. In addition to amending the Cannabis Retail Use-specific standards, Planning staff proposes to revise the definition of school to exclude the use “Vocational schools.”

Accessory Dwelling Units (*Condition #11*)

A new Technical Edit is proposed to clarify the use-specific standards for Accessory Dwelling Unit (with or without a kitchen) in Subsection 4-3(F)(5). These standards are unusual in that they apply to two different uses in the use table: “Dwelling unit, accessory” and “Dwelling unit, accessory without a kitchen.” In the R-A, R-1 and R-T zones, an accessory dwelling unit without a kitchen requires a conditional use approval (“CA”). In the R-1 and R-T zones, an accessory dwelling unit with a kitchen is listed as a Permissive Accessory use (“A”). In the use-specific standards, there is a provision that disallows accessory dwelling units with a kitchen in the R-1 zone, except in mapped areas carried over from sector development plans that previously allowed accessory dwelling units in an R-1 zone. An existing Technical Edit on page 26 of 101 proposes to add a new Subsection 4-3(F)(5)(j) to allow a property in a mapped area that allows an accessory dwelling unit with a kitchen permissively to also allow an accessory dwelling unit without a kitchen permissively.

The first use-specific standard in Subsection 4-3(F)(5) says that one accessory dwelling unit is allowed per lot. Code Enforcement was unclear whether that provision superseded the allowances shown in the Allowable Use Table 4-2-1 or whether that provision was meant to limit the number of accessory dwelling units on the lot. Staff is proposing a new condition to clarify that the first use-specific standard is only meant to limit the number of accessory dwelling units, not specify whether or not they are allowed at all on a particular lot.

Staff is also proposing a condition to add language in Subsection 4-1(A)(1) to explain that the use table generally includes the broadest allowability of uses, while the use-specific standards carve away at the allowable uses in a particular context (i.e. next to residential uses or Major Public Open Space) or in small areas with different rules than in the same zone district citywide. As the consultant who drafted the IDO quipped, “What the large print giveth, the small print giveth away.”

Contextual Standards (*Condition #41*)

Amendment E proposes an adjustment to the existing contextual standards in Subsection 14-16-5-1(C)(2) that limit lot sizes in infill areas to no less than 75% smaller and no more than 125% larger than surrounding lots with low-density residential development for areas within ¼ mile of Center and Corridor areas, where additional density is encouraged, to allow smaller lots to be created. Staff noted that as proposed, the language in Amendment E would require lots to be exactly 50% smaller, while the intent seems to be no more than 50% smaller.

Front Setback in MX Zones (*Conditions #12 and #29*)

Table 5-1-2 allows a front setback of 0 feet in Mixed-use (MX) zone districts in Urban Center (UC), Main Street (MS), and Premium Transit (PT) areas. The updated Development Process Manual requires a range of 8- to 12-foot sidewalks in these Center and Corridor areas. New development is typically required to build such sidewalks. In circumstances where new sidewalks are not constructed, and existing sidewalks are narrow (i.e. less than the X feet required for a new sidewalk), the building might be constructed too close to the roadway, which eliminates the opportunity for wider sidewalks in the future and negatively impacts the pedestrian experience in those locations. Staff is proposing a new condition that would add a note to Table 5-1-2 so that the 0-foot setback is only allowed where the sidewalk is 10 feet or more; otherwise, the minimum setback would be 10 feet. Long Range staff also included this change as a proposed finding for the changes proposed as a North 4th Character Protection Overlay (CPO).

One procedural glitch in requiring sidewalks with new development is that the building permit process, of which Site Plan – Administrative review is a part, does not have a mechanism to generate a list of required infrastructure. An existing Technical Edit on page 75 of 101 for Subsection 6-6(G)(1)(a) adds a provision that allows the Planning Director to send a project to DRB if coordination is needed. Staff is proposing an addition to the same subsection that a Site Plan – Admin can become a Site Plan – DRB if the project needs to generate an Infrastructure Improvements Agreement in order to comply with IDO or DPM standards. (See Condition #29.)

The DPM was updated by the DPM Executive Committee in November 2018 to require that new projects use street cross sections from plans adopted within the last 10 years as the basis for design. The updated DPM is awaiting final approval by the CAO.

Training will be needed for Code Enforcement staff to check with staff in Development Review Services to confirm whether potential infrastructure may be needed on projects in general and to check existing sidewalk widths for projects in UC-MS-PT areas in particular.

Sensitive Lands (*Condition #13*)

Existing language in IDO Subsection 5-2(C) requires all subdivisions and all site plans to begin with an analysis of site constraints related to sensitive lands. This language applies to redevelopment sites as well as sites that are in their natural state. The intent of the language is to encourage avoiding sensitive lands, which is most important and has the most opportunities on sites that are still in their natural state. The existing language also applies to projects of all size. Larger projects have much greater opportunities to avoid sensitive lands without regulations making the property undevelopable (i.e. a “regulatory takings”). Staff is proposing a new condition that limits the applicability of this section to subdivisions and site plans of more than 5 acres that include land that has never been issued a grading permit as well as all Master Development Plans and Framework Plans. For preliminary plats and site plans, the onus would be on the applicant to prove that a grading permit has been issued. Otherwise, the property would need to comply with the sensitive lands provisions. This size threshold is consistent with the applicability for archaeological sites.

Parking Reduction Removing PT Corridor Area (Condition #15)

Planning staff noticed a conflict in proposed parking reductions for Premium Transit (PT) areas. Proposed language for IDO Subsection 5-5(C)(5)(a) would allow a 20% parking reduction in PT areas, but existing language in IDO Subsection 5-5(C)(5)(c)2 already allows a 50% parking reduction in PT areas. Staff recommends striking PT from the proposed language to eliminate the conflict.

See additional discussion of add Major Transit (MT) to this reduction in the Second Supplemental Staff Report from September 19, 2019.

Electric Vehicle Charging Station (Condition #16)

IDO Subsection 5-5(C)(5)(d) Electric Vehicle Charging Station Credit requires 2 percent of the parking spaces to be charging stations if more than 200 parking spaces are constructed in a parking lot. Code Enforcement recently interpreted that provision to only apply if the credit for charging stations was being requested, because of the header. The original intent was for this to be a requirement, not an option, so Staff is proposing to move this language to another section to be a requirement and to adjust the language so that it applies whether the spaces are constructed in a surface parking lot or a parking structure.

Carpports (Condition #17)

IDO Subsection 5-5(F)(2)(a)2 prohibits carports within 3 feet of a property line and in required setback areas. The IDO requires a special process to get an exception to the rule about setback areas, but it is silent about whether an exception is allowed to the 3-foot rule.

The intent of these regulations is to ensure safe visibility for cars backing into and out of the carport. Accessory structures other than carports are allowed to be in required setback areas. Staff is proposing a new condition that would clarify that no variance is allowed for the 3-foot rule in the front and side yards and that would allow carports in the rear yard and rear setback areas. This provision could be an incentive to put carports behind the house where vehicle access is available.

Parking Structure Building Design Standard (Condition #18)

Code Enforcement staff noted that Subsection 5-5(G)(3)(c) on page 247 requiring façades to be designed to conceal parked cars below the hoodline does not specify a design vehicle or a numeric standard, making this regulation hard to enforce. Staff is proposing a condition to revise the language to specify a height of 4 feet, which is consistent with the approach taken in Subsection 5-5(I)(1)(a) requiring screening walls for cars.

Site Lighting (*Conditions #57 and #58*)

Council Amendment R proposes to add regulations that attempt to limit the amount of light that is visible from the exterior of a property in IDO Section 14-16-5-8. Code Enforcement expressed concern about the specifics of the proposed regulation and its general enforceability. There are two main concerns. First, this regulation would increase the need for enforcement actions outside of normal business hours. Code Enforcement has limited staff, and scheduling off-hours enforcement is challenging. Second, and perhaps most importantly, Code Enforcement noted that the threshold in the proposed regulation is low, and since it applies in areas where the Mixed-use zone districts have a maximum setback, the proposed regulation poses a conflict with the maximum setback requirement coupled with the requirement that 50 percent of the façade be clear, transparent glazing. It would be very challenging for many businesses to meet the proposed standard. Additionally, many businesses may want lighting on their ground floors to deter crime and ensure safety through “Crime Prevention through Environmental Design” (CPTED) principles, which include lighting ingress and egress areas and dark corners where people could hide.

To check the general enforceability of the proposed standard, Code Enforcement took measurements at several different uses on different properties, measuring the light visible from the edge of the property as well as the light visible from the nearest residentially zoned property. Code Enforcement found the level of light at the edge of the property exceeded the proposed limit by a factor of 5 in some cases. For the same uses, the measurement at the edge of the residentially zoned property was negligible. This evidence seems to indicate that many properties would immediately be out-of-compliance with this regulation, and it also indicates that the need for the regulation is questionable, when the light as viewed at the edge of the residentially zoned property is so low.

Locations of Readings	Address	Measurement from Edge of Property / Right-of-Way			Measurement from Nearby Residential Zone		
		1	2	3	1	2	3
Business							
Mavrick Canopy	1358 Wyoming NE	2584	3680	3560	22.96	22.04	21.72
Cowboys & Indians Antiques	4000 Central SE	2000					
Gas Station Canopy	924 Rio Grande	1889	1942	1972	136	141	174
Target (parking garage)	2120 Louisiana NE	1500					
Cube Smart Storage	4100 Central SE	1444					
Lowe's Gas Canopy	4701 4th NW	602.4	594.3	706.8	28.06	25.05	26.14
T-Mobile, sign inside storefront	2700 Carlisle	459.3	428	390.4			
Walmart Gas Canopy	2707 Carlisle NE	339	334.2	303.7			
Form Gallery	4013 Central NE	300					
Walgreens Pharmacy Drive Thru	2625 San Pedro NE	200.2	212.1	202.4	67.86	90.97	81.38
Walgreens	1900 Wyoming NE	170	150	190			

** Measurements are shown in Footlamberts, which measures the amount of light emitted from the light source.*

In the particular case that generated the complaints that led to this proposed regulation, it is the presence of lights on the upper floors of the building throughout the night that seems to disturb nearby neighbors. If the Council wants to minimize the use of lighting at night, staff recommends creating a regulation in Subsection 14-16-5-8(C) that requires indoor lighting for non-residential development on all but the ground floor to be turned off outside of normal business hours between 11 p.m. and sunrise, except for motion-sensor lighting. Requiring lights to be turned off on the ground floor conflicts with Crime Prevention through Environmental Design (CPTED) recommendations. If this approach is used, the title of this IDO section would need to be changed to “Lighting,” since this would no longer be regulating “site lighting.” Accordingly, staff is proposing revisions to the conditions provided in the previous staff report.

Staff is also proposing a new exception in Subsection 14-16-6-8(D) Nonconforming Structures to allow enforcement of these provisions on any site, regardless of when the project was constructed, since the remedy for compliance is simply to turn off lights when the business day ends.

Signs (*Conditions #23 and #34*)

IDO Subsection 5-12(E)(4)(d) allows building-mounted signs to extend above the roof; however, the definition of wall sign specifies that wall signs cannot extend above the roof. Building-mounted signs include many types of sign, including wall signs. Staff is proposing a new Technical Edit to clarify that this provision is still subject to restrictions in sign definitions. (Condition 23).

A new Technical Edit is proposed to Section 7-1 on page 489 to clarify that any sign that meets the definition of a neon sign is not considered to be an electronic sign. These are regulated differently and are intended to be mutually exclusive of each other. (Condition #34)

Notice for Administrative Decisions (*Condition #24*)

An existing Technical Edit on page 50 of 101 for Table 6-1-1 proposes eliminating the requirement for email notice to Neighborhood Associations for three administrative decisions, in which staff has no discretion about the regulations that apply to a project: Sign Permit, Site Plan - Admin, and Wall/Fence Permit - Minor. This change was proposed based on public comments that the IDO provides too much notice for decisions that a Neighborhood Association has little influence over, since the decision is not made at a public meeting or hearing. Additional conversations with staff and with some residents indicated that some Site Plan – Administrative decisions, such as for non-residential development, may benefit from additional scrutiny that the Neighborhood Associations can provide to ensure that staff is finding and applying all applicable rules. One resident complained about receiving notice of every Site Plan – Administrative associated with building permits for single-family houses that were part of a Major Subdivision, which requires an offer of a Neighborhood Meeting pre-submittal, notice to Neighborhood Associations, and the opportunity to comment for the public meeting where the decision was made.

Staff is proposing a new condition that would adjust the Technical Edit to keep the notice requirement for Site Plan – Administrative but add a note to Table 6-1-1 that exempts Site Plan – Administrative for low-density residential development associated with a Major Subdivision adopted within 2 years. Beyond that timeframe, email notice to Neighborhood Associations would be required. This timeframe seems reasonable that the Neighborhood Association would remember being part of the Major Subdivision review/decision process and also seems feasible for the City to keep track of.

Notice for Neighborhood Meeting (*Condition #55*)

Council Amendment Q proposes changing Subsections 6-4(C) Neighborhood Meeting and 6-4(K) Public Notice to require prospective applicants to include the same information when offering a Neighborhood Meeting for applications that require a Neighborhood Meeting per Table 6-1-1 as is required when the application is to be submitted to the City. The Neighborhood Meeting process starts at least 45 days before the application can be submitted to the City. The amount of information, the detail of such information, and the finality of the information might be quite different at these two points in the development of an application. The Neighborhood Meeting is intended to take place before site plans and drawings are complete to allow the applicant to respond to concerns and opportunities discussed at a Neighborhood Meeting in the development of final drawings for submittal of the application.

Applications that require the offer of a Neighborhood Meeting also require notice when the application is submitted, and those applications are decided at a public meeting or hearing, which provides Neighborhood Associations an additional opportunity to review the application and provide comments.

In the Technical Edits, Staff proposed changes to Subsection 6-4(C) to require more information to be submitted with the Neighborhood Meeting request and to Subsection 6-4(K) to recognize that those requirements apply to all decisions in Table 6-1-1, from wall and sign permits to site plans to Framework Plans. Not all decisions generate the same information; nor is the same information relevant to all applications.

Staff is proposing to revise the condition from the Second Supplemental Staff Report to propose the adoption of an Exhibit that reconciles the edits proposed by the Tech Edits and Amendment Q and adds language in the Neighborhood Meeting section clarifying that information included in the offer of a Neighborhood Meeting to Neighborhood Associations is conceptual in nature, intended to provide adequate information as the basis for discussion of concerns and opportunities related to the project.

Facilitated Meeting (*Condition #56*)

Proposed edits for Subsection 147-16-6-4(D) in the Technical Edits take a different approach than Amendment Q does. Staff is proposing a new condition that would adopt an Exhibit reconciling the two approaches. The first change is that the new proposal limits who can request a facilitated meeting to those parties who would have standing to appeal a final decision. Previously, the language allowed “anyone” to request the facilitated meeting, but the Planning Director could reject some requests based on certain criteria.

Instead of the Planning Director being able to reject some requests, the new proposal takes into account that Table 6-1-1 includes administrative decisions, which have no deadline and no public meeting or hearing; decisions made at a public meeting or hearing; and decisions that involve a recommending body and a decision-making body.

- The new proposal only requires a facilitated meeting associated with an administrative decision if the applicant agrees. Since administrative decisions are defined as those not expected to have much impact off-site, this approach is generally in line with not requiring pre-submittal meetings with staff or with Neighborhood Associations. If a concern comes up, a facilitated meeting can be requested and required if the applicant agrees to the meeting. This approach is in line with not giving discretionary decisions to staff.
- The new proposal requires a facilitated meeting if requested at least 15 days prior to the meeting or hearing but allows the decision-maker to decide whether a facilitated meeting is required if requested closer to the meeting/hearing or at the meeting/hearing. This provides an incentive to request the facilitated meeting early, when it can take place without significant delays to the review/decision process.
- The new proposal allows a facilitated meeting to be required at each stage in a 2-hearing decision process. For example, for zone map amendments that are to be decided by Council, a facilitated meeting could be required at the EPC stage prior to its recommendation and at the Council stage before it makes the final decision.

The new proposal clarifies that more than one facilitated meeting can take place if agreed to by the applicant.

Mailed Notice and Appeal Distance (*Condition #25*)

The IDO currently takes two different approaches to how to deal with public right-of-way when measuring distances from the subject property for Mailed Notice in Subsection 6-4(K)(2)(b) versus standing for appeals in Subsection 6-4(U)(2)(a)5.a.

Mailed Notice is measured excluding public right-of-way, which is more challenging to determine for the administrative staff that provide lists of property owners who need notice. This was the approach used by the Zoning Code.

Appeal distance is measured regardless of public right-of-way, but adjacent property owners are included if the public right-of-way is greater than the specified distance in Table 6-4-3. This method is much easier for administrative staff to use, and it ensures notice to property owners adjacent to the project. It is much easier for the City to administer the code if there is a consistent approach to measuring public right-of-way.

An existing Tech Edit on page 59 of 101 for Subsection 6-4(K)(2)(b)2 proposes to change the Mailed Notice method to be consistent with the appeal distance method. Staff is proposing a new condition that adjusts this language as well as the appeal distance language to go with the easier method to administer, ensuring that adjacent property owners are included.

Minor Amendment (*Condition #26*)

Current Planning staff noted that the IDO's provisions for amending existing site plans in Subsection 14-16-6-4(X) do not include a way to amend minor items that would otherwise be allowed to be decided administratively in a new site plan. This hole leads to the result that someone trying to make a minor adjustment to an existing site plan has to submit an application for a new site plan, which requires noting what's existing (and potentially nonconforming) versus what's new (potentially a very minor addition). As a practical matter, it is easier for the City to keep track of amendments to existing site plans when the addition is minor versus trying to keep track of new site plans that replace old ones. Staff is recommending an amendment to Table 6-4-5 that would allow minor amendments to be decided administratively that would otherwise be allowed to be decided administratively as a new application.

Site Plan – Administrative Appeal Process (*Condition #27*)

IDO Table 6-1-1 indicates that appeals of site plans decided administratively by staff are appeals to the City Council through the Land Use Hearing Officer (LUHO). Prior to the IDO, this administrative decision was considered the zone check done as part of the building permit review/decision process. Appeals of the building permit are decided by the Technical Standards Review Committee, as required by the International Building Code and Uniform Housing Code to ensure that those codes are applied correctly to a project. In practice, Site Plan – Administrative applications are still processed as they were before the IDO as part of a building permit application, rather than as a separate decision. Staff is proposing new language for the procedure section of the Site Plan – Administrative decision in Subsection 6-5(G)(2)(g) to clarify that an appeal of the Site Plan – Admin (i.e. zone check portion of the building permit approval) goes to City Council on appeal, while appeals of the building permit itself go to the Technical Standards Review Committee for review of whether staff made an error in applying the appropriate building codes.

Demolition Outside of an HPO (*Condition #28*)

A new Technical Edit is proposed for Subsection 6-6(B)(2)(a) on page 387 to clarify that Historic Preservation staff does not approve demolition permits for structures that do not have historic significance; rather, they review and decline to elevate a demolition permit request

to the Landmark Commission's (LC) review (i.e. allow the demolition permit to proceed in the City's standard review/decision process). The proposed change also clarifies that if the Historic Preservation planner determines that the request should be processed through LC review, the public notice and meetings required in Table 6-1-1 would happen at that time and are only required for demolition permit requests that are to be heard by the LC. This proposed change tracks with current practice and the procedures prior to adoption of the IDO.

Bulk Land Subdivision (*Condition #30*)

A new Technical Edit is proposed for Table 6-1-1 on page 328 and Subsection 14-16-6-6(J) on page 401. Bulk land subdivisions are a mechanism to transfer ownership of a portion of property before a development project is proposed. The IDO currently describes bulk land subdivisions in Subsection 6-6(L) Variance – DRB, which was amended through R-19-150 to be a Waiver – DRB, which applies to other kinds of approvals, as well. The decision criteria for the waiver does not apply to bulk land subdivisions, so staff is proposing to make bulk land subdivision its own decision step in Table 6-1-1 under Major Subdivision, requiring the same notice and meetings a preliminary plat but changing the procedure and decision criteria in the Specific Procedure in Subsection 6-6(J) Major Subdivision. See Exhibit – Bulk Land Subdivision.

Sidewalk Waiver (*Condition #31*)

A new condition proposes to revise a Technical Edit adopted by City Council as part of R-19-150. Existing IDO language in Subsection 6-6(L)(3)(b) was proposed to move to the DPM because the DPM establishes the widths for sidewalks and landscape buffers, so varying those widths would require an exception to a DPM standard, not the IDO. DRB staff has pointed out that the IDO establishes the requirement to have sidewalks, so the first criterion about whether sidewalks can be waived altogether would require a waiver of the IDO requirement and hence should stay in the IDO.

Mayor

The Planning Director has directed staff to develop zoning regulations for massage parlors and smoke shops. Some massage parlors harbor illicit activity such as prostitution and human trafficking, which are unarguably harmful to public health, safety, and welfare. Zoning regulation would bolster existing regulations on prostitution and human trafficking and supplement enforcement efforts by the Albuquerque Police Department. Smoke shops make vaping products readily available and market a lifestyle that celebrates smoking, which is known to be harmful to public health and welfare.

Regulating these uses will require adding a definition for these two types of business and adding a use-specific standard for each. The use-specific standards would likely include the following regulations:

- a distance separation from the same type of business – a zoning tool currently used for pawn shops, adult uses, and small loan businesses.

- a distance separation from residential uses – a zoning tool currently used for liquor retail and heavy manufacturing.
- a reference to state and federal requirements – an approach used with liquor retail, since the state has existing regulations requiring distance separations from churches and schools.

Massage parlors would likely be defined as a type of personal or business service in the Offices and Services subcategory of Commercial Uses in Table 4-2-1. This use is only allowed in Mixed-use and Non-residential zone districts, which seems appropriate for this type of business. The use-specific standard for this use already includes two types of business with special regulations – bail bonds and dry cleaning businesses – so adding another type of business is a consistent approach.

The definition for this type of business would need to refer to the state requirement for licensure of massage therapists. If it is legal to provide massage without such a license, it is likely the case that the massage parlors that harbor illegal activity do not have licensed massage therapists. If both of these assertions are true, then the use-specific standards can be written to target the businesses that are operating without licensed massage therapists. This approach would avoid regulating legitimate massage businesses, which are arguably a benefit to public health and welfare and therefore shouldn't be targeted with zoning tools that limit where they can be.

If the state regulation prohibits providing massages as a business service without a license, then more care will be needed in developing use-specific standards that target massage parlors that harbor illegal activity as opposed to those that do not. From a land use regulation standpoint, this distinction seems difficult to define. It may be the case that zoning tools would need to be coupled with other tools, such as business registration processes requiring proof of licensure and additional annual fees, to deter illegal activity and provide enough of a regulatory hoop to allow enforcement of businesses that are not in compliance.

Smoke shops would likely be defined as a type of adult retail in the Retail subcategory of Commercial Uses in Table 4-2-1. This use only allowed in 4 zone districts: MX-H, NR-BP, NR-LM, and NR-GM. Defining this type of business as adult retail, only allowed in these few zones, would immediately make many smoke shops nonconforming. Nonconforming uses, as regulated in Subsection 14-16-6-8(C), may continue, but if operation ceases for a continuous 24 months, the use becomes illegal and cannot be restarted. This approach would reduce the number of smoke shops over time. Additionally, very little of the city is zoned MX-H, NR-BP, NR-LM, or NR-GM, so this approach would also limit the number of smoke shops that could be started in the future.

The use-specific standard for this use in Subsection 14-16-4-3(D)(6) already establishes a distance separation of 500 feet of any Residential zone district; lot containing any Residential use in any Mixed-use zone district; religious institution; or elementary, middle, or high school. This use also establishes a 1,000-foot distance separation from another premises containing an adult retail use.

The definition of adult retail in Section 7-1 distinguishes adult retail from general retail by establishing a threshold of 25 percent or more of the gross floor area that is used to sell adult material, which is currently focused only on sexually-oriented activities. This definition would need to be expanded to include selling tobacco products and e-cigarettes and related items.

More research is needed to develop effective and legal definitions and zoning regulations to limit these types of businesses appropriately. Planning staff will continue to work on developing the details in coordination with staff from Council Services and City Legal. Staff is proposing a condition that recommends that City Council consider adopting such regulations for these uses. (See Condition #62.)

VIII. CONCLUSION

See Staff Report for September 12, 2019.

RECOMMENDED FINDINGS – RZ-2019-00046, December 12, 2019 – Text Amendment to the IDO

1. This is a request for an amendment to the IDO text and meets all of the application and procedural requirements in Subsection 14-16-6-7(D) of the IDO.
2. 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.
3. The EPC's task is to make a recommendation to the City Council regarding the amendment to the IDO text. 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 this amendment to the IDO text is a legislative matter.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. After the first year of implementing the IDO as the City's new land use and zoning framework, staff compiled approximately 300 technical edits to further improve the clarity and implementation of the IDO. These proposed amendments to the IDO text are required to promote economic growth and investment in the City as a whole. The proposed changes respond to challenges in implementing new regulations and neighborhood protections in a real-world context with real-world projects. Changes in market demands for housing and business needs, coupled with the imperative of protecting existing neighborhoods are also addressed in the proposed edits and amendments.
6. The request furthers the following relevant City Charter articles:
 - A. Article I, Incorporation and Powers. Amending the Integrated Development Ordinance (IDO) is an act of maximum local self-government and is consistent with the purpose of the City Charter. The updated regulatory language and processes in the IDO will help implement the updated Comprehensive Plan and help guide future legislation.
 - B. Article IX, Environmental Protection. Amending the IDO will better provide for orderly and coordinated development patterns and encourage conservation and efficient use of water and other natural resources. The IDO will help protect and enhance quality of life for Albuquerque's citizens by promoting and maintaining a high-quality and humane built environment. Commissions, Boards, and Committees will have up-to-date procedural guidance to better administer City policy and regulations.
 - C. Article XVII, Planning. Amending the IDO is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement

the updated Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts. Amending the IDO will help the Administration realize the Comprehensive Plan's vision for future growth and development and aid in the enforcement and administration of land use plans.

7. The request furthers the following applicable Comprehensive Plan goals and policies:

A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

If approved, the request would further the Community Identity Character Goal (4.1) and the Neighborhoods policy (4.1.4). It would make zoning and land use entitlements in our community more transparent, accurate, and contextually compatible, which would help to enhance, protect, and preserve distinct communities, neighborhoods, and traditional communities.

B. Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

If approved, the request would further the Land Use Centers & Corridors Goal (5.1) along with the Desired Growth and Development Areas policies (5.1.1 and 5.1.2). The IDO is the regulatory tool to realize and implement the "Centers and Corridors" community vision set out in the Comprehensive Plan in a coordinated, citywide context so that existing communities can benefit from appropriate new development, while being protected from potential adverse effects. The IDO regulations operationalizes the City's Development Areas – Areas of Change and Consistency – that work together to direct growth to appropriate locations and ensure protections for low-density residential neighborhoods, parks, and Major Public Open Space. The IDO implements the Comprehensive Plan through regulations tailored to the City's designated Centers and Corridors. The IDO regulations are also coordinated with transportation and urban design policies in the updated Comprehensive Plan, as well as updated technical standards for infrastructure in the Development Process Manual, currently under City review. Council Amendments E, F, and G address regulations that specifically apply in designated Centers & Corridor locations, which were developed to implement this goal and policies.

C. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

If approved, the request would further the Efficient Development Patterns Goal (5.3). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which will result in a more predictable development outcomes and consistent decision-making. Technical Edits are proposed for Sensitive Lands (IDO Section 14-16-5-2) and Subdivision regulations (IDO Section 14-16-5-4) to improve the clarity and enforceability of those provisions. Council Amendments E, F, H, I, N, and T include new regulations intended to promote efficient development patterns and maximize the utility of existing infrastructure and public facilities.

- D. Goal 5.7 Implementation Processes: Employ procedures and processes to effectively and equitably implement the Comprehensive Plan.

Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

If approved, the request would further the Land Use Implementation Processes Goal (5.7) and the Regulatory Alignment policy (5.7.2). The IDO's procedures and processes have been developed to effectively and equitably implement the Comprehensive Plan. In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO established an annual update requirement into the regulatory framework.

- E. Policy 5.7.5 Public Engagement: Provide regular opportunities for residents and stakeholders to better understand and engage in the planning and development process.

If approved, the request would further the Land Use Implementation Goal (5.7) and the Public Engagement policy (5.7.5). The IDO Annual Update process was established to provide a regular cycle for discussion among residents, City staff, and decision-makers to consider any needed changes that were identified over the course of the year. As this is the first annual update, there are a substantial number of both minor and more substantial changes proposed.

- F. Policy 5.7.6 Development Services: Provide high-quality customer service with transparent approval and permitting processes.

If approved, the request would further the Implementation Goal (5.7) and the Development Services policy (5.7.6). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which will result in a more predictable development outcomes and consistent decision-making. In the Proposed Technical Edits, the application notification requirements are modified to respond to comments from neighborhood association representatives about over-notification of requests with small impacts. For applications with larger potential impacts, the pre-submittal Neighborhood Meeting will be required to be facilitated by the City's Alternative Dispute Resolution Office, responding to concerns about potential bias in the existing procedure that allows the applicant to summarize the meeting contents. In Council Amendment Q, the determination of whether requested facilitated meetings will be required before a decision can be made on an application is removed from the purview of the Planning Director.

8. Council Amendment A furthers the following applicable Comprehensive Plan policies:

A. Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

Policy 7.3.5 Development Quality: Encourage innovative and high-quality design in all development.

Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

This amendment would prohibit barbed/razor wire in more locations, which is generally positive for urban character. This amendment would improve the quality of neighborhoods by further limiting the use of barbed/razor wire in all Mixed-use zone districts, which are generally intended for more walkable and pedestrian-oriented development. It also extends the prohibitions to apply to public utility structures as well as police and transit department properties, removing an exemption that currently exists in the IDO. Although the amendment allows barbed wire facing streets in Non-residential zones, the amendment adds design standards that require minimum setbacks and heights for walls and fences with razor/barbed wire, which would improve safety for pedestrians. These design standards would contribute to more comfortable pedestrian travel where barbed/razor wire is used along streets.

9. Council Amendment A could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 7.2.1 Walkability, Policy 7.2.2 Walkable Places, Policy 7.3.5 Development Quality, and Policy 8.1.5 Available Land.

10. Council Amendment B furthers the following applicable Comprehensive Plan policies:

A. Policy 5.3.7 Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

Policy 13.5.1 Land Use Impacts: Prevent environmental hazards related to land uses.

Policy 13.5.1.b: Protect public health, safety, and welfare by discouraging incompatible land uses in close proximity, such as housing and industrial activity.

This amendment would address potential conflicts between residential and cannabis-related uses. Cannabis-related uses might not be wanted by nearby residents and this amendment would ensure protections by specifying zone districts where these uses are allowed and distance separations from residential zone districts, schools, and daycares (1,000 feet for manufacturing and cultivation and 330 ft. for cannabis retail where consumption is allowed on premises).

B. Policy 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

Policy 8.2.3 Sustainable Business: Provide incentives for development projects and businesses that have sustainable economic characteristics.

Policy 8.2.3.a Sustainable Businesses: Cluster compatible businesses to allow for more efficient movement of goods, services, and workers.

This amendment would encourage development of a resilient economy by increasing the location quotient of medical/recreational marijuana. Allowing these cannabis uses in only four on-residential zone districts offers the opportunity for economic gardening, a development strategy that seeks to foster entrepreneurship within the community, instead of recruiting companies that are not local. As a result of economic gardening, the location quotient of the cannabis industry situated in Albuquerque has the opportunity to grow.

11. Council Amendment C implements Comprehensive Plan policies about regulatory alignment and mitigating potential adverse land use impacts:

A. Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

This amendment would provide a civil enforcement procedure as a first step to remedy violations of the IDO. If notices of violation are unsuccessful in remedying IDO violation(s), the Zoning Enforcement Officer (ZEO) would be able to initiate a hearing before the City's Administrative Office of Hearings. After determination that there is a violation, the hearing officer could issue a civil fine and order to pay the City's costs for the enforcement action and administrative hearing. If the property owner does not remedy the violation after that hearing, additional civil actions, including a lien on the property, or criminal proceedings may take place. This process is more likely to result in effective enforcement actions, than the present criminal enforcement procedures, thereby improving the City's regulatory alignment.

B. Policy 13.5.1 Land Use Impacts: Prevent environmental hazards related to land uses.

- a) Remediate sites that pose a detriment to public health, safety, and welfare to return them to productive use.
- b) Protect public health, safety, and welfare by discouraging incompatible land uses in close proximity, such as housing and industrial activity.
- c) Mitigate potential adverse impacts – including noise, emissions, and glare – of new development on surrounding land uses during and after construction through land use regulations, environmental permitting, and enforcement.

This amendment is much-needed and highly anticipated improvement recommended by neighborhood leaders frustrated by the constraints on current enforcement efforts. It would lead to improved mitigation of potential adverse land use impacts that arise from zoning violations.

12. Council Amendment D furthers the following applicable Comprehensive Plan policy:

- A. Policy 9.2.3 Cluster Housing: Encourage housing developments that cluster residential units in order to provide community gathering spaces and/or open space.

This amendment is intended to result in cluster development with houses surrounded by common open space.

13. Council Amendment D could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Goal 5.3 Efficient Development Patterns, Policy 5.3.3 Compact Development, Policy 5.3.4 Conservation Development, Policy 9.2.3 Cluster Housing, and Policy 7.3.1 Natural and Cultural Features.

14. Council Amendment E furthers the following applicable Comprehensive Plan goal and policies:

- A. Policy 5.1.1.c Desired Growth: Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

Policy 5.1.1.g Desired Growth: Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Policy 9.1.2.c Development Areas: Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

This amendment would allow for new investment in neighborhoods in appropriate locations, which can help enhance existing neighborhoods.

The amendment allows for infill and increased density in UC-MS-PT areas and the surrounding area within ¼ mile (typically a 15-minute walk). UC-MS-PT areas are identified in the Comprehensive Plan as places where development and growth are desirable and where walkable and pedestrian-oriented development is encouraged. This amendment would allow more residential units within walking distance from these

Center/Corridor areas, which allows more people to live in areas that can benefit from additional services in these areas as well as more people to support the retail, services, and transit encouraged in these Center/Corridor areas.

The existing contextual standard limits subdivision of properties in low-density residential areas by requiring that the lots that are created be at least 75% of the size of average lots in the area. This amendment would allow property owners to subdivide residential properties over 10,000 sf into lots that can be 50% or more of the size of average lots in the area, which would facilitate the creation of more varied housing types, while also maintaining a single-family development pattern.

The amendment would allow for slightly more dense development in areas with relatively large lots (over 10,000 sf), which would generally use and help maximize existing infrastructure and public facilities. Such development would encourage efficient use of land in already developed areas, which reduces the reliance on less efficient greenfield development.

15. Council Amendment E could further the following applicable Comprehensive Plan policy if the Recommended Conditions of Approval are implemented: Policy 4.1.4 Neighborhoods.

16. Council Amendment F furthers the following applicable Comprehensive Plan policies:

A. Policy 5.1.1.c Desired Growth: Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

Policy 5.1.1.g Desired Growth: Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Policy 9.1.2.c Development Areas: Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

This amendment would allow for infill and increased density in UC-MS-PT areas and the surrounding area within ¼ mile. This amendment allows for infill with a transitional form of residential development, which is not as dense as desired in Centers and Corridors, but brings more people within walking distance of goods, services, and transit encouraged in these Centers and Corridors.

The amendment would allow for slightly more dense development in areas with relatively large lots (over 10,000 sf), which would generally use and help maximize existing infrastructure and public facilities. Such development would encourage efficient use of land in already developed areas, which reduces the reliance on less efficient greenfield development.

The amendment would allow for more infill development than allowed by the existing cottage development rules, which have a 1-acre minimum lot size. Most of the land where infill residential development might occur is less than one acre, so the cottage development use cannot be applied in many infill situations. This amendment would allow for the use of cottage development, which is an innovative way to allow for slightly increased residential density that remains in scale with low-density residential development patterns in existing neighborhoods.

This amendment would allow for more use of cottage development, which is a tool to allow for a different mix of dwelling sizes and types, often with shared infrastructure, open space, and facilities for the residents. The dwelling types (single-family detached vs. duplex or townhouse) allowed in cottage development are the same as would be allowed in the underlying zone district, but the development intensity is measured based on gross floor area instead of the number of dwellings allowed. This type of development would provide more variety in certain areas, while maintaining the general scale and type of residential development environment.

- B. Policy 5.3.3 Compact Development: Encourage development that clusters buildings and uses in order to provide landscaped open space and/or plazas and courtyards.

This amendment encourages cottage development, which allows for slightly more density than is normally allowed in zones like R-A and R-1. There is an existing requirement that in R-A and R-1, cottage developments must include 30% of the site as usable open space, which would continue apply to properties that become available for this type of development based on this change. Cottage developments are intended to include smaller dwellings than would normally be built, which allows for more clustering of those dwellings.

17. Council Amendment G furthers the following applicable Comprehensive Plan policies:

- A. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

This amendment addresses a concern that some of the design requirements for drive-throughs in AC-UC-MS-PT-MT areas are too restrictive and are discouraging or

rendering impossible that type of development in Center and Corridor areas, where development is generally desired.

This amendment would allow for flexibility on certain lots where the circumstances of the lot size, location, or orientation do not allow for a site layout that is accessible or, in some cases, safe. Providing certain exemptions to the requirements for locating drive-through lanes away from the street for small lots and corners would provide additional flexibility for development on lots with those specific circumstances.

The requirement for screening would help mitigate potential negative impacts and would help maintain a consistent street wall, even where a drive-through lane is between a building and the street.

The revised language about the placement of service windows is an appropriate revision because it allows for some flexibility, but still protects residential neighborhoods from the sounds and other negative impacts, like idling vehicles, associated with the service window. As written, the proposed language that the window be “parallel with” includes some ambiguity and is open to interpretation. This regulation would be clearer if the language were adjusted to say either “perpendicular to” or “facing.”

- B. Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

Drive-throughs are a common form of development in Albuquerque, where most areas remain fairly auto-oriented. Most of this amendment, except for the portion that removes design guidelines for Activity Centers and Major Transit Corridors, provides flexibility to support development in Centers and Corridors, while also preserving certain protections from some negative impacts of drive-throughs.

18. Council Amendment G could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.1 Desired Growth, Policy 5.7.2 Regulatory Alignment, Policy 5.1.4.b Urban Centers, Policy 5.1.8 Premium Transit Corridors, Policy 5.1.9 Main Streets, Policy 6.1.3 Auto Demand, Goal 7.2 Pedestrian-Accessible Design, Policy 7.2.1 Walkability, Policy 7.2.2 & 7.2.2b Walkable Places, Policy 5.1.6 & 5.1.6.d Activity Centers, and Policy 7.1.2 & 7.1.2.a Development Form.

19. Council Amendment H furthers the following applicable Comprehensive Plan goal and policies:

- A. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Policy 5.2.1.a: Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

Policy 5.2.1.e: Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

The amendment would support these policies. MX-L is intended to be mapped near residential neighborhoods. The amendment would therefore allow more retail nearer to neighborhoods. Much MX-L is mapped in areas with existing infrastructure, and this amendment would allow larger retail establishments that could support additional growth and accommodate additional market demands.

20. Council Amendment H could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.1 Desired Growth, Policy 5.1.2 Development Areas, Policy 5.2.1.h & 5.2.1.g Land Uses, and Policy 8.1.1 & 8.1.1b Diverse Places.

21. Council Amendment I furthers the following applicable Comp Plan policy:

A. Policy 5.7.6 Development Services: Provide high-quality customer service with transparent approval and permitting processes.

The amendment would further this policy. In the majority of instances, the amendment replaces the phrase with a dimensional standard that makes compliance clear or removes the provision altogether if compliance cannot be regulated. In those instances where the proposed change did not result in an enforceable regulation, staff has proposed edits. See attached exhibit.

For instances of the phrase in Subsection 5-2 Sensitive Lands, the amendment would replace an administrative review process of assessing whether an application meets the standards to the maximum extent practicable with a discretionary review process that would rely on the Environmental Planning Commission to approve a site plan for applications that cannot avoid sensitive lands, and the Environmental Planning Commission would be responsible for determining whether the applicant was meeting the standards to the maximum extent practicable. Since “maximum extent practicable” is defined with regard to feasibility, this change relies on the EPC to have the technical expertise to judge whether a feasible or prudent alternative exists. Many of the instances where the phrase has been used rely on some engineering knowledge related to the engineering feasibility of compliance with the regulation. The engineering expertise of staff is relevant to these determinations. The Council amendment posits that “maximum extent practicable” goes beyond what staff can determine and requires a discretionary decision at a public hearing.

22. Council Amendment I could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.7.4 Streamlined Development, Policy 5.7.4.d Streamlined Development, Policy 5.7.5.a Public Engagement, and Policy 10.4.4.b Arroyos and Drainage.

23. Council Amendment J furthers the following applicable Comprehensive Plan policies:

- A. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Policy 5.2.1.h: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

Policy 5.3.7 Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

This amendment would address potential conflicts between residences and locally unwanted land uses by adding an extra layer of consideration through making the use conditional in the MX-M zone. By making liquor retail a conditional use in the MX-M zone unless accessory to a grocery store this amendment would address neighborhoods' and residents' concerns about nuisance traffic or activity that may disrupt adjacent land uses.

24. Council Amendment J could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.1 Desired Growth, Policy 5.1.2 Development Areas, Policy 5.2.1 Land Uses, Policy 5.7.2 Regulatory Alignment, and Policy 8.1.1 Diverse Places.

25. Council Amendment K furthers the following applicable Comprehensive Plan policies:

- A. Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

Policy 7.2.2.b: Encourage building and site design that activates the pedestrian environment through building frontage, entrances, parking areas, and gathering spaces.

Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

Policy 7.3.4.b: Promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood-scale, well-designed, appropriately

located, and consistent with the existing development context and neighborhood character.

This amendment would contribute to appropriate transitions between Areas of Change and Areas of Consistency by allowing developers to locate parking closer to residential lots while still creating a buffer between parking and low-density residential uses. It would also affectively allow smaller sites the creativity to develop buildings closer to the street, rather than being forced to move parking to the front. Neighborhoods have expressed that having some parking between low density residential is preferable to a multi-story building being located closer to the Protected Lot.

The amendment would promote a high-quality pedestrian-oriented neighborhood and district by encouraging building and site design that activates the pedestrian environment. This change would also promote infill that enhances the built environment with surrounding structures and the streetscape of the block in which it is located by promoting buildings and massing of commercial and offices uses adjacent to single-family neighborhoods that are neighborhood-scale and appropriately located in a manner consistent with the existing development context and neighborhood character.

26. Council Amendment L furthers the following applicable Comprehensive Plan goals and policies:

- A. Policy 6.1.1 Matching Land Use: When designing and improving streets, prioritize transportation-related accommodations and amenities to match the desired development context (e.g. urban, suburban, or rural) and/or the intended intensity of land uses.

Goal 7.2 Pedestrian-Accessible Design: Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

Policy 7.2.1.a: Ensure the location and design of sidewalks reflects the existing or planned character and intensity of surrounding land uses.

Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

Policy 7.3.2.a: Design development to reflect the character of the surrounding area and protect and enhance views.

Policy 7.3.2.b: Encourage development and site design that incorporates CPTED principles.

Policy 7.3.5 Development Quality: Encourage innovative and high-quality design in all development.

The amendment would maintain a safe and comfortable pedestrian environment, by allowing visibility between the street and the abutting development, while reflecting the character and security needs of the surrounding land uses.

The proposed amendment strikes a balance between the prior rules, which allowed taller walls or fences between the building and the street, with the IDO's regulations that required shorter fences. By requiring any fence over 3 feet tall to be view fencing, the visibility between the street and the building is maintained, while allowing businesses to have a more secure site. Allowing taller walls in the NR-C and NR-BP zone reflects the existing or desired development context and character of the land uses.

This amendment would also adjust outdoor seating standards, which were intended more for big-box retail than for large warehouses, to a lower rate for Transportation and Industrial Uses that might not have many workers or any customers. This is consistent with Comprehensive Plan policies to recognize the unique character of different types of development and land uses and provide different regulatory approaches to keep places safe and attractive.

27. Because Council Amendment M proposes to create a new Character Protection Overlay zone, this amendment is being withdrawn from consideration as part of the IDO Text Amendment and will be submitted separately as a Zoning Map Amendment – Council, pursuant to IDO Subsection 6-7(G). A Recommended Condition of Approval could address the building articulation concerns that lead to some of the regulations in this proposed CPO as a Technical Edit that would apply citywide in Center and Corridor areas, thereby making building design standards unique to a new North 4th Street CPO unnecessary.

28. Council Amendment N furthers the following applicable Comprehensive Plan policies:

A. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Policy 5.2.1.c: Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.

Policy 5.2.1.h: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

This amendment would contribute to creating healthy, sustainable, and distinct communities with a mix of uses by allowing a contractor's yard to be permissive on lots zoned NR-C that are not located within 330 feet of a Residential zone. This change would also encourage infill development that is complementary to surrounding uses and scale.

B. Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

Policy 5.4.2.a: Ensure adequate capacity of land zoned for commercial, office, and industrial uses west of the Rio Grande to support additional job growth.

This amendment would ensure adequate capacity of land zoned for commercial and industrial uses west of the Rio Grande to support additional job growth by increasing the number of properties zoned NR-C where this use is permissive, while maintaining protections for residentially zoned properties.

29. Council Amendment O furthers the following applicable Comprehensive Plan goals and policies:

A. Policy 5.1.3.a Downtown: Support pedestrian-oriented development.

Policy 5.1.3.e Downtown: Encourage plazas and other open spaces to provide an inviting atmosphere for pedestrians and support a diversity of uses.

Policy 5.1.8.c Premium Transit Corridors: Encourage active public spaces and plazas within 660 feet of identified transit station locations and balconies and decks overlooking transit station areas.

Policy 5.1.9 Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood-oriented businesses.

Policy 5.1.9.c: Prioritize street and walkway improvements, such as street trees, landscaping, lighting, wayfinding, and wide sidewalks, to create safe and comfortable pedestrian environments.

Policy 6.2.4 Pedestrian Network: Prioritize pedestrian travel, safety, and amenities above all other transportation modes on Main Street Corridors and streets within Downtown, Urban Centers, and Activity Centers.

Policy 6.2.4.c: Develop and maintain a safe, convenient, and visually pleasing pedestrian environment, ensuring adequate facilities for all users, especially children, senior citizens, and people with disabilities.

Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

Policy 7.2.2.g: Design streetscapes to incorporate street trees, landscape elements, and enhanced sidewalks to support vibrant pedestrian environments.

Policy 7.2.2.h: Encourage building and site design that activates the pedestrian environment through building frontage, entrances, parking areas, and gathering spaces.

Policy 7.2.2.i: Support pedestrian activity along streets, including sidewalk dining, parquitos/parklets, and open streets events.

The amendment would further these Comprehensive Plan by removing the requirement for a wall or fence in the public right-of-way around outdoor dining areas – unless one is required by the State to delineate the area where alcohol is consumed. The amendment retains the requirement to provide a minimum pedestrian clear passage area. These changes can help enhance pedestrian-oriented development, contribute to an inviting atmosphere for pedestrians, encourage active places, and support vibrant pedestrian environments.

- B. Goal 5.7 Implementation Processes: Employ procedures and processes to effectively and equitably implement the Comp Plan.

Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

Reducing the sidewalk encroachment permit fee allows the city to incentivize and subsidize the creation of outdoor dining spaces in the public right-of-way, which generally contribute to a more vibrant and diverse streetscape. This supports a regulatory alignment of our city goals and priorities with incentives to increase this use in the public right-of-way.

- C. Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

Reducing the sidewalk encroachment permit fee and removing the requirement for wall to demarcate outdoor dining space on public right-of-way will support the economic viability of cafés, restaurants, bars, nightclubs, and tasting and tap rooms. Outdoor dining patios expand seating capacity, show off the restaurant from a distance, and provide a comfortable space for customers to enjoy. Removing the requirement for providing a wall or fence in the public right-of-way will increase the locations where outdoor patios are viable, while retaining requirements to protect the pedestrian walkway.

30. Council Amendment O would further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.3.a & 5.1.3.e Downtown, Policy 5.1.8.c Premium Transit Corridors, Policy 5.1.9 Main Streets, Policy 6.2.4 Pedestrian Network, and Policy 7.2.2 Walkable Places.

31. Council Amendment P furthers the following applicable Comprehensive Plan policies:

- A. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

Policy 5.1.1.a: Create walkable places that provide opportunities to live, work, learn, shop, and play.

This amendment would make it easier to put outdoor seating and dining areas in front of or next to buildings in UC-MS-PT areas. The existing regulation is intended to maintain an active street frontage in these more urban Center and Corridor areas. Outdoor seating and dining areas can be just as effective, if not more so in some cases, than buildings in activating the street frontage. This amendment provides additional options for development in UC-MS-PT areas and supports walkability in those areas.

- B. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

This amendment would encourage more walkable urban environments – outdoor seating and dining areas encourage people to walk and spend time outdoors, which may draw residents from the surrounding neighborhoods. This amendment would also allow for a wider mix of uses than would otherwise developers because property owners have more options.

- C. Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

Policy 7.2.2.b: Encourage building and site design that activates the pedestrian environment through building frontage, entrances, parking areas, and gathering spaces.

Policy 7.2.2.c: Support pedestrian activity along streets, including sidewalk dining, parquitos/parklets, and open streets events.

This amendment would promote pedestrian-oriented streetscapes by encouraging outdoor gathering and dining areas that activate the pedestrian environment along streets.

32. Council Amendment Q furthers the following applicable Comprehensive Plan policies:

- A. Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

Policy 5.7.4 Streamlined Development: Encourage efficiencies in the development review process.

Policy 5.7.6 Development Services: Provide high-quality customer service with transparent approval and permitting processes.

Policy 5.7.4.a Streamlined Development: Encourage and facilitate meetings between developers and residents to identify and address issues prior to the official submittal of projects for approval.

The amendment would support these policies to the extent that the amendment ensures facilitated meetings to anyone who requests one and clarifies the notification process.

The language requiring forms for notice seems too detailed for the IDO, which generally does not delve into the details of how to administer the code. The Planning Department is willing to make forms, and the use of the forms, if posted on the Planning webpage, would be required by existing language in Subsection 6-4(F)(1). If the Councilor still wants the amendment to direct the Planning Department to create forms, staff respectfully requests that the language be moved to an Actions section at the top, similar to the approach in Amendment O for Outdoor Dining, which directs the Planning Department to establish procedures for an outdoor dining sidewalk encroachment permit. Staff would also recommend adding an item to the list of required information an explanation of any

deviations, variances, or waivers being requested. Staff has received input from Neighborhood Associations that this information is useful in understanding the request.

33. Council Amendment Q could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.7.4 & 5.7.4.d Streamlined Development, and Policy 5.7.6 Development Services.

34. Council Amendment R furthers the following applicable Comprehensive Plan policies:

A. Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

Policy 13.5.1 Land Use Impacts: Prevent environmental hazards related to land uses.

Policy 13.5.1.a: Mitigate potential adverse impacts – including noise, emissions, and glare – of new development on surrounding land uses during and after construction through land use regulations, environmental permitting, and enforcement.

This amendment would limit light pollution onto adjacent properties from the interior of brightly lit buildings, which would protect existing residential neighborhoods from the potentially intense interior lighting of non-residential development, thereby promoting long-term health and vitality of the existing City.

This amendment would encourage design strategies to limit excessive interior night lighting to be more compatible with neighborhoods that typically have less night lighting.

B. Policy 8.2.3 Sustainable Business: Provide incentives for development projects and businesses that have sustainable economic characteristics.

Policy 13.1.1 Resource-Efficient Development: Promote development in the city and county that works with nature to slow global climate change.

This amendment would decrease energy use for development projects and businesses, which would lower costs and result in more sustainable practices and decrease carbon emissions from electricity that causes climate change.

35. Council Amendment R could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 6.3.2.a Pedestrians and Policy 7.3.2 Community Character.

36. Council Amendment S furthers the following applicable Comprehensive Plan policies:

- A. Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Policy 6.1.1 Matching Land Use: When designing and improving streets, prioritize transportation-related accommodations and amenities to match the desired development context (e.g. urban, suburban, or rural) and/or the intended intensity of land uses.

Policy 6.2.1 Complete Networks: Design and build a complete, well-connected network of streets and trails that offer multiple efficient and safe transportation choices for commuting and daily needs.

This amendment would add a new 100 ft. limit for the length of streets that end in cul-de-sacs and reduce the length of permanent stub streets from 150 ft. to 100 ft. This amendment would be consistent with Comp Plan policies that aim to protect and contribute to the identity and cohesiveness of neighborhoods by promoting general access to the mix of uses on commercial streets through a complete well-connected network of streets to offer a multiple of efficient and safe transportation choices for commuting and daily needs. Long cul-de-sacs require driving longer distances to connect to goods and services and decrease the pedestrian connectivity of a neighborhood. The amendment would conflict with new DPM standards. If the DPM standards are sufficient to limit cul-de-sac lengths and stub streets, then this amendment is unnecessary. If the amendment establishes appropriate limits, then the draft DPM needs to be updated. Potentially, limits between what the amendment proposes and what the DPM reflects should be considered.

37. Council Amendment S could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.1.c & 5.1.1.g, Policy 5.2.1 & 5.2.1.n Land Uses, Policy 5.3.1 Infill Development, Policy 7.2.1 & 7.2.1.f Walkability, Policy 7.3.1 Natural and Cultural Features, and Policy 11.4.5 Private Protections.

38. Council Amendment T furthers the following applicable Comprehensive Plan policies:

- A. Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

Policy 5.1.1 - Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

Policy 5.1.10 - Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

Policy 5.1.11 - Multi-Modal Corridors: Design safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and pedestrian-oriented over time.

Policy 5.2.1 - Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Policy 5.3.1 - Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Policy 6.1.1 Matching Land Use: When designing and improving streets, prioritize transportation-related accommodations and amenities to match the desired development context (e.g. urban, suburban, or rural) and/or the intended intensity of land uses

Policy 6.1.2 Transit-Oriented Development: Prioritize transit-supportive density, uses, and building design along Transit Corridors.

Policy 6.1.3 Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs

Policy 6.2.7 Transit Network: Prioritize transit travel and pedestrian safety, especially near transit stops and stations and intersections.

Policy 6.5.1 Equitable Transportation Systems: Consider the needs of people of all ages and abilities in the design, construction, and operation of transportation systems.

Policy 6.6.4 Redevelopment: Leverage transportation investments to spur redevelopment and private investment along commercial corridors and Interstates.

Policy 6.7.1 Public-Private Coordination: Coordinate public and private sector investment, development, and transportation decisions so that future investments are consistent with the vision and principles of the Comp Plan and the regional MTP.

Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

Policy 7.4.2 Parking Requirements: Establish off-street parking requirements based on development context.

Policy 7.4.2.a: Discourage oversized parking facilities.

This amendment would allow a reduction of required parking on more properties to include those located on a transit route with service that is at a higher level than other locations in the City. The requested regulation would expand the definition of high-frequency transit service to 30-minute headways during peak service. Transit routes with a 30-minute frequency are still a higher frequency than most routes in the City and are located on corridors with more existing activity, mix of uses, and existing infrastructure. Less parking would be required on more transit routes, therefore encouraging transit ridership.

This incentive prioritizes development in areas with transportation-related accommodations and amenities and generally matches the desired development context with the intended intensity of land uses. The request will prioritize transit-supportive density, uses, and building types along transit corridors.

This change would protect the identity and cohesiveness of the existing neighborhoods by promoting development with less parking at appropriate locations, thereby encouraging pedestrian activity in neighborhoods where transit is more frequent, and activating the streetscape in those areas, thereby promoting safety for pedestrians and economic benefit for local businesses. The result would be to allow more density closer to already established neighborhoods.

The proposed regulation will allow denser development for properties on more transit routes. Since high-volume transit routes are more likely to be located on Comprehensive Plan designated Corridors that connect Centers, this regulation would encourage a sustainable development pattern rather than a sprawling pattern that would limit future transit options.

The requested regulation would contribute to the safe design of multi-modal corridors by allowing denser development with less required on-site surface parking, which will reduce conflict between pedestrians and vehicles, thereby encouraging high-frequency transit corridors to become more mixed-use and pedestrian-oriented over time.

Because this regulation requires less on-site parking on high-frequency transit routes, denser development will result, which is inherently more pedestrian-oriented. Walking is a more feasible transportation option when the distances between services and activities are closer and easier to access with less danger from crashes with vehicles.

The requested regulation encourages transit use and does not encourage automobile use; therefore, more equitable systems are promoted because automobiles are one of the most costly household expenses.

39. Because Council Amendment U proposes to create a new Character Protection Overlay zone, this amendment is being withdrawn from consideration as part of the IDO Text Amendment and will be submitted separately as a Zoning Map Amendment – Council, pursuant to IDO Subsection 6-7(G).
40. The required notice for an Amendment to IDO Text is published, mailed, and posted on the web. The City published notice of the EPC hearing in the ABQ Journal legal ads. First class mailed notice was sent to the two representatives of each neighborhood organization registered with the Office of Neighborhood Coordination (ONC). Notice was posted on the Planning Department website and on the project website.
41. Additional notification consisted of an article published in the Neighborhood News in June and July 2019, a banner on the Library webpage, announcements on the Planning Department webpage, and email notice sent to approximately 10,000 subscribers to the ABC-Z project update email list on July 26, 2019.
42. Though a neighborhood meeting is not required for an Amendment to IDO Text, Planning staff held a series of 12 public meetings and 4 open houses on the proposed IDO Annual Update text

amendments. In these meetings, staff presented the proposed amendments, solicited input for new changes, and listened to participants' feedback about the proposed changes.

43. The request for the IDO Annual Update text amendment was announced in the Albuquerque Journal, the Neighborhood News, and on the Planning Department's web page and social media. The Planning Department mailed notification to each of listed neighborhood representatives.
44. As of this writing, Staff has received multiple comments, expressing support, opposition, and recommended changes. While there are comments in opposition to individual Tech Edits and Council Amendments, there is general support for this request as a whole. The recommended Conditions of Approval address some of the issues raised in public and agency comments.
45. Since the first EPC hearing, Staff has continued coordination with several departments, including Municipal Development, Transit, and Council Services. These discussions have resulted in several additional EPC Recommended Conditions of Approval.

RECOMMENDATION – RZ-2019-00046 – October 10, 2019 – Text Amendment to the IDO

That a recommendation of APPROVAL of Project #: 2018-001843, RZ-2019-00046, a request for Amendment to the IDO Text, be forwarded to the City Council based on the preceding Findings.

**RECOMMENDED CONDITIONS OF APPROVAL – RZ-2019-00046 – December 12, 2019 –
Amendment to the IDO Text**

The Recommended Conditions of Approval have been reorganized since earlier Staff Reports to group all Technical Edits together and all Council Amendments together. The Technical Edit conditions are generally organized in order of the IDO. Council Amendments conditions are organized alphabetically by Amendment.

Conditions highlighted yellow are new or revised since the October 10, 2019 2nd supplemental staff report.

Technical Edits

The following conditions of approval are submitted for the EPC's consideration based on the policy analysis above. All are recommended by staff except the one that is noted as optional [O].

1. The Proposed Technical Edits included as “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019” and “Proposed Technical Edits - Attachments” shall be adopted, except as modified by any recommended conditions of approval below.

2. Staff Comment: Technical Edit [new]: [R] On IDO page 2, in Subsection 1-6(B), revise to read as follows: “The Official Zoning Map is the latest version of the zoning map as approved or amended by City Council or its designee the Environmental Planning Commission and maintained in electronic form by the City Planning Department. The zones and boundaries of zones as established and shown on the map are incorporated herein and designated as the Official Zoning Map of the city.”

3. Staff Comment: Technical Edit [new]: [R] On page 2, Subsection 1-7(A) revise the following:
 - a. In Subsection 1-7(A)(2), replace text to read as follows: “Indoor uses allowed under this IDO must be located within buildings that meet the standards in Articles 14-1, **14-2**, and 14-3 of ROA 1994 (Uniform Administrative Code, **Fire Code**, and Uniform Housing Code) and other applicable technical codes adopted by the City. Allowable uses conducted in buildings that are not in compliance with this requirement are a violation of this IDO.”
 - b. Add a new Subsection 1-7(A)(3) to read as follows: “Other City, federal, state regulations may apply to a particular development project. Projects not in compliance with those regulations are not considered a violation of this IDO but may result in a denial of the application.”

4. Staff Comment: Technical Edit [new]: [R] On page 4, Section 1-7 Compliance Required, move Subsection 1-10(B) to a new Subsection 1-7(C) and replace text as follows:

“Applications shall be reviewed and decided based on conditions that exist and rules and procedures in effect when the application was accepted as complete by the City Planning Department, including, but not limited to the following:

1. Land uses that exist or have received a building permit on adjacent properties.
2. Zoning in effect on properties adjacent to the subject property.
3. Any adopted standards or regulations that would apply to the subject property.
4. Any relevant City processes or decision criteria that would apply to the application.”

5. Staff Comment: Technical Edit [new]: [R] On page 4, Section 1-7 Compliance Required, move Subsection 1-10(C) to a new Subsection 1-7(D) and replace text as follows:

“Any application that has not been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, or that is submitted after that effective date, shall be processed, reviewed, and decided based on the requirements of this IDO in effect when the application is accepted as complete. See also Section 1-10 Transitions from Previous Regulations.”

6. Staff Comment: Revise Technical Edit: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the first row on page 6 of 101 labeled Area-specific Standards for a new Subsection 1-8(A)(3) on page 4 to read: “When area-specific regulations (i.e. Centers, Corridors, or small areas) conflict or differ from any citywide regulation in Parts 4, 5, and 6, the area-specific regulations prevail for development within the specified area regardless of whether the area-specific regulation is more or less restrictive than the citywide regulation. The area-specific regulations apply instead of, not in addition to, the citywide regulations, unless specified otherwise. Where area-specific regulations are silent, citywide regulations in Parts 4, 5, and 6 apply.”

7. Public Comment: Revised Technical Edit: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the first row on page 7 of 101 labeled Usable Open Space for IDO Table 2-4-11 on page 34. Replace with the following text: “Add a note to allow the amount of usable open space to be reduced by 50% in UC-MS-PT areas in the MX-FB-ID and MX-FB-FX subzones.”

8. New Technical Edits in response to Council Amendment D: [R]

- a. On IDO page 130, in Table 4-2-1, add a new use called “Dwelling, conservation development” with the same allowances as Dwelling, cluster development.
- b. Add a use-specific standard with the same language as currently in Section 4-3(B)(2), replacing the term “cluster development” with “conservation development” with the following exceptions:
 - i. On page 136, revise the language in Subsection 4-3(B)(2)(c) to read: “...shall not exceed 50 per conservation development...”

-
-
- ii. On page 136, revise the language in Subsection 4-3(B)(2)(d) to read: "...shall include common open spaces set aside..."
 - iii. On page 136, revise the language in Subsection 4-3(B)(2)(d)(1) to read: "The total area of common open space shall be 30 percent of the gross area of each cluster development or 100 percent..."
 - iv. On page 136, revise the language in Subsection 4-3(B)(2)(d)(2) to read: "Each common open space shall..."
 - v. On page 136, in Subsection 4-3(B)(2)(d)(3) and 4-3(B)(2)(d)(4) delete "the" in front of "common open space" consistent with the revisions proposed above that multiple common open space areas are allowed.
 - vi. In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," revise the Technical Edit in the second row labeled Major Public Open Space / Cluster Development on page 32 of 101 for IDO page 205, Subsection 5-2(H)(2)(a)2, to read as follows: "For conservation development, locate at least 75 percent of common open space to be contiguous with Major Public Open Space. For cluster development and multi-family development, locate at least 25 percent of common open space or ground-level usable open space to be contiguous with Major Public Open Space. These areas shall be made accessible from the remaining land via trails or sidewalks. Access to the Major Public Open space is not allowed unless approved by the Open Space Division of the City Parks and Recreation Department."
- c. On IDO page 192, Subsection 5-1(C)(2)(a)1), add "Conservation development" as a new subsection c, renumbering subsequent subsections accordingly.
 - d. On IDO page 198, Subsection 5-2(C)(4), add "conservation" to the change proposed in the Technical Edits for this subsection consistent with the proposal to make all of these uses options for preserving sensitive lands (not to be used in combination for more reductions in lot size than would be allowed with either option).
 - e. On IDO page 458, add the following sentence to the end of the existing definition of "Dwelling, Cluster Development": "The intent of cluster development is to create an innovative development pattern that is sensitive to natural features and topography and creates more area for open space, recreation, and social interaction." Add cross reference to "Dwelling, Conservation Development."
 - f. On IDO page 458, revise the existing definition of "Dwelling, Cluster Development" to be a new definition for "Dwelling, Conservation Development" with the following additional sentence: "The intent of conservation development is to protect environmentally sensitive areas of the development site and to decrease the extent of infrastructure built to serve the development through a more compact development pattern than would otherwise be allowed by that zone." Add cross reference to "Dwelling, Cluster Development."

-
9. Staff Comment: Technical Edit [new]: [R] On IDO page 134, in Table 4-2-1 revise the "A" in the R-MC column for "Family home daycare" to "CA" to be consistent with the process for other low-density residential development.
10. Public Comment: Technical Edit [new]: [R] On IDO page 137, in Subsection 4-3(B)(3), add a new use-specific standard requiring a community building with a kitchen accessible to all residents if individual cottage dwellings do not have kitchens.
11. Staff Comment: Technical Edit [new]: [R]
- a. On page 133, Table 4-2-1, revise "Dwelling unit, accessory" to "Dwelling unit, accessory with kitchen."
 - b. On page 176, Subsection 4-3(F)(5)(a), revise text as follows: "Where this use is allowed, only one (1) accessory dwelling unit is allowed per lot. See Table 4-2-1 for the zones where this use is allowed and Subsection 14-16-4-3(F)(5)(i) for the small areas where accessory dwelling units with kitchens are allowed in R-1."
 - c. On page 127, revise the second sentence in Section 4-1(A) to read as follows: "Use-specific Standards in Section 14-16-4-3 establish restrictions, requirements, or review procedures." Add a new Subsection 4-1(A)(1) to read as follows: "Table 4-2-1 may indicate that a use is allowed in a particular zone district, while the Use-specific Standard may restrict that use in particular contexts or in specified areas. For example, a use may be allowed citywide but not next to residential uses, or a use may be allowed in a small area but not citywide in the same zone district."
12. Staff Comment: Technical Edit [new]: [R] On page 194, in Table 5-1-2, add a note to the Front, minimum setback for UC-MS-PT areas to read as follows: "In UC-MS-PT areas where sidewalks are less than 10 feet wide, the minimum front setback shall be 10 feet."
13. Staff Comment: Technical Edit [new]: [R] On page 198, add a new Subsection 5-2(C)(1) Applicability to read as follows:
- "This section applies when an applicant initiates the approval process for any of the following:
- 5-2(C)(1)(a) A preliminary plat for any subdivision that includes more than 5 acres of land that has never been issued a grading a permit.
- 5-2(C)(1)(b) A Site Plan for a project site that includes more than 5 acres of land that has never been issued a grading a permit.
- 5-2(C)(1)(b) A Master Development Plan or Framework Plan."
14. Public Comment: Technical Edit [new]: [O] On IDO page 205, in Subsection 5-2(H)(2)(a), revise the required landscape buffer from 20 ft. to 45 ft.

15. Staff Comment: Technical Edit [new] regarding transit parking reductions: [R]

a. On IDO page 235, Subsection 5-5(C)(5)(a), revise as follows:

“General Reductions for ~~Urban Centers and Main Street Corridor~~ Areas

Where Table 5-5-1 and Table 5-5-2 do not indicate a different parking requirement for ~~UC or MS UC-AC-EC-MS~~ Areas **and ~~-PT Corridor~~ MT in Areas of Change**, a ~~10 percent~~ **20 percent** reduction in required off-street parking requirements shall apply to properties in those ~~Center and Corridor~~ areas.”

b. On IDO page 475, Section 7-1, under the Measurement definitions, add a new definition for “peak service frequency” that clarifies that transit route frequency is per Transit data available on the Advanced Map Viewer and provided by Transit to the Planning Department annually. Frequency is to be based on an average in both directions for routes that are not circular.

16. Staff Comment: Technical Edit [new]: [R] On page 236, move language from IDO Subsection 5-5(C)(5)(d)2 to a new Subsection 5-5(C)(8) with the header “Electric Vehicle Charging Stations” and revise to read as follows: “When more than 200 off-street spaces are constructed, at least 2 percent of the vehicle parking spaces shall include electric vehicle charging stations with a rating of 240 volts or higher.”

17. Staff Comment: Technical Edit [new]: [R] On page 242, revise Subsection 5-5(F)(2)(a)2 as follows:

a. “In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no portion of this structure may be located within 3 feet of a property line. **No variances are allowed to this standard.**”

b. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no carport wall may be built within **any the** required front or side setback area **in a front or side yard** without a Permit - Carport in a Required Front or Side Setback pursuant to Subsection 6-6(L).”

18. Staff Comment: Technical Edit [new]: [R] On page 247, revise Subsection 5-5(G)(3)(c) to read as follows: “Each façade facing a public street shall be designed to screen all parked vehicles to a height of 4 feet to conceal internal light sources when viewed from the public street.”

19. Public Comment: Revised Technical Edit regarding landscaping in a public utility easement: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” delete the third row labeled “Landscaping / Utility Easements” on page 42 of 101 for IDO Subsection 5-6(C)(15)(c) on IDO page 258 as unnecessary.

20. Staff Comment: Revised and New Technical Edit regarding Drainage facilities: [R]

a. New Technical Edit: On IDO page 263, Subsection 5-6(E)(4)(b), create new subsections 1-3 as follows:

- i. “(1) A landscape buffer area at least 25 feet wide shall be provided along the adjacent property line. For Drainage facility utilities, a landscape buffer of at least 10 feet wide shall be provided along the adjacent property line, unless a smaller buffer area is approved by the City Engineer as necessary on a particular lot.”
 - ii. “(2) Where there is no existing opaque wall on the adjacent property line and an opaque wall is not proposed as part of the project, one (1) deciduous or evergreen tree at least 8 feet high at the time of planting and 5 shrubs shall be provided for every 20 linear feet of lot line, with spacing designed to minimize sound ~~and~~; light; ~~and noise~~ impacts.
 - iii. “(3) Where there is an existing opaque wall on the adjacent property line or an opaque wall is proposed as part of the project, one (1) deciduous or evergreen tree at least 8 feet high at the time of planting shall be provided for every 15 linear feet of lot line, with spacing designed to minimize sound ~~and~~; light; ~~and noise~~ impacts.”
- b. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the third row on page 88 of 101 labeled Drainage Facility for page 458, Section 7-1, to add the following sentence: “On-site drainage ponding areas that manage stormwater generated by uses on the lot are not considered drainage facility utilities.”

21. Staff Comment: Technical Edits [new] related to walls: [R]

- a. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the third row on page 44 of 101 labeled Walls for IDO Table 5-7-1, page 272. Replace with the following text: “Add a new Note [2] for "Wall in the front yard or street side yard" as follows: For multi-family development, if view fencing is used for the portion of a wall above 3 feet, the maximum height is 6 feet.”
- b. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” delete the second two rows on page 82 and the first row on page 83, labeled Variance – ZHE, for Subsections 6-6(N)(3)(c) through 6-6(N)(3)(c)(3)(c) on page 414. Replace with the following text:
 - i. Create a new procedure for the new decision type “Permit – Wall or Fence – Major” and move the applicability text from subsection 6-6(N)(1)(b). Add a new subsection as follows: “Variances to set back distances for taller side yard walls require a Variance – ZHE approval.”
 - ii. Move Subsection 6-6(N)(3)(c) to the new procedure and revise as follows: “An application for a Variance Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(d) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if it meets all of the following criteria...”

- iii. Revise Subsection 6-6(N)(3)(c)(3)(c) as follows: "For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. See graphic below for an illustration of this measurement."
- iv. Add a new Subsection 6-6(N)(3)(c)(3)(d) as follows: "For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. See graphic below for an illustration of this measurement."

22. Public Comment: Revised Technical Edit related to required glazing: [R] In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," revise the fifth row on page 47 of 101 for a new IDO Subsection 5-11(E)(2)(b)1.c on page 293 to reduce the required glazing on the primary façade from 60% to 50% for consistency with the row above.

23. Staff Comment: Technical Edit [new]: [R] On IDO page 299, in Subsection 5-12(E)(4)(d) revise to read as follows: "Building-mounted signs, with the exception of wall signs, shall not extend more than 2 feet above the wall of a building, except in the following mapped areas, as noted."

24. Staff Comment: Revised Technical Edit related to Notice for Site Plan – Administrative: [R] In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," revise the fourth row, labeled "Notice," on page 50 of 101 to amend Table 6-1-1 on page 327 as follows: "Remove requirement for email notice for Sign Permit and Wall/Fence Permit - Minor. Add a note on Site Plan – Administrative to read: "A Site Plan – Administrative for low-density residential development associated with a Major Subdivision within 2 years is exempt from the email notice requirement. After that time, email notice is required."

25. Staff Comment: New and Revised Technical Edit related to Notice and Appeal Distances: [R]

- a. In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," revise the fourth row, labeled "Notice," on page 59 of 101 to amend Subsection 6-4(K)(2)(b)2 on page 345 to read as follows: "All owners, as listed in the records of the County Assessor, of property located partially or completely within 100 feet of the

property listed in the application. Where the edge of that area falls within a public right-of-way, adjacent properties shall be included."

- b. Add a new Technical Edit to amend Subsection 6-4(U)(2)5.a to read as follows: "Distances noted in feet in Table 6-4-3 are measured from the nearest lot line of the subject property. Where the edge of that area falls within a public right-of-way, adjacent properties shall be included."

- 26. Staff Comment: Technical Edit [new]: [R] On IDO page 367, in Table 6-4-5, add a new line under "Any other numerical standard" as follows:

Standard	General	Lot < 10,000 sq. ft....
Any other addition or revision that would otherwise be decided as a Sign Permit, Site Plan – Administrative, or Wall or Fence Permit – Minor	Any amount that meets requirements specified in the approved site plan or permit or, if the site plan/permit is silent, the IDO.	

- 27. Staff Comment: Technical Edit [new]: [R] On IDO page 379, add a new Subsection in 6-5(G)(2)(g) to read as follows: "Any appeals related to compliance with IDO regulations go to City Council through the Land Use Hearing Officer for the Site Plan – Administrative that accompanies the building permit. Appeals of the building permit related to compliance with Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) go to the Technical Standards Review Committee, or as otherwise required by those codes."

- 28. Staff Comment: Technical Edit [new]: [R] On IDO page 387, in Subsection 6-6(B)(2)(a), delete "approve the demolition administratively or to." Add a new 6-6(B)(2)(c) and renumber the subsequent standards: "The applicant after receiving notice from the Historic Preservation planner to provide the required public notice and meetings per Table 6-1-1."

- 29. Staff Comment: Revised Technical Edit: [R] In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," revise the first row, labeled Site Plan - DRB, on page 75 of 101 for Subsection 6-6(G)(1)(a) on page 395 to add a Subsection 3 as follows: "Any application that requires an Infrastructure Improvements Agreement in order to comply with IDO or DPM standards." Revise Subsection 6-5(G)(1)(b) to read as follows: "A Site Plan – Administrative may only be approved for development that does not require major public infrastructure, complex circulation patterns on the site, or an Infrastructure Improvement Agreement to comply with IDO or DPM Standards."

- 30. Staff Comment: Technical Edit [new]:

- a. On page 328, create a new decision for “Bulk Land Subdivision” in Table 6-1-1 under Subdivision – Major as shown in Exhibit – Bulk Land Subdivision.
- b. Move edits proposed in “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019” on the first row, labeled Waivers, on page 80 of 101 proposing to amend Subsection 6-6(L)(2)(b) to be moved to Subsection 6-6(J) as shown in Exhibit – Bulk Land Subdivision, which reflects related Tech Edits about subdivisions and waivers.
- c. On page 382, revise Subsection 6-6(J) as shown in Exhibit – Bulk Land Subdivision.

31. Staff Comment: Technical Edit [new]: In “Exhibit 1 – Proposed Technical Edits – Attachments,” restore the text from IDO Subsection 6-6(L)(3)(b)a removed by Exhibit A-1 to R-19-150 as a new 6-6(L)(3)(j) to read as follows: “If the request is a waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property or area.”

32. Staff Comment: Revised Technical Edits related to Small Area regulations: [R]

- a. In “Exhibit 1 – Proposed Technical Edits – Attachments,” replace the recommended text for Subsection 6-7(E) [new] Amendment to IDO Text for a Small Area with the new version dated October 10, 2019.
- b. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the first row, labeled Neighborhood Meeting, on page 55 of 101 for Subsection 6-4(C)(4) on page 339 to read as follows: “...within 30 consecutive calendar days of the meeting request being accepted by the Neighborhood Association but no fewer than 15 calendar days after the Neighborhood Association accepts the meeting request, unless an earlier date is agreed upon.”
- c. New Technical Edit on IDO page 503, Section 14-16-7-1, to revise the definition for Overlay Zone to add a new sentence as follows: “Character Protection and View Protection Overlay zones adopted after May 17, 2018 shall be no smaller than 10 acres, shall include no fewer than 50 lots, and shall include properties owned by no fewer than 25 property owners. ~~Historic Protection Overlay zones adopted after May 17, 2018 shall be no smaller than 5 acres, shall include no fewer than 25 lots, and shall include properties owned by no fewer than 10 property owners.~~”

33. Public Comment: Revised Technical Edits related to grading and building height: [R]

- a. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” strike the first row on page 94 of 101 labeled Building Height that would have revised the definition of Building Height in IDO Section 7-1 on page 473.

- b. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the first row on page 95 of 101 labeled Grade for the definition of “Ground Floor Height” on page 474 to delete the text following the numeral 2 about measurement where an earth embankment is placed against the side of a building. Retain the suggested revisions beginning with “See also...”

34. Staff Comment: Technical Edit [new]: [R] On IDO page 489, in Subsection 7-1 add a new sentence to the end of the Electronic Sign definition to read as follows: “Any sign that meets the definition of a Neon sign is not considered to be an electronic sign.”

Council Amendments

The following conditions of approval are submitted for the EPC’s consideration based on the policy analysis above. They are noted as recommended [R] or as optional [O].

35. The Council Amendments included as Exhibit 2 shall be adopted, except as modified by any Conditions below.
36. Council Amendment A: [R] On page 276, in IDO Subsection 5-7(E)(1)(c), replace “abutting” with “adjacent to” so that barbed wire is not allowed facing a Residential or Mixed-use zone district.
37. Council Amendment A: EPC recommends one of the following changes:
- a. [R] Remove the sunset language proposed for IDO Subsection 14-16-6-8(D)(8)(b).
 - b. [O] Edit the proposed language to end with removed and then to create two subsections as follows:
 - i. In Residential and Mixed-use zones, these materials must be removed within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner.
 - ii. In Non-residential zones, these materials must be removed by January 1st, 2023.
38. Public Comment: Council Amendment A: [O] Retain the exemption for public utilities to allow barbed wire regardless of the zone or location.
39. Public Comment: Council Amendment A: [O] On page 276, in IDO Subsection 5-7(E)(1)(c), revise language to add “on walls facing streets, City parks or trails, or Major Public Open Space” so that barbed wire is allowed in Residential and Mixed-use zones in other locations on the site.

40. Council Amendment B: [R] Revise proposed language for a new use-specific standard in Subsection 14-16-4-3 related to Cannabis Retail to replace “school” with “elementary, middle,

or high school,” to clarify that vocational school and university or college uses would not be included in this regulation. Revise the definition of “School” to read: “An accredited public or private institution offering a course of education recognized by the state as leading to a high school diploma or equivalent, **but excluding Vocational schools**. Accessory uses may include...”

41. Council Amendment E: [R] Revise proposed language for page 192, Subsection 5-1(C)(2)(b)(1) to add “no less than” before “50 percent” to signal that the lot does not have to be exactly 50% smaller.
42. Council Amendment G: [R] Revise language proposed for page 250, Subsection 5-5(I)(1)(b) to read “... shall not be located facing residentially zoned areas.”
43. Council Amendment G: [R] Restore language proposed for deletion on page 250, Subsection 5-5(I)(1)(e): “For corner sites, delivery service windows or facilities shall be located on the non-corner side of the site and/or at the rear of the building.”
44. Council Amendment G: [R] Move and revise language proposed for page 250, Subsection 5-5(I)(1)(f) to the use-specific standard for drive-through in Subsection 4-3(F)(4)(e) that prohibits drive-throughs in small areas as a new 1, numbering subsequent subsections accordingly: “This use is prohibited in the MX-H zone district and UC-MS-PT-AC-MT areas unless the following criteria are all met:
 - a. No drive-through lanes are located between the front façade of the primary building and the front lot line or within a required side setback abutting a street.
 - b. The lot is 21,780 feet or greater.
 - c. The lot has vehicular access to the street that the front façade of the primary building faces.
 - d. Enhanced pedestrian crossings, such as a raised crosswalk, are provided where the drive-through lane crosses a pedestrian pathway to the primary entrance of the building.
45. Council Amendment H: Revise the following:
 - a. [R] Revise the language proposed for page 156, Subsection Section 4-3(D)(34) to instead create a new subsection (a), renumbering subsequent subsections accordingly, with the following language: “This use is limited to the sizes in Table 4-3-X in these zone districts and in these locations.”

“Table 4-3-X General Retail Sizes”

Sizes	MX-T	MX-L in Areas of Consistency	MX-L in Areas of Change and MX-M, MX-H, and Non-residential Zone Districts
General retail, small	10,000 sf or less	15,000 sf or less	25,000 sf or less
General retail, medium	Not allowed	> 15,000 sf – 50,000 sf	> 25,000 sf – 50,000 sf
General retail, large	Not allowed	> 50,000 sf	> 50,000 sf

b. [R] If the above condition is approved, revise the language proposed for page 464, Section 7-1 Definitions, General Retail, to leave the existing numbers but add to the end of the definitions for Small and Medium the following: “unless otherwise specified in this IDO.”

46. Council Amendment H: [R] Revise the language proposed for page 159, Subsection Section 4-3(D)(35), and replace existing subsections (b) and (c), with a new subsection (a), renumbering subsequent subsections accordingly, with the following language: “This use is limited to the sizes in Table 4-3-X in these zone districts and in these locations.”

“Table 4-3-X Grocery Store Sizes”

Sizes	MX-L in Areas of Consistency	MX-L in Areas of Change	MX-M	MX-H and Non-residential Zone Districts
Grocery Store	15,000 sf or less	30,000 sf or less	70,000 sf or less	No maximum size

47. Council Amendment I: [R] Revise language proposed in Exhibit 3 as recommended by staff, as well as the following edits:

- a. The following language from the definition of maximum extent practicable is to be added to variance and waiver review/decision criteria in Subsections 6-6(L)(3), 6-6(M)(3), and 6-6(N)(3): “The applicant has taken all possible steps to comply with the standards or regulations and to adequately mitigate potential harmful or adverse impacts.”
- b. Subsection 5-2(C)(1) on page 198 is to be revised per changes proposed by Condition #13.
- c. Subsection 5-4(E)(1)(b) is to be revised to remove the phrase “maximum extent practicable.”

- d. Subsection 5-4(E)(2)(b) is to be revised to remove the phrase “maximum extent practicable.”
- e. Add a definition of steep slopes as proposed in Exhibit 3.
- f. [New] Revise the definition in the “Maximum Extent Practicable” City Council Exhibit A and/or Planning Department Exhibit 3 for Arroyo to read “flow in excess of one thousand (1,000) cubic feet per second..”

48. Council Amendment J: [R] Revise the following:

- a. Leave liquor retail as permissive (P) in Table 4-2-1 on page 132.
- b. Add a new Subsection 4-3(D)(36)(c) to read: “This use shall be located a minimum of 500 feet from any other liquor retail establishment not accessory to a grocery store.”
- c. Revise the language proposed for page 161, Subsection 4-3(D)(36)(f), to read: “In the MX-M zone district, this use is permissive in UC-MS-PT-AC-EC-MT areas, except in the following mapped areas, where it is prohibited unless accessory to a grocery store. Outside of these areas, this use is conditional in the MX-M zone district unless accessory to a grocery store.”

49. Public Comment: Council Amendment K: [R] Add new language on page 286, Subsection 5-9(C)(1) limiting the allowed 30 feet of building height to 2 stories.

50. Council Amendment M: EPC acknowledges that this amendment has been withdrawn and has been resubmitted as a Zone Map Amendment – Council pursuant to Subsection 6-7(G).

51. Council Amendment M: [R] Create a new amendment that uses the building design standards proposed in Council Amendment M as a new Subsection 3-9(E)(4) to replace Subsection 5-11(E)(2)(b)(1) on page 293 but leaving Subsections a and b.

52. Council Amendment O: [R] Revise the language proposed for Subsection 4-3(F)(14)(c)1 and create subsections a-d as follows: “Any outdoor dining area must maintain a minimum clear path as follows in order to maintain use of the public sidewalk for all users:

- a. In UC-MS-PT-AC-EC-MT areas on streets of any classification per Section 6-5-5-14 Code of Ordinances, the minimum clear path shall be 6 feet wide.
- b. In the DT area, the minimum clear path shall be 8 feet wide.
- c. On streets classified as collector and above per Section 6-5-5-14 Code of Ordinances ROA 1994, the minimum clear path shall be 6 feet wide.
- d. On local streets outside of designated Centers and Corridors, the clear path shall be no less than 4 feet wide.”

-
53. Council Amendment O: [R] Add the following sentence to the language proposed for Subsection 4-3(F)(14)(c)2: “The permitted area shall be visibly demarcated to distinguish the area under private liability from the area insured by the City as public right-of-way.”
54. Council Amendment O: [R] Add a new 4-3(F)(14)(d) as follows: “If the use is located entirely on private property: (1) A decorative wall, fence, or similar barrier between 3 and 4 feet in height shall be erected and maintained along the perimeter of the use. (2) The decorative wall or fence shall be located at least 6 feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.”
55. Council Amendment Q: [R] Replace edits proposed for IDO Section 6-4(C)(3) and 6-4(K)(6) by Council Amendment Q and “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019” on pages 54 and 61 out of 101 with Exhibit –Notice.
56. Council Amendment Q: [R] Replace edits proposed for IDO Section 6-4(D) by Council Amendment Q and “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019” on pages 55 and 58 out of 101 with Exhibit – Facilitated Meetings.
57. Council Amendment R: The EPC recommends one of the following options:
- a. [R] EPC does not recommend the adoption of Council Amendment R.
 - b. [O] Delete the language proposed for Subsection 5-8(D)(2). Add a new Subsection 5-8(C)(5) to read as follows: “Where non-residential development is adjacent to low-density residential development in a Residential zone district, interior lighting on upper floors shall be extinguished between 11 p.m. and sunrise outside of normal business hours. Lighting set to turn on when motion is detected is exempt from this requirement.” Add a cross-reference to this subsection from Neighborhood Edges, IDO Section 14-16-5-9.
 - c. [O] Add a new Subsection 6-8(D)5 with the heading “Interior Lighting Nonconformance” to read as follows: “Interior lighting that does not comply with Subsection 14-16-5-8(C)(5) is considered illegal and must be remedied to come into compliance within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner.”
58. Public Comment: Amendment R: [O] Revise Subsection 14-16-5-8(B)(1) to add at the end: “~~The New Mexico Gas Company is~~ Public utilities are exempt from complying with the ~~Outdoor~~ lighting regulations.”

59. Council Amendment S: The EPC recommends one of the following options:

- a. [R] The EPC does not recommend adopting Amendment S, as the proposed standards in the updated DPM, together with the existing IDO standards, provide adequate limits on cul-de-sacs and stub streets to protect access and connectivity.
- b. [O] Revise the amendment to limit cul-de-sac lengths to 250 feet serving no more than 20 dwellings where adjacent to MPOS. The DPM shall also be updated to replace substantive standards with a cross reference to the IDO.
- c. [O] Revise the amendment to limit cul-de-sac lengths to 250 feet serving no more than 20 dwellings. The DPM shall also be updated to replace substantive standards with a cross reference to the IDO.

60. Staff Comment: Council Amendment T: [R] Revise the proposed language from 30-minute frequency to 25-minute frequency. Review the proposed change against Transit data to ensure that this parking requirement reduction applies to appropriate streets and adjust as necessary.

61. Council Amendment U: [R] EPC acknowledges that this amendment has been withdrawn.

62. Public Comment: Council Amendment [new]: [R] Consider creating a new amendment that would establish contextual setbacks as appropriate for individual CPOs and HPOs so that setbacks match surrounding development for all uses. This would prevail over contextual standards in Subsection 5-1(C) that only apply for residential uses in Areas of Consistency. This would also prevail over any setback standards established in any particular CPO or HPO.

63. Public Comment: Council Amendment [new]: [O] Consider a new amendment that would establish density limits for multi-family development in zones meant to be lower-density and lower-intensity as a new use-specific standard in Subsection 4-3(B)(7) as follows: "In the R-ML, MX-T, and MX-L zone districts, on lots adjacent to a low-density residential use in an R-A, R-1, or R-T zone district but not within a UC-AC-EC-MS-PT-MT area, density shall not exceed 30 dwelling units per acre."

64. Mayor Comment: Council Amendment [new]: [O] Consider a new amendment that would adopt regulations for massage parlors and smoke shops, including definitions for each in Section 14-16-7-1, and use-specific standards for each in Section 14-16-4-3.



***Russell Brito
UD&D Manager***

***Mikaela Renz-Whitmore, AICP
Long Range Manager***

Notice of Decision cc list:

See Staff Report from September 12, 2019

Exhibit – Notice

6-4(C) NEIGHBORHOOD MEETING

6-4(C)(3) A meeting request shall be sent to the 2 representatives on file at the Office of Neighborhood Coordination (ONC) for all applicable Neighborhood Associations via certified letter, return receipt requested, or via email ~~[with timestamp, read receipt requested]~~. Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request. The requirements of Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.

6-4(C)(3)(a) Each meeting request shall include all information required by the City for that type of application, as set forth in the DPM, applicable Facility Plan, or on the City's website.

6-4(C)(3)(b) At a minimum, the meeting request shall include required items in IDO Subsection 14-16-6-4(K)(6) (Content of Notice), with the exception that information provided in the meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

1. If the meeting request is associated with an eventual site plan application:
 - a. The conceptual site plan must show, at a minimum, proposed building locations, parking, landscape areas, and access and circulation for vehicles and pedestrians.
 - b. Conceptual elevations of any proposed new building(s) must be included.

6-4(K) PUBLIC NOTICE

6-4(K)(6) Content of the Notice

6-4(K)(6)(a) Each notice required by this Section 14-16-6-4(K) shall include, at a minimum, all of the following information:

1. The address of the property listed in the application.
2. The name of the property owner.
3. The name of the applicant (if different from the property owner).
4. A short summary of the approval being requested (e.g. Conditional Use Approval to allow a particular use, Zone Map Amendment from an existing zone district to a specified zone district, a Site Plan – DRB Approval for a particular project ~~the maximum height of proposed structures, the maximum number of proposed dwelling units, and the approximate gross square footage of any proposed nonresidential uses,~~ etc.).
5. Whether a public meeting or hearing will be required, and if so the date, time, and place of the public meeting or hearing.

Exhibit – Notice

6. An address, telephone number, or website where additional information about the application can be obtained.
- 6-4(K)(6)(b) For notice required by mail or email, the following additional information, at a minimum, shall be included. Information included as an attachment or as a link to a website where such information is available is also acceptable.
1. A Zone Atlas page indicating the project location.
 2. Architectural drawings, elevations of the proposed building(s), or other illustrations of the proposed application, as relevant.
 3. An explanation of any deviations, variances, or waivers being requested, if any.
 4. The summary of the Pre-submittal Neighborhood Meeting, if one occurred.
- 6-4(K)(6)(c) For notice associated with a site plan application, the following additional information, at a minimum, shall be included:
1. The maximum height of any proposed structures.
 2. For residential development: The maximum number of proposed dwelling units (if applicable).
 3. For non-residential development: The total gross floor area and gross floor area (sq. ft.) for each proposed use.
 4. A site plan.

Exhibit – Facilitated Meeting

6-4(D) POST-SUBMITTAL FACILITATED MEETINGS

6-4(D)(1) Requesting a Post-submittal Facilitated Meeting

- 6-4(D)(1)(a) Once an application for any decision listed in Table 6-1-1 other than an appeal is accepted as complete by the Planning Department, any party who would have standing to appeal a final decision pursuant to Subsection 6-4(U)(2)(a) may request a facilitated meeting.
- 6-4(D)(1)(b) Requests for a facilitated meeting shall be submitted to the Planning Director in writing and must include, at a minimum, the following:
1. Why a facilitated meeting is being requested.
 2. What specific items are requested to be discussed.
 3. What outcomes are wanted from the discussion.
- 6-4(D)(1)(c) The Planning Director shall notify the applicant of a request for a facilitated meeting, if requested by a party other than the applicant, within 2 business days.
- 6-4(D)(1)(d) The City will require such a facilitated meeting and delay the decision on the application as follows:
1. Administrative Decisions
 - a. If the request is associated with an administrative decision in Table 6-1-1, and the applicant agrees to the facilitated meeting, a final decision by City staff will not be made until after the facilitated meeting has taken place and the meeting summary has been received and reviewed by City staff.
 - b. The final decision can be further delayed by request from the applicant if the applicant agrees to additional facilitated meetings.
 2. Decision Requiring a Public Meeting or Hearing

The following apply to all requests for a facilitated meeting associated with a Decision Requiring a Public Meeting or Hearing in Table 6-1-1.

 - a. If the request is made at least 15 days prior to the scheduled meeting or hearing, the facilitated meeting shall be completed before the application can be heard by the decision-making body. The decision-making body shall defer the case at the public meeting or hearing until the facilitated meeting has taken place and the meeting summary has been received and reviewed by the decision-making body. No deferral fee is required.
 - b. If the request is made less than 15 days before the scheduled meeting or hearing, or at such a meeting or hearing, the decision-making body shall decide whether to require the facilitated meeting.

Exhibit – Facilitated Meeting

- i. The decision-making body shall consider the following criteria in whether to require the facilitated meeting:
 - a. Whether the complexity and potential impacts of a proposed project warrant facilitation.
 - b. Whether the decision-making body has the authority to implement the results of a negotiated agreement about the issue or opportunity described in writing by the requestor of the facilitated meeting.
 - c. Whether there are changed conditions, new information, or new points of discussion not covered in a Neighborhood Meeting or previous public meeting or hearing that indicate that a facilitated meeting may be useful or lead to productive negotiation.
 - ii. If a facilitated meeting is required, the decision-making body shall defer or continue the case until the facilitated meeting takes place and the meeting summary has been received and reviewed by the decision-making body. No deferral fee is required.
 - c. If a request for a facilitated meeting is made after a required facilitated meeting has taken place, the decision-making body shall decide whether to require an additional facilitated meeting. If a facilitated meeting is required, the decision-making body shall defer or continue the case until the facilitated meeting takes place and the meeting summary has been received and reviewed by the decision-making body. No deferral fee is required.
 - d. The applicant can agree to a facilitated meeting and ask for a deferral or continuance of the case at any time. A deferral fee will be charged.
3. Policy Decisions

If the request for a facilitated meeting is associated with a Policy Decision in Table 6-1-1, the City shall require a facilitated meeting pursuant to Subsection 2 above, with the exception that if a decision requires a hearing before two decision-making bodies (e.g. the Landmarks Commission and City Council or the Environmental Planning Commission and City Council), a facilitated meeting can be requested and required for the hearing before each decision-maker.

6-4(D)(2) TIMING OF A POST-SUBMITTAL FACILITATED MEETING

- 6-4(D)(2)(a) Once notified by the Planning Director about the request for a facilitated meeting, the applicant shall contact the City's Alternative Dispute Resolution (ADR) office to request the

Exhibit – Facilitated Meeting

facilitated meeting within 2 business days. The City shall assign a facilitator, who shall schedule the facilitated meeting to take place within 15 calendar days of the request to ADR. The facilitator shall attempt to contact all Neighborhood Associations whose boundaries include or are adjacent to the subject project site.

- 6-4(D)(2)(b) If reasonable attempts have been made to accommodate the schedules of the applicant, the Neighborhood Associations, and the requester (if different), and no facilitated meeting has occurred, the application shall proceed in the relevant review/decision process. If no facilitated meeting occurs, the facilitator shall provide documentation of the attempt to schedule the facilitated meeting and that no facilitated meeting was scheduled within the time allotted.
- 6-4(D)(2)(c) If a facilitated meeting occurs, the facilitator shall submit a facilitated meeting report, including but not limited to the meeting location, date, and time; attendees; and a summary of the discussion, to the Planning Department within 7 calendar days of the facilitated meeting.

Exhibit – Bulk Land Subdivision

Table 6-1-1: Summary of Development Review Procedures															
X = Required R = Review and/or Recommend D = Review and Decide AR = Appeal Review and Recommend AD = Appeal Review and Decision [] = Public Meeting < > = Public Hearing															
Section	Public Notice					Mtgs.		Review and Decision-making Bodies						Specific Procedures	
	6-4(K)					6-4(B)	6-4(C)	6-2							
	Published	Mailed	Posted Sign	Electronic Mail	Web Posting	Pre-application	Neighborhood	City Staff ^[1]	ZHE	DRB	LC	EPC	LUHO		City Council ^[2]
Application Type															
Policy Decisions															
Subdivision of Land – Major															
<u>Bulk Land Subdivision</u>	X	X	X	X	X	X		R		[D]			<AR>	<AD>	6-6(J)
Preliminary Plat	X	X	X	X	X	X		R		[D]			<AR>	<AD>	6-6(J)
Final Plat	X				X			R		[D]			<AR>	<AD>	6-6(J)

6-6(J) SUBDIVISION OF LAND – MAJOR

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(J) or the DPM.

6-6(J)(1) Applicability

6-6(J)(1)(a) This Section 14-16-6-6(J) applies to any application for a subdivision of land or combination of previously subdivided lots that is not eligible to be processed as a Subdivision of Land – Minor pursuant to Subsection 14-16-6-6(I).

6-6(J)(1)(b) The following applications for a subdivision of land require a prior approval and can then be processed as a Subdivision of Land - Minor; an application for Subdivision of Land - Major is not a substitute for the prior approval.

- Subdivision of land 5 acres or greater adjacent to Major Public Open Space requires a Site Plan – EPC.
- Subdivision of land that is zoned NR-SU or PD requires a Site Plan – EPC.
- Subdivision of land that is zoned NR-BP requires a Master Development Plan.
- Subdivision of land that is zoned PC requires a Framework Plan.

6-6(J)(1)(c) A bulk land subdivision for either of the following:

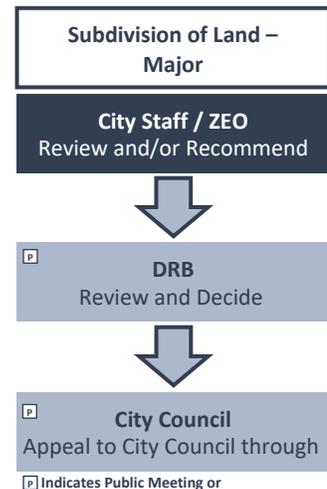


Exhibit – Bulk Land Subdivision

1. Property that is at least 5 acres and zoned R-A, R-1, R-MC, R-T, or PC designated for residential development.
2. Property that is at least 20 acres and zoned R-ML, R-MH, any MX zone, any NR zone, or PC designated for mixed-use or non-residential development.

6-6(J)(2) Procedure

6-6(J)(2)(a) Deviations and **Variations Waivers**

1. The DRB may grant a Deviation to a development standard in the IDO as part of this approval per the thresholds in Section 14-16-6-4(O) (Deviations).
2. The DRB may grant a **Variance Waiver** to standards in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-6-5 (Parking and Loading), or the DPM per Subsection 14-16-6-6(L) (**Waiver – DRB**).

6-6(J)(2)(b) Pre-Application Meeting

In addition to those provisions in Section 14-16-6-4(B) (Pre-application Meeting), the following provisions apply to Subdivisions of Land – Major:

1. The applicant shall file a sketch plat that indicates the basic layout of the proposed subdivision, including general layouts of streets, drainage areas, open spaces, and buildable lots within the subdivision, and other technical standards specified in the DPM.
2. The DRB shall review the sketch plat, conduct a public meeting, and provide a Letter of Advice outlining the requirements and recommendations of the meeting, which will address the suitability of the proposal for development and for infrastructure improvements based on the intent of this IDO and the DPM.
3. The approved sketch plat shall not be recorded but shall be retained by the City Planning Department, and the Preliminary and Final Plat are required to be generally consistent with the Sketch Plat Letter of Advice.

6-6(J)(2)(c) **Bulk Land Subdivision**

1. In addition to the procedures above, the bulk land subdivision will require further review during the Subdivision or Site Plan approval process in order to use the land for development and/or building purposes. Approval of a bulk land subdivision does not indicate that land within that subdivision complies with applicable IDO Subdivision or Site Plan standards.
2. The plat shall reflect the applicant’s agreement that building permits shall not be issued for any area within the bulk land subdivision before a Preliminary Plat and Final Plat have been approved and the Final Plat for the subject area has been recorded.

Exhibit – Bulk Land Subdivision

6-6(J)(2)(d) Preliminary Plat

1. ~~Within one year after DRB issuance of a Letter of Advice on a Sketch Plat, the applicant shall file a Preliminary Plat that meets all standards and requirements of this IDO and the DPM. The letter of advice on a Sketch Plat expires after one year. If a Preliminary Plat that meets all standards and requirements of this IDO and the DPM is not filed within one year of the letter of advice, the applicant must re-submit an application for Sketch Plat.~~
2. Any request for a Variance Waiver from the development standards applicable to the subdivision in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading), or the DPM shall be reviewed and decided per Subsection 14-16-6-6(L) (Waiver - DRB), shown on the Preliminary Plat, and considered simultaneously with the review and approval of the Preliminary Plat.
3. The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
4. The DRB shall conduct a public hearing meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(J)(2)(e) Construction Plans

After approval of the Preliminary Plat, the applicant shall present construction plans and specifications for all improvements (which shall conform to the approved Preliminary Plat) to the City Engineer for approval, together with a proposed infrastructure improvements agreement between the subdivider and the City specifying all infrastructure proposed for construction. Construction plans and specifications shall meet all applicable requirements of the DPM or other technical standards adopted by the City.

6-6(J)(2)(f) Infrastructure Improvements Agreement

After approval of the Preliminary Plat, the applicant shall provide to the City an Infrastructure Improvements Agreement (IIA) that complies with the following standards and all applicable standards in the DPM.

1. The IIA shall specify the time period within which the improvements necessary to provide required access, public services, and public amenities required of the applicant are to be completed, which time period will end not later than 2 years after execution of the IIA.
2. An IIA for sidewalks that have received an adjustment for temporary deferral of installation shall have a time period that

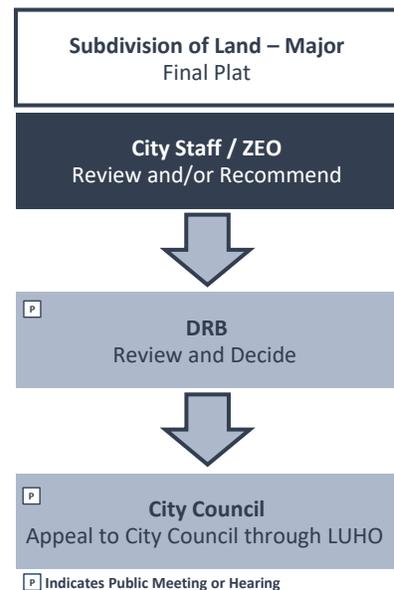
Exhibit – Bulk Land Subdivision

will end 4 years after execution of the IIA, unless extended by the DRB for good cause, as described in the DPM.

3. The DRB may extend the time periods listed in Subsections 1 and 2 above for a period of less than 12 months for good cause shown.
4. If a Preliminary Plat approval should expire under the terms of this IDO without a Final Plat having been approved, the IIA automatically lapses, and no further improvements are required or approved.
5. After execution of an IIA approved by the City, the applicant may proceed with the construction of all required improvements.

6-6(J)(2)(g) Final Plat

1. Within one year after DRB approval, or approval with conditions, of a Preliminary Plat, the applicant shall file a Final Plat that meets all standards and requirements in the DPM.
2. The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
3. The DRB shall conduct a public meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
4. When all conditions of approval are satisfied, the DRB shall accept the revised Final Plat and record it with the Bernalillo County Clerk as soon as possible, but in no case more than 5 business days from date of DRB signature.



6-6(J)(2)(h) Dedications

1. Dedication of public areas, as required by Subsection 14-16-5-4 (K), or by other City policy requirements shall be free and clear of any liens or encumbrances and be in fee simple unless one of the following applies:
 - a. The applicant demonstrates that fee simple dedication is legally infeasible.

Exhibit – Bulk Land Subdivision

- b. The DRB and the City Attorney find that a different type of dedication better accomplishes City policy or is provided for by specific ordinance.
2. If dedication in other than fee simple is approved, the nature of the property interest dedicated shall be clearly indicated on the plat.
3. When parks are dedicated, a deed to the land shall be delivered to the governmental body with jurisdiction over that type of park, as determined by the City.

6-6(J)(3) Review and Decision Criteria

~~6-6(J)(3)(a)~~ An application for a Bulk Land Subdivision shall be approved if it meets the applicability criteria in Subsection 6-6(J)(1)(b) above, and the plat meets the requirements in Subsection 6-6(J)(2)(c) above.

~~6-6(J)(3)(b)~~ An application for a Preliminary Plat shall be approved if it ~~meets all of the following criteria:~~

~~1. —Is consistent with the ABC Comp Plan, as amended.~~

~~€~~ complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

6-6(J)(3)(c) An application for a Final Plat shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
2	Density	WSCONA requests that the City Council and the Environmental Planning Committee clarify the definition and metric used for 'Density' in developing the IDO and further - numerically quantify the terms: "high-density", "medium-density" and "low-density."	The IDO regulates density through a combination of performance measures: maximum building height, off-street parking minimums, usable open space requirements, and landscaping requirements. - See Staff Report for condition for a new Council amendment that would establish a density cap as a use-specific standard for multi-family in the R-ML, MX-T, and MX-L zone districts.	EPC Condition
3	Sensitive Lands	Avoidance of Sensitive Lands 5-2(C)(1). Clarify that a Sensitive Lands Analysis be done including the following regarding sensitive land features: Map of each feature. Photographs of each side of the feature. Description of the feature to include heights, widths, bulk, age, vulnerabilities, condition/stability of feature, soil types.	Detailed instructions for how to do the site analysis required by the IDO should be put on the City Planning webpage as part of administering the code. These details are not appropriate in the IDO. IDO Subsection 6-4(F)(1) says the applicant must provide all info required by the City's website. - See Tech Edit for Subsection 6-4(F)(3) [new] proposing new language requiring the applicant to provide additional exhibits as necessary to show compliance with IDO requirements. - See Staff Report for condition proposing changes to the applicability of the required site analysis.	Tech Edit 6-4(F)(3) [new] ; EPC Condition; Planning webpage
4	Lot Design & Layout	Remove the language: "to the maximum extent practicable"	See Council Amendment I and Exhibit A, which generally remove instances of "maximum extent practicable."	Council Amendment I; Exhibit A; EPC Condition

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
5	MPOS Adjacent	Lot Design and Layout: Lot Dimensions 5-4(F)(3) Clarify that (b) is the only reduced lot option in Sensitive Lands. Clarify that (d) clustering refers to development that does not fall in Sensitive Lands	The IDO cannot <i>require</i> the preservation of sensitive lands that are on private property. The IDO provides several different <i>incentives</i> for preserving sensitive lands: the sensitive land provision for smaller lots sizes and cluster development. As written, the IDO does not make it clear that you cannot use both provisions at once (i.e. "double dipping" on lot size flexibility). - See Technical Edit for proposed language for Subsection 5-2(C)(4) that says if you are using cluster development, you cannot further reduce lot size via the sensitive lands provision. - See Staff Report for condition proposing to keep existing "cluster development" provisions as a new "conservation development" to provide an additional option for preserserving sensitive lands.	Council Amendment D; Technical Edit - 5-2(C)(4); EPC Condition

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
6	MPOS Adjacent	Properties 5 Acres or greater adjacent to Major Public Open Space. 5-2(H)(2)(b)2 Clarify what the statement of no material negative impact is by required some of the details in an environmental impact statement.	An Environmental Impact Statement (EIS) is a requirement under the National Environmental Policy Act for projects involving federal funds that are deemed to have potential 'significant' impacts by the federal government. Example: ART requires an EIS because federal funds were to be used for the project. An EIS is not a document that the City would require or review. Section 5-2(H)(2)(b) requires that any site plan adjacent to MPOS that is 5 acres or greater receive EPC approval. The EPC is a discretionary decision-making body. Its review and decision criteria in Subsection 6-6(H)(3)(e) includes: "The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable." The "maximum extent practicable" is a defined term that the EPC would apply to evaluate potential adverse impacts. - See Council Amendment I and Exhibit A for a proposal to remove "maximum extent practicable" and further edit this decision criterion.	

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
7	Fees	Review the schedule for fees. Remove the fee for a facilitated meeting from appeal actions. Should it cost \$262 to file an appeal of a DRB variance?	<p>There is no fee for a facilitated meeting from appeal actions. Council only chose to have purview over fees adopted by Ordinance, which leaves the Planning Director to set other fees administratively. In general, appeal fees are assessed to help to cover some of the expenses related to processing the appeal.</p> <p>- See Technical Edit proposing to delete Table 6-4-1 to remove fees from IDO so that all fees can be considered at the same time through the annual budgeting process for each Department, reviewed by City Council.</p>	Technical Edit Table 6-4-1

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
8	Appeals	Make the standing for appeal requirement match the former zone code, i.e., appeal any variance should be 300 feet for adjacent property owners, excluding public rights-of-way of the property that is the subject of the applications. When any of the property immediately beyond the radius described is under the same ownership as the property that is the subject of the application, the owner of the property next adjacent, disregarding public ways will be notified and have standing for appeal. Public right of ways include: streets, highways, open spaces, parks and rivers.	<p>It is very unusual (perhaps unique) for City's to grant standing based on distance from the proposed project. More typical is the provision allowing anyone to appeal who can demonstrate that their property or other rights were affected by a decision.</p> <p>Appeal distances were a long and challenging conversation among all of the Councilors during the IDO adoption process. What got adopted was what the majority of the Council at the time approved. The IDO generally establishes a shorter distance for smaller decisions and a larger distance for larger decisions. See Table 6-4-3.</p> <p>The second part of this request - to require standing for appeals distances to be extended if the owner of the subject property also owns adjacent parcels within the specified radius - is not feasible. Often, one person will own several adjacent parcels under different ownership names. The City has no feasible way to verify this.</p> <p>If the property owner farther away is affected by the project, he/she can appeal via IDO Subsection 6-4(U)(2)(a)(4) or through the Neighborhood Association, if the project is within or adjacent to the NA boundary.</p> <p>Public right-of-way is defined on page 486. This definition does NOT include open space, parks, or rivers. The IDO allows property owners adjacent to the right-of-way to appeal via IDO Subsection 6-4(U)(2)(a)5.a.</p>	None

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
9	Notice	A distance of 100 ft. is not enough distance for notification to affected Neighborhoods. The current Albuquerque Office of Neighborhood Coordination (ONC) resulted in more NA's being left out of the public process and appealing Planning Department decisions because they were not notified. Most cities consider between 300 to 600 feet excluding public right of ways as appropriate notification, noting the economic effects zoning of increased density can have economic and property tax mil rate increase implications for regional property owners, as well as, adjacent properties. The City Council approved shifting of impact costs of development and educational planning and funding from developers and to property tax payers in Albuquerque makes this IDO change particularly egregious.	<p>The Neighborhood Association Recognition Ordinance (NARO) requires notice to Neighborhood Associations of projects within or adjacent to their boundaries. That was the notice requirement under the Zoning Code. The IDO adopted the same requirement so that the 2 documents would remain in sync.</p> <p>This comment seems to confuse the Neighborhood Association requirement with the mailed notice for nearby property owners. The mailed notice to property owners under the Zoning Code was 100 ft. for variances/conditional uses and 200 feet for large retail projects. The IDO kept the 100-foot notice distance and requires mailed notice for more decisions than the zoning code. (See Table 6-1-1.) Additional notice is required under the IDO per the posted sign requirement for Site Plan - Administrative decisions. Notice requirements were part of the discussion about appeals (above).</p> <p>If decisions-makers want to change the notice requirement for Neighborhood Associations, that would need to be reflected in the NARO.</p> <p>If a change is made to increase mailed notice to property owners, Staff would recommend looking at the standing distances in Table 6-4-3 for appeals to match those for consistency.</p>	None

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
10	DRB	Consider the new quasi-judicial powers given to the DRB and their current performance to conduct business outside the hearing and with contempt to the public. Should the DRB chair be confirmed by the City Council? Should variance powers be taken away from the DRB?	This issue was handled through a standalone piece of legislation (R-19-150) that removed the DRB's quasi-judicial powers. - See Technical Edits for incorporation of these changes into the document as part of the annual update.	Technical Edits
11	Uses	Review uses such as adult bookstores, business with outdoor storage, and large refueling facilities to determine if these uses are allowed in current zones and under what specific variance criteria or conditional use requirements.	See Table 4-2-1 for uses allowed in each zone. See Subsection 4-3 for use-specific standards. See Subsection 6-6(A)(3) for conditional use review/decision criteria. Further comments are needed about concerns.	None
12	Impact Fees	Do proposed revisions in the COA Development Planning Manual (DPM) limit impacts fees associated with development in areas of limited or insufficient: roads, infrastructure, school capacity? Are requirements for developer offsets or donations of lands for parks, open spaces and community facilities outlined in DPM policies?	Impact Fees are established as a standalone ordinance. The DPM revisions on Impact Fees are to bring the DPM section in line with the revisions to the ordinance from 2012. The DPM was updated in November 2018 and is awaiting final approval by the CAO.	None
13	Spot Zoning	Why does the IDO not mirror language in other Bernalillo County Zoning Ordinances and New Mexico State Zoning Statutes and NM Supreme Court rulings on "spot zoning"?	The IDO very closely mirrors the Bernalillo County Zoning Code in terms of how a "spot zone" is determined to be appropriate or not. See review/decision criteria in Subsection 6-7(F)(3)(h). The IDO's Zone Map Amendment decision mirrored the state zoning statute and prior R-270-1980 language.	None

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
14	MPOS Adjacent	Single loaded street/pg. 205: the IDO requires a single loaded street along Major Public Open space. The IDO also allows the Open Space Superintendent to decide whether to substitute a single loaded street for a 20 ft. buffer, while meeting with the developer behind closed doors, before hearing public input (an ex parte communication).	Open Space Staff is not subject to the ex-parte communication rules.	None
15	MPOS Adjacent	No prohibitions or proscriptions in the IDO prevented the COA Planning Department from deferring to a later date or entirely waiving technical studies or, information concerning coordination or approvals from other agencies or similarly important data that would be requisite to a decision to cede buffers or single loaded streets or consign land described as private sensitive lands within public open spaces or state and local parks to developers or so-called “private open space”.	See Subsection 5-2(H)(2)(a). The IDO allows the Open Space Superintendent - the City staff member with the requisite experience and background - to substitute a landscaped buffer where a single-loaded street may not be the most appropriate edge treatment to the MPOS. This was added in deference to the Open Space Superintendent's experience, knowledge, and understanding that not all open space should be easily accessible to the public for reasons of cultural sensitivity, ecological sensitivity, and archaeological concerns. - See Tech Edit for Subsection 6-4(F)(3) [new] proposing new language requiring the applicant to provide additional exhibits as necessary to show compliance with IDO requirements.	Tech Edit for Subsection 6-4(F)(3) [new]

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
16	MPOS Adjacent	Maintain & Enforce IDO language that requires a single loaded street, as a street edge to separate and buffer Open Space from development. Note: A single loaded street is an attractive design feature that has been used in Albuquerque around parks and Open space area in past years. It offers better edge treatment & protection for Open Space and the homeowners.	See response in Line 15 above.	None
17	MPOS Adjacent	Consider requiring more Buffer with a minimum of 500 ft. adjacent to the Bosque, Escarpment, and other sensitive Open Space areas. The MPOS Facility Plan promotes a 500 ft. buffer to better protect wildlife and sensitive open space areas from human impacts. A large buffer also protects homeowners from natural disasters such as wildland fires, drainage, flooding, rock falls and erosion.	Adding such a buffer requirement would render some lots undevelopable, which would result in a regulatory takings. The IDO protects MPOS from incompatible uses via use-specific standards prohibiting some uses within 330 feet or making conditional uses that pose a danger to MPOS lands. - See Staff Report for condition raising the landscape buffer from 20 feet to 45 feet. - Open space staff is considering an amendment for the 2020 IDO annual update to delay approvals next to sensitive MPOS so that the City can try to negotiate and/or purchase additional buffer from the property owner. The City would likely need to be maintain and cover liability for this additional land, which would add to the City's costs.	EPC Condition

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
18	MPOS Adjacent	At present, state capital outlay funds are used to ameliorate past damages to proximally impacted property owners in developments placed too close to abutting public lands. City approval of deficient designs also can mean developers are waived from future liabilities. The increase in IDO variances coupled with a series of recent COA Planning Department decisions causes tax payers or future HOA property owners to have the liability for city approved deficient development infrastructure, conversion of buffers and existing sensitive private land within state parks to private open space not under existing management restrictions such as those in the “Bosque Action Plan”. The public will shoulder possible remediation cost for the loss of irreplaceable resources.	See response in Line 15 and Line 17 above.	None
19	MPOS Adjacent	Color /pg.205: We recommend showing the color pallet the IDO lists for development adjacent to Open Space. What does these colors look like: yellow ochre, browns, and dull reds, grey greens?	See IDO Subsection 5-2(H)(1)(b) for color restrictions. Examples of colors, if needed, should be put on the City Planning webpage as part of administering the code. These details are not appropriate in the IDO. The EPC has review/decision authority over developments adjacent to MPOS. As a discretionary decision-making body, EPC will decide whether the proposed colors meet the required color restrictions.	None

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
20	Coors Overlay	Coors Overlay Zones Chapter 3: Improvement to overlay zones is needed.	More information is needed about what's missing from the Coors CPO or VPO. The Community Planning Area process is intended to provide the opportunity to delve into the details of what's working and what's recommended to be changed in the IDO.	None
21	Coors Overlay	Background: Sector Plans were eliminated, and replaced with IDO/overlay zones. Unfortunately, information in the overlay zones are incomplete, with information scattered throughout the IDO. This makes it difficult to maintain the vision of the Coors Corridor Plan in providing the west side quality development, with architectural consistency & protection of area assets.	Sector Plans are referenced in Appendix D of the Comprehensive Plan. More information is needed on what improvements to the IDO could be made to make the overlay zones clearer. Table II at the beginning of the IDO index small areas with special provisions for a particular mapped area. The IDO zoning map shows small area rules under each button that corresponds to the IDO Part.	None
22	Coors Overlay	Amendment: Reinstate the Coors Corridor Plan as a reference document so that the CCP goals and policies can be brought into the IDO into one chapter:	Sector plans are referenced in Appendix D of the Comprehensive Plan. The Comp Plan provides policy guidance. The IDO establishes regulatory requirements. Keeping these two documents separate helps make clear what's aspirational and what's required.	None
23	Coors Overlay	Developments that follow the Coors Corridor Plan design guidelines have a more desirable appearance along the roadway than developments that do not. Below are samples of the CCP guidelines demonstrating the importance of maintaining the intent and vision of the Coors Plan.	See response in Line 22.	None

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
24	Coors Overlay	Building Color: Maintain color consistency along Coors by following CCP language: "Development shall be compatible with the built and natural landscape." "Preferred colors are those used in traditional Southwest Architecture." Note: Color consistency is being challenged along Coors.	See response in Line 19 above. This language from the Coors CP reads like a policy rather than a regulation and is not enforceable as a requirement that can be objectively determined to be met or not met. Code Enforcent has said that it is unclear what colors would be allowed or prohibited as "traditional Southwest Architecture". Listing colors or giving a color range would be enforceable. The Community Planning Area process is intended to provide the opportunity to delve into the details of what's working and what's recommended to be changed in the IDO.	None
25	Cluster Development	The CCP & IDO promote Cluster development. Cluster developments are designed to cluster dwelling units together in order to preserve open space. La Luz is a great example of cluster development. Cluster developments in the IDO are limited to 50 dwelling units per site. (See Chapter 4 Use Regulations pg.136:)	See IDO Subsection 4-3(B)(2)(c) for the use-specific standard for Cluster Development.	None
26	Cluster Development	Note: The ZEO has been granting the development community multiple clusters per site plan. This adds too much density and defeats the purpose of preserving open space.	See Council Amendment D.	Council Amendment D

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
27	Cluster Development	Technical edit: Enforce existing IDO limitation of no more than 50 dwelling units per site.	See Council Amendment D. - See also Staff Report for condition proposing to keep existing regulations as a "conservation development" to have an additional option to preserve open space and sensitive lands. The only way to prohibit multiple conservation developments next to each other would be to require a distance separation between them.	EPC Condition
28	Zoning Conversion	The IDO fails to protect critical water infiltration areas located from Coors east to the Bosque and instead irrationally consigns them to higher density based on misapplied traffic corridor analysis. The taxpayers of the region have spent million on artificial infiltration and infusion sites, to support the aquifer, while these zoning omissions only exacerbate the problem of ground water sufficiency.	Water infiltration and drainage requirements aren't addressed in the IDO, but rather in the Development Process Manual. The zoning designations for the IDO carry over the zoning designations established through the CCP, and then later zone changes to SU-1.	None
29	Coors Overlay	View regulations: Maintain and strengthen the intent of the Coors Corridor Plan view regulations to permit views of the mountains, valley, Bosque and landscape, with lower buildings near roadway and larger buildings in the back or interior. Note: Developments that do comply with the Coors Corridor Plan view regulations have maintained great views of the Bosque tree tops, the City and the Mountains.	See Coors VPO in Subsection 3-6(D). See Technical Edits for Subsection 3-6(D) for language to clarify and strengthen how building heights are measured in relation to the views.	Technical Edits Subsection 3-6(D)

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
30	Building Design	Multi-family: "Individual dwelling units should be apparent in form. This helps to reduce the scale of the building and increase the feeling of individual identity of each unit." Note: Apartments in Taylor Ranch that follow this design requirement are visually more attractive, avoiding the square box look.	The quoted language reads as policy and not regulation and is not enforceable as a requirement that can be objectively determined to be met or not met. See Subsection 5-11(D) for building design requirements for multi-family residential development in Residential zones and Subsection 5-11(E) for multi-family residential development in MX zones.	None
31	Building Design	Building setback, height, and bulk: "Buildings should be located and designed to provide a pleasing and functional relationship to the roadway..." Note: People want to see architecture facing the road, not the backs of buildings.	See response in Line 30.	None
32	Coors Overlay	Trademark buildings are discouraged in the CCP. Note: Developments along Coors that followed this requirement have maintained color consistency and an attractive Southwest design.	The quoted language reads as policy and not regulation and is not enforceable as a requirement that can be objectively determined to be met or not met. IDO Subsection 3-6(D)(6) and Subsection 3-4(C)(5)(e) limit contrasting colors to 10% of the façade. Signage is limited along Coors via Subsection 3-4(C)(5)(f). These regulations are intended to limit trademark buildings.	None

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
33	MPOS Adjacent	CCP pg. 53: A minimum of 100 ft. wide setback along the top of the bluff shall be obtained, through purchase, public easement, open space dedication, or transfer of development rights. Note: A significant buffer better protects the Bosque and the homeowners against soil erosion, wildlife conflicts, mosquito diseases, environmental impacts, Bosque fires & flooding. A large buffer is necessary and should not be ignored for the health and safety of the residents and resource protection.	See Coors CPO requirement for a 100-foot buffer from the Corrales Riverside Drain in Subsection 3-4(C)(3)(a). Elsewhere, much of the area within 100 feet of the bosque is already developed. A 100-foot prohibition on development could make some properties undevelopable and result in a regulatory takings. See additional response in Line 17 about protecting sensitive lands within MPOS. The Community Planning Area process is intended to provide the opportunity to delve into the details of what's working and what's recommended to be changed in the IDO.	None
34	Planning System	Ironically the IDO is not an integrated zoning plan. The Coors Corridor and other sector plans integrated Rank I and Rank II planning documents, and management plans. These plans referenced existing Joint Powers Agreements, enforcement authorities, operations delegation and other cooperative county, state, regional, federal and international agreements. The IDO has vague language and no explicit procedural references to these requirements. Recent planning review decisions on behalf of developers have ignored these constraints and other requirements of due process concerning resources that are publically and communally owned and held in public trust not just by the City of Albuquerque, but other legally delegated operational and enforcement entities.	Rank 1 and Rank 2 Planning documents still exist as standalone plans. The IDO refers to these in the Planning System in Section 6-3. See response in Line 22. Site-specific agreements between particular agencies would not be regulated through the IDO. Any existing agreements for a site are still in place. Need more information on the latter half of this comment, particularly about "due process concerning resources that are publicly and communally owned."	None

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
35	Coors Overlay	Many Coors Corridor Plan guidelines have not been incorporated into the IDO Overlay zone. As a result the Westside will lose valuable views, color consistency, allow too much signage, and lose sensitive design treatments that make Coors an attractive roadway.	See IDO section 3-6(D) for view regulations carried over from the Coors Corridor Plan. See response in Line 22. More information is needed on what "sensitive design treatments" from the CCP are missing.	None
36	Coors Overlay	Reinstate the Coors Corridor Plan to be used as a reference until all its goals/ policies and regulations are accurately portrayed in the IDO.	The Comp Plan carried over all sector plans in Appendix D. See response in Line 22.	None
37	Zoning Diagnosis	Many of the "May 2015 Land Regulation Diagnosis, Best Practices and Annotated Outline" produced by Clarion Associates LLC and others for the ABC-Z Comprehensive Plan were never integrated into the IDO.	Need more details on what items from the May 2015 Zoning Diagnosis document weren't carried forward as regulation in the IDO.	None
38	Administrative Amendments	Public Process needs improvement: Eliminate Administrative Amendments.	See IDO Subsection 6-4(X) and 6-4(Y). Administrative amendments were allowed under the Zoning Code. The IDO adds decision criteria for minor amendments and establishes more detail about what can be amended administratively per Table 6-4-5. See Staff Report for condition allowing administrative amendments for decisions that would otherwise be decided administratively if it were a new approval.	EPC Condition

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
39	Administrative Approvals	Administrative approvals from the ZEO, DRB, Planning staff etc. are happening behind closed doors, which undermine quality development; thereby creating anger and distrust from the citizens of Albuquerque towards the Planning Department, resulting in many appeals. Please see quasi-judicial and ex parte zoning determinations from NM Supreme Court. (New Mexico Supreme Court ruling: ALBUQUERQUE COMMONS V. ALBUQUERQUE CITY COUNCIL, 2008-NMSC-025, 144 N.M. 99, 184 P.3d 4112.)	See Table 6-1-1 for decisions that staff can review/decide administratively. Administrative approvals for certain decisions have always been a part of the review/decision process and are not subject to quasi-judicial requirements because they are not discretionary decisions, but rather approvals for requests that meet the requirements of the IDO and do not require any policy-based consideration. The ZEO's role is to enforce the IDO and provide interpretation as needed to administer the IDO.	None
40	Notice	Notifications need improvement. Reinstate previous rules for notifications.	The IDO increased public notice for all decisions. More information is needed about what needs improvement.	None
41	Notice	Notification shall go to Property owners within 300 ft. of subject property, minus street ROW.	See response in Line 9.	None
42	Notice	Registered Neighborhood Associations, and HOA's shall be notified within 600 ft. of Subject property, minus street ROW.	See response in Line 9.	None
43	Notice	Go back to prior notification methods that have worked well for many years, in providing only pertinent information to all interested and affected parties. Note: Neighborhood Associations & Coalitions contact is being inundated with unnecessary notifications for every type of permit.	See response in Line 9. - See Technical Edits for proposed change to Table 6-1-1 eliminating email notice for Sign Permit, Site Plan - Admin, and Wall/Fence Permit - Minor. - See Staff Report for Condition proposing to adjust this proposal to keep the requirement for Site Plan - Admin except for single-family houses constructed within 2 years of an approved Subdivision - Major.	Technical Edit 6-1-1; EPC Condition

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
44	Historic Preservation	Historic Preservation: Include Preservation language for all of Albuquerque, not just a few areas of Albuquerque. All areas of Albuquerque contain a cultural, historic figures history, iconic architectural examples and sense of place. Fifty years forward from today meritorious design and development projects including on the west side of the river, should be eligible for preservation protections or a place on the National Register and State Register of Historic and Culturally significant places. To preclude areas of Albuquerque from the economic and cultural benefits of Historic Preservation programs is both undemocratic and unseemly.	The Community Planning Area assessment process is also an excellent opportunity for the consideration of areas that may not meet historic standards but are culturally significant and are more appropriate for consideration for CPOs based on their unique built form and physical character. The Community Planning Area assessment process is an excellent opportunity for communities to identify their historic resources for consideration for historic studies and potential designations.	None

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
45	Building Design	Architect Antoine Predock promoted development that provides the Highest & Best Use of the Land. Albuquerque should strive to accommodate similar architectural and land use innovation moving forward. La Luz, a Predock Westside development was placed on the State and National Historic Register almost immediately after it was eligible for inclusion. New developments should have the same possibility and attain the same level of excellence, regardless of their location. Whole categories for inclusion were removed from Albuquerque's preservation criteria because they might delay certain types of commercial development.	Not every development project is worthy of architectural awards, nor can the City require such development. It is worth noting that development at the time that didn't seem very special has since become more significant. For example: 8th and Forrester HPO is significant today yet when it was built it was simply railroad housing for railroad workers and the housing was very modest. The Watson Addition historic district was built as a modest subdivision and it's significance has grown over time.	None
46	Historic Preservation	All Albuquerque residents contribute tax dollars to historic preservation measures, although only some locations reap the benefits. The IDO application of Historic Preservation Overlays and Ordinance protections has been degraded to favor developer demolition so that it bears little relationship to the national and state criteria or legislative templates. These biases reduce the eligibility for preservation related grants and economic opportunities to whole sections of the City.	More information is needed. The IDO carried over the demolition review protections that predated the IDO. The Community Planning Area assessment process will be a good opportunity for communities to identify areas that may be appropriate to require additional review for "demolition outside of an HPO." See Section 3-5 for HPO zones. See Table 6-1-1 and Subsection 6-6(B) for Demolition Outside of an HPO.	None

WSCONA Comments Staff Responses

	A	B	C	D
1	Topic	Comment Summary	Response	Proposed Change
47	Tax Incentives	Tax incentives: Tax incentives or public private partnership funding should focus primarily on projects that preserve Albuquerque's unique historic buildings, as well as its natural, & cultural features and Community assets.	Tax incentives aren't regulated through the IDO.	None

Barkhurst, Kathryn Carrie

From: Renz-Whitmore, Mikaela J.
Sent: Thursday, October 24, 2019 1:16 PM
To: Barkhurst, Kathryn Carrie; Lozoya, Sergio; Pacheco, Francine; Reed, Terra L.; Summers, Shannon M.
Subject: FW: West Central VPO

FYI.



MIKAELA RENZ-WHITMORE

o 505.924.3932
e mrenz@cabq.gov

From: Morris, Petra
Sent: Thursday, October 24, 2019 11:16 AM
To: 'nmlawyer09@comcast.net' <nmlawyer09@comcast.net>; alotero57@gmail.com; patgllgr@aol.com; beedee3@lawyer.com; awilliamson@modulusarchitects.com; aboard10@juno.com; vicky.serrano218@gmail.com; mctuylla@msn.com; info@srmna.org
Cc: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>; Melendrez, Chris P. <cmelendrez@cabq.gov>; Schultz, Shanna M. <smschultz@cabq.gov>; Romero, Elaine T. <eromero@cabq.gov>; Quezada, Cherise <cquezada@cabq.gov>
Subject: West Central VPO

Good morning,

Thank you for your interest in the West Central View Protection Overlay (VPO). After careful consideration of all the public comment on the proposed VPO, and in considering both the interest in preserving views while not impeding the development of West Central, Clr. Peña has decided not to submit the proposed West Central VPO for the IDO Annual Update in 2019. This means that the amendment will be withdrawn and an application for a Zone Map Amendment will not be submitted. Clr. Peña remains interested in preserving views on West Central towards the Sandia Mountains, however the Councilor does not feel that the proposed VPO effectively addresses those concerns while not impeding the development of West Central.

Kind regards,

Petra Morris, AICP

Council Planning Manager
Albuquerque City Council
505.768.3161
pmorris@cabq.gov

Cinelli

ARCHITECTS

OFFICE (505) 243-8211 FAX (505) 243-8196

ROGER CINELLI & ASSOCIATES, INC. 2418 MANUEL TORRES LANE N.W. ALBUQUERQUE, NEW MEXICO 87107

4/9/19

City of Albuquerque
Planning Department
600 2nd Street N.W.
Albuquerque, New Mexico 87102

Attn: Mikaela Renz-Whitmore

Re: IDO considerations

Hello Ms Renz-Whitmore,

I am writing to you as a licensed architect who represents a number of mixed use and low density residential project developers. I understand that the previous zoning code was fraught with problems and something had to be done. I have done my best to understand the new zoning code. It has to be one of the most complicated documents that I have had to navigate from any municipality.

I would like to take this opportunity to point out a requirement that I believe seems to be at odds with other codes and reasonable design considerations. For example, the DT-UC-MS-PT as it applies to an MX-T zone within the corridor. MX-T zoning permits townhouses. If MX-T is in the corridor, townhouses are also permissible within the corridor. The typical townhouse must comply with the International Residential Code. Some of the energy saving measures include the fenestration and resultant U values that are calculated to achieve energy efficiency in the thermal envelope.

Yet the DT-UC-MS-PT corridor 5-11(E)(2)(B)1 & 5-11(E)(2)(B)2 require street facing ground floor 60% glazing and street facing upper floor 30% glazing. I believe that such glazing area requirements are far in excess of conventional townhouse construction. Variances and the procedures associated with them are an unfortunate result of this over-the-top glazing requirement for townhouses.

Energy conservation is not the only issue for townhouses; privacy and security are very important to townhouse dwellers. I believe that there is a contradiction in requirements here; please advise.

I appreciate your consideration.

Thank you,

Roger Cinelli
Roger Cinelli & Associates Inc.
2418 Manuel Torres Ln NW
Albuquerque, New Mexico 87107
Cel 505-243-8211
Fax 505-243-8196
Email rcinelli@q.com



CITY OF ALBUQUERQUE

City Council

P.O. Box 1293
Albuquerque, NM 87103
Tel: (505) 768-3100
Fax: (505) 768-3227
www.cabq.gov/council

President Klarissa J. Peña
District 3

Vice President Cynthia D. Borrego
District 5

Stephanie M. Yara
Council Director

**Ken
Sanchez**
District 1

**Isaac
Benton**
District 2

**Brad
Winter**
District 4

**Patrick
Davis**
District 6

**Diane G.
Gibson**
District 7

**Trudy E.
Jones**
District 8

**Don
Harris**
District 9

Pat Davis
1 Civic Plaza NW
PO Box 1293
Albuquerque, NM 87103

October 7, 2019

Albuquerque Environmental Planning Commission
600 2nd Street NW
Albuquerque, NM 87102

Dear Members of the Environmental Planning Commission,

I am writing to provide further explanation regarding my suggested amendment to the Integrated Development Ordinance (IDO) to make liquor retail use conditional in the MX-M zone district. My request stems from two considerations. The first is that residents should be given the right to a degree of self-determination in residential areas. The second is concern regarding the unwanted side effects that sale of alcohol for offsite consumption has been shown to lead to in certain circumstances.

On the first consideration, liquor retail is prohibited in all Residential zone districts and the MX-L zone district, is conditional in MX-T zone district, and is already conditional in the MX-M zone district within 500 ft. of a Residential zone district. These existing regulations reflect that liquor retail near residences requires heightened scrutiny. The C-2 Community Commercial Zone became the Mixed-Use –Moderate Intensity Zone District (MX-M), a zone that includes a range of residential uses, in which we have stated a desire for encouraging increased residential development. It seems appropriate that we would provide residents of this zone the chance to participate in the issuance of a liquor retail use just as it provided to residents within 500 ft. of this zone.

On my second consideration for requesting this amendment, there has been a plethora of research that has shown that there can be negative consequences to liquor retail. Violent behavior, excessive alcohol consumption, alcohol related crashes, suicide, and other negative effects have been associated with density of liquor retail as shown by the attached literature (Resko et al. (2010); Campbell et al. (2009); Escobedo and Ortiz (2001); Franklin et al. (2010); Giesbrecht et al. (2015); State of New Mexico Regulation & Licensing Department, Alcohol and Gaming Division (n.d.); Sparks et al (n.d.); Zhang et al. (2015); MDHC, Bureau of Disease Control,

Page 2

Prevention, and Epidemiology (2011)). These studies demonstrate that use-by-right liquor retail can pose a previously unforeseen threat to the health, safety, and welfare of our City. This change to the IDO will help address this threat.

That is not to say that all liquor retail is problematic, hence my request for a conditional use rather than a prohibition. Being that liquor retail can be problematic it is crucial to allow residents of MX-M zone districts to voice their opposition if they feel a particular project could be problematic, and to allow for the neutral zoning hearing examiner to decide whether the use at a particular location would or would not be harmful.

I sincerely thank you for your work and the great sacrifices you make for the betterment of our city. I hope you find these consideration helpful in considering this amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat Davis', with a stylized flourish at the end.

Pat Davis
City Councilor, District 6

Renz-Whitmore, Mikaela J.

From: Josh Rogers <jrogers@titan-development.com>
Sent: Wednesday, October 9, 2019 4:06 PM
To: City of Albuquerque Planning Department
Cc: Brian Patterson; Kurt Browning; Lynne Anderson; cp@consensusplanning.com; Michael Vos
Subject: IDO Annual Update Comments
Attachments: IDO Amendment Concerns_10-9-19s.docx

To whom it may concern,

Please find the attached comments to the technical edits and amendments to the IDO.

Also, here are some additional comments related to this entire process:

- There are way too many amendments and technical edits beings processed at this first update for the IDO. The expectation of having the development community review 22 amendments which have very substantial impacts and around 500 technical edits which also surprisingly have substantial impacts is too much to ask.
- Within the technical edits explanations there are multiple instances where a technical edit was added to the list with the comment that it came from “a neighborhood association representative.” While all comments regardless of being from neighborhoods or developers should be discussed and potentially added as a change to the IDO, it is problematic that there are so many to review and potentially being pushed forward by one person with a specific agenda.
- The term “technical edit” is extremely misleading and implies to everyone that they are not substantial changes which couldn’t be further from the truth.
- Given the sheer number of technical edits, what was the process that these technical edits were brought forward by staff and into this document? What was the vetting process for one comment making it into the 101 pages?
- Many of the technical edits are clear departures from the previous zoning code which we all understood was the foundation for the IDO. These departures are placing unreasonable burdens on developers adding significant costs, burdensome processes, and convoluting the entitlements process.
- While there are positives and negatives throughout these technical edits, it is impossible to understand the implication of each one and give each one the thought and attention they deserve.
- The technical edits need to be broken up into 5 separate reviews so they may be appropriately vetted.
- We expect that this will not be the norm going forward in subsequent years and the sheer amount of the edits is due in large part to it being the first year since adoption. We respectfully request more time to review the technical edits.

Josh Rogers
Director of Multi-Family
Titan Development
(M) 505-362-6047
(W) 505-998-0163



www.titan-development.com

PROPOSED TECHNICAL EDITS

ITEM	SHEET / PAGE	Issue	ISSUE
1	32 of 101 / 205	Major public open space/ cluster development	Requiring 75% of ground level usable open space to be contiguous with major public open space is overly burdensome. For instance, if you have a square shaped tract for an apartment project on 16 acres next to MPOS and only one side is adjacent to MPOS, then 75% of the usable open space has to be adjacent to the MPOS, leaving the other 25% to be dispersed through the remaining 12-14 acres? It is going to create a wasteland across the rest of the project and create issues with dispersing parking and buildings around the site in an efficient manner. This does not work for multi-family developments where the open space needs to be aggregated throughout the buildings.
2	42 of 101 / 258	ABCWUA does not want landscaping in utility easement	This will cause conflicts with landscaping requirements, particularly in urban areas where land is scarce and buildings cover entire tracts. This cannot move forward as written
3	47 of 101 / 293	Two proposed changes re glazing conflict. 60% vs 50%	Revise to 50% to be consistent
4	54 of 101 / 339	Notice/Neighborhood meetings	Standardizing neighborhood notifications makes a ton of sense. However, providing all of this info could backfire on developers as the design and project could be taken out of context and lead to confrontational neighborhood meetings.
5	61 of 101 / 346	Providing site plans, arch drawings, elevations, etc for email notice	Items are sometimes not available at this time; context could be an issue. See above
6	91 of 101 / 464	Finished grade definition / measurement	All of the changes to the definitions of grade, finished grade, and building height are extremely problematic and conflict with one another and we cannot tell what the impact will be. Regardless, building height ABSOLUTELY NEEDS TO BE MEASURED from average grade across each façade. The building heights that were agreed upon in the IDO were based upon heights being measured from average grade. There are very few sites in abq that are flat where this isn't an issue. The implication of this change could result in the loss of an entire floor. As an example this would've forced our Broadstone Nob Hill project to go from 4 to 3 stories and would've killed the project. This is also a complete departure

			from the previous zoning code where everything is measured from average grade.
7	94 of 101 / 473	Building Height measured from the lowest ground elevation	Same comment as above
8	95 of 101 / 474	Ground Floor Height	This is an unnecessary change to the measurement. This change will cause the first floor of a building to go from 12' to 14' or more. This will add substantial costs to buildings in mixed use areas and is completely unnecessary. At a minimum, the measuring to the bottom of the exposed support structure for the second floor should be removed. Compounding the problem is the measurement of grades as mentioned above. The first floor is getting taller and the overall building height just got trimmed.

PROPOSED TECHNICAL EDITS

ITEM	SHEET / PAGE	PROPOSED CHANGE	ISSUE
1	8 of 8 of exhibit A or 14 of 16 Page 447	Arroyo definition	Defining an arroyo as 100 CFS will encumber a huge amount of parcels and require them to go to EPC. Strongly recommend using the definition of a "Major Arroyo" or 1000 CFS minimum. 100 CFS is an extremely low number.

Renz-Whitmore, Mikaela J.

From: Michael Vos <Vos@consensusplanning.com>
Sent: Wednesday, October 9, 2019 6:11 PM
To: City of Albuquerque Planning Department
Cc: Renz-Whitmore, Mikaela J.; Jim Strozier; Josh Rogers
Subject: Comments on IDO Amendments

Hello Long-Range Team,

I will have more comments as this process continues to play out, but I think the following two items create more confusion and problems for development and the staff review process than the intent of them may be.

1. Changes in the technical edits to the definitions of grade, finished grade, and natural grade along with the change to the definition of how building height is measured appear to create additional confusion over current language. After reading the grade definitions a few times, I think they may technically be fine as they would only really apply in the limited circumstances where Overlay Zones require measurement from one or the other, however the proposed building height definition is contradictory and appears to be a significant change from long-standing practice. The definition should stay as currently written.
 - a. Rationale: The current and proposed definitions both state that height is measured from grade, which is in turn defined as the average ground elevation at each façade. This is how it has always been measured. On any site you can look at each of the four elevations to determine building height and all of them must separately meet the requirement of the underlying zone. This de facto means that the most restrictive of those four applies on a sloped site. If this is what the additional language proposed is supposed to result in by stating the measurement is from the lowest ground elevation, I think it just creates unnecessary confusion. At worst this new language can be read to mean the measurement is made from the lowest possible elevation on the site to the tallest point on the building, which contradicts with definition's reference to grade and results in shorter buildings.
2. Generally speaking, the "maximum extent practicable" language should remain for more things than proposed to be eliminated by the Council Amendment. That being said, defining Arroyos with a volume of 100 cfs will encumber a large number of sites and will result in many more site plans (and even proposed subdivisions) going to EPC should the changes to remove the "maximum extent practicable" be approved. A much higher flowrate should be utilized, if a flowrate is utilized at all. Unless someone is an engineer, it is difficult to comprehend what the flowrate means. Will Code Enforcement or others know what the flowrate of any channel is? Before or after development? My suggestion is the City should determine which arroyos need to be protected as sensitive lands, i.e. Major Arroyos (something already defined), and map them so staff, applicants, and neighbors all know what exactly is being protected.

Thanks,

Michael Vos, AICP
CONSENSUS PLANNING, INC.
302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com

=====
This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Saturday, October 19, 2019 1:04 PM
To: Davis, Pat; City of Albuquerque Planning Department; Keller, Tim
Cc: 'PeggyD'; 'Jim Griffee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; 'Rene Horvath'; Renz-Whitmore, Mikaela J.; Dr. Susan Chadoir
Subject: RE: IDO Amendment A -- some comments

Councilor Davis, EPC Chair Serrano and Mayor Keller,

I have reviewed section IV. KEY ISSUES & DISCUSSION / ANALYSIS OF COUNCIL AMENDMENTS, **Council Amendment A – Barbed Wire** of the EPC Staff Report for Hearing Date Sept. 12, 2019

I submit to the three of you that the Amendment as written, reviewed and commented on in the Staff Report does not accomplish the following goal as stated on page 1 of the same Staff Report: “The proposed changes are intended to balance the need to address market demands for housing and businesses with the imperative of protecting and enhancing existing neighborhoods.....” (*emphasis added by me*) given the lived reality in our neighborhoods in Albuquerque at the last quarter of 2019.

In an ideal world with minimal property and personal crime, it would be nice and delightful to see no barbed wire being used anywhere, especially in neighborhoods of residences; so I understand the intent of the past & present attempt to legally ban its use in residential areas. Appearing to live in an armed camp is not appealing to any of us.

But we don't live in an ideal world and the lived reality of Albuquerque for the past decade is some of the highest levels of property & personal crime in our history and that puts us in the top 10 rankings nationally for some crimes. Neither our business communities nor our residential communities nor our general citizenry out in public FEELS SAFE. If that hasn't registered with our City Council and our EPC and that doesn't guide the current revisions of our zoning rules & regs.....THEN SHAME ON ALL OF US!! And I know that we have made solid strides in reducing crime levels and that those efforts are continuing.....but we ain't yet at a lived, felt experience of physical safety anywhere in our city.

There are a number of efforts being pursued by the Planning Dept. that stress the notion of “Equity” in the ongoing development of our city. I find the current and proposed regs. around Barbed Wire to be a prime example of a LACK of Equity in application. How about we say that the City will require the safe and appropriate use of Barbed Wire in non-residential areas and will ban Barbed Wire in residential areas WHEN AND ONLY WHEN there is no longer a felt need for any residential areas to be Gated Communities. I am proposing that both realities (Barbed Wire and Gated Communities) are precisely about an existential desire for feeling safe in our own homes and with our personal property in our front and back yards. Let 's try for EQUITY in real world terms and not just in the language of our documents.

Thanks for your consideration of all of the above and below.

Dan Regan

Knapp Heights Neighborhood Association, President
District 4 Coalition, Zoning / Development Committee, Chair

From: Davis, Pat [mailto:patdavis@cabq.gov]
Sent: Wednesday, August 21, 2019 12:50 PM
To: Dan & Liz Regan <dlreganabq@gmail.com>; City of Albuquerque Planning Department <abcto@cabq.gov>
Cc: 'PeggyD' <peggyd333@yahoo.com>; 'Jim Griffee' <jgriffee@noreste.org>; 'Michael Pridham' <michael@drpridham.com>; 'Joe Valles' <joevalles@aol.com>; Nair, Sarita <snair@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>; Emillio, Dawn Marie <dawnmarie@cabq.gov>; 'Rene Horvath' <aboard10@juno.com>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Subject: RE: IDO Amendment A -- some comments

Dan, thanks for your email.

To clarify the history here, precisely for some of the reasons you raise, I asked Planning to pause enforcement of the current barbed wire prohibition (city rules have always prohibited BW in residential areas, for example). Amendment A simply restores the major components of the old rules allowing barbed wire in some areas to their old standards.

I've flagged your email for review once the IDO amendments come back from EPC. Pat

Pat Davis

City Councilor, District 6
Phone 505.768.3100 | [email](#) | [website](#) |

From: Dan & Liz Regan [dlreganabq@gmail.com]
Sent: Wednesday, August 21, 2019 12:39 PM
To: Davis, Pat; City of Albuquerque Planning Department
Cc: 'PeggyD'; 'Jim Griffee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; 'Rene Horvath'; Renz-Whitmore, Mikaela J.
Subject: IDO Amendment A -- some comments

Councilor Davis and EPC Chair Serrano,

I think that there are some very substantive barriers that need to be considered before the proposed Amendment A could be enacted.

The first issue is a matter of law that has been part of our jurisprudence heritage since before our nation was founded; it's called "a man's home is his castle". Below is the opening paragraph from a William & Mary Law School Journal article on this topic:

William & Mary Journal of Race, Gender, and Social Justice – Volume 8 | Issue 2 Article 2

"A Man 's Home is His Castle?": Reflections on the Home, the Family, and Privacy During the Late Nineteenth and Early Twentieth Centuries By Jonathan L. Hafetz

The maxim that a "man's house is his castle" is one of the oldest and most deeply rooted principles in Anglo-American jurisprudence.' It reflects an egalitarian spirit that embraces all levels of society down to the "poorest man" living "in his cottage." The maxim also forms part of the fabric of the Fourth Amendment to the Constitution, which protects people, their homes, and their property against unreasonable searches and seizures by the government. Despite the continuing erosion of this protection in other places,, including on streets, in automobiles,' at airports, and in schools, the home retains a special place in search and seizure law," and continues to symbolize a zone of privacy often beyond the reach of the modern regulatory state."

Full article: <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1190&context=wmjow>

Making it illegal for a homeowner to provide protection for his/her property at a level required by the experience of crime seems to me to be a 'bridge too far'.

Which leads to the second substantive barrier: the lived & ongoing level of insecurity in the face of criminal trespass and damage to one's property. I refer you to the sketch below of Maslow's Hierarchy of Needs. There have been some critics who take exception to Maslow's thinking and outcomes on the needs of individual human being and groups of the same. But, methinks, by and large, Maslow's Hierarchy has been found to be more valid than not when dealing with the human experience.



IF I am understanding the intent of Amendment A, there is a strong element of the aesthetic appearance of our city 'from the road' so to speak. 'Twould be much better if we didn't look like an barricaded or armed camp. A sentiment with which I am in TOTAL AGREEMENT.

Howsomever, creative aesthetics reside mostly at the top of the Hierarchy of Needs.....and, I would submit, our fair and good city is NOT there at the moment – we are, still yet even, struggling to establish a lasting modicum of SAFETY & SECURITY for our population, both businesses and residences. I cite just a few REAL TIME instances:

- Churches, even before the more recent shootings in mid & late-2019, which have church members assigned to patrol their parking lots during weekend services to guard against broken windows and pillaged vehicles. I am also certain that some larger churches actually hire Security Guards to perform this same function.
- Social groups (square dancing clubs, specifically) who have the same routine with members rotating the parking lot patrol because of damage to vehicles and who are losing members because of the hassle and no actual assistance from the APD to find the perpetrators.
- A residence on a bright Sunday morn, whilst occupants are at church & lunch, with a 20 something male, high on meth, climbing up on the roof of their home and brandishing a 8-10" hunting knife blade as at least 10 APD eventually try to talk him down & secure the area.
- A residence's back yard that has been 'invaded' multiple times with auto parts & tools being rummaged thru and some disappearing.
- A residence with antique cars in the back yard that became sleeping arrangements for some transients not far from one of the busiest Major Transit roads & Areas of Change in the city.

- Multiple (maybe even, most) chain stores and some locals who will not open their doors until Security Guards are present.

My point is that BASIC SAFETY & SECURITY does not exist for many in our city and may not arrive in a sustainable way for several more years.

If an individual home/castle owner has found that barbed wire around three sides of his property wall has caused a cessation of criminal trespass, such that he & his wife can sleep a little more securely with windows open so the swamp cooler can do its thing.....I think the city will be hard pressed to demand that this barrier be removed for the sake of aesthetics. And if the barbed wire needs to come down so that intruders don't risk injury as they INTRUDE.....well, where have we come to.

IF our fair city achieves some communal sense of belonging, self-esteem, pride, confidence and morality.....THEN, I think it would be a prime time for Amendment A to be enacted.....until such time, I think we need to deal with where we, as a city, find ourselves to be, e.g., still trying to be safe & secure at a basic and minimal level.

Thanks for your consideration of all of the above. I do appreciate your and the other councilors hard work toward making our city a better place to live!!

Dan Regan
Knapp Heights NA, President
D4Coalition, Zoning/Development Committee, Chair

=====
This message has been analyzed by Deep Discovery Email Inspector.

=====
This message has been analyzed by Deep Discovery Email Inspector.

Barkhurst, Kathryn Carrie

From: bill ashford <wm_ashford@yahoo.com>
Sent: Tuesday, April 30, 2019 7:46 PM
To: Gary & Melodie Eyster (meyster1@comcast.net); Barkhurst, Kathryn Carrie; wm_ashford@yahoo.com; Morris, Petra
Cc: Davis, Pat; Foran, Sean M.; kayd@fastmail.com; ltadvisor@yahoo.com
Subject: Re: Site Lighting amendment
Attachments: CubeSmart lights_IDO_analysis.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Petra, thanks for the update. I understand that the exterior lighting regulations are specific to exterior fixtures and appreciate the effort on Amendment J. I still think the existing IDO sign regulations should apply. Attached is an analysis of the IDO that was performed related to the current IDO sign regulations and the Cubesmart facility. I'm an Albuquerque resident and not a zoning or planning expert. Initially I don't want a formal reading on this interpretation.

Related questions for the applicable local government organization:

- 1) Did the local government give permission to Cubesmart to operate their window signs/ lights in the manner described in the analysis either informally or formally during any part of the government approval process for the development?
- 2) Based on the description(s) in the analysis, if the window sign/lights are not considered sign(s), and therefore not regulated as signs, please provide specific rationale supporting that interpretation.
- 3) Is it known if the current Cubesmart window-sign configuration exceeds the "200 foot lambert at the property line" criteria recommended in proposed amendment J?

Sincerely,
Bill Ashford
720-498-8361
wm_ashford@yahoo.com

On Tue, 4/30/19, Morris, Petra <pmorris@cabq.gov> wrote:

Subject: Site Lighting amendment
To: "Gary & Melodie Eyster (meyster1@comcast.net)" <meyster1@comcast.net>, "theboard@nobhill-nm.com" <theboard@nobhill-nm.com>, "wm_ashford@yahoo.com" <wm_ashford@yahoo.com>
Cc: "Davis, Pat" <patdavis@cabq.gov>, "Foran, Sean M." <seanforan@cabq.gov>
Date: Tuesday, April 30, 2019, 11:49 AM

Good morning Gary, Bill

and the Nob Hill Board ,
I wanted to follow up with
you on your email about the lighting coming from buildings.
We reached out to Planning to see if there was anything that could be done to address this under the existing
regulations in the IDO, however, the regulations
are pretty specific about being for exterior light fixtures. This therefore will require an amendment to the IDO to state
that all sources of light be measured, and not just those coming from exterior fixtures. This is in the IDO Council
Amendment Packet,
see attached. It is Amendment J in the packet attached.

I am also attaching the
Technical Edits spreadsheet that the Planning Department published earlier this month with the Council Amendment
packet. The technical edits that Planning is proposing are changes that address inconsistencies, errors,
omissions, clarity, and are generally non-substantive edits. While the Council amendment packet contains issues that
constituents have raised with a councilor that don't fit within the parameters of a technical edit.

Here is a link to the
ABC-Z website that lists all the upcoming meetings (the meetings in May will be organized by IDO section, and the later
June meetings by topic) to discuss the proposed edits and amendments:

<https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fabcdzone.com%2fido%2dannual%2dupdate%2d2019&umid=f6fa2d38-eedf-4b7b-86f4-263287118036&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-288c75c8a4fe23cc1e2e7dd29e4cd61680ee1c3b>

Let me know if you have
any questions or concerns.
Kind regards,

Petra Morris,
AICP
Council Planning
Manager
Albuquerque City
Council
505.768.3161

pmorris@cabq.gov

=====
This message has been analyzed by Deep Discovery Email Inspector.

Subject: Nob Hill Neighbors request that CubeSmart Self Storage turn off interior window lights visible from the building exterior at night that function as a large advertising sign.

POC Bill Ashford 720-498-8361; wm_ashford@yahoo.com

CubeSmart business information:

Cube Smart Self Storage of
Albuquerque
4100 Central Ave SE
Albuquerque, NM 87108
New Customers: (855) 716-1611
Current Customers: (505) 373-3901

Office Hours:
Monday-Friday: 9:30 AM-6:00 PM
Saturday: 8:30 AM-5:00 PM
Sunday: 11:00 AM-3:00 PM
Storage Gate Hours: Monday-Sunday:
6:00 AM-10:00 PM

Corporate information
District Manager: Melanie Young
1-610-971-3259
Attention CubeSmart Corporation (REIT)
5 Old Lancaster Road
Malvern, PA 19355
1-610-535-5000

Problem Statement

The recently constructed storage facility leaves lights on all night, every night and the result is a significant eye sore for the local residential neighbors. The large area of unattractive artificial illumination dominates the night time view of local residents and negatively affects their ability to enjoy their private property.

Desired Outcome: The lights are turned off dusk to dawn.

Background:

1. The business is not open all night yet the lights remain on; the gate closes at 10pm
2. The lights in question are NOT needed for safety or security during business or non business hours.
3. The lights in question exist in a narrow shadow box corridor around the west and north sides of the building.

4. Customers and public are forbidden from entering the narrow illuminated shadow box area at all hours. It appears these building-height interior corridors are part of the climate control system for the building and have been exploited for a secondary use as an advertising sign.
5. The internal storage areas which are accessible by customers are not exposed to ambient light and are kept dark except when motion sensors activate lights (these lights are not visible from the exterior).
6. The red doors visible behind each window are non-operational (they don't open and are applied over a solid section of wall). They exist for the sole purpose of advertising. Red doors are prominently displayed on all pages of the Cubesmart website and throughout the building as key part of the business public image.
7. The purpose of the lights is to internally illuminate a commercial advertisement sign (see next item).
8. The red doors visible behind each window are a "figure", "statue" or "emblem" advertising the CubeSmart business and per the IDO a "Sign" is defined as: "Any display to public view of letters, words, numerals, **figures, statues**, devices, **emblems**, pictures, or any parts or combinations thereof designed to inform or advertise or promote merchandise, services, or activities". IDO Ref 1
9. The aggregate of the shadow boxes and red doors can be interpreted as one large sign or series of many smaller signs based on IDO "signs applicability" statement: "located within but designed to be viewed from outside of a structure" IDO Ref 2.
10. The illuminated Cubesmart window sign does not "preserve scenic and natural beauty", the stated purpose of the IDO sign regulation. IDO Ref 2
11. The illuminated sign do not "protect the physical appearance of the community" the stated purpose of the IDO sign regulation. IDO Ref 2
12. The IDO restricts the total number of signs on a property to one and if each individual window with a "figure, statue or emblem" is considered a sign then the property has many dozen signs. IDO Ref 4
13. The IDO restricts the total size of sign to no greater than 15% total façade area and the aggregate of the window signs exceeds this size. IDO Ref 4

14. It is unclear if the CubeSmart illuminated window sign(s) were permitted as “signs”. The IDO requires permits for signs over 40 square feet and or taller than 8 feet, the shadow box signs exceed these thresholds. IDO Ref 3

Conclusion: The Cubesmart Storage facility lights/sign(s) are excessive and detrimental to nearby resident’s ability to enjoy their properties. The lights/ sign(s) set a very negative precedence for future developers and contrast negatively with the historic Route 66 lighting along Central Ave. If all new commercial buildings in Nob Hill leave bright lights on in every window all night, every night then the quality and character of residential neighborhoods will NOT be protected (Stated IDO Purpose in section 1.3-D).

Questions for the applicable local government:

- 1) Did the local government give permission to Cubesmart to operate their window signs/ lights in the manner described above either informally, formally, verbally, etc, during any part of the government approval process for the development?
- 2) Based on the above description(s), if the window sign/lights are not considered sign(s), and therefore not regulated as signs, please provide specific rationale supporting that interpretation.

References:

IDO Ref 1: Part 14-16-7 Definitions and Acronyms, Section 7-1 DEFINITIONS, “Sign Definitions”; INTEGRATED DEVELOPMENT ORDINANCE City of Albuquerque Code of Ordinances Chapter 14 – Zoning, Planning, and Building Article 16 REVISED & UPDATED THROUGH November 2017:

Sign

Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or promote merchandise, services, or activities except for the following:

1. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
2. Signs required by law or signs of a duly-constituted governmental body.
3. Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.
4. Signs upon a vehicle, provided that any such vehicle with a sign face of over 2 square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.
5. Temporary holiday decorations.

A back-to-back sign or V-shaped sign constitutes 1 sign if it employs a common set of supports. A composite group of signs integrated into 1 framed unit or compact structure constitutes 1 sign.

Sign Area

See Measurement, Sign Area.

Sign, Building-mounted

A sign entirely supported by or through a building, including canopy sign, marquee sign, projecting sign, roof sign, or wall sign. See also *Sign, Canopy*; *Sign, Marquee*; *Sign, Projecting*; *Sign, Roof*; *Sign, Wall*; and *Sign, Window* for sign types that are considered building-mounted.

IDO Ref 2: Section 5-12(A), Signs, Purpose; INTEGRATED DEVELOPMENT ORDINANCE City of Albuquerque Code of Ordinances Chapter 14 – Zoning, Planning, and Building Article 16 REVISED & UPDATED THROUGH November 2017

Part 14-16-5: Development Standards

5-12(A): Purpose

5-12: Signs

5-11(D)(3): Outdoor Seating and Gathering Areas

5-12 SIGNS

5-12(A) PURPOSE

The purpose of the regulations in this Section 14-16-5-12 is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor signs of all types. More specifically, these regulations are intended to help implement adopted ABC Comp Plan policies, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve scenic and natural beauty, reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and curb the deterioration of the community's appearance and attractiveness.

5-12(B) APPLICABILITY

5-12(B)(1) This Section 14-16-5-12 shall apply to the erection of all signs located outside of, or located within but designed to be viewed from outside of, a structure in all zone districts, unless specifically exempted by this IDO.

IDO Ref 3: IDO Section 5-12(D) PERMITTING; 5-12(D)(1) Signs that Require a Permit

5-12(D) PERMITTING

5-12(D)(1) Signs that Require a Permit

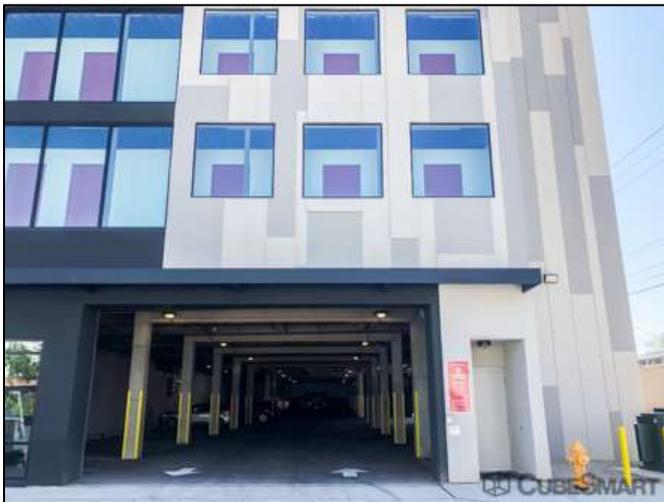
5-12(D)(1)(a) Unless exempted by Subsection 14-16-5-12(D)(2) (Activities That Do Not Require a Permit), new signs that meet any of the following criteria may not be erected until a Sign Permit is obtained pursuant to Subsection 14-16-6-5(F) (Sign Permit):

1. Signs with an area greater than 40 square feet.
2. Signs taller than 8 feet.
3. Illuminated signs.

IDO Ref 4; IDO TABLE 5-12-2: On-premises Signs in Mixed-use and Non-residential Zone Districts

TABLE 5-12-2: On-premises Signs in Mixed-use and Non-residential Zone Districts		
Sign Type	Zone District	
	Mixed-use Zone Districts, NR-C, NR-LM, NR-GM	NR-BP, NR-SU, NR- PO, PD, PC
	Standard	
Wall Sign		
Number, maximum	1 / establishment frontage	
Size, maximum	Shall not exceed the following percentages of façade area, inclusive of door and window openings. MX-T, MX-FB-ID: 5% MX-L: 10% MX-M, MX-H, MX-FB-FX, MX-FB-AC, MX-FB-UD, NR-C: 15% NR-LM, NR-GM: 25%	
Location	Where there is no side setback between 2 establishment frontages in the same or abutting buildings, no wall sign may extend closer than 2 feet to the shared edge of the frontage.	
Window Sign	No more than 15% of window and door areas may be covered with signs	

Pictures of CubeSmart Self Storage of Albuquerque; 4100 Central Ave SE; showing inoperative/fake doors behind windows which are illuminated at night.





Barkhurst, Kathryn Carrie

From: Rene' Horvath <aboard111@gmail.com>
Sent: Tuesday, December 3, 2019 2:02 PM
To: Barkhurst, Kathryn Carrie
Cc: Renz-Whitmore, Mikaela J.; Schultz, Shanna M.; Wolfley, Jolene
Subject: Fwd: IDO Wednesday Dec. 4th meeting update
Attachments: Summary of November 21.docx

Dear Carrie,

I received your email. It looks like it is a go for tomorrow.

It looks like you have a new email system. So, I hit the yes button, saying I will be there.

We should try to cover some of the view regulation issues for Coors Blvd. & mesa top development., along with increasing the bldg. footprint 75%, for second story for cluster dev, technical edit pg.136 regarding multiple cluster dev. the View Preservation Overlay for west Central Ave., allowing gas stations on local roads, Amendment for drive thrus, increasing the building size for MXL zones, cul de sacs vs. connectivity, liquor retail, set backs, zone conversions, The status of the Sector Plans R-19-240, and some of the shortcomings of the overlay zones: signage, color consistency, bldg. hts etc. and updates on some of the things we talked about in the previous meetings.

I know it is a lot. We will do our best to go through it.

See you tomorrow. Thank you!

Rene'

PS: I am sending a summary of our last meeting. See attachment.

On Tue, Dec 3, 2019 at 8:42 AM Barkhurst, Kathryn Carrie <kcbarkhurst@cabq.gov> wrote:

Hi all,

Getting this on your calendar. The large conference room is available at this time.

Carrie

From: Rene' Horvath <aboard111@gmail.com>
Sent: Monday, December 2, 2019 9:45 PM
Subject: IDO Wednesday Dec. 4th meeting update

Dear IDO Group,

Thank you for your quick responses, regarding the IDO meeting time. Based on the responses I received so far, lets shoot for 1:30 pm, since Jolene has to leave at 3:00 pm. So far Jolene and Shanna are available Wednesday afternoon (Dec. 4th), as well as several of you. I am still waiting to hear back from Carrie to confirm. I'll give final confirmation once I hear back from her. Once confirmed we will meet on the third floor of the Planning dept. as previous meetings.

Thanks again,

I'll keep you posted.

Rene'

PS: Mikaela, I hope you can be there as well.

=====
This message has been analyzed by Deep Discovery Email Inspector.

=====
This message has been analyzed by Deep Discovery Email Inspector.

Summary of November 21, 2019 Meeting: We discussed several Amendments being proposed.

1. Technical Edit: Discussion on Open space 50% reduction for apartments in Urban centers: It was determined that a map was needed to show what areas of town would receive the 50% reduction. Participants expressed that the open space requirement for apartments are nice amenities and expressed concern with the 50 % reduction.

2. Amendment T: Transit Parking 30% reduction: This would reduce parking along transit corridors by 30 % based on the frequency of bus service. Parking reductions have been allowed for routes with 15 minute bus service. It appears the proposed Amendment would expand this reduction to include routes with 30 minute bus service. Need a map to show this. This would affect several routes throughout the City. There was lots of concern with this proposal. Albuquerque needs parking, it is not major a transit city, park & rides are limited. Residents use parking lots for park and rides. Transit has limited funding.

3. Amendment C - Cottage Development: What is Cottage development? There is one off of Rio Grande Blvd. on a couple acres. Amendment C proposes to reduce the lot size for cottage development from 1-2 acres to 10,000 sf along PT, MS, UC. The group questioned why the amendment proposed to reduce the lot size? The group wanted to know, what is cottage development? Does cottage development mean a family/community compound situation like the one on Rio Grande, or adding accessory dwellings in the backyard, or is it intended for tiny homes? Cottage development could be a good thing, depending on its intent, and if done correctly.

4. Amendment D - Cluster development: There is a lack of understanding of what Cluster development is. The purpose is to allow lot size reduction, in order to preserve 30% usable open space. La Luz on Coors blvd. is a good example of Cluster development. Recent submittals are not Cluster develop. Cluster development is misinterpreted. Variances and waivers are allowing too much density, and using undesirable/unusable open space to meet the 30% OS requirement. This is creating problems. More work is needed to define several styles of desirable Cluster development that are appropriate for different areas.

5. Amendment S: Cul-de-Sacs: Currently the IDO language is problematic. It says cul-de-sacs are allowed to avoid sensitive areas. Cul- de-sacs do not avoid sensitive areas. They push development towards sensitive areas, such as canyons and peninsulas, creating impacts for the residents and wildlife areas. Open space needs buffer. Cul de sacs eliminates that buffer. The IDO language needs to be rewritten. Cul de sacs in general need more discussion.

6. Open Space Buffers and single loaded streets: Discussed the pitfall of not having enough buffer and a single loaded streets to separate the homes from open space/wildlife areas. There are several examples of this along the Petroglyphs where development butts up to the escarpment creating problems which taxpayers are now paying to fix. Developments and open space areas need larger buffers between them and single loaded streets to separate them; otherwise the taxpayers will continue to pay to fix the problems later.

December 3, 2019

Dan Serrano, Chair
City of Albuquerque
Environmental Planning Commission
c/o Planning Department
600 2nd St. NW
Albuquerque, NM
87102

RE: **Project # 2018-001843 – IDO Annual Update**

Dear Mr. Serrano,

We have reviewed the proposed technical edits and council amendments to the IDO and for the most part, are in favor of the clarifications and improvements proposed. We do have a few concerns not only for the development community but the community as a whole. Please have the EPC take these into consideration and include conditions as you see fit.

Our first concern is on Page 133 - "Insert a new land use for "Drainage Facility"..."

This is a change that will have unintended consequences. Under the proposed definition such common infrastructure as gutter, inlets, and storm drain, even on private property, would be "drainage facilities." Accordingly, drainage facilities are located both in right of way and on every property throughout the city. The drainage ordinance and therefore any facilities created to comply with the ordinance apply to all property within the city limits. The consequences of the change include additional buffering requirements, complicated permitting and code enforcement, and a reduction of developable land. With the new definition as proposed, "drainage facility" should remain a permissive accessory use in all zones.

Secondly it appears that a couple of edits are adding subjectivity to DRB decisions and staff requirements. One of the objectives of the IDO was to make the development approval process less subjective and more straightforward. The following edits appear to contradict this intent of the IDO:

Page 342 – 6-4(F)(4) [new]: Add a new subsection as follows: "After an application has been submitted, the Planning Director may request additional materials, including but not limited to exhibits, as needed to determine whether the proposed project meets IDO requirements. The applicant must provide any such materials within administrative deadlines for the relevant review and decision process, or a deferral may be needed."

and

Engineering 

Spatial Data 

Advanced Technologies 

EPC Chair
12/3/19
Page 2

Page 395 - 6-6(G)(1)(a): "Create new subsections for exceptions to (1)(a) as follows: "1. Any application that requires major public infrastructure or complex circulation patterns on the site. 2. Any application that warrants additional staff collaboration at a DRB meeting as determined by the Planning Director."

Additional definition and clarification can help clear these concerns up. We appreciate the opportunity for input and look forward to the improvements made by this amendment.

Sincerely,

Bruce Stidworthy, PE, MBA
President & CEO
Bohannon Huston Inc.

/rmm

December 4, 2019

To: ABQ Planning Department: Attn: Brennon Williams and
Mikaela Renz-Whitmore

From: NAIOP NM Commercial Real Estate Development Association
504 Camino Espanol NW
Albuquerque, NM 87107

On behalf of the NAIOP New Mexico membership, this letter expresses serious concerns to the IDO Technical Edits and Amendments. Our members are the companies and professionals involved in commercial real estate development statewide, including engineers, architects, developers, brokers, contractors, bankers, attorneys, title companies, planners and others.

Attached are concerns we have about the 500 Technical Edits for the IDO and several of the Council Amendments. These have probably been sent to you earlier from other companies or associations. However, we felt that it was important to add our voice in support of these proposed changes to the currently proposed technical edits and amendments.

The industry, as a whole, are aware that our comments are significantly later than planned. Part of this, I believe was simply because this was the first time for this effort in terms of the IDO. We understand that this put staff in an unacceptable time crunch, but it was a learning curve for both many companies and associations who do not live and breath this process. There is now a much better understanding and going forward we will be more current with our comments and better prepared.

There were many groups involved in this process. As you probably know, we commissioned a final study by Consensus Planning, and the ad hoc group included NAIOP, CARNM, ABC, AGC, HBA, private-sector companies, and individuals. We understand and appreciate the time and effort that has gone into this process by both the Planning Department and Council Staff. We hope you will understand our lack of timeliness for due more to unfamiliarity with the process and not an attempt to undermine the process.

Sincerely,



Lynne Anderen, NAIOP President

2019 Chair:

Debbie Harms
NAI Maestas & Ward

2018 Chair Elect:

Joe Farr

Duke City Commercial LLC

2018 Vice Chair:

Scott Whitefield
Colliers International

2018 Treasurer:

David Leith

CliftonLarsonAllen LLP

2017 Secretary:

Kristi Gibbs

Old Republic Title Company

Corporate NAIOP Board of Directors:

Dale Dekker

Dekker/Perich/Sabatini

2018 Chair

Art Tatum

FBT Architects

2017 Chair:

Cynthia Schultz

Bradbury Stamm Construction

2016 Chair:

Kevin Yearout

Yearout Mechanical Inc.

2015 Chair:

Kurt Browning

Titan Development Co.

2018 Directors:

Louis Abruzzo

Alvarado Realty Company

Dale Armstrong

TLC Plumbing, Heating, Air Conditioning

Chris Clepper

Nusenda Credit Union

Crystal Conine

Washington Federal Bank

Darin Davis

Bank of Albuquerque

David Doyle

Enterprise Builders Corp.

Michelle Franks

Studio Southwest Architects

Ryan Garcia

Wells Fargo

Hannah Feil Greenhood

Dekker/Perich/Sabatini

Mary Homan

New Mexico Gas Company

Matt Look

Garrett Development Corporation

Robert Lucero

Lucero Law Firm

Bobbi Kay Nelson

Atkinson CPA

Tom Novak

Klinger Constructors, LLC

Brian Patterson

Titan Development Company

Kevin Patton

Pulte Group

Manuel Quintana

PNM Resources

Debora Ramirez

Rodey Law Firm

Krishna Reddy

Jaynes Corporation

Michael Roach

1st National Rio Grande

Darin Sand

Goodman Real Estate

David Shaffer

AIC General Contractors

Lance Sigmon

Allen Sigmon Real Estate Group

David Silverman

Geltmore LLC

Jim Smith

CBRE

Brent Spendlove

Enterprise Bank

Bruce Stidworthy

Bohannon Huston Inc.

Staff:

Lynne Andersen

NAIOP President

John Gallegos

NAIOP Vice President

Rosie Yee

NAIOP Office Manager

Renz-Whitmore, Mikaela J.

From: Lynne Anderson <lynne@naiopnm.org>
Sent: Wednesday, December 4, 2019 2:35 PM
To: Renz-Whitmore, Mikaela J.; Williams, Brennon
Subject: NAIOP response to IDO Technical Edits and Amendments
Attachments: Council Amendments Issues.pdf; Tech Edits Major Issues.pdf; Tech Edits Minor Issues.pdf; IDO Tech Edits and Amendments Info.pdf

Importance: High

December 4, 2019

To: ABQ Planning Department: Attn: Brennon Williams and Mikaela Renz-Whitmore

From: NAIOP NM Commercial Real Estate Development Association
504 Camino Espanol NW
Albuquerque, NM 87107

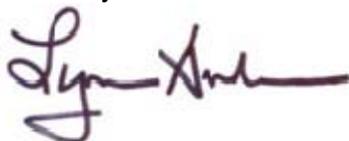
On behalf of the NAIOP New Mexico membership, this letter expresses serious concerns to the IDO Technical Edits and Amendments. Our members are the companies and professionals involved in commercial real estate development statewide, including engineers, architects, developers, brokers, contractors, bankers, attorneys, title companies, planners and others.

Attached are concerns we have about the 500 Technical Edits for the IDO and several of the Council Amendments. These have probably been sent to you earlier from other companies or associations. However, we felt that it was important to add our voice in support of these proposed changes to the currently proposed technical edits and amendments.

The industry, as a whole, are aware that our comments are significantly later than planned. Part of this, I believe was simply because this was the first time for this effort in terms of the IDO. We understand that this put staff in an unacceptable time crunch, but it was a learning curve for both many companies and associations who do not live and breath this process. There is now a much better understanding and going forward we will be more current with our comments and better prepared.

There were many groups involved in this process. As you probably know, we commissioned a final study by Consensus Planning, and the ad hoc group included NAIOP, CARNM, ABC, AGC, HBA, private-sector companies, and individuals. We understand and appreciate the time and effort that has gone into this process by both the Planning Department and Council Staff. We hope you will understand our lack of timeliness for due more to unfamiliarity with the process and not an attempt to undermine the process.

Sincerely,



Lynne Anderen, NAIOP President

We have previously sent in responses to the IDO amendments but wanted to give some specific feedback as well on the amendments for the record.

- Amendment A – On the last line, change to “must be removed within 90 days following Code Enforcement Division’s notice to the owner that the wire needs to be removed”
- Amendment B – Under the cannabis cultivation facility change (b) to 330 feet to match medical marijuana facilities. Same thing on the Cannabis-Infused Products Manufacturing”
- Amendment G – Revise back to Trudy Jones original amendment without additional changes from planning staff. The proposed changes are impossible to make any drive throughs works in the city
- Amendment I, Exhibit A – Revise the wetlands section discussing arroyo, and change it to “Major Arroyo” since it is already defined. 100 CFS is way too small a number.
- Amendment Q – Should be removed as the technical edits already address these changes and these are in conflict. The technical edits covers all of this. If the amendment is the preferred route to make the changes, then the amendment should reflect the proposed tech edits.

We look forward to discussing these at the study session tomorrow and at EPC next Thursday. We appreciate planning staff’s efforts to date on these amendments and we look forward to being more proactive in the future regarding future updates to the IDO.

=====
This message has been analyzed by Deep Discovery Email Inspector.

IDO Council Amendments

Development Organizations Comments - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
1	Council Amendment A	276	5-7(E)(1)(c)	Barbed Wire Regulations: Stricter prohibition on barbed wire if a property is abutting any residential or mixed-use zone district.	Planning Staff recommended Condition changes from "abutting" to "adjacent". Keep as "abutting" and don't change to adjacent.
2	Council Amendment A	276	5-7(E)(1)(d)	Barbed Wire Regulations: Relaxes restrictions on non-residential properties to allow barbed wire along street if walls/fences are set back. Holds utilities and City departments to same standards as everyone else.	Support the edit to allow use of barbed wire in more locations on non-residential properties.
3	Council Amendment A	435	6-8(D)(8)(b)	Barbed Wire Regulations: introduces sunset clause of January 1, 2023 instead of date prescribed in notice provided to property owner.	Agree with staff to remove specific sunset language, but a timeframe of a minimum of 90 days after notice from Code Enforcement should be specified to give property owners enough time to secure their property in another manner.
4	Council Amendment B		4-3	Adding Use-specific standards (USS) for Cannabis-related uses.	Remove 1,000-foot separation requirements from proposed USS for Cannabis Cultivation Facility and Cannabis-infused Products Manufacturing. Rely on New Mexico state law requirements instead as identified already in USS.
5	Council Amendment C		6-9(C)(5)	Creating Civil Enforcement Procedures	Good change; support this amendment, as written.
6	Council Amendment D		7-1 and 4-3(B)(2)(c)	Defining Cluster Groups and requiring Cluster Development comprised of more than 20 dwelling units to be comprised of clusters of no more than 15 units.	The examples provided are not relevant for development in an urban setting, as they include 1 acre lots at densities of 1 unit per 5 acres and they use cul-de-sacs, which are discouraged by the IDO and DPM. <u>This amendment should not be passed.</u> If passed, generally support staff's recommended Condition #3 to allow Conservation Development under similar rules as existing Cluster Development. Ensure that Conservation Development is appropriately expanded throughout the IDO.
7	Council Amendment E	192	5-1(C)(2)(b)1	Changes contextual standards for residential development near UC-MS-PT areas.	Support amendment, as written. Support related clarifying Condition adding "no less than" to the appropriate location.

IDO Council Amendments

Development Organizations Comments - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
8	Council Amendment F	136	4-3(D)(3)(a)	Allows Cottage Development on smaller sites when near UC-MS-PT areas.	Support amendment, as written.
9	Council Amendment G	250	5-5(I)(1)(b)	Change to allowable locations for drive-through service windows.	Support this change along with Planning Staff's Condition to change "parallel to" to "facing."
10	Council Amendment G	250	5-5(I)(1)(e)	Strike referenced section 5-5(I)(1)(e) completely in order to allow drive-through windows that are located on the corner side of a building at street corners.	Support this part of the amendment, as written. Reject/strike the proposed Planning Staff Condition to restore this section, or otherwise allow the possibility for the drive-through window to face one of the streets on a corner lot in certain circumstances.
11	Council Amendment G	250	5-5(I)(1)(f) & (g)	Allows greater flexibility for drive-through design in certain Centers and Corridors.	Support this part of the amendment, as written. Reject or strike proposed Planning Staff Condition that revises the section such that drive-throughs would be prohibited in many more locations.
12	Council Amendment H		4-3(D)(34) & (35); 7-1	Changes to size of general retail, small and medium, and grocery stores.	Support this amendment, as written. Planning Staff proposed conditions add too much complexity.
13	Council Amendment I		Multiple	Revisions to the reduce use of "the maximum extent practicable"	Several of these changes are acceptable and several, including the changes to the sensitive lands analysis and potentially sending numerous site plans to EPC for small unavoidable issues, is a bad precedent. These need to be thoroughly vetted before adoption. The new definition of Arroyo is not acceptable, and must use a much higher flowrate or designate specific arroyos, i.e. Major Arroyos (a defined and mapped item) as those to avoid.
14	Council Amendment J	132 & 161	Table 4-2-1 & 4-3(D)(36)(f)	Change liquor retail from permissive to conditional in the MX-M zone unless accessory to a grocery store.	In those locations where liquor retail is an issue for neighbors, near residential uses, the USS already makes the use Conditional. This amendment should be rejected.

IDO Council Amendments

Development Organizations Comments - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
15	Council Amendment K	287	5-9(F)(1)	Reduces neighborhood edge restriction on parking lots from 50 feet to 15 feet.	Support this amendment, as written. Recommended Planning Staff Condition related to building height within the edge would limit the 30 feet to 2 stories, which is excessive control over design of a project - what if a partial story was located below grade?
16	Council Amendment L	276	Table 5-7-1	Allows taller walls in NR-C and NR-BP with certain standards, and limits size of outdoor gathering areas for large-scale uses that may have few employees.	Support this amendment, as written.
17	Council Amendment M			Withdrawn and going through separate approval process. Condition to use standards in the proposed amendment as a new City-wide standard for building design in certain Centers and Corridors	Acknowledge separate process. Support proposed condition that would allow more flexibility and options in meeting building design guidelines in certain Centers and Corridors rather than a blanket requirement for glazing without regard to building use.
18	Council Amendment N	132 & 153	Table 4-2-1 & 4-3(D)(24)	Make construction contractor facility and yard permissive in NR-C unless located within 330 feet of residential where it remains conditional.	Support this amendment, as written.
19	Council Amendment O	182	4-3(F)(14)	Changes to outdoor dining to remove fencing requirement unless there are liquor sales, and establishes a permitting process for those areas located in the public right-of-way/sidewalk.	Support this amendment, as written. Proposed Planning Staff conditions about clear sidewalk width and demarcation seem acceptable. The third condition to add a new requirement for fencing of dining areas on-site appears to be contradictory to the purpose of the amendment to allow flexibility in how the outdoor dining area is designed and used. Recommend striking that condition unless the wall or fence can be limited to certain situations.
20	Council Amendment P	194	Table 5-1-2	Allow outdoor seating, gathering, and dining areas to count toward the 50% width required to meet the maximum setback standard.	Support this amendment, as written.

IDO Council Amendments

Development Organizations Comments - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
21	Council Amendment Q			Directs Planning to create notification forms; requires additional specific information in notices; and requires facilitated meetings to occur, if requested.	This amendment should not be adopted regardless of the proposed conditions. Prefer minor changes proposed by Planning Staff in the technical edits with comments provided on those edits separately.
22	Council Amendment R	282	5-8	Adds limitations on any source of light visible from the exterior of a property, including interior lights.	This could be a security issue. Provide an exemption for the 1st floor of buildings and apply the limitations to upper floors only.
23	Council Amendment S		5-3(E)(1)(d)	New limitations on the length of cul-de-sacs and stub streets.	Support Planning Staff recommended condition to not adopt this amendment. The DPM and existing IDO standards are adequate. Strike optional conditions by Planning Staff as those are not necessary.
24	Council Amendment T	236	5-5(C)(5)(c)1	Parking reductions due to proximity to transit.	Support both this amendment, as written, and the condition of approval by Planning Staff to create a new technical edit allowing a 20% reduction in Center and Corridor areas.
25	Council Amendment U			New VPO for West Central - withdrawn as it requires a different process.	Acknowledge the withdrawal, and will comment at the appropriate time if submitted through a separate process.
26	Potential New Amendments			Two Planning Staff conditions propose possible new amendments related to contextual setbacks within CPOs and HPOs and restricting multi-family density in certain zones and locations near single-family development.	Contextual setbacks within certain CPOs or HPOs could be good, but need to review specifics to understand implications. Density for multi-family development should not be regulated to a specific unit cap. The existing requirements for setbacks, height, parking, and neighborhood edges effectively limit density in an appropriate manner already as compared to an arbitrary density cap.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
1	Volcano Mesa CPO-12	105	3-4(M)(4)	<p>Revise as follows:</p> <p>3-4(M)(4)(a) Building height, maximum: 18 feet.</p> <p>3-4(M)(4)(b) <u>For cluster development, building height may be increased to 26 feet on a maximum of 75 percent of the building footprint.</u></p> <p>3-4(M)(4)(c) For all other low-density residential development, building height may be increased to 26 feet on a maximum of 50 percent of the building footprint.</p>	Proposed sub-section (c) should also be increased from 50% to 75%. This is a more realistic percentage that mimics the existing construction in the area.
2	Coors VPO-1	122	3-6(D)(5)(b) [new]	<p>Insert a new subsection as follows:</p> <p>"No portion of a structure shall extend above the ridgeline of the Sandia Mountains that is visible within any view frame for a property."</p> <p>Renumber subsequent subsections accordingly.</p> <p>Clarify that the 16 ft and 20 ft height allowance for lots near or above elevation of Coors prevails over this additional regulation as well.</p> <p>Add a graphic of a view frame showing a wavy ridgeline and several structures whose tops do not extend above the segment of ridgeline that is immediately behind each one.</p>	This is not the longstanding interpretation of the requirement from the Coors Corridor Plan. Top of the Sandia Crest - view frame - has always been considered the ridgeline. This horizontal plane should be maintained as is. Do not add new subsection.
3	Allowable Uses	130	Table 4-2-1	<p>Daytime gathering facility</p> <p>Change "C" to "A" in MX-H and NR-LM zone districts.</p>	This edit removes the ability for a daytime gathering facility to be the primary use of a property in these zones. As appropriate zones for such uses, the edit should keep the ability for primary use as conditional "C" in addition to permissive accessory "A".

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
4	Allowable Uses	130	Table 4-2-1	Overnight shelter Change "C" to "A" in MX-H and NR-LM zone districts.	This edit removes the ability for an overnight shelter to be the primary use of a property in these zones. As appropriate zones for such uses, the edit should keep the ability for primary use as conditional "C" in addition to permissive accessory "A".
5	Allowable Uses	133	Table 4-2-1	Insert a new land use for "Drainage facility" that is allowed in the same zones in the same manner as the row for "Utility, other major," with the exception that the use can be conditional (C) in NR-PO-C.	This should be an accessory use in all zones just like other major utilities as currently exists.
6	Major Public Open Space / Cluster Development	205	5-2(H)(2)(a)2	Replace text as follows: "Locate at least 75 percent of ground-level usable open space or common open space, as applicable, contiguous with Major Public Open Space. The remaining 25 percent shall be accessible via trails or sidewalks. Access to the Major Public Open space is not allowed unless approved by the Open Space Division of the City Parks and Recreation Department."	The intention of this edit appears to be related to common open space for cluster development, but the inclusion of usable open space will lead to poor design of multi-family sites, cottage, or townhouse, as applicable. Delete usable open space from this provision leaving only common open space.
7	Edge Buffer	260	5-6(E)(1)[new]	If an Edge Buffer is required, the landscaped buffer area shall be next to the adjacent lot and maintained by the property owner. Any required or provided wall shall be interior to the property edge.	Most edge buffers are required adjacent to residential uses that likely already have a wall, so this requirement will lead to an alley-like landscape area between two walls, which will be an attractive nuisance causing maintenance and security issues. Allow flexibility of wall and landscape location.
8	Building Design	291	5-11(D)(3)	Remove reference to parapet height not being included in building height.	Whole issue of height and parapets needs to be revisited as including parapets has resulted in inferior building design and limiting ceiling heights in units. Parapets should not be included in building heights, or all heights should be adjusted accordingly to allow for added height.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
9	Building Design	291	5-11(E)(1)	Revise as follows: "Ground Floor <u>Clear</u> Height. In any Mixed-use zone district in UC-MS-PT areas, the ground floor of primary buildings for development other than low-density residential development shall have minimum <u>clear</u> height of 12 feet."	This has substantial implications for construction costs and limits the height of upper floors because of limitations to overall building height and inclusion of parapet. Minimum clear height should be <u>10</u> feet.
10	Building Design	293	5-11(E)(2)(b)1.c [new]	Add a new subsection as follows: "Where a building faces a street on 2 or more sides, the primary façade shall contain a minimum of 60 percent of its surfaces in windows and/or doors, with the lower edge of the window sills no higher than 30 inches above the finished floor. The remaining street-facing façades shall contain a minimum of 30 percent of their surfaces in windows and/or doors with no minimum window sill height required. "	Revise to <u>50%</u> for consistency with other changes to glazing requirements.
11	Notice / Neighborhood Meeting	339	6-4(C)(3)	Revise as follows: "The applicant shall make available at the time of the meeting request relevant information and materials to explain the proposed project. At a minimum, the applicant shall provide a Zone Atlas page indicating the project location, an illustration of the proposed project (i.e. site plan, architectural drawings, elevations, and/or illustrations of the proposed application, as relevant), an explanation of the project, a short summary of the approval that will be requested (i.e. Site Plan - Admin, Variance, Wall Permit - Minor, etc.), and contact information for the applicant."	Agree with most of this, but with the exception that since this is pre-application and needs to be done at least 45 days before an application deadline, the applicant may not have the illustrations or exhibits prepared. This encourages a more complete level of design before meeting with neighbors, which is contrary to the intent.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
12	Neighborhood Meeting	340	6-4(C)(5)	Add a new first sentence as follows: "The Pre-Application Neighborhood Meeting shall be facilitated by the City's Alternative Dispute Resolution (ADR) Office. If an ADR facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator. All other requirements in Subsection 6-4(C) shall be met."	The City does not appear to have the resources to do this in a timely manner. Many neighborhoods have board meetings already scheduled and just invite the applicant to speak at them. Options should be available when neither group desires a facilitated pre-application meeting. Do not include this edit.
13	Applications	342	6-4(F)(4) [new]	Add a new subsection as follows: "After an application has been submitted, the Planning Director may request additional materials, including but not limited to exhibits, as needed to determine whether the proposed project meets IDO requirements. The applicant must provide any such materials within administrative deadlines for the relevant review and decision process, or a deferral may be needed."	Gives the Planning Department too much discretion and can lead to unnecessary delays. This needs to be better defined and tied to a checklist.
14	Conditions of Approval	352	6-4(P)(3) [new]	Add a new subsection and renumber subsequent sections accordingly: "Any conditions shall be met within 6 months of the approval, unless stated otherwise in the approval. If any conditions are not met within that time, the approval is void. The Planning Director may extend the time limit up to an additional 6 months."	May be difficult for some projects such as site plans to meet this requirement and seems unnecessary considering Expirations of Approvals. Allow for <u>12 months</u> with an <u>extension for an additional 12 months</u> .
15	Conditional Use	385	6-6(A)(2)(c) [new]	Add a new subsection as follows: "A conditional use application must be decided before any variance for the subject property is decided."	Adds unnecessary time to approval process. Applicant should be allowed to do Conditional Use and Variances at the same time, but be decided separately by the ZHE as current practice.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
16	Conditional Use	385	6-6(A)(3)(b)	Revise to read as follows: "It complies with all Use-specific Standards applicable to the use in Section 14-16-4-3; Neighborhood Edge regulations applicable to the project site in Section 14-16-5-9; and all Edge Buffer regulations applicable to the project site in Subsection 14-16-5-6(E). No variances to these standards are allowed associated with a conditional use."	Should not preclude property owners from asking for variances, as there may be special circumstances or other specific site conditions that warrant the request. The ZHE can make the determination as to whether granting the request is appropriate or not.
17	Conditional Use	385	6-6(A)(3)(c) [new]	Add a new subsection as follows, renumbering subsequent subsections accordingly: "It complies with all other applicable provisions of this IDO; the DPM; other adopted City regulations; and any conditions specifically applied to development of the project site in a prior permit or approval affecting the property. If a variance will be needed for any of these provisions, the ZHE must include a condition of approval that such a variance be reviewed and approved. If such a variance is not approved, the conditional use approval is invalidated.	Requires significant additional time and expense prior to knowing if the Conditional Use will be allowed or not. May not know at the time of asking for the Conditional Use that a variance is needed until going to the site plan and design development phases where more design details are formulated, including grading plans.
18	Conditional Use	386	6-6(A)(3)(e)	Revise as follows: " <u>On a project site with existing uses</u> , it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.	Specifying the project site with existing uses is a good clarifying change. 8:00 is too early for most uses. Change to <u>10:00pm</u> for consistency with the City's Noise Ordinance.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
19	Site Plan - DRB	395	6-6(G)(1)(a)	Create new subsections for exceptions to (1)(a) as follows: "1. Any application that requires major public infrastructure or complex circulation patterns on the site. 2. Any application that warrants additional staff collaboration at a DRB meeting as determined by the Planning Director."	Delete remainder of proposed sub-section 1 after "infrastructure." Strike proposed sub-section 2 completely. "Complex circulation" and "warrants additional staff collaboration" are subjective and will lead to arbitrary decision-making when the IDO was created to increase predictability in development.
20	Variance - ZHE	413	6-6(N)(2)(a)	Add the following sentence at the end of this subsection: "No variances to use-specific standards in Section 14-16-4-3, Neighborhood Edge standards in Section 14-16-9, or Edge Buffer standards in Subsection 14-16-5-8(E) are allowed for a project site with an approved conditional use."	Should not preclude property owners from asking for variances, as there may be special circumstances or other specific site conditions that warrant the request. The ZHE can make the determination as to whether granting the request is appropriate or not.
21	Variance - ZHE	413	6-6(N)(3)(a)1	Replace "subject property" with "a single lot".	This issue causes a lot of unnecessary applications and paperwork for properties that consist of multiple lots in older parts of the City that have a single building crossing lot lines and may be replatted as part of the development process. Use "premise" instead of "a single lot."

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
22	Building Height	473	7-1	<p>Measurement Definitions Building Height Revise as follows: " The vertical distance above the grade at each façade of the building, considered separately, to the top of the coping or parapet on a flat roof, whichever is higher; to the deck line of a mansard roof; or to the average height between the plate and the ridge of a hip, gable, shed, or gambrel roof. The height of a stepped or sloped building is the maximum height above grade of any distinct segment of the building that constitutes at least 10 percent of the gross floor area of the building. <u>The height of a building that is located on a sloped site is measured at the lowest ground elevation.</u> See also Building, Building Height Bonus, <u>Grade</u>, and Measurement Definitions for Ground Floor.</p>	<p>Change to definition appears to apply the most restrictive height measurement as compared to what has always been used prior to the IDO (average grade) and how the IDO definition is currently read in conjunction with the definition of "grade" prior to this edit. Delete new sentence and leave definition as is.</p>
23	Ground Floor Height	474	7-1	<p>Measurement Revise "Ground Floor Height" as follows: "Ground Floor <u>Clear</u> Height The vertical distance of the interior of a ground floor, measured from the slab or <u>top of the</u> sub-floor to <u>the ceiling or the bottom of the exposed support structure for the second floor.</u> This is also referred to as 'floor-to-ceiling height.'"</p>	<p>This affects overall building height, glazing requirements, and cost of development. 10-foot clear height request previously referenced should apply.</p>

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
1	Property	Multiple	Multiple	Review the IDO and edit for the use of these terms as defined: "project site," "premises," "lot line," and "property line."	If these terms change from one to another, there could be significant implications, so caution is needed.
2	Residential Protections & PC Zone	Multiple	Multiple	Review all protections for R-1/R-T/residential uses in a Mixed-use zone to see to see if it is appropriate to add PC to the list.	The only two PC zones are Westland and Mesa del Sol. Both have comprehensive Framework Plans that have been adopted, and the PC zone was created to rely on such plans. This edit should be changed to "rely solely on the approval documents establishing the PC zoning. Where the documents that established the PC zoning are silent on IDO requirements, no added regulations are applicable to the site."
3	Cluster Development	136	4-3(B)(2)(d)4	Revise as follows: "No structures are allowed in the common open space except <u>shade structures</u> or structures necessary for the operation and maintenance of the common open space."	Per current definition of structure, other things such as benches are considered structures that are not referenced. Make sure this edit and the edit to the definition of structure are aligned and are inclusive of possible items.
4	Gas Stations	148	4-3(D)(17)(c)	Replace language as follows: "In the MX-L zone district, this use shall only be located where the vehicular access is from a street designated as collector and above. In the MX-M and higher zone districts, this use shall be located at least 330 linear feet from a residential use in a Residential or Mixed Use zone district if located on a local street."	This is a good change to allow more flexible access to sites while still providing protection for neighbors. Sub-section (d) also needs to be updated to track with this change since local roads do not have multiple/turning lanes.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
5	Gas Stations	148	4-3(D)(17)(k)	Revise as follows: "In UC-AC-MS-PT-MT areas and the MX-H zone district, <u>the fully enclosed portion of any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet. A canopy attached to the building with a common roof does not satisfy this standard.</u> "	AC and MT areas don't generally require maximum setbacks and requiring a single use to comply when all other surrounding buildings do not need to is unnecessarily burdensome.
6	Auto Sales	149	4-3(D)(19)(a)	Revise as follows: "Where allowed, accessory outdoor vehicle display, storage, or incidental maintenance or servicing areas must be screened from any adjacent <u>abutting</u> Residential zone district or residential component of any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening)."	The proposed edit is good when across the street. However, it also removes screening when across an alley, which is a situation where screening may still be warranted.
7	Setbacks - R-1A	191	Table 5-1-1	Add a note [7] on the interior minimum side setback for R-1A as follows: "In the R-1A zone district, one internal side setback may be 0 ft. if the opposite internal side setback is at least 10 ft."	This change should be expanded to other R-1 categories. Nob Hill is a good example of this historic pattern but is mostly zoned R-1B.
8	Workforce Housing Bonus - MX Zones	194	Table 5-1-2	Add MT to workforce housing bonus and structured parking bonus.	Bonuses should be added for R-ML in UC-MS-MT-PT.
9	Street Lights	213	5-3(E)(1)(e)2	Revise as follows: "Street lights on major local and local streets will normally <u>be</u> are required to be installed at the applicant's expense and shall be at locations approved by the DRB."	Actual locations are not established by the DRB. The DRB usually approves the infrastructure list with a note about street lights meeting City standards, and DRC subsequently approves locations.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
10	Stub Streets	214	5-3(E)(2)(a)	<p>Revise as follows: "<u>Where land adjacent to the new subdivision has been platted with stub streets, or with a local street ending at a street between the new subdivision and the adjacent land, the new subdivision streets shall be designed to align with those streets to allow through circulation, unless deemed impracticable by the DRB due to physical constraints, natural features, or traffic safety concerns.</u>"</p>	Eliminate language or make considerations based on land use compatibility. See comments below in #17.
11	Stub Streets	214	5-3(E)(2)(b)	<p>Revise as follows: "<u>Where adjacent land has not been platted, residential subdivisions shall be designed with stub street(s) intended as a future through connection(s) to the adjacent parcel provided according to the block lengths in Table 5-4-1, so that at least one local street within each 1,000 feet of is constructed as a stub street intended as a future through connection to the adjacent, unless this requirement is adjusted deemed impracticable by the DRB based on considerations due to physical constraints, natural features, or of traffic safety or traffic congestion concerns.</u>"</p>	This could lead to numerous dead end stub streets leading to nowhere with non-traveled asphalt. Recommend deleting this section, but at a minimum amend the language to read "...through connection(s) to the adjacent parcel provided according to the block lengths in Table 5-4-1 where the adjacent parcel zoning is compatible with land use type, unless..."
12	Downtown Parking Exemption	226	5-5(B)(2)(a)1	<p>Revise as follows: "Downtown Area Downtown Center" Delete map.</p>	There is no reason to remove a longstanding parking exemption for the Downtown area, as opposed to changing any number of other Downtown Area mapped standards. This has significant implications for a limited number of properties. Keep map in the IDO as is.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
13	Loading Spaces	248	Table 5-5-7	Revise the row for "All non-residential uses" as follows: "Minimum: 1 space / building on sites with adequate unbuilt lot area to accommodate a loading space meeting the standards of this Subsection 14-16-5-5(H)."	Many non-residential uses may not have or require deliveries and thus the loading zone. How is this applied and how does an applicant get past it on a small site with a use that doesn't require it? Variance/Waiver? More nuance is needed or the existing language should be retained to allow flexibility.
14	Edge Buffer	262	5-6(E)(4)(a)(2)	Add "drainage facility" to the list of industrial development types that are required to provide an Edge Buffer.	Clarification on what is considered a drainage facility is needed to determine full impact of all the proposed drainage revisions. This may carry forward existing requirements based on a new use, but that use should take into account the differences in types of drainage facilities (on-site stormwater quality, deeper concrete basins and channels, and facilities integrated within open space corridors, i.e. Mesa del Sol).
15	Landscaping	266	5-6(F)(2)d	Move Subsection 5-6(F)(2)(c)3 to Subsection 5-6(F)(2)(d). Reorganize the text to read: Location and Dimension of Landscaped Areas 1. Tree planting areas shall be 60 square feet per tree; the open tree planting area may be reduced to 36 square feet if the surface of a parking or vehicle circulation area adjacent to the planting area is of a permeable material, and combined with the open tree planting area, meets the 60 square foot per tree requirement. 2. In parking areas of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands, no narrower than 8 feet <u>in any dimension</u> .	Check this against the proposed DPM requirements for parking islands. Original "in width" seems more straightforward wording than "in any dimension" as the latter seems like it would actually allow the length to count.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
16	Walls	274	5-7(D)(3)(a)	Revise second sentence as follows: "Such elements shall have a maximum width of 5 <u>2</u> feet and are allowed at intervals of no less than 200 <u>50</u> feet.	Support the ability for more frequent use of architectural elements, but 2 feet is too narrow and doesn't take into account CMU block size. Keep the existing 5-foot maximum width.
17	Solar Access	288	5-10(C)(2) [new]	Add a new subsection as follows: The building height restrictions in Subsection (1) above apply in the specified zone districts, as well as in the R-ML zone district within the following mapped area: [insert map of the University Neighborhoods Area] Renummer subsequent subsections accordingly.	Will make redevelopment in this area more difficult.
18	Neighborhood Meeting	339	6-4(C)(4)	Revise as follows: "...within 30 consecutive calendar days of the meeting request being accepted by the Neighborhood Association but no fewer than 5 calendar days after the Neighborhood Association accepts the meeting request, unless an earlier date is agreed upon."	Staff recommended Condition of Approval is to make this 15 days instead of 5 after the N.A. accepts the meeting request. This essentially makes the window for a possible meeting between 30 and 45 days. "Unless and earlier date is agreed upon" is important, but the change may lead to more delay in making applications.
19	Notice	346	6-4(K)(2)(f)	Add a note to Table 6-1-1 that says emailed notice to Neighborhood Associations is not required for Site Plan - Administrative submitted within 1 year of approval of a Subdivision - Major.	Large subdivisions take time to build out, so this should be changed to state that emailed notice is not required within <u>2 years</u> of approval of a Subdivision - Major.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
20	Notice	346	6-4(K)(3)	<p>Move existing language to new subsection (a). Add a new subsection (b) as follows:</p> <p>"For single-family development that received an approval for Subdivision - Major within 1 year of an application for Site Plan - Administrative, an applicant can provide kiosks with weather protection where signs can be posted for as long as construction is active, in lieu of posting individual signs on each lot.</p> <p>(1) The kiosks must be located on private property at all entrances to the subdivision.</p> <p>(2) The same sign content required in the posted sign requirement must be shown but can be consolidated if applicable to multiple lots.</p> <p>(3) A map must clearly identify the lots with applications for Site Plan - Administrative.</p> <p>(4) A sign fee for each lot under construction will be charged."</p>	See above. Allow kiosks to be an option for up to <u>2 years</u> after subdivision approval.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
21	Annexations	353	6-4(S)(3) [new]	<p>Add a new subsection as follows and renumber subsequent subsections accordingly:</p> <p>"In the case of an application where the City Council is the decision-making body except for Annexation of Land, once the appropriate board or commission has made a recommendation on the application, the Planning Director shall prepare and transmit the full record of the application to the Clerk of the City Council within 60 calendar days of the board or commission's recommendation. The Clerk of the City Council shall place it on the Letter of Introduction for the next regularly scheduled City Council meeting, provided that there is a sponsoring City Councilor and provided that there are at least 3 business days between when it was received and the next regular meeting."</p>	<p>While Council has legislative discretion for Annexation of Land compared to the review and decision criteria for other application types, consideration of an application/petition for Annexation should be done in a similarly timely manner, so the <u>exception for Annexation of Land should be deleted</u>. The record should be transmitted to the Clerk of the City Council within <u>30 days</u> instead of 60.</p>
22	Extensions	363	6-4(W)(4)(a)1.b	<p>Revise as follows:</p> <p>"The extension is considered and a decision made via the same procedure required for the <u>by the same decision-maker</u> as the initial approval, except that no public hearing shall be required, if one would have been required for the initial approval."</p>	<p>Unclear how the decision gets made. Clarify what procedure/criteria apply and what notice, if any, is required if different than the original approval.</p>
23	Amendments	368	6-4(Y)(1)(c) [new]	<p>Add a new subsection as follows:</p> <p>"No Deviations or Variances shall be granted for Minor or Major Amendments."</p>	<p>This is problematic for Major Amendments. A variance or deviation may still be necessary even if treated as a new site plan request, and this language potentially forces extensive additional requirements on an already developed property beyond those implicated by the amendment itself. Strike "or Major" from the edit.</p>

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
24	Variance - EPC	411	6-6(M)(3)(a)1	Revise as follows: "There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces, or by government eminent domain actions for which no compensation was paid.... "	Expand to allow for potential government actions other than eminent domain that could create a special circumstance.
25	Variance - EPC	411	6-6(M)(3)(a)1	Replace "subject property" with "a single lot".	If a site plan is proposed prior to subdivision, as required by some zone districts and locations, and it shows the future lots, variances should be allowed for the subject property/premise/all future lots that require the variance(s) necessary to approve the plan.
26	Natural Grade	477	7-1	Natural Grade Revise as follows: "Grade based on the original site contours, prior to any grading <u>or addition or removal of earth</u> . See also <i>Finished Grade and Measurement Definitions, Grade</i> ."	How far back does this go? Is there a baseline? What if a site was rough graded prior to purchase? Delete new language.
27	Common Open Space / Cluster Development	479	7-1	Open Space Definitions Common Open Space Add: "For the purposes of the open space calculation in cluster development, parks do not count as common open space."	Many cluster project examples include small park areas, which seems like a good thing. This edit is a disincentive for providing a park amenity for residents or making improvements to the open space such that could be considered a "park." If a cluster development is done in a more developed area of town outside of the rural areas or near open space where they are typically built, a developed park would be better than an undeveloped dirt with no real use. Delete new language.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
28	Other Major Utility	480	7-1	<p>Other Major Utility Revise as follows: "A facility sized or designed to serve the entire city, or a wide area of the city, and regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including but not limited to major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic generating activity, any facility that provides wireless telecommunications services to the public, or any use listed separately in Table 4-2-1. See also Electric Utility, <u>Drainage Facility</u>, and Major Public Infrastructure."</p>	Issue with separating out drainage facility as its own land use. Any unintended consequences? See also proposed Drainage Facility definition.
29	Structure	495	7-1	<p>Structure Revise as follows: "Anything constructed or erected above ground level that requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, trash can, bench, picnic table, or public utility pole or line."</p>	This excludes light fixtures, walls, and fences. Provide a way to determine other items that may not be "structures" that are not listed in the definition via site plan or other process. Make sure this definition tracks with previous change regarding structures allowed in open space areas.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
30	Variance	499	7-1	<p>Variance Revise as follows: "Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO or the DPM. Variances from zoning standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading), or any standard in the DPM or related to projects in public rights-of-way are decided by the DRB. The allowable use of premises may never be changed via a Variance."</p>	<p>"Zoning standards" does not seem clear enough that it would not include the deleted sections, which are still considered via the Waiver - DRB process. The second use of the word "Variance" should be changed to "Waiver" for the DPM technical allowances by the DRB unless those are still considered variances under the DPM. If so, consider changes to the DPM to ensure consistency about the types of applications the DRB reviews and decides. Provide a cross-reference to the Waiver definition.</p>

Renz-Whitmore, Mikaela J.

From: Jackie Fishman <fishman@consensusplanning.com>
Sent: Tuesday, December 3, 2019 7:40 PM
To: Renz-Whitmore, Mikaela J.; Brito, Russell D.; Morris, Petra; Schultz, Shanna M.
Cc: Jim Strozier; Michael Vos
Subject: IDO amendments
Attachments: Council Amendments Issues.pdf; Tech Edits Major Issues.pdf; Tech Edits Minor Issues.pdf

Good evening –

We have finally gone through all the proposed amendments and conditions and have come up with a list of issues in anticipation of Thursday’s study session. The issues are sorted by those we’ve deemed to have “major” or “minor” impacts. We want to also acknowledge the many, many, many amendments that we agree with and support, far greater than the ones that we don’t support or are requesting to tweak. Our analysis and comments are made on behalf of the Albuquerque development community members, who came to us for assistance. We’ve met with them to discuss the issues and I am sure that you will be hearing from some of them individually.

Let me know if you would like to discuss any of these items before Thursday. Thanks for your consideration.

Jacqueline Fishman, AICP
Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

=====
This message has been analyzed by Deep Discovery Email Inspector.

IDO Council Amendments

Development Organizations Comments - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
1	Council Amendment A	276	5-7(E)(1)(c)	Barbed Wire Regulations: Stricter prohibition on barbed wire if a property is abutting any residential or mixed-use zone district.	Planning Staff recommended Condition changes from "abutting" to "adjacent". Keep as "abutting" and don't change to adjacent.
2	Council Amendment A	276	5-7(E)(1)(d)	Barbed Wire Regulations: Relaxes restrictions on non-residential properties to allow barbed wire along street if walls/fences are set back. Holds utilities and City departments to same standards as everyone else.	Support the edit to allow use of barbed wire in more locations on non-residential properties.
3	Council Amendment A	435	6-8(D)(8)(b)	Barbed Wire Regulations: introduces sunset clause of January 1, 2023 instead of date prescribed in notice provided to property owner.	Agree with staff to remove specific sunset language, but a timeframe of a minimum of 90 days after notice from Code Enforcement should be specified to give property owners enough time to secure their property in another manner.
4	Council Amendment B		4-3	Adding Use-specific standards (USS) for Cannabis-related uses.	Remove 1,000-foot separation requirements from proposed USS for Cannabis Cultivation Facility and Cannabis-infused Products Manufacturing. Rely on New Mexico state law requirements instead as identified already in USS.
5	Council Amendment C		6-9(C)(5)	Creating Civil Enforcement Procedures	Good change; support this amendment, as written.
6	Council Amendment D		7-1 and 4-3(B)(2)(c)	Defining Cluster Groups and requiring Cluster Development comprised of more than 20 dwelling units to be comprised of clusters of no more than 15 units.	The examples provided are not relevant for development in an urban setting, as they include 1 acre lots at densities of 1 unit per 5 acres and they use cul-de-sacs, which are discouraged by the IDO and DPM. <u>This amendment should not be passed.</u> If passed, generally support staff's recommended Condition #3 to allow Conservation Development under similar rules as existing Cluster Development. Ensure that Conservation Development is appropriately expanded throughout the IDO.
7	Council Amendment E	192	5-1(C)(2)(b)1	Changes contextual standards for residential development near UC-MS-PT areas.	Support amendment, as written. Support related clarifying Condition adding "no less than" to the appropriate location.

IDO Council Amendments

Development Organizations Comments - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
8	Council Amendment F	136	4-3(D)(3)(a)	Allows Cottage Development on smaller sites when near UC-MS-PT areas.	Support amendment, as written.
9	Council Amendment G	250	5-5(I)(1)(b)	Change to allowable locations for drive-through service windows.	Support this change along with Planning Staff's Condition to change "parallel to" to "facing."
10	Council Amendment G	250	5-5(I)(1)(e)	Strike referenced section 5-5(I)(1)(e) completely in order to allow drive-through windows that are located on the corner side of a building at street corners.	Support this part of the amendment, as written. Reject/strike the proposed Planning Staff Condition to restore this section, or otherwise allow the possibility for the drive-through window to face one of the streets on a corner lot in certain circumstances.
11	Council Amendment G	250	5-5(I)(1)(f) & (g)	Allows greater flexibility for drive-through design in certain Centers and Corridors.	Support this part of the amendment, as written. Reject or strike proposed Planning Staff Condition that revises the section such that drive-throughs would be prohibited in many more locations.
12	Council Amendment H		4-3(D)(34) & (35); 7-1	Changes to size of general retail, small and medium, and grocery stores.	Support this amendment, as written. Planning Staff proposed conditions add too much complexity.
13	Council Amendment I		Multiple	Revisions to the reduce use of "the maximum extent practicable"	Several of these changes are acceptable and several, including the changes to the sensitive lands analysis and potentially sending numerous site plans to EPC for small unavoidable issues, is a bad precedent. These need to be thoroughly vetted before adoption. The new definition of Arroyo is not acceptable, and must use a much higher flowrate or designate specific arroyos, i.e. Major Arroyos (a defined and mapped item) as those to avoid.
14	Council Amendment J	132 & 161	Table 4-2-1 & 4-3(D)(36)(f)	Change liquor retail from permissive to conditional in the MX-M zone unless accessory to a grocery store.	In those locations where liquor retail is an issue for neighbors, near residential uses, the USS already makes the use Conditional. This amendment should be rejected.

IDO Council Amendments

Development Organizations Comments - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
15	Council Amendment K	287	5-9(F)(1)	Reduces neighborhood edge restriction on parking lots from 50 feet to 15 feet.	Support this amendment, as written. Recommended Planning Staff Condition related to building height within the edge would limit the 30 feet to 2 stories, which is excessive control over design of a project - what if a partial story was located below grade?
16	Council Amendment L	276	Table 5-7-1	Allows taller walls in NR-C and NR-BP with certain standards, and limits size of outdoor gathering areas for large-scale uses that may have few employees.	Support this amendment, as written.
17	Council Amendment M			Withdrawn and going through separate approval process. Condition to use standards in the proposed amendment as a new City-wide standard for building design in certain Centers and Corridors	Acknowledge separate process. Support proposed condition that would allow more flexibility and options in meeting building design guidelines in certain Centers and Corridors rather than a blanket requirement for glazing without regard to building use.
18	Council Amendment N	132 & 153	Table 4-2-1 & 4-3(D)(24)	Make construction contractor facility and yard permissive in NR-C unless located within 330 feet of residential where it remains conditional.	Support this amendment, as written.
19	Council Amendment O	182	4-3(F)(14)	Changes to outdoor dining to remove fencing requirement unless there are liquor sales, and establishes a permitting process for those areas located in the public right-of-way/sidewalk.	Support this amendment, as written. Proposed Planning Staff conditions about clear sidewalk width and demarcation seem acceptable. The third condition to add a new requirement for fencing of dining areas on-site appears to be contradictory to the purpose of the amendment to allow flexibility in how the outdoor dining area is designed and used. Recommend striking that condition unless the wall or fence can be limited to certain situations.
20	Council Amendment P	194	Table 5-1-2	Allow outdoor seating, gathering, and dining areas to count toward the 50% width required to meet the maximum setback standard.	Support this amendment, as written.

IDO Council Amendments

Development Organizations Comments - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
21	Council Amendment Q			Directs Planning to create notification forms; requires additional specific information in notices; and requires facilitated meetings to occur, if requested.	This amendment should not be adopted regardless of the proposed conditions. Prefer minor changes proposed by Planning Staff in the technical edits with comments provided on those edits separately.
22	Council Amendment R	282	5-8	Adds limitations on any source of light visible from the exterior of a property, including interior lights.	This could be a security issue. Provide an exemption for the 1st floor of buildings and apply the limitations to upper floors only.
23	Council Amendment S		5-3(E)(1)(d)	New limitations on the length of cul-de-sacs and stub streets.	Support Planning Staff recommended condition to not adopt this amendment. The DPM and existing IDO standards are adequate. Strike optional conditions by Planning Staff as those are not necessary.
24	Council Amendment T	236	5-5(C)(5)(c)1	Parking reductions due to proximity to transit.	Support both this amendment, as written, and the condition of approval by Planning Staff to create a new technical edit allowing a 20% reduction in Center and Corridor areas.
25	Council Amendment U			New VPO for West Central - withdrawn as it requires a different process.	Acknowledge the withdrawal, and will comment at the appropriate time if submitted through a separate process.
26	Potential New Amendments			Two Planning Staff conditions propose possible new amendments related to contextual setbacks within CPOs and HPOs and restricting multi-family density in certain zones and locations near single-family development.	Contextual setbacks within certain CPOs or HPOs could be good, but need to review specifics to understand implications. Density for multi-family development should not be regulated to a specific unit cap. The existing requirements for setbacks, height, parking, and neighborhood edges effectively limit density in an appropriate manner already as compared to an arbitrary density cap.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
1	Volcano Mesa CPO-12	105	3-4(M)(4)	<p>Revise as follows:</p> <p>3-4(M)(4)(a) Building height, maximum: 18 feet.</p> <p>3-4(M)(4)(b) <u>For cluster development, building height may be increased to 26 feet on a maximum of 75 percent of the building footprint.</u></p> <p>3-4(M)(4)(c) For all other low-density residential development, building height may be increased to 26 feet on a maximum of 50 percent of the building footprint.</p>	Proposed sub-section (c) should also be increased from 50% to 75%. This is a more realistic percentage that mimics the existing construction in the area.
2	Coors VPO-1	122	3-6(D)(5)(b) [new]	<p>Insert a new subsection as follows:</p> <p>"No portion of a structure shall extend above the ridgeline of the Sandia Mountains that is visible within any view frame for a property."</p> <p>Renumber subsequent subsections accordingly.</p> <p>Clarify that the 16 ft and 20 ft height allowance for lots near or above elevation of Coors prevails over this additional regulation as well.</p> <p>Add a graphic of a view frame showing a wavy ridgeline and several structures whose tops do not extend above the segment of ridgeline that is immediately behind each one.</p>	This is not the longstanding interpretation of the requirement from the Coors Corridor Plan. Top of the Sandia Crest - view frame - has always been considered the ridgeline. This horizontal plane should be maintained as is. Do not add new subsection.
3	Allowable Uses	130	Table 4-2-1	<p>Daytime gathering facility</p> <p>Change "C" to "A" in MX-H and NR-LM zone districts.</p>	This edit removes the ability for a daytime gathering facility to be the primary use of a property in these zones. As appropriate zones for such uses, the edit should keep the ability for primary use as conditional "C" in addition to permissive accessory "A".

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
4	Allowable Uses	130	Table 4-2-1	Overnight shelter Change "C" to "A" in MX-H and NR-LM zone districts.	This edit removes the ability for an overnight shelter to be the primary use of a property in these zones. As appropriate zones for such uses, the edit should keep the ability for primary use as conditional "C" in addition to permissive accessory "A".
5	Allowable Uses	133	Table 4-2-1	Insert a new land use for "Drainage facility" that is allowed in the same zones in the same manner as the row for "Utility, other major," with the exception that the use can be conditional (C) in NR-PO-C.	This should be an accessory use in all zones just like other major utilities as currently exists.
6	Major Public Open Space / Cluster Development	205	5-2(H)(2)(a)2	Replace text as follows: "Locate at least 75 percent of ground-level usable open space or common open space, as applicable, contiguous with Major Public Open Space. The remaining 25 percent shall be accessible via trails or sidewalks. Access to the Major Public Open space is not allowed unless approved by the Open Space Division of the City Parks and Recreation Department."	The intention of this edit appears to be related to common open space for cluster development, but the inclusion of usable open space will lead to poor design of multi-family sites, cottage, or townhouse, as applicable. Delete usable open space from this provision leaving only common open space.
7	Edge Buffer	260	5-6(E)(1)[new]	If an Edge Buffer is required, the landscaped buffer area shall be next to the adjacent lot and maintained by the property owner. Any required or provided wall shall be interior to the property edge.	Most edge buffers are required adjacent to residential uses that likely already have a wall, so this requirement will lead to an alley-like landscape area between two walls, which will be an attractive nuisance causing maintenance and security issues. Allow flexibility of wall and landscape location.
8	Building Design	291	5-11(D)(3)	Remove reference to parapet height not being included in building height.	Whole issue of height and parapets needs to be revisited as including parapets has resulted in inferior building design and limiting ceiling heights in units. Parapets should not be included in building heights, or all heights should be adjusted accordingly to allow for added height.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
9	Building Design	291	5-11(E)(1)	Revise as follows: "Ground Floor <u>Clear</u> Height. In any Mixed-use zone district in UC-MS-PT areas, the ground floor of primary buildings for development other than low-density residential development shall have minimum <u>clear</u> height of 12 feet."	This has substantial implications for construction costs and limits the height of upper floors because of limitations to overall building height and inclusion of parapet. Minimum clear height should be <u>10</u> feet.
10	Building Design	293	5-11(E)(2)(b)1.c [new]	Add a new subsection as follows: "Where a building faces a street on 2 or more sides, the primary façade shall contain a minimum of 60 percent of its surfaces in windows and/or doors, with the lower edge of the window sills no higher than 30 inches above the finished floor. The remaining street-facing façades shall contain a minimum of 30 percent of their surfaces in windows and/or doors with no minimum window sill height required. "	Revise to <u>50%</u> for consistency with other changes to glazing requirements.
11	Notice / Neighborhood Meeting	339	6-4(C)(3)	Revise as follows: "The applicant shall make available at the time of the meeting request relevant information and materials to explain the proposed project. At a minimum, the applicant shall provide a Zone Atlas page indicating the project location, an illustration of the proposed project (i.e. site plan, architectural drawings, elevations, and/or illustrations of the proposed application, as relevant), an explanation of the project, a short summary of the approval that will be requested (i.e. Site Plan - Admin, Variance, Wall Permit - Minor, etc.), and contact information for the applicant."	Agree with most of this, but with the exception that since this is pre-application and needs to be done at least 45 days before an application deadline, the applicant may not have the illustrations or exhibits prepared. This encourages a more complete level of design before meeting with neighbors, which is contrary to the intent.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
12	Neighborhood Meeting	340	6-4(C)(5)	Add a new first sentence as follows: "The Pre-Application Neighborhood Meeting shall be facilitated by the City's Alternative Dispute Resolution (ADR) Office. If an ADR facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator. All other requirements in Subsection 6-4(C) shall be met."	The City does not appear to have the resources to do this in a timely manner. Many neighborhoods have board meetings already scheduled and just invite the applicant to speak at them. Options should be available when neither group desires a facilitated pre-application meeting. Do not include this edit.
13	Applications	342	6-4(F)(4) [new]	Add a new subsection as follows: "After an application has been submitted, the Planning Director may request additional materials, including but not limited to exhibits, as needed to determine whether the proposed project meets IDO requirements. The applicant must provide any such materials within administrative deadlines for the relevant review and decision process, or a deferral may be needed."	Gives the Planning Department too much discretion and can lead to unnecessary delays. This needs to be better defined and tied to a checklist.
14	Conditions of Approval	352	6-4(P)(3) [new]	Add a new subsection and renumber subsequent sections accordingly: "Any conditions shall be met within 6 months of the approval, unless stated otherwise in the approval. If any conditions are not met within that time, the approval is void. The Planning Director may extend the time limit up to an additional 6 months."	May be difficult for some projects such as site plans to meet this requirement and seems unnecessary considering Expirations of Approvals. Allow for <u>12 months</u> with an <u>extension for an additional 12 months</u> .
15	Conditional Use	385	6-6(A)(2)(c) [new]	Add a new subsection as follows: "A conditional use application must be decided before any variance for the subject property is decided."	Adds unnecessary time to approval process. Applicant should be allowed to do Conditional Use and Variances at the same time, but be decided separately by the ZHE as current practice.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
16	Conditional Use	385	6-6(A)(3)(b)	Revise to read as follows: "It complies with all Use-specific Standards applicable to the use in Section 14-16-4-3; Neighborhood Edge regulations applicable to the project site in Section 14-16-5-9; and all Edge Buffer regulations applicable to the project site in Subsection 14-16-5-6(E). No variances to these standards are allowed associated with a conditional use."	Should not preclude property owners from asking for variances, as there may be special circumstances or other specific site conditions that warrant the request. The ZHE can make the determination as to whether granting the request is appropriate or not.
17	Conditional Use	385	6-6(A)(3)(c) [new]	Add a new subsection as follows, renumbering subsequent subsections accordingly: "It complies with all other applicable provisions of this IDO; the DPM; other adopted City regulations; and any conditions specifically applied to development of the project site in a prior permit or approval affecting the property. If a variance will be needed for any of these provisions, the ZHE must include a condition of approval that such a variance be reviewed and approved. If such a variance is not approved, the conditional use approval is invalidated.	Requires significant additional time and expense prior to knowing if the Conditional Use will be allowed or not. May not know at the time of asking for the Conditional Use that a variance is needed until going to the site plan and design development phases where more design details are formulated, including grading plans.
18	Conditional Use	386	6-6(A)(3)(e)	Revise as follows: " <u>On a project site with existing uses</u> , it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.	Specifying the project site with existing uses is a good clarifying change. 8:00 is too early for most uses. Change to <u>10:00pm</u> for consistency with the City's Noise Ordinance.

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
19	Site Plan - DRB	395	6-6(G)(1)(a)	Create new subsections for exceptions to (1)(a) as follows: "1. Any application that requires major public infrastructure or complex circulation patterns on the site. 2. Any application that warrants additional staff collaboration at a DRB meeting as determined by the Planning Director."	Delete remainder of proposed sub-section 1 after "infrastructure." Strike proposed sub-section 2 completely. "Complex circulation" and "warrants additional staff collaboration" are subjective and will lead to arbitrary decision-making when the IDO was created to increase predictability in development.
20	Variance - ZHE	413	6-6(N)(2)(a)	Add the following sentence at the end of this subsection: "No variances to use-specific standards in Section 14-16-4-3, Neighborhood Edge standards in Section 14-16-9, or Edge Buffer standards in Subsection 14-16-5-8(E) are allowed for a project site with an approved conditional use."	Should not preclude property owners from asking for variances, as there may be special circumstances or other specific site conditions that warrant the request. The ZHE can make the determination as to whether granting the request is appropriate or not.
21	Variance - ZHE	413	6-6(N)(3)(a)1	Replace "subject property" with "a single lot".	This issue causes a lot of unnecessary applications and paperwork for properties that consist of multiple lots in older parts of the City that have a single building crossing lot lines and may be replatted as part of the development process. Use "premise" instead of "a single lot."

IDO Technical Edits

Development Organizations Major Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
22	Building Height	473	7-1	<p>Measurement Definitions Building Height Revise as follows: " The vertical distance above the grade at each façade of the building, considered separately, to the top of the coping or parapet on a flat roof, whichever is higher; to the deck line of a mansard roof; or to the average height between the plate and the ridge of a hip, gable, shed, or gambrel roof. The height of a stepped or sloped building is the maximum height above grade of any distinct segment of the building that constitutes at least 10 percent of the gross floor area of the building. <u>The height of a building that is located on a sloped site is measured at the lowest ground elevation.</u> See also Building, Building Height Bonus, <u>Grade</u>, and Measurement Definitions for Ground Floor.</p>	<p>Change to definition appears to apply the most restrictive height measurement as compared to what has always been used prior to the IDO (average grade) and how the IDO definition is currently read in conjunction with the definition of "grade" prior to this edit. Delete new sentence and leave definition as is.</p>
23	Ground Floor Height	474	7-1	<p>Measurement Revise "Ground Floor Height" as follows: "Ground Floor <u>Clear</u> Height The vertical distance of the interior of a ground floor, measured from the slab or <u>top of the</u> sub-floor to <u>the ceiling or the bottom of the exposed support structure for the second floor.</u> This is also referred to as 'floor-to-ceiling height.'"</p>	<p>This affects overall building height, glazing requirements, and cost of development. 10-foot clear height request previously referenced should apply.</p>

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
1	Property	Multiple	Multiple	Review the IDO and edit for the use of these terms as defined: "project site," "premises," "lot line," and "property line."	If these terms change from one to another, there could be significant implications, so caution is needed.
2	Residential Protections & PC Zone	Multiple	Multiple	Review all protections for R-1/R-T/residential uses in a Mixed-use zone to see to see if it is appropriate to add PC to the list.	The only two PC zones are Westland and Mesa del Sol. Both have comprehensive Framework Plans that have been adopted, and the PC zone was created to rely on such plans. This edit should be changed to "rely solely on the approval documents establishing the PC zoning. Where the documents that established the PC zoning are silent on IDO requirements, no added regulations are applicable to the site."
3	Cluster Development	136	4-3(B)(2)(d)4	Revise as follows: "No structures are allowed in the common open space except <u>shade structures</u> or structures necessary for the operation and maintenance of the common open space."	Per current definition of structure, other things such as benches are considered structures that are not referenced. Make sure this edit and the edit to the definition of structure are aligned and are inclusive of possible items.
4	Gas Stations	148	4-3(D)(17)(c)	Replace language as follows: "In the MX-L zone district, this use shall only be located where the vehicular access is from a street designated as collector and above. In the MX-M and higher zone districts, this use shall be located at least 330 linear feet from a residential use in a Residential or Mixed Use zone district if located on a local street."	This is a good change to allow more flexible access to sites while still providing protection for neighbors. Sub-section (d) also needs to be updated to track with this change since local roads do not have multiple/turning lanes.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
5	Gas Stations	148	4-3(D)(17)(k)	Revise as follows: "In UC-AC-MS-PT-MT areas and the MX-H zone district, <u>the fully enclosed portion of any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet. A canopy attached to the building with a common roof does not satisfy this standard.</u> "	AC and MT areas don't generally require maximum setbacks and requiring a single use to comply when all other surrounding buildings do not need to is unnecessarily burdensome.
6	Auto Sales	149	4-3(D)(19)(a)	Revise as follows: "Where allowed, accessory outdoor vehicle display, storage, or incidental maintenance or servicing areas must be screened from any adjacent <u>abutting</u> Residential zone district or residential component of any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening)."	The proposed edit is good when across the street. However, it also removes screening when across an alley, which is a situation where screening may still be warranted.
7	Setbacks - R-1A	191	Table 5-1-1	Add a note [7] on the interior minimum side setback for R-1A as follows: "In the R-1A zone district, one internal side setback may be 0 ft. if the opposite internal side setback is at least 10 ft."	This change should be expanded to other R-1 categories. Nob Hill is a good example of this historic pattern but is mostly zoned R-1B.
8	Workforce Housing Bonus - MX Zones	194	Table 5-1-2	Add MT to workforce housing bonus and structured parking bonus.	Bonuses should be added for R-ML in UC-MS-MT-PT.
9	Street Lights	213	5-3(E)(1)(e)2	Revise as follows: "Street lights on major local and local streets will normally <u>be</u> are required to be installed at the applicant's expense and shall be at locations approved by the DRB."	Actual locations are not established by the DRB. The DRB usually approves the infrastructure list with a note about street lights meeting City standards, and DRC subsequently approves locations.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
10	Stub Streets	214	5-3(E)(2)(a)	<p>Revise as follows: "<u>Where land adjacent to the new subdivision has been platted with stub streets, or with a local street ending at a street between the new subdivision and the adjacent land, the new subdivision streets shall be designed to align with those streets to allow through circulation, unless deemed impracticable by the DRB due to physical constraints, natural features, or traffic safety concerns.</u>"</p>	Eliminate language or make considerations based on land use compatibility. See comments below in #17.
11	Stub Streets	214	5-3(E)(2)(b)	<p>Revise as follows: "<u>Where adjacent land has not been platted, residential subdivisions shall be designed with stub street(s) intended as a future through connection(s) to the adjacent parcel provided according to the block lengths in Table 5-4-1, so that at least one local street within each 1,000 feet of is constructed as a stub street intended as a future through connection to the adjacent, unless this requirement is adjusted deemed impracticable by the DRB based on considerations due to physical constraints, natural features, or of traffic safety or traffic congestion concerns.</u>"</p>	This could lead to numerous dead end stub streets leading to nowhere with non-traveled asphalt. Recommend deleting this section, but at a minimum amend the language to read "...through connection(s) to the adjacent parcel provided according to the block lengths in Table 5-4-1 where the adjacent parcel zoning is compatible with land use type, unless..."
12	Downtown Parking Exemption	226	5-5(B)(2)(a)1	<p>Revise as follows: "Downtown Area Downtown Center" Delete map.</p>	There is no reason to remove a longstanding parking exemption for the Downtown area, as opposed to changing any number of other Downtown Area mapped standards. This has significant implications for a limited number of properties. Keep map in the IDO as is.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
13	Loading Spaces	248	Table 5-5-7	Revise the row for "All non-residential uses" as follows: "Minimum: 1 space / building on sites with adequate unbuilt lot area to accommodate a loading space meeting the standards of this Subsection 14-16-5-5(H)."	Many non-residential uses may not have or require deliveries and thus the loading zone. How is this applied and how does an applicant get past it on a small site with a use that doesn't require it? Variance/Waiver? More nuance is needed or the existing language should be retained to allow flexibility.
14	Edge Buffer	262	5-6(E)(4)(a)(2)	Add "drainage facility" to the list of industrial development types that are required to provide an Edge Buffer.	Clarification on what is considered a drainage facility is needed to determine full impact of all the proposed drainage revisions. This may carry forward existing requirements based on a new use, but that use should take into account the differences in types of drainage facilities (on-site stormwater quality, deeper concrete basins and channels, and facilities integrated within open space corridors, i.e. Mesa del Sol).
15	Landscaping	266	5-6(F)(2)d	Move Subsection 5-6(F)(2)(c)3 to Subsection 5-6(F)(2)(d). Reorganize the text to read: Location and Dimension of Landscaped Areas 1. Tree planting areas shall be 60 square feet per tree; the open tree planting area may be reduced to 36 square feet if the surface of a parking or vehicle circulation area adjacent to the planting area is of a permeable material, and combined with the open tree planting area, meets the 60 square foot per tree requirement. 2. In parking areas of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands, no narrower than 8 feet <u>in any dimension</u> .	Check this against the proposed DPM requirements for parking islands. Original "in width" seems more straightforward wording than "in any dimension" as the latter seems like it would actually allow the length to count.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
16	Walls	274	5-7(D)(3)(a)	Revise second sentence as follows: "Such elements shall have a maximum width of 5 <u>2</u> feet and are allowed at intervals of no less than 200 <u>50</u> feet.	Support the ability for more frequent use of architectural elements, but 2 feet is too narrow and doesn't take into account CMU block size. Keep the existing 5-foot maximum width.
17	Solar Access	288	5-10(C)(2) [new]	Add a new subsection as follows: The building height restrictions in Subsection (1) above apply in the specified zone districts, as well as in the R-ML zone district within the following mapped area: [insert map of the University Neighborhoods Area] Renummer subsequent subsections accordingly.	Will make redevelopment in this area more difficult.
18	Neighborhood Meeting	339	6-4(C)(4)	Revise as follows: "...within 30 consecutive calendar days of the meeting request being accepted by the Neighborhood Association but no fewer than 5 calendar days after the Neighborhood Association accepts the meeting request, unless an earlier date is agreed upon."	Staff recommended Condition of Approval is to make this 15 days instead of 5 after the N.A. accepts the meeting request. This essentially makes the window for a possible meeting between 30 and 45 days. "Unless and earlier date is agreed upon" is important, but the change may lead to more delay in making applications.
19	Notice	346	6-4(K)(2)(f)	Add a note to Table 6-1-1 that says emailed notice to Neighborhood Associations is not required for Site Plan - Administrative submitted within 1 year of approval of a Subdivision - Major.	Large subdivisions take time to build out, so this should be changed to state that emailed notice is not required within <u>2 years</u> of approval of a Subdivision - Major.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
20	Notice	346	6-4(K)(3)	<p>Move existing language to new subsection (a). Add a new subsection (b) as follows: "For single-family development that received an approval for Subdivision - Major within 1 year of an application for Site Plan - Administrative, an applicant can provide kiosks with weather protection where signs can be posted for as long as construction is active, in lieu of posting individual signs on each lot. (1) The kiosks must be located on private property at all entrances to the subdivision. (2) The same sign content required in the posted sign requirement must be shown but can be consolidated if applicable to multiple lots. (3) A map must clearly identify the lots with applications for Site Plan - Administrative. (4) A sign fee for each lot under construction will be charged."</p>	See above. Allow kiosks to be an option for up to <u>2 years</u> after subdivision approval.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
21	Annexations	353	6-4(S)(3) [new]	<p>Add a new subsection as follows and renumber subsequent subsections accordingly:</p> <p>"In the case of an application where the City Council is the decision-making body except for Annexation of Land, once the appropriate board or commission has made a recommendation on the application, the Planning Director shall prepare and transmit the full record of the application to the Clerk of the City Council within 60 calendar days of the board or commission's recommendation. The Clerk of the City Council shall place it on the Letter of Introduction for the next regularly scheduled City Council meeting, provided that there is a sponsoring City Councilor and provided that there are at least 3 business days between when it was received and the next regular meeting."</p>	<p>While Council has legislative discretion for Annexation of Land compared to the review and decision criteria for other application types, consideration of an application/petition for Annexation should be done in a similarly timely manner, so the <u>exception for Annexation of Land should be deleted</u>. The record should be transmitted to the Clerk of the City Council within <u>30 days</u> instead of 60.</p>
22	Extensions	363	6-4(W)(4)(a)1.b	<p>Revise as follows:</p> <p>"The extension is considered and a decision made via the same procedure required for the <u>by the same decision-maker</u> as the initial approval, except that no public hearing shall be required, if one would have been required for the initial approval."</p>	<p>Unclear how the decision gets made. Clarify what procedure/criteria apply and what notice, if any, is required if different than the original approval.</p>
23	Amendments	368	6-4(Y)(1)(c) [new]	<p>Add a new subsection as follows:</p> <p>"No Deviations or Variances shall be granted for Minor or Major Amendments."</p>	<p>This is problematic for Major Amendments. A variance or deviation may still be necessary even if treated as a new site plan request, and this language potentially forces extensive additional requirements on an already developed property beyond those implicated by the amendment itself. Strike "or Major" from the edit.</p>

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
24	Variance - EPC	411	6-6(M)(3)(a)1	Revise as follows: "There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces, or by government eminent domain actions for which no compensation was paid.... "	Expand to allow for potential government actions other than eminent domain that could create a special circumstance.
25	Variance - EPC	411	6-6(M)(3)(a)1	Replace "subject property" with "a single lot".	If a site plan is proposed prior to subdivision, as required by some zone districts and locations, and it shows the future lots, variances should be allowed for the subject property/premise/all future lots that require the variance(s) necessary to approve the plan.
26	Natural Grade	477	7-1	Natural Grade Revise as follows: "Grade based on the original site contours, prior to any grading <u>or addition or removal of earth</u> . See also <i>Finished Grade and Measurement Definitions, Grade</i> ."	How far back does this go? Is there a baseline? What if a site was rough graded prior to purchase? Delete new language.
27	Common Open Space / Cluster Development	479	7-1	Open Space Definitions Common Open Space Add: "For the purposes of the open space calculation in cluster development, parks do not count as common open space."	Many cluster project examples include small park areas, which seems like a good thing. This edit is a disincentive for providing a park amenity for residents or making improvements to the open space such that could be considered a "park." If a cluster development is done in a more developed area of town outside of the rural areas or near open space where they are typically built, a developed park would be better than an undeveloped dirt with no real use. Delete new language.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
28	Other Major Utility	480	7-1	<p>Other Major Utility Revise as follows: "A facility sized or designed to serve the entire city, or a wide area of the city, and regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including but not limited to major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic generating activity, any facility that provides wireless telecommunications services to the public, or any use listed separately in Table 4-2-1. See also Electric Utility, <u>Drainage Facility</u>, and Major Public Infrastructure."</p>	Issue with separating out drainage facility as its own land use. Any unintended consequences? See also proposed Drainage Facility definition.
29	Structure	495	7-1	<p>Structure Revise as follows: "Anything constructed or erected above ground level that requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, trash can, bench, picnic table, or public utility pole or line."</p>	This excludes light fixtures, walls, and fences. Provide a way to determine other items that may not be "structures" that are not listed in the definition via site plan or other process. Make sure this definition tracks with previous change regarding structures allowed in open space areas.

IDO Technical Edits

Development Organizations Minor Issues - December 3, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
30	Variance	499	7-1	<p>Variance Revise as follows: "Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO or the DPM. Variances from zoning standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading), or any standard in the DPM or related to projects in public rights-of-way are decided by the DRB. The allowable use of premises may never be changed via a Variance."</p>	<p>"Zoning standards" does not seem clear enough that it would not include the deleted sections, which are still considered via the Waiver - DRB process. The second use of the word "Variance" should be changed to "Waiver" for the DPM technical allowances by the DRB unless those are still considered variances under the DPM. If so, consider changes to the DPM to ensure consistency about the types of applications the DRB reviews and decides. Provide a cross-reference to the Waiver definition.</p>

Renz-Whitmore, Mikaela J.

From: Josh Rogers <jrogers@titan-development.com>
Sent: Wednesday, December 4, 2019 9:52 AM
To: City of Albuquerque Planning Department
Subject: Comments to technical edits
Attachments: Tech Edits Minor Issues.pdf; Tech Edits Major Issues.pdf

To whom it may concern,

Please see the attached documents for Titan’s comments to the technical edits. These are identical to the ones you’ve received from Consensus Planning and NAIOP but I have only included items specific to Titan. We would greatly appreciate consideration for these changes and thank you for all of your efforts.

As for the amendments, we only have one comments at this time:

- Amendment I, Exhibit A – Revise the wetlands section discussing arroyo, and change it to “Major Arroyo” since it is already defined. 100 CFS is way too small a number.

Thanks,

Josh Rogers
Director of Multi-Family
Titan Development
(M) 505-362-6047
(W) 505-998-0163



www.titan-development.com

=====

This message has been analyzed by Deep Discovery Email Inspector.

Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
Allowable Uses	133	Table 4-2-1	Insert a new land use for "Drainage facility" that is allowed in the same zones in the same manner as the row for "Utility, other major," with the exception that the use can be conditional (C) in NR-PO-C.	This should be an accessory use in all zones just like other major utilities as currently exists.
Major Public Open Space / Cluster Development	205	5-2(H)(2)(a)2	Replace text as follows: "Locate at least 75 percent of ground-level usable open space or common open space, as applicable, contiguous with Major Public Open Space. The remaining 25 percent shall be accessible via trails or sidewalks. Access to the Major Public Open space is not allowed unless approved by the Open Space Division of the City Parks and Recreation Department."	The intention of this edit appears to be related to common open space for cluster development, but the inclusion of usable open space will lead to poor design of multi-family sites, cottage, or townhouse, as applicable. Delete usable open space from this provision leaving only common open space.
Edge Buffer	260	5-6(E)(1)[new]	If an Edge Buffer is required, the landscaped buffer area shall be next to the adjacent lot and maintained by the property owner. Any required or provided wall shall be interior to the property edge.	Most edge buffers are required adjacent to residential uses that likely already have a wall, so this requirement will lead to an alley-like landscape area between two walls, which will be an attractive nuisance causing maintenance and security issues. Allow flexibility of wall and landscape location.
Building Design	291	5-11(D)(3)	Remove reference to parapet height not being included in building height.	Whole issue of height and parapets needs to be revisited as including parapets has resulted in inferior building design and limiting ceiling heights in units. Parapets should not be included in building heights, or all heights should be adjusted accordingly to allow for added height.
Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
Building Design	291	5-11(E)(1)	Revise as follows: "Ground Floor <u>Clear</u> Height. In any Mixed-use zone district in UC-MS-PT areas, the ground floor of primary buildings for development other than low-density residential development shall have minimum clear height of 12 feet."	This has substantial implications for construction costs and limits the height of upper floors because of limitations to overall building height and inclusion of parapet. Minimum clear height should be <u>10</u> feet.
Building Design	293	5-11(E)(2)(b)1.c [new]	Add a new subsection as follows: "Where a building faces a street on 2 or more sides, the primary façade shall contain a minimum of 60 percent of its surfaces in windows and/or doors, with the lower edge of the window sills no higher than 30 inches above the finished floor. The remaining street-facing façades shall contain a minimum of 30 percent of their surfaces in windows and/or doors with no minimum window sill height required "	Revise to <u>50%</u> for consistency with other changes to glazing requirements.

Notice / Neighborhood Meeting	339	6-4(C)(3)	Revise as follows: "The applicant shall make available at the time of the meeting request relevant information and materials to explain the proposed project. At a minimum, the applicant shall provide a Zone Atlas page indicating the project location, an illustration of the proposed project (i.e. site plan, architectural drawings, elevations, and/or illustrations of the proposed application, as relevant), an explanation of the project, a short summary of the approval that will be requested (i.e. Site Plan - Admin, Variance, Wall Permit - Minor, etc.), and contact information for the applicant."	Agree with most of this, but with the exception that since this is pre-application and needs to be done at least 45 days before an application deadline, the applicant may not have the illustrations or exhibits prepared. This encourages a more complete level of design before meeting with neighbors, which is contrary to the intent.
Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
Neighborhood Meeting	340	6-4(C)(5)	Add a new first sentence as follows: "The Pre-Application Neighborhood Meeting shall be facilitated by the City's Alternative Dispute Resolution (ADR) Office. If an ADR facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator. All other requirements in Subsection 6-4(C) shall be met."	The City does not appear to have the resources to do this in a timely manner. Many neighborhoods have board meetings already scheduled and just invite the applicant to speak at them. Options should be available when neither group desires a facilitated pre-application meeting. Do not include this edit.
Applications	342	6-4(F)(4) [new]	Add a new subsection as follows: "After an application has been submitted, the Planning Director may request additional materials, including but not limited to exhibits, as needed to determine whether the proposed project meets IDO requirements. The applicant must provide any such materials within administrative deadlines for the relevant review and decision process, or a deferral may be needed."	Gives the Planning Department too much discretion and can lead to unnecessary delays. This needs to be better defined and tied to a checklist.
Conditions of Approval	352	6-4(P)(3) [new]	Add a new subsection and renumber subsequent sections accordingly: "Any conditions shall be met within 6 months of the approval, unless stated otherwise in the approval. If any conditions are not met within that time, the approval is void. The Planning Director may extend the time limit up to <u>an additional 6 months.</u> "	May be difficult for some projects such as site plans to meet this requirement and seems unnecessary considering Expirations of Approvals. Allow for <u>12 months</u> with an <u>extension for an additional 12 months.</u>
Conditional Use	385	6-6(A)(2)(c) [new]	Add a new subsection as follows: "A conditional use application must be decided before any variance for the subject property is decided."	Adds unnecessary time to approval process. Applicant should be allowed to do Conditional Use and Variances at the same time, but be decided separately by the ZHE as <u>current practice.</u>
Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
Conditional Use	385	6-6(A)(3)(b)	Revise to read as follows: "It complies with all Use-specific Standards applicable to the use in Section 14-16-4-3; Neighborhood Edge regulations applicable to the project site in Section 14-16-5-9; and all Edge Buffer regulations applicable to the project site in Subsection 14-16-5-6(E). No variances to these standards are allowed associated with a conditional use."	Should not preclude property owners from asking for variances, as there may be special circumstances or other specific site conditions that warrant the request. The ZHE can make the determination as to whether granting the request is appropriate or not.

Conditional Use	385	6-6(A)(3)(c) [new]	Add a new subsection as follows, renumbering subsequent subsections accordingly: "It complies with all other applicable provisions of this IDO; the DPM; other adopted City regulations; and any conditions specifically applied to development of the project site in a prior permit or approval affecting the property. If a variance will be needed for any of these provisions, the ZHE must include a condition of approval that such a variance be reviewed and approved. If such a variance is not approved, the conditional use approval is invalidated.	Requires significant additional time and expense prior to knowing if the Conditional Use will be allowed or not. May not know at the time of asking for the Conditional Use that a variance is needed until going to the site plan and design development phases where more design details are formulated, including grading plans.
Conditional Use	386	6-6(A)(3)(e)	Revise as follows: "On a project site with existing uses, it will not increase non residential activity within 300 feet of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.	Specifying the project site with existing uses is a good clarifying change. 8:00 is too early for most uses. Change to <u>10:00pm</u> for consistency with the City's Noise Ordinance.
Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
Site Plan - DRB	395	6-6(G)(1)(a)	Create new subsections for exceptions to (1)(a) as follows: "1. Any application that requires major public infrastructure or complex circulation patterns on the site. 2. Any application that warrants additional staff collaboration at a DRB meeting as determined by the Planning Director."	Delete remainder of proposed sub-section 1 after "infrastructure." Strike proposed sub-section 2 completely. "Complex circulation" and "warrants additional staff collaboration" are subjective and will lead to arbitrary decision-making when the IDO was created to increase predictability in development.
Variance - ZHE	413	6-6(N)(2)(a)	Add the following sentence at the end of this subsection: "No variances to use-specific standards in Section 14-16-4- 3, Neighborhood Edge standards in Section 14-16-9, or Edge Buffer standards in Subsection 14-16-5-8(E) are allowed for a project site with an approved conditional use."	Should not preclude property owners from asking for variances, as there may be special circumstances or other specific site conditions that warrant the request. The ZHE can make the determination as to whether granting the request is appropriate or not.
Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
Building Height	473	7-1	Measurement Definitions Building Height Revise as follows: " The vertical distance above the grade at each façade of the building, considered separately, to the top of the coping or parapet on a flat roof, whichever is higher; to the deck line of a mansard roof; or to the average height between the plate and the ridge of a hip, gable, shed, or gambrel roof. The height of a stepped or sloped building is the maximum height above grade of any distinct segment of the building that constitutes at least 10 percent of the gross floor area of the building. <u>The height of a building that is located on a sloped site is measured at the lowest ground elevation.</u> See also Building, Building Height Bonus, <u>Grade</u> , and Measurement Definitions for Ground Floor.	Change to definition appears to apply the most restrictive height measurement as compared to what has always been used prior to the IDO (average grade) and how the IDO definition is currently read in conjunction with the definition of "grade" prior to this edit. Delete new sentence and leave definition as is.
Ground Floor Height	474	7-1	Measurement Revise "Ground Floor Height" as follows: "Ground Floor <u>Clear</u> Height The vertical distance of the interior of a ground floor, measured from the slab or <u>top of the sub-floor to the ceiling</u> or the bottom of the <u>exposed support structure for the</u> second floor. This is also referred to as 'floor-to-ceiling height.'"	This affects overall building height, glazing requirements, and cost of development. 10-foot clear height request previously referenced should apply.

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
8	Workforce Housing Bonus - MX Zones	194	Table 5-1-2	Add MT to workforce housing bonus and structured parking bonus.	Bonuses should be added for R-ML in UC-MS-MT-PT.
9	Street Lights	213	5-3(E)(1)(e)2	Revise as follows: "Street lights on major local and local streets will normally be required to be installed at the applicant's expense and shall be at locations approved by the DRB."	Actual locations are not established by the DRB. The DRB usually approves the infrastructure list with a note about street lights meeting City standards, and DRC subsequently approves locations.
12	Downtown Parking Exemption	226	5-5(B)(2)(a)1	Revise as follows: " Downtown Area Downtown Center " Delete map.	There is no reason to remove a longstanding parking exemption for the Downtown area, as opposed to changing any number of other Downtown Area mapped standards. This has significant implications for a limited number of properties. Keep map in the IDO as is.
14	Edge Buffer	262	5-6(E)(4)(a)(2)	Add "drainage facility" to the list of industrial development types that are required to provide an Edge Buffer.	Clarification on what is considered a drainage facility is needed to determine full impact of all the proposed drainage revisions. This may carry forward existing requirements based on a new use, but that use should take into account the differences in types of drainage facilities (on-site stormwater quality, deeper concrete basins and channels, and facilities integrated within open space corridors, i.e. Mesa del Sol).
15	Landscaping	266	5-6(F)(2)d	Move Subsection 5-6(F)(2)(c)3 to Subsection 5-6(F)(2)(d). Reorganize the text to read: Location and Dimension of Landscaped Areas 1. Tree planting areas shall be 60 square feet per tree; the open tree planting area may be reduced to 36 square feet if the surface of a parking or vehicle circulation area adjacent to the planting area is of a permeable material, and combined with the open tree planting area, meets the 60 square foot per tree requirement. 2. In parking areas of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands, no narrower than 8 feet in any dimension.	Check this against the proposed DPM requirements for parking islands. Original "in width" seems more straightforward wording than "in any dimension" as the latter seems like it would actually allow the length to count.
16	Walls	274	5-7(D)(3)(a)	Revise second sentence as follows: "Such elements shall have a maximum width of 5-2 feet and are allowed at intervals of no less than 200-50 feet. "	Support the ability for more frequent use of architectural elements, but 2 feet is too narrow and doesn't take into account CMU block size. Keep the existing 5-foot maximum width.
18	Neighborhood Meeting	339	6-4(C)(4)	Revise as follows: "...within 30 consecutive calendar days of the meeting request being accepted by the Neighborhood Association but no fewer than 5 calendar days after the Neighborhood Association accepts the meeting request, unless an earlier date is agreed upon. "	Staff recommended Condition of Approval is to make this 15 days instead of 5 after the N.A. accepts the meeting request. This essentially makes the window for a possible meeting between 30 and 45 days. "Unless and earlier date is agreed upon" is important, but the change may lead to more delay in making applications.
22	Extensions	363	6-4(W)(4)(a)1.b	Revise as follows: "The extension is considered and a decision made via the same procedure required for the by the same decision-maker as the initial approval, except that no public hearing shall be required, if one would have been required for the initial approval. "	Unclear how the decision gets made. Clarify what procedure/criteria apply and what notice, if any, is required if different than the original approval.

23	Amendments	368	6-4(Y)(1)(c) [new]	Add a new subsection as follows: "No Deviations or Variances shall be granted for Minor or Major Amendments."	This is problematic for Major Amendments. A variance or deviation may still be necessary even if treated as a new site plan request, and this language potentially forces extensive additional requirements on an already developed property beyond those implicated by the amendment itself. Strike "or Major" from the edit.
26	Natural Grade	477	7-1	Natural Grade Revise as follows: "Grade based on the original site contours, prior to any grading or addition or removal of earth. See also <i>Finished Grade</i> and <i>Measurement Definitions, Grade</i> ."	How far back does this go? Is there a baseline? What if a site was rough graded prior to purchase? Delete new language.
27	Common Open Space / Cluster Development	479	7-1	Open Space Definitions Common Open Space Add: "For the purposes of the open space calculation in cluster development, parks do not count as common open space."	Many cluster project examples include small park areas, which seems like a good thing. This edit is a disincentive for providing a park amenity for residents or making improvements to the open space such that could be considered a "park." If a cluster development is done in a more developed area of town outside of the rural areas or near open space where they are typically built, a developed park would be better than an undeveloped dirt with no real use. Delete new language.
30	Variance	499	7-1	Variance Revise as follows: "Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO or the DPM. Variances from zoning standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading), or any standard in the DPM or related to projects in public rights of way are decided by the DRB. The allowable use of premises may never be changed via a Variance."	"Zoning standards" does not seem clear enough that it would not include the deleted sections, which are still considered via the Waiver - DRB process. The second use of the word "Variance" should be changed to "Waiver" for the DPM technical allowances by the DRB unless those are still considered variances under the DPM. If so, consider changes to the DPM to ensure consistency about the types of applications the DRB reviews and decides. Provide a cross-reference to the Waiver definition.