

IDO Annual Update

Project #2018-001843

Case #RZ-2019-00046

Additional 48-hour Comments

Received After 12/5/2019 Posting of Staff Report

Renz-Whitmore, Mikaela J.

From: Jackie Fishman <fishman@consensusplanning.com>
Sent: Wednesday, December 4, 2019 5:19 PM
To: Renz-Whitmore, Mikaela J.; Brito, Russell D.; Morris, Petra; Schultz, Shanna M.
Cc: Jim Strozier; Michael Vos
Subject: RE: IDO amendments
Attachments: Tech Edits Major Issues 12-4-19.pdf; Tech Edits Minor Issues 12-4-19.pdf

I apologize for doing this at such a late time, but we have been asked to modify some of the comments contained in the documents I sent last night. The modifications are mostly to be more clear what we are asking EPC to consider in their decision making process.

The modifications are per our numbering system as follows:

Major – 1, 2, 5, 7, 11, 13, 15, 16, and 20

Minor – 3, 9, 14, 18, 24, 25, and 28

Jacqueline Fishman, AICP

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From: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Sent: Wednesday, December 4, 2019 9:41 AM
To: Jackie Fishman <fishman@consensusplanning.com>; Brito, Russell D. <RBrito@cabq.gov>; Morris, Petra <pmorris@cabq.gov>; Schultz, Shanna M. <smschultz@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Michael Vos <Vos@consensusplanning.com>
Subject: RE: IDO amendments

Thanks, Jackie. These will be attached to the staff report for EPC consideration.

Best,



MIKAELA RENZ-WHITMORE

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From: Jackie Fishman <fishman@consensusplanning.com>
Sent: Tuesday, December 3, 2019 7:40 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>; Morris, Petra <pmorris@cabq.gov>; Schultz, Shanna M. <smschultz@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Michael Vos <Vos@consensusplanning.com>
Subject: IDO amendments

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.

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IDO Technical Edits

Development Organizations Major Issues - December 4, 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>	<p>Technical edit should be revised to the following:</p> <p>3-4(M)(4)(a) Building height, maximum: 18 feet.</p> <p>3-4(M)(4)(b) Building height may be increased to 26 feet on a maximum of 75 percent of the building footprint.</p> <p>Table 3-4-1 shall be revised for lots >=40' where garage must be offset from front facade of home by a minimum of 2 feet."</p>
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>	<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 or change to state "Nor portion of the structure shall extend above the top of the Sandia Crest".</p>
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>	<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".</p>

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	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. Change should be to exclude "Drainage Facility as a new land use."
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. Change should be to eliminate this new Section.

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	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
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.
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.

IDO Technical Edits

Development Organizations Major Issues - December 4, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
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. Change should be to add "if available" after "an illustration of the project (i.e. site plan, architectural drawings, elevations, and/or illustrations of the proposed application, as relevant)"
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. Do not include this edit.

IDO Technical Edits

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	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
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. Change should be to add an additional sentence reading "Variance requests can be submitted concurrently with conditional use requests. If the conditional use request is not approved, the variance request will be denied."
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. Strike the language reading "No variances are allowed associated with a conditional use."

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	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
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.
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. Change should be to exclude this added sentence.

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	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
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."
22	Building Height	473	7-1	<p>Measurement Definitions Building Height</p> <p>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>	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.
23	Ground Floor Height	474	7-1	<p>Measurement</p> <p>Revise "Ground Floor Height" as follows: "Ground Floor <u>Clear</u> Height</p> <p>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>	This affects overall building height, glazing requirements, and cost of development. 10-foot clear height request previously referenced should apply.

IDO Technical Edits

Development Organizations Minor Issues - December 4, 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 or</u> 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. Change should be to add "or other structures typically associated with open space areas such as benches, trash receptacles, dog waste stations, lighting, etc."
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 4, 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 be 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. Change should be to add "via infrastructure list language with final approval by the DRC."

IDO Technical Edits

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	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

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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 and other dual use recreational facilities, i.e. Mesa del Sol). Change should be to eliminate this added language.
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.

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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. Change should be to make "5 days" be "15 days."
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.

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	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.

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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>

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Development Organizations Minor Issues - December 4, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
24	Variance - EPC	411	6-6(M)(3)(a)1	<p>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...."</p>	Expand to allow for potential government actions other than eminent domain that could create a special circumstance. Change to add "and other governmental actions resulting in conditions to the property that are unique when compared to other property in the same zone."
25	Variance - EPC	411	6-6(M)(3)(a)1	<p>Replace "subject property" with "a single lot".</p>	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. Change to add "unless a Site Plan has been approved for an entire development area describing variance(s) applicable to that development."
26	Natural Grade	477	7-1	<p>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> ."</p>	How far back does this go? Is there a baseline? What if a site was rough graded prior to purchase? Delete new language.

IDO Technical Edits

Development Organizations Minor Issues - December 4, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
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.
28	Other Major Utility	480	7-1	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."	Issue with separating out drainage facility as its own land use. Any unintended consequences? See also proposed Drainage Facility definition. Change should be to eliminate "Drainage Facility."

IDO Technical Edits

Development Organizations Minor Issues - December 4, 2019

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
29	Structure	495	7-1	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, <u>trash can, bench, picnic table,</u> or public utility pole or line."	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.
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.

Renz-Whitmore, Mikaela J.

From: Jackie Fishman <fishman@consensusplanning.com>
Sent: Monday, December 9, 2019 6:38 PM
To: Renz-Whitmore, Mikaela J.; Brito, Russell D.; Morris, Petra; Schultz, Shanna M.
Cc: Jim Strozier; Michael Vos
Subject: IDO Conditions of Approval
Attachments: IDO Conditions of Approval with CP Edits.pdf

Good evening –

I have attached our markups to staff's proposed conditions of approval.

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.

12/9/19 Consensus Planning Comments on Proposed IDO Update Conditions of Approval

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.

Redlines highlighted in gray are proposed by Consensus Planning.

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.”~~

Rationale – These should not be incorporated into the City approval process since the City has no enforcement authority for outside regulations. These agencies have their own processes.

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.~~

Rationale: This is not a technical edit, changes the impact of the regulation. Unclear what the rationale is other than someone asked for the change.

~~15.14.~~ 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.

~~16.15.~~ 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.”

~~17.16.~~ 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).”

~~18.17.~~ 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.”

~~19.18.~~ 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.

~~20.19.~~ 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 ~~25~~ linear feet of lot line, with spacing designed to minimize sound ~~and~~; light; ~~and noise~~ impacts.”

iii.

Rationale: Consistent with other tree spacing requirements in the IDO.

- 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.”

21-20. 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."

iv. Graphic is not provided, so it is difficult to assess this.

22-21. 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. The DRB may approve a 1-year extension to this provision. After that time, email notice is required."

24. Rationale: Some larger subdivisions may take more than 2-years to build out. Allows for the developer to request an extension.

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.	

Rationale: This change appears to require an Administrative Amendment to any change to a sign, regardless of how minor, as well as other items that have their own review and approval processes in the IDO and may not be necessary to show on a Site Plan

- 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."

Rationale: This is very subjective. What constitutes a complex circulation pattern?

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.~~

~~In Non-residential zones, these materials must be removed by January 1st, 2023.~~

~~Agree with staff’s recommendation that a sunset date is inappropriate, but request that a designated timeframe of 90 days be given after notice from Code Enforcement to allow property owners to come into compliance with these provisions.~~

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.”~~

Rationale: Support Councilor Jones’ amendment as proposed.

~~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.~~

Rationale: Support Councilor Jones’ amendment as proposed.

~~45.43. 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.”

Rationale: Support Councilor Jones’ amendment as proposed.

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

Rationale: Support Councilor Jones’ amendment as proposed.

47.44. 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 has demonstrated that an alternative layout will provide for improved safety, traffic circulation, and reduce impacts to adjacent properties to adequately mitigate potential harmful or adverse impacts.”

Rationale: Provides additional criteria to be used and evaluated to review alternative layouts. Existing language implies that the standards always result in less impact with no tie to the specific

property or situation.

a.

- 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...”

48.45. 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)(e) 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.”~~

Rationale: Support Councilor Jones’ amendment as proposed.

~~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.~~

Rationale: The height is the critical design element. Depending on the use and design, 3-stories may be appropriate within the 30-foot height restriction.

50.46. 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).

51.47. 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.

52.48. 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.”

53.49. 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.”

54.50. 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~~ public safety or accessibility issue as determined by the City Engineer.”

Rationale: Appropriately adds restrictions that relate to access issues, but includes other items that may be acceptable, depending on the situation.

55.51. 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.

56.52. 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.

57.53. 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.”~~

Rationale: Support Staff’s recommendation to not adopt this amendment.

58.54. 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.”

~~59.55.~~ 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.

~~60.56.~~ 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.

~~61.57.~~ Council Amendment U: [R] EPC acknowledges that this amendment has been withdrawn.

~~62.58.~~ 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.”~~

~~Rationale: Existing standards for height, setbacks, parking, landscaping, etc. are adequate to limit density instead of an arbitrary cap on number of units.~~

~~64.59.~~ 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.

Renz-Whitmore, Mikaela J.

From: David Fite <fite@base5retail.com>
Sent: Monday, December 9, 2019 4:32 PM
To: Renz-Whitmore, Mikaela J.
Cc: Clayton King
Subject: IDO Edits
Attachments: IDO Letter-Mikaela.docx

Mikaela,

Happy Holidays!

Please find my attached letter addressing my concerns on the amendments being discussed at the EPC.

Ciao!

David N. Fite
Partner
505.328.4834 (Cell)
fite@base5retail.com



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December 9, 2019

Mikaela Renz-Whitmore
City of Albuquerque Planning Department
600 2nd NW
3rd Floor
Albuquerque, NM 87102

RE: IDO Technical Edits

Dear Mikaela:

I am in support of Councilor Trudy Jones' Amendment G, as is, prior to modification by City Planning and Amendment H as is, prior to modification by City Planning Staff.

Regarding Council Amendment J, I recommend that the distance requirements are not modified as is proposed in a new Subsection 4-3(D)(36)(c) or 4-3(D)(36)(f). The proposed new distance requirements and the declassification of liquor sales from a permissive to a conditional use will negatively impact the value and marketability of current property owners.

I appreciate you and your teams work on this very complicated edit of the living IDO and zoning for our city.

My team would love to answer any questions you might have regarding this letter.

Sincerely,

David N. Fite
Partner

CC: Clayton King

Renz-Whitmore, Mikaela J.

From: Brito, Russell D.
Sent: Thursday, December 5, 2019 8:20 AM
To: Renz-Whitmore, Mikaela J.
Subject: FW: HBA Response to IDO Tech Edits and Amendments
Attachments: IDO Mark Up HBA 2019.pdf

For the record, but no response needed.

Thanks,

- R

From: John Garcia [mailto:jgarcia@hbacnm.com]
Sent: Wednesday, December 04, 2019 4:50 PM
To: Brito, Russell D.
Cc: Williams, Brennon
Subject: HBA Response to IDO Tech Edits and Amendments

Russell,
Here are our final mark ups for the IDO amendments and Technical edits.
Thanks,
John

John Garcia
Executive Vice President
jgarcia@hbacnm.com

Home Builders Association of Central New Mexico
4100 Wolcott Avenue NE, Suite B
Albuquerque, NM 87109
505.344.3294- phone
505.980.0985- cell
505.345.3795- fax

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December 4, 2019

Re: Proposed I.D.O. Council Amendments:

Chairman Serrano and EPC Commissioners,

The Home Builders Association (HBA) of Central New Mexico and its Production Builder's Council, has concerns over Council Amendment D and S. Following is a brief summarization of those concerns:

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. ***This amendment should not be passed.*** 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.

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.

Also attached is an edited version of the Technical Edits with our comments and recommended changes:

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>	<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.</p> <p>Add additional language changing the required garage/facade setback from 5' to 2'.</p>
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>	<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.</p> <p>Change should be "No portion of the structure shall extend above the <u>top of the Sandia Crest</u>".</p>
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>	<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".</p>

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. Change should be to exclude "Drainage Facility" as a new land use.
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. Change should be to 
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. Change should be to eliminate this new Section.
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. Change should be to not add this additional language.

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. Change should be to add "if available" after "an illustration of the project (i.e. site plan, architectural drawings, elevations, and/or illustrations of the proposed application, as relevant)".

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. Change should be to not include this edit.
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 extension for an additional 12 months. Change should be to
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. Change should be to add an additional sentence reading "Variance requests can be submitted concurrently with conditional use requests. If the conditional use request is not approved, the variance request will be denied".

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. Change should be strike the language reading "No variances are allowed associated with a conditional use".
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. Change should be to exclude this added sentence.
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</u> the bottom of the <u>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 or</u> structures necessary for the operation and maintenance of the common open space." Change should be to add "or other structures typically associated with open space areas like benches,	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. "or other structures typically associated with open space areas like benches, trash receptacles, dog waste stations, lighting, etc."
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. Change should be to add "via infrastructure list language with final approval by the DRC".

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: "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."</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)." "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. and other dual use recreational facilities	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). Change should be to eliminate this added language.
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. Change should be to make "5 days" be "15 days".
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 2 years 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. Change should be to add "and other governmental actions resulting in conditions to the property that are unique when compared to other property in the same zone".
25	Variance - EPC	411	6-6(M)(3)(a)1	Replace "subject property" with "a single lot". Change should be to add "unless a Site Plan has been approved for an entire development area describing variance(s) applicable to that development".	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 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.

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>	<p>Issue with separating out drainage facility as its own land use. Any unintended consequences? See also proposed Drainage Facility definition. Change should be to eliminate "Drainage Facility".</p>
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>	<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.</p>

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>

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.

Barkhurst, Kathryn Carrie

From: Rene' Horvath <aboard111@gmail.com>
Sent: Tuesday, December 10, 2019 2:15 AM
To: Barkhurst, Kathryn Carrie
Cc: Renz-Whitmore, Mikaela J.; Wolfley, Jolene; Schultz, Shanna M.
Subject: Re: Gas Stations and Local roads

Dear Carrie,

Thank you for your response to my question regarding gas stations. Here are my comments regarding gas stations. I recommend the IDO language be more restrictive, rather than less, to avoid impacts and conflicts with the community. Residents do not like the traffic, noise, and gas fumes of a gas station. Gas stations are usually located along major & minor arterials with high traffic volumes so they can be more visible and accessible to the customers. Local roads are usually smaller internal roadways, hidden from view. The IDO language should state: Gas stations are prohibited on local roads, except for local roads located in industrial zoned areas. Gas stations must also be located at least 330 ft or more from any residential, schools, institutions, and major public open space areas. Because of the gasoline tanks, gas stations must not locate near the river where the water table is high, nor the mesa top where there is lava rock formations underneath. Determining the right location of gas stations is critical in order to maintain the quality of life for our citizens, and avoid environmental impacts.

Thank you,
Rene' Horvath

On Mon, Dec 9, 2019 at 1:21 PM Barkhurst, Kathryn Carrie <kcbarkhurst@cabq.gov> wrote:

Hello Rene'

The IDO currently does not allow gas stations on local streets:

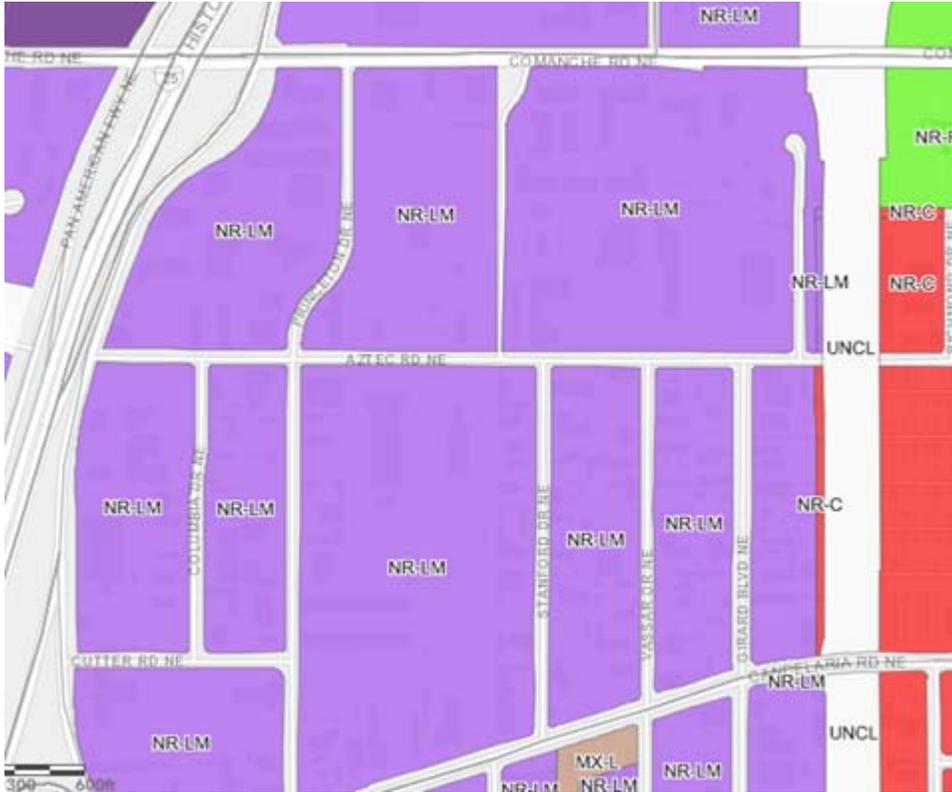
4-3(D)(17)(c) This use shall not be located where the only vehicle access to the lot is from a local street.

The zoning code had this requirement only in the C-1 zone (not C-2 and above), and the proposed technical edit would more closely match this prior zoning rule.

14-16-2-16(A)(k)(1): Location: the site shall be located on a collector or higher-ranking street.

This use is prohibited within 330 feet of Major Public Open Space, so there is a limitation for new gas stations near the river and other MPOS. Properties that have a site plan restriction will continue to be honored, unless the property owner asks to replace that site plan with a new one. For site plans approved by the EPC, they have to go back to that original approval body to replace the site plan. There are two EPC cases in January that are seeking to do this, and they request to have the IDO standards apply instead.

The issue this tech edit intends to address is that many industrial areas are served by local roads, and these are locations where gas stations are completely appropriate. In this area, all the roads are local except I-25, Comanche, and Candelaria. The zoning and land uses are industrial. This tech edit would allow a gas station in this area. It is written to prohibit new gas stations next to (within 330') existing residential uses, even in the higher zones where no limitation existed in the zoning code, so it adds more protections than in the prior system while allowing the use in locations where it is appropriate.



Let us know if you have other questions or comments for the EPC record.

Best,

Carrie

From: Rene' Horvath <aboard111@gmail.com>

Sent: Monday, December 9, 2019 10:51 AM

To: Barkhurst, Kathryn Carrie <kbarkhurst@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>;

Wolfley, Jolene <jwolfley@cabq.gov>; Schultz, Shanna M. <smschultz@cabq.gov>

Subject: Gas Stations and Local roads

Dear Planning team,

Thank you for the 3 IDO meetings we have had; they have been very helpful, in preparation for the EPC. I have another question regarding gas stations and local roads. Please see below.

Thank you,

Rene' Horvath

1. Gas Stations (IDO pg.148): Revise as follows: In MXL zone, this use shall be located where vehicle access is from a street designated as collector and above. In the MXM zone and higher, this use shall be located 330 ft from a residential use in residential or mixed use zone if located on a local street.

My question is: Are gas stations currently allowed on local streets? Shouldn't they only be located on Major or Minor arterials away from residents and environmentally sensitive areas. ? Will areas that already have a prohibition on gas stations on the site plans continue to be honored? Please explain the proposed technical edit regarding gas stations.

The reason for my question: Streets between Coors Blvd. and the river are local or collector roads. The area between Coors and near the river usually has a high water table and gas station tanks would not be good underground at this location. In other areas like the mesa top where there is volcanic rock, Gas station tanks underneath the lava rock may not be a good idea either, even in MX zones.

In addition, local and collector roads usually run along- side residential areas. Residents do not like the traffic, noise, and gas fumes of a gas station. Will 330 ft. be enough distance? It seems gas stations should only be located along major and minor arterials instead of local roads, and away from residential and environmentally sensitive areas. Putting Gas station along Local roads may lead to too many conflicts.

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Renz-Whitmore, Mikaela J.

From: Clayton King <clayton@base5retail.com>
Sent: Tuesday, December 10, 2019 7:12 AM
To: Renz-Whitmore, Mikaela J.
Cc: David Fite; Tom McCollum; peter butterfield
Subject: IDO Edits
Attachments: McCollum_Technical Edits Letter - Mikaela Renz Whitmore.pdf; King_IDO Letter-Mikaela_12.2019.docx; Butterfield Technical Edits Letter - Mikaela Renz Whitmore.pdf

Mikaela,
Hope you are having a fantastic week!

Please find attached letters from different individuals addressing the concerns on the amendments being discussed at the EPC.

I greatly appreciate you relaying these letters to the EPC.

Have a great day!

Respectfully,
Clayton King
Partner



505-263-8531 (cell + text)
clayton@base5retail.com

[115 Gold Ave SW Suite 203G](#)
[Albuquerque, NM 87102](#)
505-807-0605 (main + fax)
www.Base5Retail.com

=====
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December 9, 2019

Mikaela Renz-Whitmore
City of Albuquerque Planning Department
600 2nd NW
3rd Floor
Albuquerque, NM 87102

RE: IDO Technical Edits

Dear Mikaela:

I am in support of Councilor Trudy Jones' Amendment G, as is, prior to modification by City Planning and Amendment H as is, prior to modification by City Planning Staff.

Regarding Council Amendment J, I recommend that the distance requirements are not modified as is proposed in a new Subsection 4-3(D)(36)(c) or 4-3(D)(36)(f). The proposed new distance requirements and the declassification of liquor sales from a permissive to a conditional use will negatively impact the value and marketability of current property owners.

I appreciate you and your teams work on this very complicated edit of the living IDO and zoning for our city.

My team would love to answer any questions you might have regarding this letter.

Sincerely,
Clayton King
Partner

CC: David Fite

December 9, 2019

Mikaela Renz-Whitmore
City of Albuquerque Planning Department
600 2nd NW
3rd Floor
Albuquerque, NM 87102

Dear Mikaela:

With regards to proposed Technical Edits to the Integrated Development Ordinance please accept this letter in support of Councilor Trudy Jones' Amendment G as is, prior to modification by City Planning.

Thank you for your interest in this matter. Please feel free to contact me should you have any questions or would like to discuss the restrictive and problematic IDO approach to drive through facilities.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Butterfield", with a long horizontal line extending to the right.

Peter Butterfield, Architect

December 9, 2019

Mikaela Renz-Whitmore
City of Albuquerque Planning Department
600 2nd NW
3rd Floor
Albuquerque, NM 87102

Dear Mikaela:

With regards to proposed Technical Edits to the Integrated Development Ordinance please accept this letter in support of Councilor Trudy Jones' Amendment G as is, prior to modification by City Planning.

Thank you for your interest in this matter. Please feel free to contact me should you have any questions.

Respectfully submitted,

DocuSigned by:

0C2801DADF0F4D9...
Tom McCollum

Renz-Whitmore, Mikaela J.

From: Clayton King <clayton@base5retail.com>
Sent: Tuesday, December 10, 2019 7:40 AM
To: Renz-Whitmore, Mikaela J.
Cc: David Fite; Tom McCollum; peter butterfield; Chris Lattanzio
Subject: Re: IDO Edits
Attachments: ChrisL_IDOletter_12.10.2019.pdf

Mikaela,
In addition to the previous letters, another client wrote the attached for me to share with the EPC.

Again, thank you for passing these along.

Thank you,
Clayton King
Partner



505-263-8531 (cell + text)
clayton@base5retail.com

[115 Gold Ave SW Suite 203G](#)
[Albuquerque, NM 87102](#)
505-807-0605 (main + fax)
www.Base5Retail.com

On Tue, Dec 10, 2019 at 7:12 AM Clayton King <clayton@base5retail.com> wrote:

Mikaela,
Hope you are having a fantastic week!

Please find attached letters from different individuals addressing the concerns on the amendments being discussed at the EPC.

I greatly appreciate you relaying these letters to the EPC.

Have a great day!

Respectfully,
Clayton King
Partner



505-263-8531 (cell + text)
clayton@base5retail.com

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Clayton,

Thank you for allowing the opportunity to share my genuine disappointment/concern specific to this restrictive design guideline as it applies to any expansion opportunity into the ABQ market with my coffee concept. Efficiency, convenience, location, egress/ingress are paramount in my business of operating a coffee shop. The City guideline as seen by anyone who is not a QSR operator may seem inconsequential however any operator with practical experience would tell you otherwise.

The guideline generally prohibits the visibility of a drive through from a public right of way. Having developed QSR buildings for National, Regional and local businesses over the past 26 years, I understand the importance of a mutually beneficial site plan that not only addresses the concerns of the City and its related disciplines (fire, police, disposal and land use/zoning) but what also allows for a successful business both from an operators ability to thrive, and subsequently add to the coffers through sales tax, property tax and job creation but also through the overall efficiency of land use planning and building ratios. Let us not forget the customer and providing convenience and accessibility! In some regard this guideline resembles a restraint of trade when a new business is held to a different requirement than existing business predicated on City policy versus Federal entitlement.

The current design requirement effectively mandates a circular drive through which by nature of turning radii creates poor circulation and provides for inefficiencies thus requiring a larger land area which is counter to building and land area ratio principles, hence effectively being counter to any ULI influenced design guidelines such as this IDO plan.

I hope that the City will apply some business practice in its capacity and reconsider this restrictive guideline.

Respectfully,
Chris Lattanzio

Renz-Whitmore, Mikaela J.

From: Keith Meyer <keithmeyer@gotSPACEUSA.com>
Sent: Monday, December 9, 2019 3:46 PM
To: Renz-Whitmore, Mikaela J.
Cc: Jim Wible; Clayton King; David Fite; Josh Skarsgard; Angela M. Williamson (awilliamson@modulusarchitects.com); Armstrong, Lia @ Albuquerque
Subject: Request regarding Technical Edits
Attachments: Technical Edits Letter - Mikaela Renz Whitmore.docx

Mikaela: It has been some time since we have spoken. I hope you are well.

Please accept the attached letter in reference to the IDO Technical Edit amendments being contemplated.

Thank you for your consideration.

Respectfully submitted,



Keith Meyer, CCIM, SIOR
Director & Principal
keithmeyer@gotSPACEUSA.com

NAI Maestas & Ward
6801 Jefferson NE Suite 200
Albuquerque, NM 87109 USA
gotSPACEUSA.com

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Broker's Transaction Coordinator:
Dana Van Doren
danav@gotSPACEUSA.com

NAI Maestas & Ward



The Retail Brokers Network has qualified professionals in over 75 offices nationwide.
www.retailbrokersnetwork.com

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This message has been analyzed by Deep Discovery Email Inspector.

December 9, 2019

Mikaela Renz-Whitmore
City of Albuquerque Planning Department
600 2nd NW
3rd Floor
Albuquerque, NM 87102

Dear Mikaela:

With regards to proposed Technical Edits to the Integrated Development Ordinance please accept this letter in support of Councilor Trudy Jones' Amendment G as is, prior to modification by City Planning.

I also support Amendment H as is, prior to modification by City Planning Staff.

A group of professional commercial real estate brokers and developers have been working with City Council Planning staff to resolve issues that have arisen on certain retail properties as a result of the implantation of the IDO, and Councilor Jones' amendments are the direct result of the City Council Planning Staff's draft based on input from these active professionals.

Regarding Council Amendment J, we recommend that the distance requirements are not modified as is proposed in a new Subsection 4-3(D)(36)(c) or 4-3(D)(36)(f). The proposed new distance requirements and the declassification of liquor sales from a permissive to a conditional use will negatively impact the value and marketability of current property owners.

Thank you for your interest in this matter. Please feel free to contact me should you have any questions.

Respectfully submitted,

Keith Meyer CCIM, SIOR
Partner

CC: Jim Wible, CCIM, Clayton King, David Fite, Josh Skarsgard, Angela Williamson,
Lia Armstrong

Renz-Whitmore, Mikaela J.

From: Josh Rogers <jrogers@titan-development.com>
Sent: Monday, December 9, 2019 4:57 PM
To: City of Albuquerque Planning Department
Cc: Michael Vos; Renz-Whitmore, Mikaela J.; cp@consensusplanning.com
Subject: Comments to IDO annual update study session

To whom it may concern,

In regards to amendment R – site lighting, we still don’t have our arms wrapped around the impact of this amendment yet. We are greatly concerned that it will have unintended consequences on hospitality and multi-family uses. Many of these uses have hallways that dead end onto a window facing the exterior. Our hotel across from Presbyterian and our multifamily project in Nob Hill both have this condition. It’s concerning since the interior hallways of these projects must always be lit for the tenants and guests to move around freely at all hours of the night. We need to understand the implications of 200 foot lamberts, where the measurement is coming from, and how to make the measurement. This one has huge impacts in the city and needs to be addressed appropriately. We recommend no adoption.

Re: Tech edit regarding ground floor clear height. Mandating a 12’ clear height on the ground floor is problematic for a variety of reasons. First, much of the redevelopment that is going to transpire along our corridors is going to be multifamily developments. Multifamily does not need 12’ clear height on the first floor as that adds a lot of extra expenses for a typical height that is 9’ clear, 10’6 floor to floor. This would require 12’ clear, and then 13’6 floor to floor. This would add substantial costs to multifamily buildings. These multifamily buildings will likely never convert to commercial space, so why have the requirement? Maybe an exception for multifamily? Second, many retail spaces utilize open web trusses with exposed mechanical ducts. Those spaces are being designed today with 12’ floor to ceiling heights, not 12’ clear to the bottom of the web truss. This is an unnecessary change that will add costs, and make development more costly in a city which struggles already to do projects along our major corridors. Lastly, the idea that all of the ground floor spaces along our major corridors will eventually convert to ground floor retail is a fallacy. The retail landscape has forever changed to online shopping. This mandate will inhibit new development for an idea that will never come to fruition. From the staff report *“to ensure the viability of the building to accommodate retail uses on the ground floor in the future.”* This is way too idealistic for Albuquerque and even dense cities like San Francisco and New York have many buildings which do not have these types of spaces. It homogenizes the architectural condition and limits variability in the city from a design standpoint.

Thank you,

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.

Renz-Whitmore, Mikaela J.

From: Stoker, Kyla @ Albuquerque <Kyla.Stoker@cbre.com>
Sent: Wednesday, December 4, 2019 5:00 PM
To: Renz-Whitmore, Mikaela J.; Williams, Brennon
Subject: 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

Good evening Albuquerque Planning Department,

While I am sure you have already received the attached collective review and response by the commercial real estate community to the Technical Edits and Amendments, however, I would like to also voice my personal support of the proposed changes made therein as a commercial real estate agent and a Albuquerque native.

I have previously been present for several of the original IDO meetings over the last several years, and the majority of the EPC meetings relating to the IDO amendments and tech edits. I have voiced several concerns and comments. I hope that the attached are succinct and can clearly articulate our collective concerns and proposed modifications.

Thank you as always for your consideration and efforts.

Sincerely,

Kyla Stoker | Associate
CBRE | Retail Services
6100 Uptown Blvd. NE, Ste. 300 | Albuquerque, NM 87110
T +1 505 837 4927 | M +1 505 980 5614 | F +1 505 837 4994
kyla.stoker@cbre.com | www.cbre.com
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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

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2017 Secretary:

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FBT Architects

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David Doyle

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Mary Homan

New Mexico Gas Company

Matt Look

Garrett Development Corporation

Robert Lucero

Lucero Law Firm

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Klinger Constructors, LLC

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Titan Development Company

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Lance Sigmon

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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

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 <u>grading 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: Elizabeth Vencill <e@esvlawfirm.com>
Sent: Friday, December 6, 2019 2:55 PM
To: Barkhurst, Kathryn Carrie; Renz-Whitmore, Mikaela J.; Wolfley, Jolene; Schultz, Shanna M.
Subject: Amendments regarding medical treatment facilities
Attachments: AMENDMENT regarding medical treatment facilities.doc; AMENDMENT regarding medical treatment facilities.pdf; Clinics in Highland area sttows.pdf

Hello,

Attached is a draft of two amendments proposed from HUB 66 and myself regarding medical treatment facilities.

Also attached is a map I began (in progress) that shows locations of facilities within a stone's throw from my office.

I have not authored an amendment on my own, so I apologize for what may be sophomoric drafting.

I don't have an email group for EPC. I am trying to put together such a list to send this to. If you want to send the draft to EPC at this point, please go ahead.

If you can help with this drafting before sending to EPC, please let me know.

Thank you very much,
Elizabeth Stacy Vencill

Elizabeth Stacy Vencill Law Office
115 Quincy Street NE
Albuquerque, NM 87108
505.243.6191 505.242.9516 fax
info@esvlawfirm.com

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AMENDMENTS REGARDING DEFINITIONS AND DISTANCES BETWEEN MEDICAL TREATMENT FACILITIES

Any business that dispenses medical products from its premises such as methadone, hypodermic needles, condoms, sanitary alcohol wipes, etc., and any business that provides medical treatment or counseling for persons experiencing some aspect of substance abuse addiction shall be defined as a medical treatment facility.

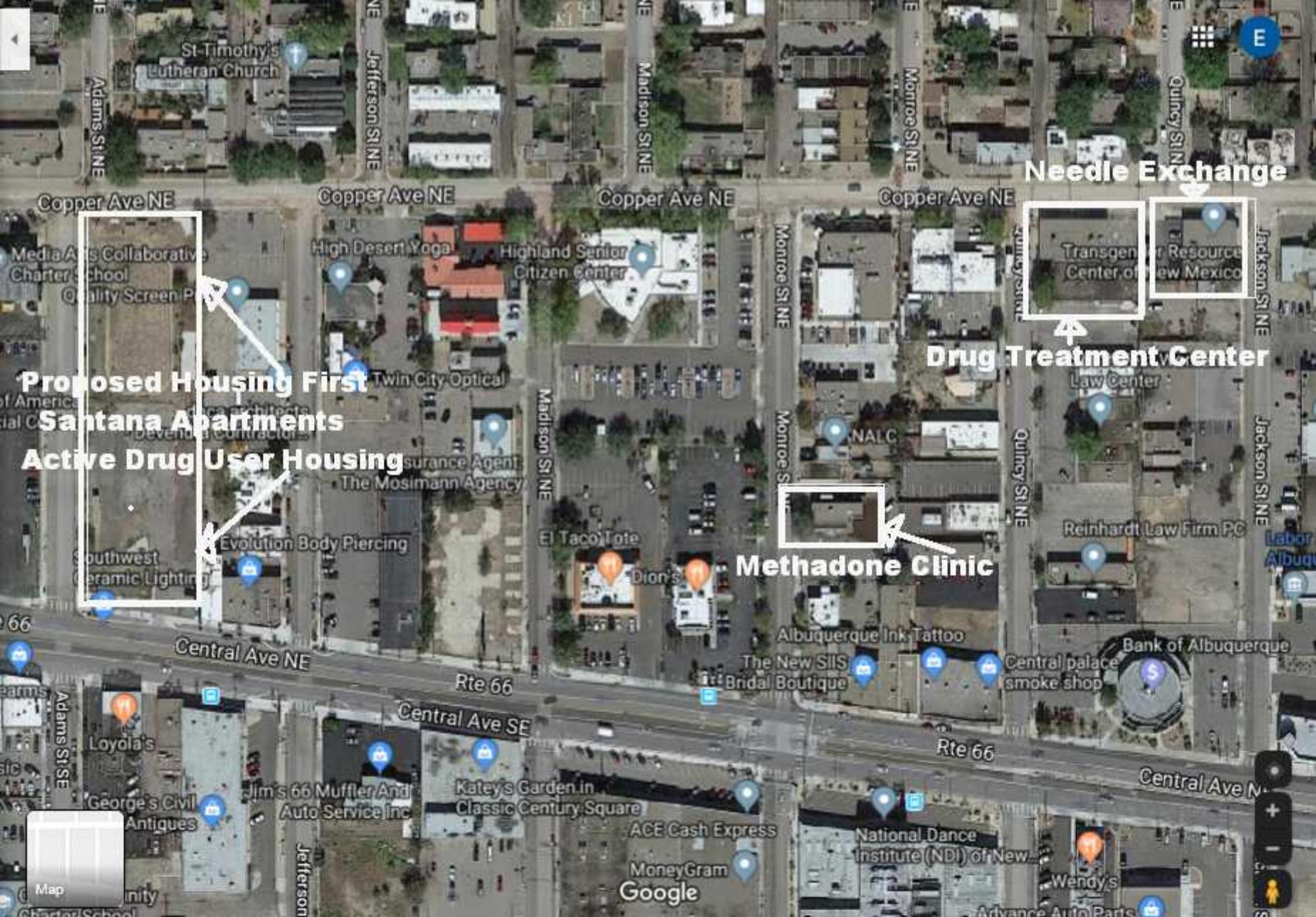
Within the MXM zone, there shall be a distance requirement of no less than 1 mile between each medical treatment facility, and no less than 1000 feet between each medical treatment facility and nearby residences, churches or schools.

To be consistent with

4-3(D)(37) Pawn Shop

4-3(D)(37)(a) This use shall not be located within 1 mile of another pawn shop location.

4-3(D)(37)(b) If a pawn shop use is abandoned, discontinued, or ceases continuous operation for more than 12 consecutive months, it shall not be reestablished at that location if it is within a 1 mile radius of the location of any other pawn shop.



**Proposed Housing First
Santana Apartments
Active Drug User Housing**

Methadone Clinic

Needle Exchange

Drug Treatment Center

Copper Ave NE

Copper Ave NE

Copper Ave NE

Copper Ave NE

Central Ave NE

Rte 66

Central Ave SE

Rte 66

Central Ave N

Map

Google

Renz-Whitmore, Mikaela J.

From: Elizabeth Vencill <e@esvlawfirm.com>
Sent: Monday, December 9, 2019 2:50 PM
To: Barkhurst, Kathryn Carrie; Renz-Whitmore, Mikaela J.; Wolfley, Jolene; Schultz, Shanna M.
Subject: Re: Amendments regarding medical treatment facilities
Attachments: Needle Exchange Ordinance.pdf

Hello,

Attached is the former needle exchange ordinance that our neighborhood approved.

Elizabeth

Elizabeth Stacy Vencill Law Office
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Albuquerque, NM 87108
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info@esvlawfirm.com

On Fri, Dec 6, 2019 at 2:54 PM Elizabeth Vencill <e@esvlawfirm.com> wrote:

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If you can help with this drafting before sending to EPC, please let me know.

Thank you very much,
Elizabeth Stacy Vencill

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File #: O-01-121

Type: Ordinance Status: Enacted and Published

File created: 8/6/2001 In control: Land Use, Planning, and Zoning Committee

Enactment date: Final action: 11/19/2001

Enactment #: O-2001-055

Title: Regulating Hypodermic Syringe Exchange Facilities; Establishing A Permit System And A Requirement Of A Distance Of At Least Five Hundred Feet Between Syringe Exchange Facilities And Certain Specified Land Uses; Imposing A Fee; Imposing A Penalty.

Sponsors: Hess Yntema

[History \(21\)](#)[Text](#)

CITY of ALBUQUERQUE
FOURTEENTH COUNCIL

COUNCIL BILL NO. F/S O-01-121 ENACTMENT NO.

SPONSORED BY: HESS YNTEMA

ORDINANCE

title

Regulating Hypodermic Syringe Exchange Facilities; Establishing A Permit System And A Requirement Of A Distance Of At Least Five Hundred Feet Between Syringe Exchange Facilities And Certain Specified Land Uses; Imposing A Fee; Imposing A Penalty.

body

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

Section 1. SHORT TITLE.

This article shall be known and may be cited as the "Syringe Exchange Facility Location Ordinance."

Section 2. FINDINGS. The Council finds that though the sharing of syringes by intravenous drug users should be prevented and certain syringe exchange programs may be effective in reducing the spread of acquired immune deficiency syndrome or human immunodeficiency virus, syringe exchange programs should be appropriately located in the community and be responsive to neighborhood concerns.

Section 3. DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DAY CARE CENTER. Any place other than an occupied residence which receives children for day care, or an occupied residence which receives more than 12 children for day care.

MAYOR. The Mayor or the Mayor's designated representative.

SYRINGE EXCHANGE FACILITY. A place where sterile needles and/or syringes are dispensed pursuant to a program authorized by the State Harm Reduction Act, Sections 24-2C-1 et seq. NMSA 1978, to participants in the program for the purpose of preventing the sharing of syringes by intravenous drug users, except it does not include:

- (A) An area on the premises of and operated by a hospital;
- (B) An establishment operated by the state; or
- (C) A program operating pursuant to the state Harm Reduction Act that has 100 or fewer participants enrolled at all times.

PERSON. An individual, organization, group, association, partnership, corporation or any combination thereof.

SCHOOL. A place where education is offered at some or all levels from kindergarten through grade 12, and most of the school's pupils spend at least three hours per day there.

Section 4. PERMIT REQUIRED.

(A) Location. No person shall operate a syringe exchange facility at any location in the City without having a valid permit for such syringe exchange facility in accordance with this ordinance. Except, however, any syringe exchange facility in operation on the effective date of this ordinance shall obtain a valid permit within a period of 6 months from the effective date of the ordinance.

(B) Operation. No permit shall be issued unless the facility demonstrates to the Zoning Enforcement Officer that it has designated and will maintain a community response representative who shall be reasonably available and who shall respond to, and keep a record of, all telephone calls and writings received from any individual and organization regarding concerns with the operation of the facility and its effect on the community. Such records shall be made available to the City upon request.

(C) Notice of Complaint Procedure. Within 45 days after the City has approved a permit for a syringe exchange facility, the operator of the facility shall mail a copy of the facility's complaint procedures to the owners of record of all property within 500 feet of the facility.

Section 5. STANDARDS.

No syringe exchange facility permit shall be issued and no syringe exchange facility location in the city shall be established or operated unless the syringe exchange facility is:

- (1) 1,000 feet or more from any school or day care center (including pre-school);
- (2) 500 feet or more from any lot which permissively allows residential uses or any lot from which conditional use approval for residential uses has been granted and is in effect at the time of the permit application;
- (3) 500 feet or more from any church or other place of public worship;
- (4) 500 feet or more from any other syringe exchange facility; and
- (5) 500 feet or more from any community residential program (including community residential for substance abusers), community residential corrections, or emergency shelter program.

For the purposes of this section, all measurements shall be the straight line distance from property line to property line.

Section 6. PERMIT APPLICATION.

Any person desiring a permit pursuant to this article shall file an application with the Mayor upon a form to be provided by the Mayor. The initial application shall include a program description, a listing of all board members, a description of the facility's community complaint procedures, and the name of and contact information for the facility's community response representative. An application fee of \$130, which is not refundable in the event the permit is denied, shall accompany the application.

Section 7. PROCEDURE FOR APPROVAL OR DENIAL OF PERMIT.

(A) Within 45 days of receipt of the application for a permit, the Mayor shall grant or deny the permit. If the Mayor affirmatively determines, upon inquiry and examination, that the requirements of this article have been met, the Mayor shall grant the permit. If the Mayor determines, upon inquiry and examination, that any of the requirements of this article have not been met, the Mayor shall notify the applicant that the application for the permit has been denied and shall state the findings of fact upon which the denial is based. The denial shall not become effective for 20 days during which time the applicant may petition for reconsideration and shall be entitled to a hearing by the Mayor's Public Hearing Officer.

(B) The Mayor may by rule indicate how evidence will be received into the record.

Section 8. NONTRANSFERABILITY OF PERMIT; DURATION; RENEWAL OF PERMIT.

(A) A permit is not transferable to any other site.

(B) A permit is valid for two years, as long as the syringe exchange facility is operating within six months after permit issuance.

(C) At least 45 days before the expiration of its permit, a syringe exchange facility which intends to continue in operation shall apply for a new permit and shall receive a new permit if it meets all standards of this article for a permitted facility. However, these standards need not be met in relation to a protected land use that moved to a location within the proscribed distances from the syringe exchange facility while that facility was legally and openly operating at the site requested for renewal.

Section 9. REVIEW PROCESS. The operator of a syringe exchange program shall submit annually to the Zoning Enforcement Officer the following information after a permit is initially approved: copies of complaints received, a summary of efforts to resolve those complaints, and the result of such efforts; an updated program description; an updated listing of all board members; updated information about the community response representative; and any changes to the facility's complaint procedures.

If the Zoning Enforcement Officer determines that the program is in violation of City ordinances or regulations, the Zoning Enforcement Officer may revoke the permit. If the Zoning Enforcement Officer determines that the operator of the facility has not attempted to resolve significant complaints received by the operator, the Zoning Enforcement Officer shall refer the matter to the Zoning Hearing Examiner for a public hearing to determine if the permit shall be revoked or if conditions should be attached to the permit approval. The decision of the Zoning Hearing Examiner may be appealed to the Environmental Planning Commission within 15 days after the Zoning Hearing Examiner issues a decision.

Section 10. PERMIT NOT ENDORSEMENT; APPLICABILITY OF OTHER LAWS.

(A) Syringe exchange facility permits shall not be deemed to constitute endorsement by the city of any syringe exchange facility, and no person shall intentionally claim or infer, directly or indirectly, any such endorsement by reason of its permit.

(B) The granting of a syringe exchange facility permit does not constitute a waiver of any requirement or provision contained in any ordinance of the city or in state or federal law.

(C) Nothing in this ordinance shall be construed to make lawful the possession of a controlled substance as defined by City ordinance, State and Federal law.

Section 11. INJUNCTION; ABATEMENT OF NUISANCE.

(A) Whenever the Mayor believes that the operation of a syringe exchange facility, with or without a permit, is being or will be conducted within the city so as to create a public nuisance as that term is defined by City ordinance or in Section 30-8-1 NMSA 1978, the Mayor may initiate judicial proceedings to abate continued operation of such syringe exchange facility.

(B) Whenever the Mayor believes that a syringe exchange facility is operating in the city without a permit, the Mayor may initiate judicial proceedings to restrain or enjoin such operation.

Section 12. INTERIM REQUIREMENTS. Notwithstanding the above provisions, any syringe exchange facility in operation upon the effective date of this ordinance and prior to obtaining a permit, shall within 60 days of the effective date of this ordinance:

(A) Provide to the Zoning Enforcement Officer the facility's complaint procedures including the name of and contact information for a community response representative who shall be reasonably available and who shall respond to, and keep a record of, all telephone calls and writings received from any individual and organization regarding concerns with the operation of the facility and its effect on the community; and

(B) Mail a copy of the facility's complaint procedures to the owners of record of all property within 500 feet of the syringe exchange facility.

Section 13. PENALTY.

Any person convicted of violating any of the provisions of this article or failing or neglecting to comply with any orders issued pursuant to any section thereof shall be deemed guilty of a misdemeanor and such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation is continued or permitted. Upon conviction, each such violation shall be subject to the penalty provisions set forth in § 1-1-99 of this code of ordinances.

Section 14. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 15. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 16. EFFECTIVE DATE. This ordinance shall take effect five days after publication in full.

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Renz-Whitmore, Mikaela J.

From: Jim Wible <jimw@gotSPACEUSA.com>
Sent: Monday, December 9, 2019 3:53 PM
To: Renz-Whitmore, Mikaela J.
Cc: Keith Meyer; David Fite; Clayton King (clayton@base5retail.com); Armstrong, Lia @ Albuquerque; Josh Skarsgard; Angela Williamson
Subject: Letter regarding IDO amendments
Attachments: Letter_Makaela Renz Whitmore.docx

Hello Mikeala,

I hope all is well with you.

Please find attached a letter regarding the amendments to the IDO being discussed at the EPC.

Please let me know if you have any questions on the letter.

Thank you.

Best regards,

Watch our Industrial Team video here!

Click to watch our Flagship Food Group video!

Jim Wible, CCIM
Director
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Broker's Transaction Coordinator:
Dana Van Doren

danav@gotSPACEUSA.com



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This message has been analyzed by Deep Discovery Email Inspector.

December 9, 2019

Mikaela Renz-Whitmore
City of Albuquerque Planning Department
600 2nd NW
3rd Floor
Albuquerque, NM 87102

Dear Mikaela:

With regards to proposed Technical Edits to the Integrated Development Ordinance please accept this letter in support of Councilor Trudy Jones' Amendment G as is, prior to modification by City Planning.

I also support Amendment H as is, prior to modification by City Planning Staff.

A group of professional commercial real estate brokers and developers have been working with City Council Planning staff to resolve issues that have arisen on certain retail properties as a result of the implantation of the IDO, and Councilor Jones' amendments are the direct result of the City Council Planning Staff's draft based on input from these active professionals.

Regarding Council Amendment J, we recommend that the distance requirements are not modified as is proposed in a new Subsection 4-3(D)(36)(c) or 4-3(D)(36)(f). The proposed new distance requirements and the declassification of liquor sales from a permissive to a conditional use will negatively impact the value and marketability of current property owners.

Thank you for your interest in this matter. Please feel free to contact me should you have any questions.

Respectfully submitted,

Jim Wible, CCIM
Director

CC: Keith Meyer, CCIM, SIOR Clayton King, David Fite, Josh Skarsgard, Angela Williamson, Lia Armstrong

Renz-Whitmore, Mikaela J.

From: Brito, Russell D.
Sent: Wednesday, December 4, 2019 4:44 PM
To: Renz-Whitmore, Mikaela J.
Subject: FW: IDO Technical Edits
Attachments: Tech Edits Minor Issues.pdf; Tech Edits Major Issues.pdf

M,

Late comments. Include them in the packet, but do not try to address them in the staff report. I will convey this to Mr. Wymer.

Thanks,

- R

From: Paul Wymer [mailto:Paul.Wymer@PulteGroup.com]
Sent: Wednesday, December 04, 2019 4:25 PM
To: Williams, Brennon; Brito, Russell D.
Cc: Kevin Patton; David Newell
Subject: IDO Technical Edits

Hi Brennon and Russell,

Pulte Homes of NM has reviewed and commented on the proposed Technical edits of the I.D.O. Attached are those comments. We understand there will likely be similar or identical submittals made by others but wanted to add Pulte's support of the changes, as edited in blue text or highlighted in yellow on the 2 attached documents. Please review and let me know if you have questions.

Thank You,



Paul M. Wymer, AIA, AICP
Land Planning and Entitlements Manager NM
7601 Jefferson St., N.E., Suite 320
Albuquerque, New Mexico, 87109
Direct: (505) 349-9952; Cell: (505) 239-6009
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This message has been analyzed by Deep Discovery Email Inspector.

IDO Technical Edits

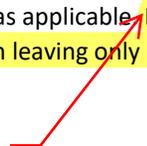
Development Organizations Major Issues - December 3, 2019

Proposed changes are in blue text or highlighted yellow

	Topic	Page	Section	Change / Discussion	Development Organizations Comment/Issue
1	Volcano Mesa CPO-12	105	3-4(M)(4)	Revise as follows: 3-4(M)(4)(a) Building height, maximum: 18 feet. 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> 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.	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. Change should to increase sub-section (c) from 50% to 75% and a additional language changing the required garage/facade setback from 5' to 2'.
2	Coors VPO-1	122	3-6(D)(5)(b) [new]	Insert a new subsection as follows: "No portion of a structure shall extend above the ridgeline of the Sandia Mountains that is visible within any view frame for a property." Renumber subsequent subsections accordingly. 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. 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.	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. Change should be "No portion of the structure shall extend above the <u>top of the Sandia Crest</u> ".
3	Allowable Uses	130	Table 4-2-1	Daytime gathering facility Change "C" to "A" in MX-H and NR-LM zone districts.	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. Change should be to exclude "Drainage Facility" as a new land use.
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. Change should be to 
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. Change should be to eliminate this new Section.
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. Change should be to not add this additional language.

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. Change should be to add "if available" after "an illustration of the project (i.e. site plan, architectural drawings, elevations, and/or illustrations of the proposed application, as relevant)".

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. Change should be to not include this edit.
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 12 months with an extension for an additional 12 months. Change should be to
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. Change should be to add an additional sentence reading "Variance requests can be submitted concurrently with conditional use requests. If the conditional use request is not approved, the variance request will be denied".

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. Change should be strike the language reading "No variances are allowed associated with a conditional use".
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. Change should be to exclude this added sentence.
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</u> the bottom of the <u>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

Proposed changes are in blue text or highlighted yellow.

	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 or structures necessary for the operation and maintenance of the common open space.</u> " Change should be to add "or other structures typically associated with open space areas like benches,	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. "benches, trash receptacles, dog waste stations, lighting, etc."
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. <u>A canopy attached to the building with a common roof does not satisfy this standard.</u></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 be 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. Change should be to add "via infrastructure list language with final approval by the DRC".

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. and other dual use recreational facilities	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). Change should be to eliminate this added language.
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. Change should be to make "5 days" be "15 days".
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 2 years 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. Change should be to add "and other governmental actions resulting in conditions to the property that are unique when compared to other property in the same zone".
25	Variance - EPC	411	6-6(M)(3)(a)1	Replace "subject property" with "a single lot". Change should be to add "unless a Site Plan has been approved for an entire development area	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. describing variance(s) applicable to that development".
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.

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>	<p>Issue with separating out drainage facility as its own land use. Any unintended consequences? See also proposed Drainage Facility definition. Change should be to eliminate "Drainage Facility".</p>
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>	<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.</p>

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>

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.

Renz-Whitmore, Mikaela J.

From: kendra@carnm.com
Sent: Wednesday, December 4, 2019 4:43 PM
To: Renz-Whitmore, Mikaela J.; Williams, Brennon
Subject: CARNM 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

December 4, 2019

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

From: Commercial Association of REALTORS® New Mexico
6739 Academy Rd NE, Suite 310
Albuquerque, NM 87107

Dear Ms. Renz-Whitmore, Mr. Williams and Albuquerque Planning Department:

On behalf of the Commercial Association of REALTORS® New Mexico (CARNM), we would like to echo both the sentiment of the email below from Lynne Anderson, President of the NM Commercial Real Estate Development Association (NAIOP), as well as reiterating our specific concerns to the IDO Technical Edits and Amendments. CARNM is comprised of over 480 commercial real estate brokers licensed throughout the state of New Mexico, with 380 of those based in the City of Albuquerque. Our members, in large part, are not only choosing a career in commercial real estate business based in Albuquerque, but are also residents of this city and have a vested interest in the outcome of its economic health for themselves and their families.

As Lynne stated, we have joined with many other associations, companies and individuals which play a major role in the commercial development community, and the economic development of the City of Albuquerque in hiring Consensus Planning for a full review of the current Technical Edits and Amendments. While CARNM appreciates and respects the process, we continue to have concerns with many of the Technical Edits and Amendments and would like the Planning Staff, EPC and Council to consider the attached proposed modifications prior to voting and adopting into the IDO.

Thank you all for your continued efforts in this process.

Sincerely,

Kendra L. Yevoli
Executive Director

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From: Lynne Anderson <lynne@naiopnm.org>
Sent: Wednesday, December 4, 2019 2:35 PM
To: mrenz@cabq.gov; bnwilliams@cabq.gov
Subject: NAIOP response to IDO Technical Edits and Amendments
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.

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

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Sincerely,



Lynne Anderen, NAIOP President

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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.

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	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.

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	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.

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	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."

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	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>

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	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.

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	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.

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	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.

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	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.

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	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.

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	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.

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	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>

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	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.

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	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.

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	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>