



**Environmental
Planning
Commission**

**Agenda Number: 01
Project Number: 1001620
Case #: 16EPC-40082
May 4, 2017**

Supplemental Staff Report

Applicant City of Albuquerque Planning Department

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

Location City-wide

Zoning See Zoning Conversion Map

Staff Recommendation

CONTINUANCE of 16EPC-40082, to the May 15, 2017 hearing, based on the findings beginning on Page 8.

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Summary of Analysis

This request is for a repeal and replacement of the City of Albuquerque Comprehensive Zoning Code (the “Zoning Code”) with the Integrated Development Ordinance, or IDO. The request was continued from Environmental Planning Commission (EPC) hearings on April 6, April 10, and April 24, 2017.

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

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

The ABC-Z project included extensive public engagement from February 2015 through January 2017. Beginning in October 2015, draft documents have been available on the project website and in hard copy at public libraries and community and senior centers. Notice of the April 6, 2017 hearing for the IDO was published in the Albuquerque Journal, the Neighborhood News, the project website, and on the Planning Department website. Letters were sent to neighborhood organization contacts. Staff has addressed written comments submitted up to April 20 and testimony provided at the April 6 and 10, 2017 hearings.

At the May 4, 2017 hearing, Staff gathered input and guidance from the EPC regarding issues raised in public comments and testimony. To review recommended Conditions of Approval and consider other possible changes to the draft IDO language, which would be forwarded with a recommendation to the City Council, Staff recommends that the request be continued to a hearing on May 15, 2017.

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

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I. INTRODUCTION

Overview

This Supplemental Staff report is intended to be read in conjunction with the original, April 6, 2017 Staff report and the April 24, 2017 Supplemental Staff report. Staff reports are available online at:

<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-staff-reports>

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

At the April 24, 2017 hearing, the EPC voted to continue the hearing to the May 4, 2017 hearing to provide additional time to review recommended Conditions of Approval to address written comments, public testimony, and questions raised by Commissioners.

Approach

→ Please refer to the first supplemental Staff report for an expanded discussion of key issues based on comments received and public testimony provided at the April 6 and April 10 hearings. Full information is available in the original Staff report.

The majority of time between the April 10 and the due date for the first Supplemental Staff report (April 17) was spent reviewing and responding to over 850 comments (written and from public testimony), in preparation for the April 24, 2017 hearing. The project team also met with multiple stakeholders to discuss concerns and potential changes.

→ Please refer to the Staff Response to Comments Spreadsheet, which was provided as an attachment to the first Supplemental Staff report, for details.

At the April 24, 2017 hearing, Staff gathered input and guidance from the EPC regarding concerns raised during public testimony, such as thresholds for administrative decisions, EPC role, appeals, Major Public Open Space (MPOS) standards, building heights, nonconformities, and IDO effective date/transitions. The discussion was important for the EPC's understanding of the issues, the range of perspectives, and potential directions to address concerns. This input helps Staff to develop conditions to revise the draft regulatory language of the IDO to address these concerns, and then be transmitted to the City Council with a recommendation from the EPC.

In order to have additional time to draft and coordinate suggested conditions, Staff is recommending a continuance of the May 4, 2017 EPC hearing to a hearing on May 15, 2017.

II. KEY ISSUES & DISCUSSION

The following topics, raised by the public, agency staff, or the project team as worthy of further discussion, were addressed at the April 24, 2017 hearing: Alcohol Sales, "Big Box" or Large Retail

Facility (LRF) Regulations, Building Height, Density, Jobs and Housing Balance, Master Development Plans, Review and Approval (Administrative Decisions, Administrative Deviations, and Appeals Process), and Site Design and Sensitive Lands.

→ Please refer to the April 6, 2017 Supplemental Staff report for details about these topics as drafted in the proposed IDO.

III. COMMENTS AND RESPONSES

→ Please refer to the April 6, 2017 Staff report and April 24, 2017 Supplemental Staff report for summary table of public comments and an explanation of responding to comments.

→ The Staff Response to Comments Spreadsheet contains written comments from the public and agency staff, public testimony from the April 6 and 10 hearings, and comments submitted about the IDO Conversion Map. Staff has responded to all comments received by April 20, 2017. The “Change” column indicates staff-recommended conditions as well as items for which EPC direction was requested.

IV. PRELIMINARY FINDINGS

Based on public testimony, written comments, and input from the EPC, Staff has drafted preliminary findings to support the preliminary, suggested conditions for revisions to the text of the proposed IDO (see Section V of this Supplemental Staff report). The findings, listed by topic, are as follows:

Topics from discussion at the April 24, 2017 EPC hearing

Open space protection

Major Public Open Space (MPOS) includes sensitive lands that the community values and that contribute to livability and quality of life, as well as help preserve and protect natural resources and ecosystems (Comp Plan Chapter 10, Parks & Open Space). Consistent with the Comp Plan, the IDO includes requirements to protect sensitive lands from adverse impacts such as light spillage, pollution, noise, litter, etc. Review of larger development proposals adjacent to MPOS by the EPC is an appropriate use of their discretionary authority.

Building height- 100 foot rule

The IDO allows increased building heights in certain zones and locations in order to implement the Comp Plan Vision to focus development in designated Centers and Corridors and in Areas of Change, while protecting Areas of Consistency and residential areas (ex. Neighborhood Edge requirements). Rather than angle planes to calculate allowable height, which has proven difficult and cumbersome for stakeholders to apply, the IDO would allow building height to increase after the distance requirement of 100 feet is met on all sides of the lot. This method is straight-forward, predictable, and easy to understand.

Exceptional Design criteria for EPC site plans

The EPC is charged with providing guidance on urban and regional planning as a means of protecting and improving the built and natural environments. The EPC has the expertise to determine, based on specific criteria for exceptional design in the IDO, if a site development plan is exceptional in terms of providing civic or environmental benefits or contributing to resilience and sustainability. Doing so, in exceptional circumstances, will support the Comp Plan's vision to promote land use planning that protects natural resources, minimizes the area's environmental footprint, or contributes to high-quality urban spaces.

Topics from the "Conditions in Progress" slide presented at the April 24, 2017 EPC hearing

Master Development Plans- require for new zone designations

The EPC is the appropriate body to review master development plans for new NR-BP zone designations; a minimum size of 20 acres is required. The existing PC and PD zones have a similar requirement for EPC review because they are large areas that need to be planned and considered cohesively due to potential impacts on the community and environment.

Industrial Use and Air Quality Permits

Quality of life in residential areas near industrial uses such as the San Jose neighborhood, is disproportionately impacted. The Resilience and Sustainability element of the Comp Plan (Chapter 13) focuses on protecting natural resources, such as air quality, and promoting community health and quality of life through addressing disproportionate exposure to environmental hazards. A separation distance requirement between industrial uses that require an air quality permit will contribute to improved quality of life for the affected population, and the city as a whole, by helping to prevent disproportionate concentrations of industrial uses in one area in the future.

Community Residential Facilities- change in RT

The existing RT Residential Townhome Zone (14-16-3-X) does not allow community residential facilities. Not allowing the Medium Community Residential Facility in the R-T zone of the IDO would be consistent with the current practice and would continue to help protect and preserve neighborhood character- especially in Areas of Consistency.

Group Homes- distance separation, equity caps

The separation distance requirement for Group Homes in the existing Zoning Code has proven effective over time and has helped contribute to a more equitable distribution of these facilities throughout the metropolitan area. In order to maintain the practice that no area or neighborhood has a disproportionate number of group homes, and to protect and maintain neighborhood character as desired in the Comp Plan, a separation distance between group homes and a maximum number of groups homes for each Council District area are appropriate.

MX-FB DT and Downtown 2025 Focus Areas (Table on p. 32 of DT Plan)

The Comp Plan envisions that the Downtown Center will be a regional activity hub, with the area's tallest buildings, greatest walkability, and a variety of mixed uses to create synergy and promote economic development. Distinct geographic boundaries within the Downtown Center (MX-FB-DT zone) should reflect the uses of the focus areas in the Downtown 2025 Plan for consistency.

Zoning Conversion Map

The existing zoning map was used to identify today's zone categories for conversion to the closest match to the proposed IDO zones, in terms of allowable uses and intended densities/intensities, so that consistency with current entitlements is maintained. In cases where land use and zoning are mismatched, the proposed IDO and the Conversion Map are not intended to legislatively address this issue. As a subsequent effort after the IDO is adopted, mismatches can be considered as a City-sponsored package of discretionary zone changes.

Threshold for Administrative Approval- Large Projects

The IDO aims to provide a consistent approach to development and a consistent application of its regulations. Large projects, which can be considered to have 50,000 sf or more of new area, are often a subject of concern due to their potential to generate impacts such as traffic, noise, and pollution. Therefore, it is appropriate to hold a public hearing and allow interested parties, such as neighbors, to participate in the review process.

Effective Date and IDO Transition Period

The EPC recommends to City Council that the IDO becomes effective as soon as possible after adoption, but that there be a "transition period" of six months after the effective date. This "transition period" would allow property owners the option of continuing to plan and develop their land per the superseded Zoning Code or per the IDO in order to preserve investments in design services, site preparation, and/or contractual obligations.

V. SUGGESTED CONDITIONS

Staff has prepared suggested conditions for the EPC's consideration, which would be included with a recommendation to the City Council, and would revise the draft language in the proposed IDO. The conditions are based on written comments, public testimony, and input and guidance gathered from the EPC at the April 24, 2017 hearing.

The EPC Conditions Spreadsheet is attached to this Supplemental Staff report. The spreadsheet includes information about the type of condition, where the language can be found in the proposed IDO, the text of the recommended condition, the reasoning behind it, and a reference to public comments.

→ The suggested conditions are supported by draft, preliminary Findings of fact, which can be found in Section IV of this Supplemental Staff report.

VI. CONCLUSION

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

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

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

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

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

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

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

Staff recommends that the request be continued to a hearing on May 15, 2017 in order to have additional time to review and draft recommended conditions of approval, which will be forwarded to the City Council with an EPC recommendation.

RECOMMENDED FINDINGS - 16EPC-40082, May 4, 2017- Recommendation Regarding Adoption of the Integrated Development Ordinance (IDO)

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

8. The proposed IDO was announced in the Albuquerque Journal, the Neighborhood News and on the Planning Department's web page. The Office of Neighborhood Coordination (ONC) sent e-mail notification to neighborhood representatives on December 29, 2016, as required, as part of the EPC application process. On March 22, 2017, Planning Staff sent a re-notification reminder to neighborhood representatives.
9. The public engagement process, which offered a range of opportunities for input, discussion, and consensus-building, featured a series of workshops and public meetings that included daytime focus groups organized by topic and evening meetings with a more traditional presentation and a question and answer session. The project team was invited to speak at over 100 meetings and local conferences. To reach more people and a broader cross-section of the community, the project team staffed booths and passed out promotional material at community events and farmers markets, and met with individuals and small groups during weekly office hours and periodic "Ask an Expert" zoning clinics.
10. Articles about the ABC-Z project appeared regularly in the City's *Neighborhood News*, and ads specifically for the proposed IDO were placed in print and social media. There is also a social media page for the ABC-Z project on Facebook.
11. Staff received official written comments from agencies. Among the agencies that commented are the ABCWUA, the NMDOT, ABQ Ride, the City Parks and Recreation Department, and PNM. Their comments suggest specific revisions to clarify topics related to each agency's charge. Staff is considering all comments carefully and addressing them.
12. Comments submitted by interested parties cover a variety of topics, including but not limited to, time for public review and comment, annexation, effect on vulnerable populations, and the focus on Centers and Corridors. Some comments express concerns that regulations crafted to address localized issues are applied broadly and that sector plans are being replaced. Staff is considering all comments carefully and addressing them as part of the analysis.
13. At the April 6, 2017 EPC hearing, some members of the public provided testimony that expressed general support for the improved clarity and consistency that the proposed IDO would provide. Support was also expressed for the Citizen's Academy and the idea of directing growth inward, rather than continuing the trend of sprawl development.
14. Some members of the public raised concerns that include, but are not limited to, the following: the IDO effort is progressing too quickly, the details of the document are not well understood by the public, increased use of administrative (Staff) approval would limit public input, EPC review would be greatly reduced from what it is currently, allowable building height and density would be too great, view preservation and the environment are insufficiently addressed, the Board of Appeals (BOA) would be eliminated, the sector development plan system would be replaced, more

consideration for environmental justice issues is needed, and mixed use (M-X) zones could adversely affect established neighborhoods.

15. The EPC received substantial public testimony at the April 6, 2017 and April 10, 2017 hearings. At the April 10, 2017 hearing, the EPC closed the floor and decided to take no further public testimony.
16. Staff recommends a continuance of this case to the May 15, 2017 hearing to allow additional time to continue discussing concerns raised during public testimony, in written comments, and by the EPC at the April 24, 2017 hearing. Additional time is also needed for staff to draft recommendations for potential revisions to the proposed IDO, based on input from the EPC, which can be written as conditions and transmitted to the City Council with a recommendation.
17. In order to make an informed recommendation to the City Council, the EPC needs another hearing to continue its deliberations and consideration of proposed conditions.

RECOMMENDATION - 16EPC-40082, May 4, 2017

A CONTINUANCE of 16EPC-40082, a recommendation regarding adoption of the Integrated Development Ordinance (IDO), to the May 15, 2017 EPC hearing, based on the preceding Findings.

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