



***Environmental  
Planning  
Commission***

***Agenda Number: 3  
Project #: 2018-001843  
RZ-2019-00063***

***Hearing Date: 14 November 2019***

***Staff Report***

|                                 |   |
|---------------------------------|---|
| <b><i>Agent</i></b>             | City of Albuquerque Planning Department                             |
| <b><i>Applicant</i></b>         | City of Albuquerque City Council                                    |
| <b><i>Request</i></b>           | <b>Text Amendment to the Integrated Development Ordinance (IDO)</b> |
| <b><i>Legal Description</i></b> | COA Code of Ordinances Section 14-16-6-2(E)                         |
| <b><i>Location</i></b>          | City-wide   |
| <b><i>Size</i></b>              | City-wide   |

***Staff Recommendation***

Referral to City Council of Project # 2018-001843/RZ-2019-00063, based on the Findings beginning on p. 13, with Recommended Conditions beginning on p. 15

***Staff Planner***

***Russell Brito, Division Manager***

***Summary of Analysis***

This proposed IDO text amendment would create two new EPC members, directly appointed by the Mayor.

Planning Staff sees merit in the proposed text amendment to reflect the increase in population that has occurred since the Mayor/Council form of government was established in 1974.

The decision to change the composition of the EPC is a political representation matter and Planning Staff recommends that this text amendment be forwarded to the City Council, the governing body of the City of Albuquerque, for their determination.

City-Wide

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## ***I. INTRODUCTION***

### ***Request***

This is a proposed text Amendment to the Integrated Development Ordinance (IDO) that does not entail a land use decision, which would fall within the normal scope of the Environmental Planning Commission's (EPC) duties, but instead this is a non-land use proposed text Amendment that would alter the composition of the EPC by adding two (2) at-large Mayor-appointed members to the EPC subject to advice and consent of the City Council.

### ***EPC Role***

Per IDO Section 6-7(D)(1), all applications requesting text amendments to the IDO, with two stated exceptions, are subject to the procedure set forth in IDO Section 6-7(D)(2)(c) which states that "the EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council." The two exceptions to this EPC hearing requirement in IDO Section 6-7(D)(1) do not include an exception for a non-land use text amendment as found in the present application. Because of that omission from the current list of stated exceptions, the EPC now has before it a body politic matter, rather than a land use matter, that may constitute an insurmountable conflict of interest for the EPC to consider, rather than the Council, because the proposed text amendment would change the EPC's composition and spontaneously dilute the votes of the EPC's individual members.

### ***Context***

Currently, the IDO describes and regulates the EPC as a 9-member board comprised of a resident of each Council District, nominated by Council members and appointed by the Mayor with the advice and consent of Council. IDO Section 6-2(E) outlines Membership and Qualifications, Appointments, and Responsibilities of the EPC.

### ***History***

Council Bill O-19-78 was introduced on 04 September 2019 and then transmitted to the Planning Department for application and scheduling for review and recommendation by the EPC per the published Application and Hearing Calendar. The application was filed on Thursday 26 September 2019 and, in accord with the published timeline in the Hearing Calendar, set to be considered at the 14 November 2019 EPC hearing.

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## II. ANALYSIS OF APPLICABLE ORDINANCES, PLANS, AND POLICIES

**Note:** Subheadings are citations followed by applicant justification in *italics* (if submitted), then followed by **Planning Staff** analysis.

### *New Mexico State Statutes:*

#### **Chapter 3. Municipalities, Article 19. Planning and Platting**

**§3-19-1. Creation of planning commission:** allows a planning authority to establish a planning commission and to delegate powers and authority related to *planning, platting and zoning* (*emphasis added*). The planning authority may retain as much of this power, authority, jurisdiction and duty as it desires.

**§3-19-2. Appointment, term, removal of commission:** requires appointment of members by the mayor with the consent of the governing body of the municipality. This section also allows a mayor with the approval of the governing body to remove a member of the planning commission after a public hearing and cause stated in writing and made part of the public record.

**Planning Staff:** The proposed text amendment to increase the EPC's membership by two positions is an exercise in how much authority the City Council may retain as it desires. The proposed text amendment does not substantively address either a requirement or a standard for a land use matter, i.e., the EPC's consideration of a land use plan, plat or zone. However, the Council may delegate and/or dilute its powers and authority related to planning, platting and zoning as it deems appropriate. The two direct appointments by the Mayor would still require the advice and consent of the Council, the governing body of the City. This proposed text amendment is out of the scope of the EPC's land use decision arena, but does not conflict with applicable State Statutes.

### *City Charter*

#### **ARTICLE IV. COUNCIL**

##### **Section 1. AUTHORITY AND MEMBERSHIP OF THE COUNCIL.**

The legislative authority of the city shall be vested in a governing body which shall constitute the legislative branch of the city and shall be known as a Council, consisting of nine members from separate Council Districts, each member to be known as a Councillor. Each of the Council Districts shall elect one Councillor, who shall be a qualified voter of the District.

##### **Section 2. COUNCIL DISTRICTS.**

- (a) The total area of the city shall be divided into nine Council Districts, numbered one to nine inclusive, and each district shall elect one Councillor. Any member of the Council representing one of the districts shall be elected by the registered qualified electors of that district only.

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**Planning Staff:** The proposed text amendment to increase the EPC's membership by two positions is within the Council's purview as the legislative authority of the city. Currently, the members of the EPC reflect appointments per Council District, and per the powers and duties delegated to them by the Council, act as a qualified voter of the District from which they are appointed and represent.

The proposed text amendment to create two new positions appointed directly by the Mayor may not be consistent with this section because the two at large members will necessarily increase the number of qualified EPC voters that come from one or two Districts by a factor of either two or three, depending on where the at large members reside, i.e., the mathematical outcome of the proposed amendment will be to increase representation for up to two Council Districts to either double or triple the vote of each of the remaining Districts. These two at large members may potentially not be representative of the Councilor elected by the registered qualified electors of that district only. However, there is merit in the proposed text amendment to reflect the increase in population that has occurred since the Mayor/Council form of government was established in 1974. Further review and analysis might be necessary to determine if a corresponding change to the City Charter is necessary to ensure that the proposed text amendment remains consistent with the ratios in ARTICLE IV.

## **ARTICLE V. MAYOR**

### **Section 3. POWERS; PERFORMANCE; APPOINTMENTS.**

The executive branch of the city government is created. The office of Mayor is created. The Mayor shall control and direct the executive branch. The Mayor is authorized to delegate executive and administrative power within the executive branch. The Mayor shall be the chief executive officer with all executive and administrative powers of the city and the official head of the city for all ceremonial purposes. The Mayor shall devote full time and attention to the performance of the duties of office and shall hold no other paid public or private employment.

**Planning Staff:** The proposed text amendment to increase the EPC's membership by two at-large positions directly appointed by the Mayor would be an instance where the Council gives some of its ultimate planning and zoning authority to the executive branch. In effect, it would be granting the executive branch a new executive and administrative power as part of its ultimate planning and zoning authority (see Article XVII below).

The Mayor, rather than the City Council, would then delegate this executive and administrative power to the two new EPC members as part of the Council's delegation of some planning and zoning authority to the EPC. Further review and analysis might be necessary to determine if a corresponding change to the City Charter is necessary to ensure that the proposed text amendment complies with ARTICLE V.

**ARTICLE XVII. [PLANNING]**

**Section 1.**

The Council is the city's ultimate planning and zoning authority, including the adoption and interpretation of the Comprehensive Plan and the Capital Improvement Plan. The Council is also the city's ultimate authority with respect to interpretation of adopted plans, ordinances, and individual cases.

**Planning Staff:** The proposed text amendment to increase the EPC's membership by two positions would entail the City Council exercising its role as the city's ultimate planning and zoning authority. The City Council may delegate its powers and authority related to planning and zoning per its interpretation of adopted plans and ordinances. This proposed text amendment does not conflict with this applicable Section of the City Charter because appeals of any decisions made by the EPC would be decided by the ultimate planning and zoning authority, the City Council.

**ARTICLE XIX. [DETERMINATION OF SEPARATION OF POWERS ISSUES UNDER THE CHARTER]**

A procedure for resolving disputes between the executive and legislative branches of government with respect to their respective duties and obligations under the City Charter shall be established by ordinance adopted by the Council after consultation with the Mayor. The ordinance shall establish a conference committee for the determination of the role of the City Council and the Mayor under the Charter. The committee shall be limited to making determinations on issues raised by either the Mayor or the City Council. The City Attorney shall not participate as either an advocate before or advisor to the committee. The committee shall be comprised of three members. The Mayor shall appoint one member and the Council shall appoint one member. The two members so appointed shall select the third member to serve as the chairperson of the committee. The appointment of a committee member by one appointing authority shall not be approved or disapproved by the other appointing authority.

**Planning Staff:** The proposed text amendment to add to the EPC two at-large positions appointed directly by the Mayor could coningle, and blur the lines between, the authority and powers of the legislative and executive branches. Both potential and unforeseen circumstances related to Articles IV and V of the City Charter may require the establishment of a conference committee to determine the appropriate Mayoral and Council roles and authorities under the City Charter pertaining to planning.

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*Albuquerque Code of Ordinances*

**CHAPTER 2. ARTICLE 6: PUBLIC BOARDS, COMMISSIONS AND COMMITTEES**

**§ 2-6-1-3 MEMBERSHIP.**

The following shall govern the qualifications, appointment and conduct of members of the public boards, commissions and committees of the city; provided that the provisions relating to qualifications and appointment of members of public boards, commissions and committees of the city shall apply only to members who are appointed after the effective date of §§ [2-6-1-1](#) et seq. and that any member of any public board, commission or committee in existence on the effective date of §§ [2-6-1-1](#) et seq. shall complete the term of office for which such member was appointed, unless said member's conduct is in violation of §§ [2-6-1-1](#) et seq.

**(A) Qualifications.**

- (1) Each person appointed to any public board, commission or committee shall normally be a resident of the city.
- (2) No person regularly employed on a full-time basis by the city shall be appointed to any public board, commission or committee; provided that the Mayor, Councilors or administrative officers of the city may be appointed as ex officio members.
- (3) No member of the immediate family of any elected city official shall be appointed to any public board, commission or committee.
- (4) No person shall be a member of more than one public board, commission or committee at any one time.
- (5) No person shall serve more than two consecutive terms on any public board, commission or committee; provided that if a person is appointed to fill an unexpired term of another person, that term shall not be considered a term for the purpose of this limitation if the time remaining in the term at the time of the appointment is one year or less.

**(B) Appointments.**

- (1) Except as otherwise provided by ordinance the Mayor, with the advice and consent of the Council, shall appoint the members of the public boards, commissions and committees. An appointment is not effective until Council approves it.
- (2) The members of each public board, commission or committee shall be appointed from the broadest possible base of the community at large and, to the fullest extent possible, the Mayor will seek information from interest groups as to potential appointees.
- (3) The Mayor shall send written notice of the appointment to the appointee, which notice shall clearly state that such appointment is made subject to all the provisions outlined herein, and the member so appointed may be removed by the Mayor for violation of any of the provisions hereby established.

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- (4) Each appointment shall be accepted in writing by the appointee confirming that such appointee accepts the policies outlined herein as a condition precedent to such appointee's appointment and holding office.
  - (5) Each appointment shall be for a term of three years unless the appointment is to fill a vacancy. The initial terms of members of newly established public boards, commissions and committees shall be staggered and shall be for either one, two or three years.
  - (6) Every member, unless removed as provided herein, shall hold office until a successor has been duly qualified unless the Council has voted not to approve that member for a reappointment, in which case, the member shall not serve beyond the date the member's current term expires or the date the Council votes not to approve the member, whichever is later.
  - (7) For all public boards, commissions or committees, whose members are not appointed based on recommendations of individual Councilors, the Council President may notify the Mayor in writing that a term has expired or a position is otherwise vacant and the Mayor shall have 60 days to submit a recommended appointment to fill that position. If the Mayor fails to submit a name within 60 days of notification, the Council President shall have the right to make the appointment subject to the advice and consent of the City Council.

**Planning Staff:** The proposed text amendment to increase the EPC's membership by two at-large positions appointed directly by the Mayor requires the advice and consent of the Council. This is consistent with the requirements of § 2-6-1-3(B).

### ***Integrated Development Ordinance (IDO)***

#### **Part 14-16-1-3 PURPOSE**

The purpose of this IDO is to:

- 1-3(A) Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.
- 1-3(B) Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.
- 1-3(C) Ensure the provision of adequate public facilities and services for new development.
- 1-3(D) Protect the quality and character of residential neighborhoods.
- 1-3(E) Promote the economic development and fiscal sustainability of the City.
- 1-3(F) Provide for the efficient administration of City land use and development regulations.
- 1-3(G) Protect the health, safety, and general welfare of the public.
- 1-3(H) Provide for orderly and coordinated development patterns.
- 1-3(I) Encourage the conservation and efficient use of water and other natural resources.



- 1-3(J) Implement a connected system of parks, trails, and open spaces to promote improved outdoor activity and public health.
- 1-3(K) Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.
- 1-3(L) Encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians.

**Planning Staff:** The proposed text amendment to increase the EPC's membership by two at-large positions appointed directly by the Mayor does not conflict with any of the IDO Purpose statements. It is a purely political (EPC composition) decision, rather than a land use decision, that does not appear to be addressed by the purpose of the IDO, nor the land use, transportation, or process standards and regulations of the IDO.

**Part 14-16-6-7(D) Amendment to IDO Text and Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)**

**6-7(D)(3) Review and Decision Criteria**

An application for an Amendment to IDO Text shall be approved if it meets all of the following criteria:

- 6-7(D)(3)(a) The proposed amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended (including the distinction between Areas of Consistency and Areas of Change), and with other policies and plans adopted by the City Council.
- 6-7(D)(3)(b) The change to the IDO text does not apply to a single lot or development project.
- 6-7(D)(3)(c) The proposed amendment also meets any of the following criteria:
  - 1. The change to the IDO text is required because of changed conditions or circumstances in all or a significant portion of the city.
  - 2. The change to the IDO text is required in order to address a new or unforeseen threat to the public health, safety, and welfare.
  - 3. The change to the IDO text is required in order to promote economic growth and investment in the City as a whole that will not create material risks to the public health, safety, and general welfare.

*Applicant: This proposed IDO text amendment is consistent with and furthers important principles of the ABC Comp Plan. The Comp Plan contains goals and policies that address how Albuquerque should grow, including the importance of preserving the very distinct aspects of different areas and neighborhoods in Albuquerque, as well as goals and policies on how the Comp Plan should be implemented. In order to best achieve these for the City, the Comp Pan calls for public engagement and equitable implementation of the Comp*

*Plan. Providing two additional at-large members to the EPC will allow for a greater diversity of perspectives on the EPC which can help promote community engagement and equitable policy implementation.*

*Accordingly, this proposed text amendment furthers the following ABC Comp Plan Goals and Policies:*

*POLICY 4.2.2 Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.*

*GOAL 5.7 Implementation Process: Employ procedures and processes to effectively and equitably implement the Comp Plan.*

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

*This bill and the change to the IDO text applies city-wide and relates to administrative processes. It does not have any regulatory impact that would apply to only one lot or development project.*

*This change to the IDO text is required because of changed conditions or circumstances in all or a significant portion of the city. The number of EPC members is somewhat arbitrarily tied to the number of City Council districts for the City so that each may have an appointee. And through this process, a geographic diversity can be established. However, the number of council districts for the City was established in 1974, and since that time the population of the City has more than doubled, and with it, the City has also become more diverse.*

*The number of individuals and associated perspectives that can contribute to the work of EPC should no longer be arbitrarily limited to the number of Councilors for the City. The City Council has delegated significant review and approval authority on land use, planning and zoning matters to the EPC, and it plays a very important role in the growth and development of Albuquerque. The EPC has always been of extreme value to the City, and more voices on the commission working in the best interest of the City can bring greater value, and can help inform the recommendations made to the City Council by the EPC.*

*This proposal would add two members to the EPC to be appointed by the Mayor, which will continue to offer an opportunity for each Councilor to make an appointment from the individual districts. Thus, the geographic diversity will still be maintained and additional view point diversity (together with other diversity considerations) may also be attained. The bill intends that the existing substantive requirements for EPC Commissioners be maintained. Specifically, that they have a background/knowledge base in: community planning, architecture, landscape architecture, urban design, real estate development, transportation, civil engineering, and/or real estate finance.*

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**Planning Staff:** The applicant's justification is generally appropriate and adequately addresses the review and decision criteria (6-7(D)(3)(c)). But, the applicant's blanket statement may not be accurate: *"The number of EPC members is somewhat arbitrarily tied to the number of City Council districts for the City so that each can have an appointee."* In actuality, the current number of EPC members that matches the number of Council Districts is directly related to Articles IV and XVII of the City Charter where the Council is mandated to be the ultimate planning and zoning authority and each Councilor is elected to represent the district as its legislative representative. When the Council delegated some of its authority to the EPC, the geographic distribution of authority amongst the nine Councilors is reflected in the corresponding make-up of the EPC membership.

Overall, because the at-large appointees to the EPC would be at the will of any Mayor in office when a vacancy occurs, the proposed text amendment may create an inequitable distribution of District representation and/or a particular stakeholder interest on the EPC, contrary to Policy 4.2.2. This could also potentially complicate review and decision-making per the EPC's authority granted to it by the Council, contrary to Comp Plan Goal 5.7 and Policy 5.7.5.

A more appropriate and equitable increase in the membership of the EPC might be to first revisit the City Charter and increase the number of City Council Districts to acknowledge that *"the population of the City has more than doubled, and with it, the City has also become more diverse"* since the number of Council Districts was established in 1974. This would avoid the likely scenario that the at large EPC members provide "double representation" from two Council Districts, or the worst case scenario that a single Council District could have "triple representation" on the EPC.

### **Albuquerque / Bernalillo County Comprehensive Plan (Rank 1) – Other Policy Considerations**

The Comp Plan has Guiding Principles that inform and guide the Vision for future growth, development, redevelopment, and planning efforts going forward. The most applicable Guiding Principle is Equity:

#### **EQUITY**

All residents have access to good public services, a range of housing options, and healthy places to live, work, learn, and play.

The Guiding Principle of Equity is applicable because the EPC performs a very important public service when it uses and exercises the authority delegated to them by the City Council. As mentioned above in previous analysis subsections, the proposed IDO text amendment will likely result in "double representation" from two Council Districts, or potentially that a single Council District could have "triple representation" on the EPC.

Even though these two additional EPC members would be identified as "at large" members, they will be residents within the City limits and within a specific Council District that will

be part of the public information included in every Executive Communication (EC) for appointments that is transmitted from the Mayor's Office to Council Services for consideration and final action. This public information will have the potential to negatively affect not only the perceived representation, but also the actual representation on the EPC in an inequitable manner.

The resulting "slight" felt by residents and stakeholders in 7 or 8 of the 9 Council Districts could serve to undermine the integrity and effectiveness of the EPC to carry out the required duties given to them by the Council. This is an important political representation matter that should be considered during the review and action on this proposed IDO text amendment.

### **III. AGENCY & NEIGHBORHOOD CONCERNS**

#### ***Reviewing Agencies***

No adverse comments received.

#### ***Neighborhood/Public***

All contact persons for all Recognized Neighborhood Associations (NAs) were notified of this proposed text amendment to the IDO. Staff received one comment from the Inez NA that does not support the proposal to add two at-large members to the EPC based on two reasons summarized below:

1. The EPC has delegates that live in the districts they represent and have an incentive to choose wisely for applications that will affect the people and businesses in their districts. At-large members could give some districts extra representation on the EPC.
2. The commission as it is now strikes the right balance between representation of particular districts and consideration of how applications affect the whole city.

### **IV. CONCLUSION**

Planning Staff sees merit in the proposed text amendment to reflect the increase in population that has occurred since the Mayor/Council form of government was established in 1974. The decision to change the composition of the EPC is a political representation matter that it does not substantively address matters frequently heard by the EPC, such as requirements or standards pertaining to land use plans, plats, or zones. Thus, this application is outside the land use scope of the EPC, and is perhaps best suited for direct consideration by the Council. Planning Staff believes that this text amendment should be forwarded to the City Council, the governing body of the City of Albuquerque, for their determination.

If the Council does decide to adopt this text amendment to the IDO, Planning Staff recommends the following changes:

Page 1, line 2: Change ~~14-16-2-6-2(E)~~ to 14-16-6-2(E)

Page 2, line 28: . . . to recommend ~~one individual~~ two individuals for appointment . . .

Page 2, line 30: . . . fails to submit a ~~name~~ two names within the 90 consecutive . . .

The changes to page 2, lines 28 and 30 recommended above are suggested to ensure parity for the proposed at large appointments with the existing per District appointments within the overall EPC member recommendation process.

Planning Staff also recommends that the Legal Department conduct addition analysis of the proposed text amendment and it conformance with Articles IV and V of the City Charter.

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***Findings, RZ-2019-00063, 14 November 2019, Text Amendment to the IDO***

1. This is a proposed Amendment to the text of the Integrated Development Ordinance (IDO), Council Bill O-19-78, to alter the composition of the Environmental Planning Commission by adding two at-large, Mayor-appointed members to the EPC subject to the advice and consent of the City Council (14-16-6-2(E)).
2. Pursuant to IDO section 14-16-6-7(D)(1), all applications to amend the text of the IDO, with two exceptions, are subject to the procedure set forth in IDO section 14-16-6-7(D)(2)(c) which states that the EPC shall conduct a public hearing on text amendment applications and shall make a recommendation to the City Council.
3. The proposed text amendment is a political representation issue and not directly related to an actual or potential land use matter.
4. The New Mexico State Statutes, Albuquerque/Bernalillo County Comprehensive Plan, the Albuquerque City Charter, the City's Boards and Commissions Ordinance, and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. NM State Statutes: This proposed text amendment does not conflict with applicable State Statutes §3-19-1 and §3-19-2 because the City Council may delegate and/or dilute its powers and authority related to planning, platting and zoning as it sees fit and direct appointments by the Mayor would still require the advice and consent of the Council, the governing body of the City.
6. City Charter: The proposed text amendment should reflect and implement the language and intent of the City Charter:
  - (a) Article IV. Council: The mathematical outcome of the proposed amendment will be to increase representation for up to two Council Districts by either 100% or 200%. Because the two at large members may potentially not be representative of the Councilor elected by the registered qualified electors of that district only, further review and analysis might be necessary to determine if a corresponding change to the City Charter is necessary to ensure that the proposed text amendment complies with ARTICLE IV.
  - (b) Article V. Mayor: If adopted, the Council would be granting the executive branch a new executive and administrative power directly related to the Council's ultimate planning and zoning authority. Further review and analysis might be necessary to determine if a corresponding change to the City Charter is necessary to ensure that the proposed text amendment complies with ARTICLE V.
  - (c) Article XVII. [Planning]: This proposed text amendment does not conflict with this applicable Section of the City Charter because appeals of any decisions made by the EPC would be decided by the ultimate planning and zoning authority, the City Council.

- (d) Article XIX. [Determination of Separation of Powers Issues Under the Charter]: The proposed text amendment could comingle, and blur the lines between, the authority and powers of the legislative and executive branches. Both potential and unforeseen circumstances related to Articles IV and V of the City Charter may require the establishment of a conference committee to determine the appropriate Mayoral and Council roles and authorities under the City Charter.
7. Boards and Commissions Ordinance: The proposed text amendment is in line with the requirements of § 2-6-1-3(B) because Mayoral appointments would require the advice and consent of the Council.
8. Integrated Development Ordinance (IDO):
- (a) §14-16-1-3 Purpose: The proposed text amendment is a purely political (EPC composition) decision that does not appear to be addressed by the *purpose of the IDO*, nor the land use, transportation, or process standards and regulations of the IDO.
- (b) §14-16-6-7(D)(3) Amendment to IDO Text, Review and Decision Criteria:
1. The proposed amendment may not be consistent with the spirit and intent of the ABC Comp Plan, particularly the Guiding Principle of Equity and Goal 5.7 Implementation Process (14-16-6-7(D)(3)(a)).
  2. The proposed amendment does not apply to any lot or development project (14-16-6-7(D)(3)(b)).
  3. The proposed amendment is intended to respond to changed conditions or circumstances (population increase) in the city, but may not be required or the most appropriate way to address the changed condition ((14-16-6-7(D)(3)(c)1).
9. ABC Comp Plan:
- (a) Policy 4.2.2 Community Engagement: The proposed text amendment may facilitate additional engagement opportunities for residents and other stakeholders, but could foster an inequitable representation of a particular stakeholder interest and/or Council District.
- (b) Goal 5.7 and Policy 5.7.5, Implementation and Public Engagement: The proposed text amendment could potentially complicate review and decision-making per the EPC's authority granted to it by the Council, contrary to Comp Plan Goal 5.7 and Policy 5.7.5
- (c) Guiding Principle, Equity: The proposed IDO text amendment will likely result in "double representation" from two Council Districts, or potentially that a single Council District could have "triple representation" on the EPC. The resulting "slight" felt by residents and stakeholders in 7 or 8 of the 9 Council Districts could serve to undermine the integrity and effectiveness of the EPC to carry out the required duties given to them by the Council.

10. All contact persons for all Recognized Neighborhood Associations (NAs) were notified of this proposed text amendment to the IDO. Staff received one comment from the Inez NA that does not support the proposal to add two at-large members to the EPC.

***RECOMMENDATION - RZ-2019-00063, November 14, 2019***

**Referral to City Council of Project #: 2018-001843, RZ-2019-00063, a proposed Amendment to the text of the Integrated Development Ordinance (IDO), based on the preceding Findings.**

***Recommended Conditions, if the proposed text amendment is adopted by City Council:***

1. Page 1, line 2: Change ~~14-16-2-6-2(E)~~ to 14-16-6-2(E)
  2. Page 2, line 28: . . . to recommend ~~one individual~~ two individuals for appointment . . .
  3. Page 2, line 30: . . . fails to submit ~~a name~~ two names within the 90 consecutive . . .
  4. Conduct a legal analysis of the proposed text amendment and its conformance with Articles IV and V of the City Charter.
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***Russell Brito***  
***UD&D Division Manager***

Notice of Decision cc list:

Evelyn Feltner, Inez NA President  
Alan Varela, [avarela@cabq.gov](mailto:avarela@cabq.gov)



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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

***Zoning Enforcement***

***Office of Neighborhood Coordination***

***Long Range Planning***

### ***CITY ENGINEER***

***Transportation Development***

***Hydrology Development***

***New Mexico Department of Transportation (NMDOT)***

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

***Transportation Planning***

***Traffic Engineering Operations (Department of Municipal Development)***

***Street Maintenance (Department of Municipal Development)***

### ***RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:***

### ***WATER UTILITY AUTHORITY***

***Utility Services***

### ***ENVIRONMENTAL HEALTH DEPARTMENT***

***Air Quality Division***

***Environmental Services Division***

### ***PARKS AND RECREATION***

***Planning and Design***

***Open Space Division***

***City Forester***

### ***POLICE DEPARTMENT/Planning***

***SOLID WASTE MANAGEMENT DEPARTMENT***

***Refuse Division***

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

***ALBUQUERQUE PUBLIC SCHOOLS***

***MID-REGION COUNCIL OF GOVERNMENTS***

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

## APPLICANT INFORMATION



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

| Administrative Decisions  | Decisions Requiring a Public Meeting or Hearing                                   | Policy Decisions   |
|---|---|--|
| <input type="checkbox"/> Archaeological Certificate (Form P3)                     | <input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)  | <input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z) |
| <input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L) | <input type="checkbox"/> Master Development Plan (Form P1)                        | <input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)                |
| <input type="checkbox"/> Alternative Signage Plan (Form P3)                       | <input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L) | <input checked="" type="checkbox"/> Amendment of IDO Text (Form Z)                             |
| <input type="checkbox"/> Minor Amendment to Site Plan (Form P3)                   | <input type="checkbox"/> Demolition Outside of HPO (Form L)                       | <input type="checkbox"/> Annexation of Land (Form Z)   |
| <input type="checkbox"/> WTF Approval (Form W1)                                   | <input type="checkbox"/> Historic Design Standards and Guidelines (Form L)        | <input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)                                |
|   | <input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)    | <input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)                            |
|   |   | <b>Appeals</b>   |
|   |   | <input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)                      |

### APPLICATION INFORMATION

|  |                  |                                |
|--|------------------|--------------------------------|
| Applicant: <u>Albuquerque City Council</u> |                  | Phone: <u>505 768 3161</u>     |
| Address: <u>1 Civic Plaza NW</u>           |                  | Email: <u>pmorris@cabq.gov</u> |
| City: <u>Albuquerque</u>                   | State: <u>NM</u> | Zip: <u>87103</u>              |
| Professional/Agent (if any):               |                  | Phone:                         |
| Address:                                   |                  | Email:                         |
| City:                                      | State:           | Zip:                           |
| Proprietary Interest in Site:              |                  | List <u>all</u> owners:        |

### BRIEF DESCRIPTION OF REQUEST

Amendment of IDO Text - Citywide. 0-19-78 Amending 14-16-6-2(E) of the Integrated Development Ordinance to add 2 at-large members to the EPC.

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

|                                   |                     |                             |
|-----------------------------------|---------------------|-----------------------------|
| Lot or Tract No.: <u>Citywide</u> | Block:              | Unit:                       |
| Subdivision/Addition:             | MRGCD Map No.:      | UPC Code:                   |
| Zone Atlas Page(s):               | Existing Zoning:    | Proposed Zoning:            |
| # of Existing Lots:               | # of Proposed Lots: | Total Area of Site (acres): |

### LOCATION OF PROPERTY BY STREETS

|                      |          |      |
|----------------------|----------|------|
| Site Address/Street: | Between: | and: |
|----------------------|----------|------|

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

|                                   |   |
|-----------------------------------|---|
| <u>PR-2018-001843</u>             |   |
| Signature: <u>P. Morris</u>       | Date: <u>9/26/2019</u>  |
| Printed Name: <u>Petra Morris</u> | <input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent |

### FOR OFFICIAL USE ONLY

| Case Numbers         | Action             | Fees     | Case Numbers | Action | Fees |
|----------------------|--------------------|----------|--------------|--------|------|
| <u>RZ-2019-00063</u> | <u>Text Amend.</u> | <u>0</u> |              |        |      |
|                      |                    |          |              |        |      |
|                      |                    |          |              |        |      |

|  |                                 |
|--|---------------------------------|
| Meeting/Hearing Date: <u>November 14, 2019</u> | Fee Total: <u>0</u>             |
| Staff Signature: <u>[Signature]</u>            | Date: <u>9/26/2019</u>          |
|  | Project # <u>PR-2018-001843</u> |

## Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

### ☒ INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

- Interpreter Needed for Hearing? ☐ if yes, indicate language: \_\_\_\_\_
- ☒ Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Letter of authorization from the property owner if application is submitted by an agent
- ☒ Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- ☒ Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

### ☐ ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

#### ☐ ADOPTION OR AMENDMENT OF FACILITY PLAN

- Plan, or part of plan, to be amended with changes noted and marked
- Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
- Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- Proof of emailed notice to affected Neighborhood Association representatives
- Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

### ☒ AMENDMENT TO IDO TEXT

- Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked (See Bill- 0-19-78).
- ☒ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ☒ Required notices with content per IDO Section 14-16-6-4(K)(6)
- ☒ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- ☒ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing City-wide Amendment to IDO Text.

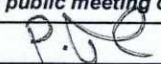
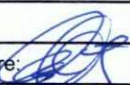

### ☐ ZONING MAP AMENDMENT - EPC

#### ☐ ZONING MAP AMENDMENT - COUNCIL

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
- Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- Proof of emailed notice to affected Neighborhood Association representatives
- Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- Sign Posting Agreement

### ☐ ANNEXATION OF LAND

- Application for Zoning Map Amendment Establishment of zoning must be applied for simultaneously with Annexation of Land.
- Petition for Annexation Form and necessary attachments
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- Board of County Commissioners (BCC) Notice of Decision

|  |   |
|--|---|
| I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete. |   |
| Signature:    | Date: 9/26/2019.  |
| Printed Name: Petra Morris   | <input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent       |
| FOR OFFICIAL USE ONLY  |   |
| Project Number: PR-2018-001843   | Case Numbers: RZ-2019-00063   |
| Staff Signature:    |  |
| Date: 9-26-19  |   |

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## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Brennon Williams, Director, Planning Department  
**FROM:** Stephanie M. Yara, Director, Council Services *SMY 9/9/19*  
**SUBJECT:** Bill No. O-19-78  
**DATE:** September 9, 2019

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The attached ordinance was introduced by the City Council on September 4, 2019. The ordinance proposes to expand the EPC to eleven members. This expansion would continue to comprise nine council district specific appointees, with the addition of two at-large mayoral appointees.

We request that you submit this ordinance to the Environmental Planning Commission for its review and recommendation.

Please submit the Environmental Planning Commission comments and recommendations, including the transcripts from the meeting, back to the City Council as soon as possible. Thank you.

**cc:** Russell Brito, Planning Department, Urban Design & Development Manager  
File O-19-78

8



# CITY of ALBUQUERQUE

## TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-78 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa J. Peña

1 ORDINANCE  
2 AMENDING 14-16-2-6-2(E) OF THE INTEGRATED DEVELOPMENT ORDINANCE  
3 TO ADD TWO AT-LARGE MEMBERS TO THE ENVIRONMENTAL PLANNING  
4 COMMISSION.

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

7 Section 1.

8 (A) Section 14-16-2-6-2(E) is amended to read:

9 "The Environmental Planning Commission (EPC) is ~~[a 9-member]~~ [an 11-  
10 member] board [nine of which are] nominated by City Council (Council)  
11 members and appointed by the Mayor with the advice and consent of the  
12 Council~~], and two members appointed directly by the Mayor with the advice~~  
13 and consent of the Council]. The EPC is the "City Planning Commission" or  
14 the "Planning Commission" for the purposes of any other law or policy that  
15 refers to such body.

16 (B) Section 14-16-2-6-2(E)(1) is amended to read: "Membership and  
17 Qualifications. The EPC shall include [two at large members and nine  
18 district specific members, each] a resident of [each a different City] Council  
19 District, with experience in community planning, architecture, landscape  
20 architecture, urban design, real estate development, transportation, civil  
21 engineering, and/or real estate finance, and shall be subject to the  
22 additional provisions, including terms of office, in Article 2-6 of ROA 1994  
23 (Public Boards and Commissions).

24 (C) Section 14-16-2-6(E)(2) is amended to read:

25 6-2(E)(2) Appointments

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

6-2(E)(2)(a) If an EPC member's term of office is ending, that member is eligible for reappointment to the EPC, and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the Council. [In the instance that the term of an at-large EPC member's term of office is expiring, the Mayor shall begin the appointment process as outlined in 6-2(E)(2)(c).]

6-2(E)(2)(b) When a vacancy on the EPC occurs [for the position of a City Council District representative]:

1. The Mayor shall notify a Councilor in writing that his/her District member's term of office has expired or the position is otherwise vacant, and that the Councilor shall have 60 consecutive days to submit 2 recommended appointments to fill that position. If the Councilor fails to submit 2 names within 60 consecutive days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the Council.

2. The Mayor shall then recommend 1 of the 2 individuals recommended by the Councilor for appointment with the advice and consent of the Council.

3. The Mayor shall deliver to the Council the Mayor's recommendation from the 2 names submitted within 30 consecutive days of delivery of the 2 names to the Mayor. If the Mayor fails to timely make a recommendation from the 2 names submitted, the Councilor who submitted the names may appoint one of the 2 recommended members, subject to the advice and consent of the Council.

[6-2(E)(2)(c) When a vacancy on the EPC occurs for the position of an at-large member:

1. Upon the expiration of an at-large EPC member's term, the Mayor shall have 90 consecutive days to recommend one individual for appointment with the advice and consent of the Council.

2. If the Mayor fails to submit a name within the 90 consecutive days of an at-large EPC member's term expiring, the Council President shall recommend 2 appointments to fill the vacancy per the procedure in 6-2(E)(2)(b).



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

1    **SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,  
2    clause, word or phrase of this ordinance is for any reason held to be invalid or  
3    unenforceable by any court of competent jurisdiction, such decision shall not  
4    affect the validity of the remaining provisions of this ordinance. The Council  
5    hereby declares that it would have passed this ordinance and each section,  
6    paragraph, sentence, clause, word or phrase thereof irrespective of any  
7    provision being declared unconstitutional or otherwise invalid.  
8    **SECTION 3. COMPILATION.** Section 1 of this ordinance shall amend, be  
9    incorporated in and compiled as part of the Revised Ordinances Of  
10   Albuquerque, New Mexico, 1994.  
11   **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect five days after  
12   publication by title and general summary.  
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## PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

Pre-application Review Team (PRT) Meetings are available to help applicants identify and understand the allowable uses, development standards, and processes that pertain to their request. PRT Meetings are for informational purposes only; they are non-binding and do not constitute any type of approval. Any statements regarding zoning at a PRT Meeting are not certificates of zoning. The interpretation of specific uses allowed in any zone district is the responsibility of the Zoning Enforcement Officer (ZEO).

When you submit PRT notes to meet a Pre-application Meeting requirement in Table 6-1-1, you will be charged a \$50 PRT fee.

|   |                                   |                      |
|---|-----------------------------------|----------------------|
| <i>Official Use only</i>                            |                                   |                      |
| PA#: <u>19-289</u>                                  | Received By: <u>Tamara Turner</u> | Date: <u>9-24-19</u> |
| APPOINTMENT DATE & TIME: <u>25 Sept 2019 9:45am</u> |                                   |                      |

Applicant Name: City Council - Petra Morris Phone#: 5057683161 Email: pmorris@cabq.gov

### PROJECT INFORMATION:

For the most accurate and comprehensive responses, please complete this request as fully as possible and submit any relevant information, including site plans, sketches, and previous approvals.

Size of Site: City-wide Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Previous case number(s) for this site: \_\_\_\_\_

Applicable Overlays or Mapped Areas: \_\_\_\_\_

Residential – Type and No. of Units: \_\_\_\_\_

Non-residential – Estimated building square footage: \_\_\_\_\_ No. of Employees: \_\_\_\_\_

Mixed-use – Project specifics: \_\_\_\_\_

### LOCATION OF REQUEST:

Physical Address: City-wide Zone Atlas Page (Please identify subject site on the map and attach) \_\_\_\_\_

### BRIEFLY DESCRIBE YOUR REQUEST (What do you plan to develop on this site?)

This request is an amendment to the IDO Text, O-19-78, as introduced by the City Council on September 4th, and transmitted to the EPC for their review and recommendation.

### QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

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PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-289 Date: 25 Sept 2019 Time: 9:45 am

Address: \_\_\_\_\_

AGENCY REPRESENTATIVES AT MEETING:

Planning: Russell Brito

Code Enforcement: \_\_\_\_\_

Fire Marshall: \_\_\_\_\_

Transportation: \_\_\_\_\_

Other: \_\_\_\_\_

**PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!**

**THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL..**

*Additional research may be necessary to determine the exact type of application and/or process needed.  
Factors unknown at this time and/or thought of as minor could become significant as the case progresses.*

REQUEST: Text amendment to IDO

**SITE INFORMATION:**

Zone: \_\_\_\_\_ Size: City-wide

Use: \_\_\_\_\_ Overlay Zone: \_\_\_\_\_

Comp Plan Area Of: \_\_\_\_\_ Comp Plan Corridor: \_\_\_\_\_

Comp Plan Center: \_\_\_\_\_ MPOS or Sensitive Lands: \_\_\_\_\_

Parking: \_\_\_\_\_ MR Area: \_\_\_\_\_

Landscaping: \_\_\_\_\_ Street Trees: \_\_\_\_\_

Use Specific Standards: \_\_\_\_\_

Dimensional Standards: \_\_\_\_\_

\*Neighborhood Organization/s: \_\_\_\_\_

*\*This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at [www.cabq.gov/neighborhoods/resources](http://www.cabq.gov/neighborhoods/resources).*

**PROCESS:**

Type of Action: Text amendment to IDO

Review and Approval Body: EPC → CC Is this PRT a requirement? yes

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-289 Date: 25 Sept 2019 Time: 9:45 am

Address: \_\_\_\_\_

NOTES:

Table 6-1-1

- Policy Decisions
- Amendment to IDO Text, 6-7(D)
- 6-7(D)(2) Procedure
- 6-7(D)(3) Review and Decision Criteria

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# CITY OF ALBUQUERQUE

## CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Dan Serrano, Chair, Environmental Planning Commission  
Russell Brito, Urban Design & Development, Division Manager

**FROM:** Klarissa Peña, City Councilor

**SUBJECT:** O-19-78

**DATE:** September 25<sup>th</sup>, 2019

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Dan Serrano, Chair  
Environmental Planning Commission  
c/o City of Albuquerque  
600 Second Street NW  
Albuquerque, NM 87102

Dear Chair Serrano,

This letter is to notify you that a Text Amendment to the IDO has been submitted to the Environmental Planning Commission (EPC) for the EPC's review and recommendation. This Amendment to the IDO Text was on the Letter of Introduction on September 4<sup>th</sup>, 2019 at the City Council meeting as O-19-78:

AMENDING 14-16-2-6-2(E) OF THE INTEGRATED DEVELOPMENT ORDINANCE TO ADD TWO AT-LARGE MEMBERS TO THE ENVIRONMENTAL PLANNING COMMISSION.\*

The bill has been referred to the EPC, and after the EPC has made a recommendation, it will return to City Council, as the review and decision making authority, for its consideration.

The bill proposes to amend Section 14-16-6-2(E) of the IDO to add two at large members to the EPC that will be appointed by the Mayor. This will take the total number of EPC Commissioners from nine (one per City Council District) to eleven (one per City Council District, plus two at large members).

Please accept this letter of justification, per IDO Subsection 14-16-6-7(D)(3):

*IDO § 14-16-6-7(D)(3)(a) – The proposed IDO text amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended (including the distinction between Areas of Consistency and Areas of Change), and with other policies and plans adapted by the City Council.*

This proposed IDO text amendment is consistent with and furthers important principles of the ABC Comp Plan. The Comp Plan contains goals and policies that address how Albuquerque should grow, including the importance of preserving the very distinct aspects of different areas and neighborhoods in Albuquerque, as well as goals and policies on how the Comp Plan should be implemented. In order to best achieve these for the City, the Comp Plan calls for public engagement and equitable implementation of the Comp Plan. Providing two additional at-large members to the EPC will allow for a greater diversity of perspectives on the EPC which can help promote community engagement and equitable policy implementation.

Accordingly, this proposed text amendment furthers the following ABC Comp Plan Goals and Policies:

POLICY 4.2.2 Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

GOAL 5.7 Implementation Process: Employ procedures and processes to effectively and equitably implement the Comp Plan.

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

***IDO § 14-16-6-7(D)(3)(b)*** – *The change to the IDO text does not apply to a single lot or development project.*

This bill and the change to the IDO text applies city-wide and relates to administrative processes. It does not have any regulatory impact that would apply to only one lot or development project.

***IDO § 14-16-6-7(D)(3)(c)*** *The proposed amendment also meets any of the following criteria:*

- 1. The change to the IDO text is required because of changed conditions or circumstances in all or a significant portion of the city.*
- 2. The change to the IDO text is required in order to address a new or unforeseen threat to the public health, safety, and welfare.*
- 3. The change to the IDO text is required in order to promote economic growth and investment in the City as a whole that will not create material risks to the public health, safety, and general welfare.*

This change to the IDO text is required because of changed conditions or circumstances in all or a significant portion of the city. The number of EPC



members is somewhat arbitrarily tied to the number of City Council districts for the City so that each may have an appointee. And through this process, a geographic diversity can be established. However, the number of council districts for the City was established in 1974, and since that time the population of the City has more than doubled, and with it, the City has also become more diverse.

The number of individuals and associated perspectives that can contribute to the work of EPC should no longer be arbitrarily limited to the number of Councilors for the City. The City Council has delegated significant review and approval authority on land use, planning and zoning matters to the EPC, and it plays a very important role in the growth and development of Albuquerque. The EPC has always been of extreme value to the City, and more voices on the commission working in the best interest of the City can bring greater value, and can help inform the recommendations made to the City Council by the EPC.

This proposal would add two members to the EPC to be appointed by the Mayor, which will continue to offer an opportunity for each Councilor to make an appointment from the individual districts. Thus, the geographic diversity will still be maintained and additional view point diversity (together with other diversity considerations) may also be attained. The bill intends that the existing substantive requirements for EPC Commissioners be maintained. Specifically, that they have a background/knowledge base in: community planning, architecture, landscape architecture, urban design, real estate development, transportation, civil engineering, and/or real estate finance.

\*Please note that the bill title and content refer to Subsection 14-16-2-6-2(E) of the IDO. This will be revised at the City Council with the correct citation of 14-16-6-2(E).

## NEIGHBORHOOD INFORMATION





# CITY OF ALBUQUERQUE

## City Council

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

President Klarissa J. Peña  
District 3

Vice President Cynthia D. Borrego  
District 5

Stephanie M. Yara  
Council Director

Ken Sanchez  
District 1

Isaac Benton  
District 2

Brad Winter  
District 4

Patrick Davis  
District 6

Diane G. Gibson  
District 7

Trudy E. Jones  
District 8

Don Harris  
District 9

September 25<sup>th</sup>, 2019

Dear Neighborhood Association Representative,

This letter is to notify you that a Text Amendment to the IDO is being submitted to the Environmental Planning Commission (EPC) for their review and recommendation. This Amendment to the IDO Text was on the Letter of Introduction on September 4<sup>th</sup>, 2019 at the City Council meeting as O-19-78:

**AMENDING 14-16-2-6-2(E) OF THE INTEGRATED DEVELOPMENT ORDINANCE TO ADD TWO AT-LARGE MEMBERS TO THE ENVIRONMENTAL PLANNING COMMISSION.\***

The bill has been referred to the EPC, and after the EPC has made a recommendation, it will return to City Council, as the review and decision making authority, for its consideration. This bill proposes to add two at large members to the EPC that will be appointed by the Mayor. This will take the total number of EPC Commissioners from nine (one per City Council District) to eleven (one per City Council District, plus two at large members).

This bill is available for review online here:

**<https://tinyurl.com/EPCMembershipUpdate>**

Come and listen or give verbal comments at the Environmental Planning Commission hearing: **Thursday November 14, 2019, 8:30 am** in the Plaza Del Sol Hearing Room in the basement of Plaza Del Sol, 600 Second Street. Send written comments for the record to the Environmental Planning Commission via:

**Email:** Chair Dan Serrano  
c/o Planning Department  
[rbrito@cabq.gov](mailto:rbrito@cabq.gov)

**Regular mail:** Chair Dan Serrano  
c/o Planning Department  
600 Second Street NW, Third Floor  
Albuquerque NM 87102

To be included in the staff report for EPC consideration, send comments by **9 am on Friday, November 4<sup>th</sup>**, and to be included in the packet for EPC consideration, send comments by **9 am on Tuesday, November 12<sup>th</sup>**.

Please contact me if you have any questions.

Kind regards,

**Petra Morris, AICP**

Council Planning Manager

Albuquerque City Council

P: 505.768.3161

E: [pmorris@cabq.gov](mailto:pmorris@cabq.gov)

\*Please note that the bill title and content refer to Subsection 14-16-2-6-2(E) of the IDO. This will be revised at the City Council with the correct citation of 14-16-6-2(E).



## Morris, Petra

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**From:** Quevedo, Vicente M.  
**Sent:** Thursday, September 26, 2019 9:54 AM  
**To:** Morris, Petra  
**Subject:** FW: Public Notice Inquiry\_City Wide\_EPC  
**Attachments:** Public Notice Inquiry\_City Wide\_EPC.xlsx

Here you go. Thanks.

Respectfully,

**Vicente M. Quevedo, MCRP**  
Neighborhood Liaison  
Office of Neighborhood Coordination  
City of Albuquerque – City Council  
(505) 768-3332

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)



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**From:** Quevedo, Vicente M.  
**Sent:** Monday, September 23, 2019 2:57 PM  
**To:** Schultz, Shanna M. <[smschultz@cabq.gov](mailto:smschultz@cabq.gov)>  
**Subject:** Public Notice Inquiry\_City Wide\_EPC

Shanna,

See list of associations below and attached regarding your EPC submittal. In addition, we have included web links below that will provide you with additional details about the new Integrated Development Ordinance (IDO) requirements. The web links also include notification templates that you may utilize when contacting each association. Thank you.

| Association Name        | First Name | Last Name | Email  |
|-------------------------|------------|-----------|--|
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**IDO – Public Notice Requirements & Template:** <https://www.cabq.gov/planning/urban-design-development/public-notice>

**IDO – Neighborhood Meeting Requirements & Template:** <https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

**IDO - Administration & Enforcement section:** <http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf>



Respectfully,

**Vicente M. Quevedo, MCRP**

Neighborhood Liaison

Office of Neighborhood Coordination

City of Albuquerque – City Council

(505) 768-3332

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)



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**From:** webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** ISD WebMaster

**Sent:** Monday, September 23, 2019 12:14 PM

**To:** Schultz, Shanna M. <smschultz@cabq.gov>

**Cc:** Office of Neighborhood Coordination <onc@cabq.gov>

**Subject:** Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Shanna Schultz

Telephone Number

505-768-6185

Email Address

[smschultz@cabq.gov](mailto:smschultz@cabq.gov)

Company Name

City Council

Company Address

1 Civic Plaza NW

City

Albuquerque

State

NM

ZIP

87103

Legal description of the subject site for this project:

City-wide. This request is for a proposed text amendment to the IDO. All Neighborhood Associations are required to be notified.

Physical address of subject site:

City-wide

Subject site cross streets:

City-wide

Other subject site identifiers:

City-wide

This site is located on the following zone atlas page:

City-wide

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

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Steven Budenski  
5732 La Anita Avenue NW  
Albuquerque, NM 87105

Gil Clarke  
2630 Aloysia Lane NW  
Albuquerque, NM 87104

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO:** Russell Brito, Urban Design & Development, Division Manager  
**FROM:** Petra Morris, Council Planning Manager  
**SUBJECT:** O-19-78: Amending 14-16-2-6-2(E) Of The Integrated Development Ordinance To Add Two At-Large Members To The Environmental Planning Commission  
**DATE:** September 25<sup>th</sup>, 2019

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Russell Brito  
Urban Design & Development, Division Manager  
Planning Department  
City of Albuquerque  
600 Second Street NW  
Albuquerque, NM 87102

Dear Mr. Brito,

Please accept this letter as certification of Mailed Notice as required by the IDO.

I, Petra Morris, do hereby certify and attest that I personally delivered 499 letters to the City of Albuquerque's mail room for first class stamping and delivery to the U.S. Post Office on September 26<sup>th</sup>, 2019. The letters were address to all Neighborhood Association representatives, as provided by the Office of Neighborhood Coordination for the city-wide request and as shown in the attached exhibits.

Kind regards,

**Petra Morris, AICP**  
Council Planning Manager  
Albuquerque City Council  
P: 505.768.3161 E: [pmorris@cabq.gov](mailto:pmorris@cabq.gov)

Received by Janelle Guzman Date 9-26-19  
DFAS/Purchasing/Office Services (mail room)



Glen Effertz  
2918 Mountain Road NW  
Albuquerque, NM 87104

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Albuquerque, NM 87104

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Albuquerque, NM 87111

Samantha Martinez  
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5301 Tierra Amada Street NW  
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2125 Stanford Drive SE  
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Kim Love  
2122 Cornell Drive SE  
Albuquerque, NM 87106



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REVISED 02/17

P100602

**Henry, Dora L.**

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**From:** Brito, Russell D.  
**Sent:** Monday, October 28, 2019 2:27 PM  
**To:** min3g7muf@juno.com  
**Cc:** Henry, Dora L.  
**Subject:** RE: adding 2 members to EPC

Ms. Feltner,

Thank you for your NA's comments regarding this proposed text amendment to the IDO. It will be placed in the record and addressed as part of the staff report analysis.

All the Best,

- Russell



**RUSSELL D BRITO**  
division manager  
urban design & development  
o 505.924.3337  
e rbrito@cabq.gov  
cabq.gov/planning

**From:** [min3g7muf@juno.com](mailto:min3g7muf@juno.com) [mailto:min3g7muf@juno.com]  
**Sent:** Monday, October 28, 2019 1:17 PM  
**To:** Brito, Russell D.  
**Subject:** adding 2 members to EPC

I am writing on behalf of the Inez Neighborhood Association board, which has discussed the proposal to add two at-large members to the EPC. Date of writing: Oct. 28, 2019. Writer: Evelyn Feltner, INA president

EPC Chairman Serrano,

The Inez Association board does not support the proposal to add two at-large members to the EPC. We see two reasons why this is not a good idea.

The EPC as now constituted has delegates that live in the districts they represent and have an obvious incentive for choosing wisely among proposed projects that will affect the people and businesses in their districts. The at-large members either would feel less responsibility about the effects of proposed projects on the people and businesses near where these projects are or, as the at-large members are Albuquerque residents who live in some particular districts, they would favor or oppose projects believing there would be good or bad affects on the areas they themselves live in. In short, having at-large members could actually give the districts of proposed projects extra representation on the EPC.

The commission as it is now strikes the right balance between representation of particular districts and consideration of how proposed projects affect the whole city. A majority of the district representatives must vote proposals up or down. We would prefer that the EPC remain as it is.

Respectfully,

Evelyn Feltner, INA president  
2014 Utah St. NE  
Ph. 271-9027

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This message has been analyzed by Deep Discovery Email Inspector.