Environmental Planning Commission

Agenda Number: 07
Project #: 2018-001843
Case #: RZ-2019-00046
Hearing Date: October 10, 2019

Second Supplemental Staff Report

Applicant	City of Albuquerque Planning Department
Request	Amendment to the Integrated Development Ordinance (IDO) Text for the 2019 Annual Update
Location	Citywide

Staff Recommendation

That a recommendation of APPROVAL of Project 2018-001843, Case RZ-2019-00046 based on the FINDINGS beginning on page 7, and the RECOMMENDED CONDITIONS OF APPROVAL beginning on page 27, be forwarded to the City Council.

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

Summary of Analysis

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

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

A second hearing was held September 19, 2019. There were 4 speakers who commented in support of the liquor retail amendment, about the effectiveness of pre-application neighborhood meetings, requesting revisions to the Cluster Development Amendment, and requesting a public utility exemption from the barbed wire and outdoor lighting regulations. The EPC voted to defer the request to October 10, 2019 to provide more time for consideration and discussion of proposed changes.

This supplemental staff report includes new and revised conditions based on ongoing discussions with staff from City departments, including Council Services, Historic Preservation, and Municipal Development.

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

Comments received before September 30, 2019 at 9 am are attached to and addressed in this Staff Report. Comments received before October 3rd at 9 am are attached but not addressed. Comments received before October 8th at 9 am (after publication of this report and more than 48 hours before the hearing) are provided to the EPC but not attached to this report.

Table of Contents

I. INTRODUCTION ***3***

Request 3

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

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

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

V. PUBLIC OUTREACH ***3***

VI. NOTICE ***3***

VII. AGENCY & NEIGHBORHOOD COMMENTS ***4***

Comments Received Prior to September 5 at 9 a.m. 4

Comments Received after September 5 at 9 a.m. 4

VIII. CONCLUSION ***6***

RECOMMENDED FINDINGS – RZ-2019-00046, September 19, 2019 – Text Amendment to the IDO 7

RECOMMENDATION – RZ-2019-00046 – September 19, 2019 – Text Amendment to the IDO .. 27

RECOMMENDED CONDITIONS OF APPROVAL– RZ-2019-00046 – September 19, 2019 – Amendment to the IDO Text 27

I. INTRODUCTION

Request

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

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

The proposed text amendment consists of two documents:

- "Proposed Technical Edits" are adjustments in language to clarify the intent and improve implementation of adopted regulations. These edits were requested by residents, project designers, land developers, other agencies, and City staff. There are several exhibits that provide more detail related to the Technical Edits.

- "Council Amendments" are substantive additions that change the intent or scope of an adopted regulation or add a new regulation with new intent and scope. Each amendment is sponsored by a City Councilor.

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

See staff report for hearing on September 12, 2019.

III. ANALYSIS OF RELEVANT EXISTING DOCUMENTS

See staff report for hearing on September 12, 2019.

IV. KEY ISSUES & DISCUSSION / ANALYSIS OF COUNCIL AMENDMENTS

See staff report for hearing on September 12, 2019.

V. PUBLIC OUTREACH

See staff report for hearing on September 12, 2019.

VI. NOTICE

See staff report for hearing on September 12, 2019.

VII. AGENCY & NEIGHBORHOOD COMMENTS

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

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

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

There are 3 new letters submitted by the public attached to this staff report: 1) opposing Council Amendment T, 2) requesting a process where community leaders can request zone changes for other people's properties, and 3) addressing development on and next to sensitive lands.

Staff Comments from Council Services
Staff from Council Services noted that there are some Historic Preservation areas that are smaller than the proposed minimum 10-acre size for new Overlay zones. The nature of historic districts is slightly different than other types of Overlay zones, and should only include properties and areas that have retained a unique historical character. The East Downtown Historic Overlay Zone is the smallest HOZ and is 5 acres. Staff has revised Recommended Condition of Approval #6.C to reflect a minimum HPO size of 5 acres, with half the number of property owners and parcels that are required for other Overlay zones.

Staff from Council Services also discussed with Planning Department the proposed Technical Edit for establishing small area regulations. They suggested that the pre-application meeting be mandatory, not optional, and that notice could be via postcard. The notification for the required pre-application meeting would be to neighborhood associations, residents within the proposed boundary, and those within 100 feet of the proposed boundary. This notice tracks closely with what is required for similar requests, including Amendments to Zoning Map, Adoption or Amendment of Historic Designation, and Decisions Requiring a Public Meeting or Hearing. This would be accomplished by revising the Mailed Notice section to add this decision to Section 6-4(K)(2)(b). Staff is proposing a new Recommended Condition of Approval #6.A that would implement a revised "Exhibit 1 - Proposed Technical Edits – Attachment" to reflect these changes. Planning Staff proposes a related change in Recommended Condition of Approval #6.B that would increase the number of days from 5 to 15 that a letter needs to be mailed prior to the date the meeting is scheduled to be held.

Staff Comments from Department of Municipal Development
Staff from the Department of Municipal Development (DMD) has had several discussions with Planning Department staff about the appropriate rules for drainage facilities. See the September 19, 2019 Staff Report for an overview of this topic.

Since the September 19th EPC Hearing, Planning Staff met with DMD Staff to discuss the Edge Buffer Landscaping requirement. DMD requests that drainage ponds not be considered "industrial development" for the purposes of requiring a 25-foot landscaped buffer between industrial and non-industrial development.

The Edge Buffer Landscaping is a new requirement established when the IDO was adopted; drainage facilities were not required to be landscaped or provide buffers prior to the IDO. There are three major challenges to providing landscaping with drainage pond projects: 1) There is typically no primary use with the site, so there is typically no water/electrical service for irrigation; 2) DMD does not have landscape maintenance crews to maintain the plantings; and 3) Typically the full amount of land owned by DMD is needed to store stormwater so additional land would need to be acquired to accommodate required landscaping and setback buffers. Further, drainage ponds do not have little light or noise impacts that would need a buffer to mitigate, which is the stated purpose of the Edge Buffer requirements.

The Drainage Ordinance also applies to drainage facilities; it has a stated priority of providing "timely and effective construction and maintenance of flood control facilities" and that other benefits of drainage facilities "shall always be considered subsidiary to the primary functions of the drainage control, flood control, stormwater control, and erosion control facilities." DMD would prefer that drainage facilities not have any development standards and be treated like other right-of-way, which is not subject to zoning controls. If buffers and landscaping are required, DMD requested a technical relief mechanism to lessen or eliminate the buffer requirements based on engineering judgement, similar to the process for requesting taller retaining walls, per Section 5-7(F)(1)(a): "Retaining walls shall have a maximum height as specified in Section 14-16-5-7(D) (Maximum Wall Height) unless a higher wall is approved by the City Engineer as necessary on a particular lot."

Planning Staff notes that for drainage facilities, the Landscaping Regulations would not apply unless there is construction of primary building (see §5-6(B) Applicability). The majority of drainage facilities that DMD is working on would not include a building, so the landscaping regulations and Edge Buffer regulations would not apply. However, a pump station is considered a primary building, so the Edge Buffer regulations for drainage facilities would apply for larger projects that include buildings. DMD generally indicated that for their bigger, more complex projects, some setbacks and landscaping could be accommodated but preferred to provide this on a case by case basis as appropriate to each project. In light of the public safety and welfare benefits of building drainage ponds, and the constraints explained above, Planning Staff is proposing to reduce the Edge Buffer Landscaping from the current requirement of 25-feet to a 10-foot buffer for drainage facilities (which would only apply when there is construction of a primary building). See revised Recommended Condition of Approval #7.

Public Comments about Density Limits
Several commenters have requested density limits on multi-family development near low-density residential neighborhoods. The IDO limits density through performance measures: limits on building heights in the different zones and within the Neighborhood Edge, required landscaping, required usable open space on the site, and required on-site parking. Staff believes these performance measures are adequate to ensure appropriate development next to neighborhoods.

The old zoning code did establish density caps on development in different zones. If decision-makers want to go back to limiting density through a cap of dwelling units per acre, the IDO zones that are intended to be lower-density and lower-intensity are R-ML (Residential – Multi-family Low density), MX-T (Mixed-use Transition), and MX-L (Mixed-use Low Intensity).

R-ML was the conversion for R-2 in the old zoning code, which allowed up to 30 dwelling units per acre (30 du/ac). Staff has proposed an optional condition for EPC's consideration that would establish a density limit of 30 du/ac on lots in R-ML, MX-T, or MX-L on lots adjacent to low-density residential uses on lots zoned R-A, R-1, or R-T but not within Center or Corridor areas. Center/Corridor areas are, by definition, where growth and higher-density residential uses are appropriate. In Center/Corridor areas, the performance measures established will apply and will appropriately limit development densities. See Recommended Condition of Approval #39.

Public Comments about Development Abutting MPOS
Several public commenters and Open Space staff have expressed concern that the IDO does not go far enough in establishing regulations for development near Major Public Open Space (MPOS) to protect this irreplaceable public amenity. These commenters have requested that where a single-loaded street (a street with development on one side and MPOS on the other) is not provided, the required landscape buffer that is provided in lieu of the single-loaded street should be wider than the 20 feet currently required. Earlier staff reports did not provide a suggested amount of required landscape buffer.

To provide a reasonable number, staff researched the amount of right-of-way that would be required for a single-loaded street. The updated DPM that has been approved by the DPM Executive Committee requires new local treets to provide 44-46 feet right-of-way. Staff recommends requiring a 45-foot landscaped buffer in lieu of a single-loaded street. See Recommended Condition of Approval #8.

Public Comments about Cottage Dwellings
At the first EPC hearing, a commenter noted that the Technical Edit revising the definition of Cottage Development so that kitchens are not required within each cottage dwelling might have unintended consequences. Staff recommends adding a use-specific standard for Cottage Development that requires a common kitchen facility available to residents if individual cottage dwellings do not have kitchens. See Recommended Condition of Approval #9.

VIII. CONCLUSION

See Staff Report for September 12, 2019.

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

1. This is a request for an amendment to the IDO text and meets all of the application and procedural requirements in Subsection 14-16-6-7(D) of the IDO.

2. The IDO applies citywide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.

3. The EPC's task is to make a recommendation to the City Council regarding the amendment to the IDO text. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. Adoption of this amendment to the IDO text is a legislative matter.

4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.

5. After the first year of implementing the IDO as the City's new land use and zoning framework, staff compiled approximately 300 technical edits to further improve the clarity and implementation of the IDO. These proposed amendments to the IDO text are required to promote economic growth and investment in the City as a whole. The proposed changes respond to challenges in implementing new regulations and neighborhood protections in a real-world context with real-world projects. Changes in market demands for housing and business needs, coupled with the imperative of protecting existing neighborhoods are also addressed in the proposed edits and amendments.

6. The request furthers the following relevant City Charter articles:

   A. <u>Article I, Incorporation and Powers.</u> Amending the Integrated Development Ordinance (IDO) is an act of maximum local self-government and is consistent with the purpose of the City Charter. The updated regulatory language and processes in the IDO will help implement the updated Comprehensive Plan and help guide future legislation.

   B. <u>Article IX, Environmental Protection.</u> Amending the IDO will better provide for orderly and coordinated development patterns and encourage conservation and efficient use of water and other natural resources. The IDO will help protect and enhance quality of life for Albuquerque's citizens by promoting and maintaining a high-quality and humane built environment. Commissions, Boards, and Committees will have up-to-date procedural guidance to better administer City policy and regulations.

   C. <u>Article XVII, Planning.</u> Amending the IDO is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

    a) Remediate sites that pose a detriment to public health, safety, and welfare to return them to productive use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 7.4.2.a: Discourage oversized parking facilities.

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

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

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

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

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

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

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

39. Because Council Amendment U proposes to create a new Character Protection Overlay zone, this amendment is being withdrawn from consideration as part of the IDO Text Amendment and will be submitted separately as a Zoning Map Amendment – Council, pursuant to IDO Subsection 6-7(G).

40. The required notice for an Amendment to IDO Text is published, mailed, and posted on the web. The City published notice of the EPC hearing in the ABQ Journal legal ads. First class mailed notice was sent to the two representatives of each neighborhood organization registered with the Office of Neighborhood Coordination (ONC). Notice was posted on the Planning Department website and on the project website.

41. Additional notification consisted of an article published in the Neighborhood News in June and July 2019, a banner on the Library webpage, announcements on the Planning Department webpage, and email notice sent to approximately 10,000 subscribers to the ABC-Z project update email list on July 26, 2019.

42. Though a neighborhood meeting is not required for an Amendment to IDO Text, Planning staff held a series of 12 public meetings and 4 open houses on the proposed IDO Annual Update text

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

43. The request for the IDO Annual Update text amendment was announced in the Albuquerque Journal, the Neighborhood News, and on the Planning Department's web page and social media. The Planning Department mailed notification to each of listed neighborhood representatives.

44. As of this writing, Staff has received multiple comments, expressing support, opposition, and recommended changes. While there are comments in opposition to individual Tech Edits and Council Amendments, there is general support for this request as a whole. The recommended Conditions of Approval address some of the issues raised in public and agency comments.

45. Since the first EPC hearing, Staff has continued coordination with several departments, including Municipal Development, Transit, and Council Services. These discussions have resulted in several additional EPC Recommended Conditions of Approval.

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

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

RECOMMENDED CONDITIONS OF APPROVAL – RZ-2019-00046 – October 10, 2019 – Amendment to the IDO Text

Conditions highlighted yellow are new or revised since the September 19, 2019 supplemental staff report. The Recommended Conditions of Approval have been reorganized since earlier Staff Reports to group all Technical Edits together and all Council Amendments together.

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

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

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

3. New Technical Edits in response to Council Amendment D: [R]
   A. On IDO page 130, in Table 4-2-1, add a new use called "Dwelling, conservation development" with the same allowances as Dwelling, cluster development.
   B. Add a use-specific standard with the same language as currently in Section 4-3(B)(2), replacing the term "cluster development" with "conservation development" with the following exceptions:
      i. On page 136, revise the language in Subsection 4-3(B)(2)(c) to read: "…shall not exceed 50 per conservation development…"
      ii. On page 136, revise the language in Subsection 4-3(B)(2)(d) to read: "…shall include common open spaces set aside…"
      iii. On page 136, revise the language in Subsection 4-3(B)(2)(d)(1) to read: "The total area of common open space shall be 30 percent of the gross area of each cluster development or 100 percent…"
      iv. On page 136, revise the language in Subsection 4-3(B)(2)(d)(2) to read: "Each common open space shall…"
      v. On page 136, in Subsection 4-3(B)(2)(d)(3) and 4-3(B)(2)(d)(4)) delete "the" in front of "common open space" consistent with the revisions proposed above that multiple common open space areas are allowed.
   C. On IDO page 458, add the following sentence to the end of the existing definition of "Dwelling, Cluster Development": "The intent of cluster development is to create an innovative development pattern that is sensitive to natural features and topography and creates more area for open space, recreation, and social interaction." Add cross reference to "Dwelling, Conservation Development."
   D. On IDO page 458, revise the existing definition of "Dwelling, Cluster Development" to be a new definition for "Dwelling, Conservation Development" with the following additional sentence: "The intent of conservation development is to protect environmentally sensitive areas of the development site and to decrease the extent of infrastructure built to serve the development through a more compact development pattern than would otherwise be allowed by that zone." Add cross reference to "Dwelling, Cluster Development."
   E. On IDO page 192, Subsection 5-1(C)(2)(a))1), add "Conservation development" as a new subsection c, renumbering subsequent subsections accordingly.
   F. On IDO page 198, Subsection 5-2(C)(4), add "conservation" to the change proposed in the Technical Edits for this subsection consistent with the proposal to make all of these uses options for preserving sensitive lands (not to be used in combination for more reductions in lot size than would be allowed with either option).

4. New Technical Edits in response to Staff Comment related to Walls: [R]

   A. In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," revise the third row on page 44 labeled Walls, IDO Page 272, Table 5-7-1. Replace with the following text: "Add a new Note [2] for "Wall in the front yard or street side yard" as follows: For multi-family development, if view fencing is used for the portion of a wall above 3 feet, the maximum height is 6 feet."

   B. In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," delete the second two rows on page 82 and the first row on page 83 labeled Variance – ZHE, Page 414, Section 6-6(N)(3)(c) through 6-6(N)(3)(c)(3)(c). Replace with the following text:

      i. Create a new procedure for the new decision type "Permit – Wall or Fence – Major" and move the applicability text from subsection 6-6(N)(1)(b). Add a new subsection as follows: "Variances to set back distances for taller side yard walls require a Variance – ZHE approval."

      ii. Move Subsection 6-6(N)(3)(c) to the new procedure and revise as follows: "An application for a ~~Variance~~ Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(d) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if it meets all of the following criteria…"

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

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

5. New Technical Edit in response to Staff Comment regarding transit parking reductions: [R]
   A. On IDO page 235, Subsection 5-5(C)(5)(a), revise as follows:

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

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

6. Revised Technical Edits in response to Staff Comment related to Small Area regulations: [R]
   A. In "Exhibit 1 – Proposed Technical Edits – Attachments," replace the recommended text for Section 6-7(E) Amendment to IDO Text for a Small Area with the new version dated October 10, 2019.

   B. In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," revise the first row on page 55 labeled Neighborhood Meeting, IDO page 339, Section 6-4(C)(4). Replace with the following text: ""...within 30 consecutive calendar days ~~of the meeting request being accepted by the Neighborhood Association~~ but no fewer than 15 calendar days after the Neighborhood Association accepts the meeting request, unless an earlier date is agreed upon."

   C. New Technical Edit on IDO page 503, Section 14-16-7-1, to revise the definition for Overlay Zone to add a new sentence as follows: "Character Protection and View Protection Overlay zones adopted after May 17, 2018 shall be no smaller than 10 acres, shall include no fewer than 50 lots, and shall include properties owned by no fewer than 25 property owners. Historic Protection Overlay zones adopted after May 17, 2018 shall be no smaller than 5 acres, shall include no fewer than 25 lots, and shall include properties owned by no fewer than 10 property owners."

7. Revised Technical Edit in response to Staff Comment regarding Drainage facilities: [R]
   A. New Technical Edit on IDO page 263, Subsection 5-6(E)(4)(b), create new subsections 1-3 as follows:

      i. "(1) A landscape buffer area at least 25 feet wide shall be provided along the adjacent property line. For Drainage facility utilities, a landscape buffer of at least 10 feet wide shall be provided along the adjacent property line, unless a smaller buffer area is approved by the City Engineer as necessary on a particular lot."

ii. (2) Where there is no existing opaque wall on the adjacent property line and an opaque wall is not proposed as part of the project, one (1) deciduous or evergreen tree at least 8 feet high at the time of planting and 5 shrubs shall be provided for every 20 linear feet of lot line, with spacing designed to minimize sound and~~,~~ light~~, and noise~~ impacts.

iii. (3) Where there is an existing opaque wall on the adjacent property line or an opaque wall is proposed as part of the project, one (1) deciduous or evergreen tree at least 8 feet high at the time of planting shall be provided for every 15 linear feet of lot line, with spacing designed to minimize sound and~~,~~ light~~, and noise~~ impacts."

B. In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," revise the third row on page 88 labeled Drainage Facility. Add the following sentence: "On-site drainage ponding areas that manage stormwater generated by uses on the lot are not considered drainage facility utilities."

8. Public Comment: Technical Edit [new]: [O] On IDO page 205, in Subsection 5-2(H)(2)(a), revise the required landscape buffer from 20 ft. to 45 ft.

9. Public Comment: Technical Edit [new]: [R] On IDO page 137, in Subsection 4-3(B)(3), add a new use-specific standard requiring a community building with a kitchen accessible to all residents if individual cottage dwellings do not have kitchens.

10. The Council Amendments included as Exhibit 2 shall be adopted, except as modified by any Conditions below.

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

11. Council Amendment A: [R] On page 276, in IDO Subsection 5-7(E)(1)(c), replace "abutting" with "adjacent to" so that barbed wire is not allowed facing a Residential or Mixed-use zone district.

12. Council Amendment A: EPC recommends one of the following changes:

    a. [R] Remove the sunset language proposed for IDO Subsection 14-16-6-8(D)(8)(b).

    b. [O] Edit the proposed language to end with removed and then to create two subsections as follows:

        i. In Residential and Mixed-use zones, these materials must be removed within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner.

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

13. Public Comment: Council Amendment A: [O] Retain the exemption for public utilities to allow barbed wire regardless of the zone or location.

14. Public Comment: Council Amendment A: [O] On page 276, in IDO Subsection 5-7(E)(1)(c), revise language to add "on walls facing streets, City parks or trails, or Major Public Open Space" so that barbed wire is allowed in Residential and Mixed-use zones in other locations on the site.

15. Council Amendment E: [R] Revise proposed language for page 136, Subsection 4-3(D)(3)(a) to add "no less than" before "50 percent" to signal that the lot does not have to be exactly 50% smaller.

16. Council Amendment G: [R] Revise language proposed for page 250, Subsection 5-5(I)(1)(b) to read "… shall not be located facing residentially zoned areas."

17. Council Amendment G: [R] Restore language proposed for deletion on page 250, Subsection 5-5(I)(1)(e): "For corner sites, delivery service windows or facilities shall be located on the non-corner side of the site and/or at the rear of the building."

18. Council Amendment G: [R] Move and revise language proposed for page 250, Subsection 5-5(I)(1)(f) to the use-specific standard for drive-through in Subsection 4-3(F)(4)(e) that prohibits drive-throughs in small areas as a new 1, numbering subsequent subsections accordingly: "This use is prohibited in the MX-H zone district and UC-MS-PT-AC-MT areas unless the following criteria are all met:
    a. No drive-through lanes are located between the front façade of the primary building and the front lot line or within a required side setback abutting a street.
    b. The lot is 21,780 feet or greater.
    c. The lot has vehicular access to the street that the front façade of the primary building facings.
    d. Enhanced pedestrian crossings, such as a raised crosswalk, are provided where the drive-through lane crosses a pedestrian pathway to the primary entrance of the building.

19. Council Amendment H: Revise the following:
    a. [R] Revise the language proposed for page 156, Subsection Section 4-3(D)(34) to instead create a new subsection (a), renumbering subsequent subsections accordingly, with the following language: "This use is limited to the sizes in Table 4-3-X in these zone districts and in these locations."

    "Table 4-3-X General Retail Sizes"

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

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

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

"Table 4-3-X Grocery Store Sizes"

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

21. Council Amendment I: [R] Revise language proposed in Exhibit 3 as recommended by staff, including direction on the appropriate changes for the following Subsections:

    a. 5-2(C)(1) on page 198.

    b. 6-6(H)(1)(b) on page 397.

22. Council Amendment J: [R] Leave liquor retail as permissive (P) in Table 4-2-1 on page 132.

23. Council Amendment J: [R] Revise the language proposed for page 161, Subsection 4-3(D)(36)(f), to read: "In the MX-M zone district, this use is permissive in UC-MS-PT-AC-EC-MT areas. Outside of these areas, this use is …"

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

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

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

27. Council Amendment O: [R] Revise the language proposed for Subsection 4-3(F)(14)(c)1 and create subsections a-d as follows: "Any outdoor dining area must maintain a minimum clear path as follows in order to maintain use of the public sidewalk for all users:
    a. In UC-MS-PT-AC-EC-MT areas on streets of any classification per Section 6-5-5-14 Code of Ordinances, the minimum clear path shall be 6 feet wide.
    b. In the DT area, the minimum clear path shall be 8 feet wide.
    c. On streets classified as collector and above per Section 6-5-5-14 Code of Ordinances ROA 1994, the minimum clear path shall be 6 feet wide.
    d. On local streets outside of designated Centers and Corridors, the clear path shall be no less than 4 feet wide."

28. Council Amendment O: [R] Add the following sentence to the language proposed for Subsection 4-3(F)(14)(c)2: "The permitted area shall be visibly demarcated to distinguish the area under private liability from the area insured by the City as public right-of-way."

29. Council Amendment O: [R] Add a new 4-3(F)(14)(d) as follows: "If the use is located entirely on private property: (1) A decorative wall, fence, or similar barrier between 3 and 4 feet in height shall be erected and maintained along the perimeter of the use. (2) The decorative wall or fence shall be located at least 6 feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle."

30. Council Amendment Q: [R] Revise the language proposed for Subsection 6-4(K)(6) to read as follows: "Each notice required by this Section 14-16-6-4(K) ~~[shall be sent using a notification form provided by the Planning Department. Notification forms may be accessed on the City's website. Notification forms]~~ shall include, at a minimum, all of the following information:
    a. The address of the property listed in the application.
    b. The name of the property owner.
    c. The name of the applicant (if different from the property owner).

d. A short summary of the approval being requested (e.g. Conditional Use Approval to allow a particular use, amendment to the Official Zoning Map from an existing zone district to a specified zone district, the approximate gross square footage of any proposed non-residential uses).

e. The maximum height of proposed structures.

f. The maximum number of proposed dwelling units (if applicable).

g. A site plan (if applicable).

h. Whether a public hearing will be required, and if so the date, time, and place of the public hearing.

i. An explanation of any deviations, variances, or waivers being requested.

j. An address, telephone number, or website where additional information about the application can be obtained."

31. Council Amendment Q: [R] Revise the language proposed for Subsection 6-4(D) to read as follows: "For any applications listed in Table 6-1-1 for which the EPC or the ZHE are review or decision-making bodies, anyone may request and the decision-making body may require the applicant to attend a City-sponsored facilitated meeting with the Neighborhood Associations whose boundaries include or are adjacent to the proposed project. If the decision-making body approves the request, the decision-making body shall provide in writing the issues to be discussed to provide a scope for the facilitation. If the applicant declines the facilitated meeting, the application is considered withdrawn."

    a. This new language proposed above would replace language proposed in the Tech Edits for Subsection 6-4(D)(1).

    b. The language proposed in the Tech Edits for Subsection 6-4(D)(2)(a) [new] would remain except that "by the City" should be deleted.

    c. The language proposed in the Tech Edit for Subsection 6-4(D)(2)(b) would read as follows: "If a facilitated meeting is required by the decision-making body, the City shall assign a facilitator from the Alternative Dispute Resolution (ADR) Office. The facilitator shall attempt to schedule the facilitated meeting to take place within 15 calendar days of the hearing.

        i. If reasonable attempts have been made to accommodate the schedules of the applicant and the Neighborhood Associations, and no meeting has occurred, the application may shall proceed in the relevant review/decision process.

        ii. If a facilitated meeting does take place, the meeting summary shall be submitted to the City no fewer than 7 calendar days before any hearing/meeting where a decision is made on the application.

d. If a facilitated meeting is not required by the decision-making body, but the applicant and the Neighborhood Association(s) agree to a facilitated meeting, ADR shall assign a facilitator, and the meeting shall take place at a time convenient to both parties.

   i. The timing of the meeting and the delivery of the meeting summary shall follow ADR procedures.

   ii. The application may proceed in the review/decision process, or the applicant may request a deferral. A deferral fee will be charged."

32. Public Comment: Council Amendment Q: [R] Revise the language in Subsection 6-4(D)(1) to say "Anyone who received notice of the applications per Table 6-1-1 and Subsection 6-4(K) Public Notice may request a facilitated meeting."

33. Council Amendment R: The EPC recommends one of the following options:

    a. [R] Revise the language proposed for Subsection 5-8(D)(2) to read as follows: "All sources of light for mixed use and non-residential development, other than outdoor light fixtures as regulated below, that are visible from any property line ~~abutting~~ adjacent to a lot with a low-density residential use in a Residential zone district shall not exceed 200 foot lamberts at the property line."

    b. [O] Revise the language proposed for Subsection 5-8(D)(2) to read as follows: "All sources of light for mixed use and non-residential development, other than outdoor light fixtures as regulated below, that are visible from any property line ~~abutting~~ adjacent to a Residential zone district shall not exceed 200 foot lamberts at the property line." Add a cross-reference to this subsection from Neighborhood Edges, IDO Section 14-16-5-9.

34. Public Comment: Amendment R: [O] Revise Subsection 14-16-5-8(B)(1) to add at the end: "~~The New Mexico Gas Company is~~ Public utilities are exempt from complying with the ~~Outdoor~~ lighting regulations."

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

    a. [R] The EPC does not recommend adopting Amendment S, as the proposed standards in the updated DPM, together with the existing IDO standards, provide adequate limits on cul-de-sacs and stub streets to protect access and connectivity.

    b. [O] Revise the amendment to limit cul-de-sac lengths to 250 feet serving no more than 20 dwellings where adjacent to MPOS. The DPM shall also be updated to replace substantive standards with a cross reference to the IDO.

    c. [O] Revise the amendment to limit cul-de-sac lengths to 250 feet serving no more than 20 dwellings. The DPM shall also be updated to replace substantive standards with a cross reference to the IDO.

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

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

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

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

Russell Brito
UD&D Manager

Mikaela Renz-Whitmore, AICP
Long Range Manager

Notice of Decision cc list:
See Staff Report from September 12, 2019

TECHNICAL EDITS – ATTACHMENT: AMENDMENT TO IDO TEXT FOR OVERLAY ZONES AND SMALL AREAS

6-4(E) WHO CAN FILE AN APPLICATION

1-1(B)(1)(d) The property owners in a proposed CPO zone or a Small Area. Applications to create or amend a CPO zone shall only be accepted if they provide proof in writing that at least 51 percent of the property owners in the proposed CPO area agree.

6-4(K)(2) MAILED

1-1(H)(2)(c) For Amendment of IDO Text for a Small Area shown in Table 6- 1-1, the applicant shall mail a notice to all of the following:

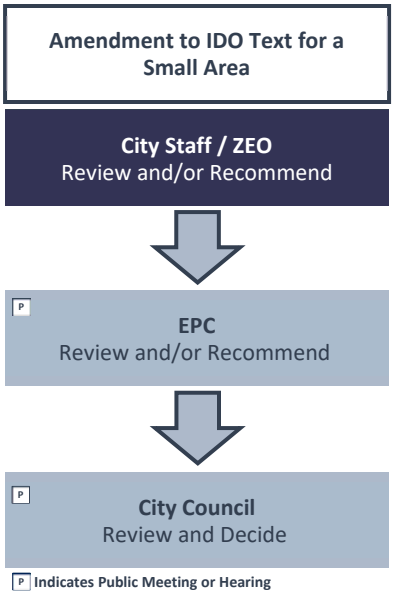
1. The owner of the property listed in the application.
2. All owners, as listed in the records of the County Assessor, of property located partially or completely within 100 feet (excluding public rights-of-way) of the property listed in the application.
3. Any Neighborhood Association whose boundaries include or are adjacent to the proposed Small Area.

1-1(I) AMENDMENT OF IDO TEXT FOR A SMALL AREA

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(E).

1-1(I)(1) Applicability

This Subsection 14-16-6-7(E) applies to all applications to amend the text of this IDO to adopt or amend the boundaries of a small area and adopt or amend specific zoning regulations that will apply in that area, including APOs, CPOs, HPOs, VPOs, or small areas established in Subsection 14-16-4-3 Use-specific Standards, Subsection 14-16-5 Development Standards, or Subsection 14-16-6 Administration and Enforcement, except for the following:



1-1(I)(1)(a) Applications to adopt or amend the boundary of a Historic Protection Overlay zone, which are processed pursuant to Subsection 14-16-6-7(C).

1-1(I)(1)(b) Applications to change the zoning of properties in a small area, which are processed pursuant to Subsection 14-16-6-7(F) or 14-16-6-7(G), as relevant.

1-1(I)(2) Procedure

1-1(I)(2)(a) The City Planning Department staff shall review the application, including any specific regulations applicable to a proposed Overlay zone or small area, and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

1-1(I)(2)(b) If the proposed amendment includes any change to the IDO text of an HPO zone (as opposed to an amendment to the boundaries or standards applicable in a specific HPO zone), the LC staff planner shall review and submit staff comments to the EPC pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

1-1(I)(2)(c) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

1-1(I)(2)(d) The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provision of Section 14-16-6-4 (General Procedures).

1-1(I)(2)(e) The Official Zoning Map shall be updated to reflect any adopted or amended boundaries of a small area.

1-1(I)(3) Review and Decision Criteria

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

1-1(I)(3)(a) The proposed small area amendment is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

1-1(I)(3)(b) If the proposed small area amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the proposed amendment would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not allow development that is significantly different from that character. The applicant must also demonstrate that the existing zoning regulations are inappropriate because they meet any of the following criteria:

1. There has been a significant change in neighborhood or community conditions affecting the small area.
2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

1-1(I)(3)(c) If the proposed small area amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and

the applicant has demonstrated that the existing zoning regulations are inappropriate because they meet at least one of the following criteria:

1. There has been a significant change in neighborhood or community conditions affecting the small area that justifies this request.
2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

1-1(I)(3)(d) If the proposed amendment changes allowable uses, the proposed amendment does not allow permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

1-1(I)(3)(e) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Barkhurst, Kathryn Carrie

From: Jane Baechle <jane.baechle@gmail.com>
Sent: Tuesday, September 24, 2019 9:14 AM
To: City of Albuquerque Planning Department
Cc: Baca, Vanessa; Quevedo, Vicente M.
Subject: Re: Notice of Decision: IDO Annual Update

Follow Up Flag: Follow up
Flag Status: Completed

Thank you very much.

I have only recently been added to the list of contacts for the Santa Fe Village Neighborhood Association with our August report of our annual meeting and list of SFVNA Board members.

I appreciate your attention to my concerns. I recognize that our city prospers with innovation and development. Having said that, our neighborhood and, specifically, my property have seen the consequences of development which in my view failed to consider the effects of development on sensitive lands, particularly with respect to managing flooding with heavy rain. We have received tremendous support from Ken Sanchez, his staff and the Department of Municipal Development in pursuing mitigation efforts to contain damage done. I question whether this could have been prevented and money saved with attention to potential issues prior to building.

Again, I appreciate your reply and will make every effort to assure our Board receives your communications promptly.

Sincerely,

Jane Baechle

On Mon, Sep 23, 2019 at 4:28 PM City of Albuquerque Planning Department <abctoz@cabq.gov> wrote:

> Jane,
>
> Thank you for this note.
>
> Regarding the original notice of the September 12 hearing, we mailed notice, as required, to all NA representatives on file with ONC when we submitted the application in July. At that time when we requested the NA representative contact information, you were not listed as an NA rep. So the notice was mailed to Bruce Armstrong and Dennis Newton. I apologize if they did not share this information with NA representatives.
>
> On Thursday, the EPC continued the hearing again to allow for additional time to review – this time to the next regular EPC hearing on October 10 (I am finishing up the NOD to send out to the email list, so you will receive that official notice here in a few) – so there is additional time to review and comment. In addition, the whole application will go to

the City Council after the EPC makes a recommendation and there will be additional hearings before that body. More information about the Annual Update is available here.

I understand that this is a big undertaking. We had multiple meetings this summer to go over potential changes before submitting them to the City's official process, and now there are several rounds of hearings which allow for additional review. We do our best to regularly send out information to Neighborhood Association representatives and have put multiple write-ups in the Neighborhood News throughout this process, but those unfortunately do not always filter down to all residents. I appreciate your comment that you would share the latest message with your board – we rely heavily on NA leadership to help us reach residents!

I will make sure that your comments about Amendments D and I are added to the record for decision makers to review. We also welcome any additional questions that you or your neighbors may have as we work our way through this process.

Thank you,

TERRA L REED

long range senior planner
o 505.924.3475

e treed@cabq.gov

cabq.gov/planning

From: Jane Baechle <jane.baechle@gmail.com>
Sent: Thursday, September 19, 2019 5:24 AM
To: City of Albuquerque Planning Department <abctoz@cabq.gov>; Baca, Vanessa <vanessabaca@cabq.gov>; Quevedo, Vicente M. <vquevedo@cabq.gov>
Subject: Re: Notice of Decision: IDO Annual Update

Thank you for your email regarding the hearing today at 9:00 a.m.

It has been shared with members of our SFVNA Board.

I have several concerns. The amount of time from sending the notice and the meeting was less than 48 hours. That is inadequate for me to plan to attend a hearing, given work commitments. It is also insufficient for one to read and consider a 93 page document and elicit the ideas and concerns of our Board members.

I am aware this hearing is a continuation of a regularly scheduled meeting of September 12, 2019. I have received no prior notice of that meeting.

As an individual resident of this city, I am opposed to any language which weakens the protection of open space and sensitive lands within the city or lessens the requirements of any developer to identify and protect those. To the extent that Amendment D and Amendment I have the potential to weaken protections or developer requirements, I would oppose their acceptance.

Thank you.

Sincerely,

Jane Baechle

Resident of Santa Fe Village and member SFVNA Board

On Tue, Sep 17, 2019 at 12:17 PM City of Albuquerque Planning Department <abctoz@cabq.gov> wrote:

> Dear Neighborhood Association Representative,

Attached please find the Notice of Decision for EPC Project #2018-001843 / RZ-2019-00046 Text Amendment to the IDO (otherwise known as the IDO Annual Update). On September 12, 2019, the EPC voted to continue this hearing to this Thursday, September 19 starting at 9:00 am. The hearing will be in the Council Chambers at City Hall. Parking in the lot under Civic Plaza will be validated.

A link to the Supplemental Staff report and additional information related to the hearing is available at this link.

Thank you,

LONG RANGE PLANNING TEAM

urban design + development division

city of albuquerque planning department
o 505.924.3860

e abctoz@cabq.gov

cabq.gov/planning

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

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This message has been analyzed by Deep Discovery Email Inspector.

Barkhurst, Kathryn Carrie

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Monday, September 23, 2019 9:06 AM
To: City of Albuquerque Planning Department; Keller, Tim; Nair, Sarita; Williams, Brennon; Borrego, Cynthia D.; Gibson, Diane G.; Harris, Don; Benton, Isaac; Sanchez, Ken; Pena, Klarissa J.; Davis, Pat; Jones, Trudy; Winter, Brad D.
Cc: Barkhurst, Kathryn Carrie; Renz-Whitmore, Mikaela J.; michael@drpridham.com; jgriffee@noreste.org; peggyd333@yahoo.com; 'Dan Regan'; 'Joe Valles'; 'Rene Horvath'; 'Dr. Susan Chaudoir'; davidh.d7@comcast.net; 'Mike Minturn'; Metzgar, Angelo D.; Emillio, Dawn Marie; Emillio, Dawn Marie; Dan Regan
Subject: A Structural Defect in the IDO.....if one wants a balanced & fair set of zoning regs

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

All,

I apologize for being so slow on the uptake and putting this forward at this point of the Tech. Edits & Amendments revision for this year.

As the email string below attests, the zone conversion process was neither simple nor fully successful (when you have some number smaller than 20,000 properties that could be rezoned for one or more of 5 reasons, it's tuf to crow too loudly about the accomplishment).

In Mikaela's first response below, she shared with me a link (https://tinyurl.com/zc-eligible) which takes one to "all properties we suspected would be eligible for voluntary downzone" – I find it to be a most interesting and instructive view of the 'situ' at this juncture. And, Carrie's responses only point to the levels of complexities that are involved in getting the zones correct(ed). It's enough to make me tired.

SO – **on the one hand**, the Planning Dept. and the City Council cause a new Zoning Ordinance to be created that has led to Batches 1, 2 & 3 of Voluntary Conversion applications to handle at least 2000+ residential properties that didn't quite make it into the "R" category in the new system. And, the Planning Dept. has to still deal with all the properties, residential or other, that didn't get in on the Voluntary Conversion process. One could conclude, safely I think, that the City has had to accept the fact that the IDO that was declared "READY TO GO" has some serious issues and errors in their zoning schemes which need fixing…….the initial efforts took 15 to 20 months to gather the low hanging fruit of several thousands. As one of the Prophets in the Old Testament said: If this is what happens in the green wood, imagine what will happen in the dry.

AND – **on the other hand**, when Neighborhood Associations and District Coalitions came up against zoning designations that did not seem to fit or be the correct conversion, there was NO AVENUE to bring this mis-conversion possibility before any City body for serious review or consideration. Within less than a month of the IDO being in effect, Project 2018-001280 (1011396) was noted by NENA and the District 4 Coalition as being up-zoned in an improper, and harmful to the neighborhood, manner. There was NO WAY to get this issue before the EPC so the DRB and the LUHO simply dispensed with the question as not an appropriate one for them to consider. A similar possible mis-

conversion has been noticed in another situation which will remain unidentified for fear of causing some folks to have to recuse themselves in the matter……..but I can tell you that one of the more experienced and well respected architects in the city is of the opinion that the up-zoning that happened in this situation was/is improper.

Put another way: While the Phase II conversions gave property owners a process (however an all too protracted one) to correct the Phase I zoning conversion errors of THEIR property, no process was put in place for property owners and community leaders to bring Phase I conversion errors of AN OTHER'S property that would have negative impacts (or sub optimal positive impacts) to the attention of a review body with the authority to effect the corrections. It seems, also, that a significant number of the phase I conversion errors were introduced by incorrectly or incompletely incorporating the conditions placed upon properties by the sector development plans which were discarded en masse and without consultation with individual sector participants who had built them with care over as much as 25 years.

THAT IS THE STRUCTURAL DEFECT THAT I AM POINTING TO WITH THIS COMMUNICATION!

The City had to put in place lengthy, costly and aggravating (to all parties, I suspect) processes to FIX their zone conversion rules & systems that did not get it right on the first go-round…….and these are in the thousands!!!

But, if the residents of the City who participate in City recognized Neighborhood Associations, Home Owner's Associations, District Coalitions and other recognized groups make note of a single situation where the new zoning of a given property is questionable….. they are met with the equivalent of "Sorry, but there's not anything that the City can, or wants to, do with your situation regardless of how sound your reasoning or insights are or might be. The city has no path to address a single mistake you may have found in our zoning conversions."

That's a structural problem at the very heart of the IDO that makes the IDO a seriously flawed instrument which is balanced in favor of the developers in the city and is one more way in which the VOICE OF THE COMMUNITY is and has been diminished in the process of creating, executing and maintaining the new Zoning Ordinance. This taxpayer thinks this NEEDS to be addressed NOW!!!!

A tremendous amount of thanks to all of you who are working to make our city better for all of us!

Dan Regan
Knapp Height Neighborhood Association, President
District 4 Coalition, Zoning / Development Committee, Chair

From: Dan & Liz Regan [mailto:dlreganabq@gmail.com]
Sent: Wednesday, September 18, 2019 11:13 AM
To: 'Barkhurst, Kathryn Carrie' <kcbarkhurst@cabq.gov>; 'Renz-Whitmore, Mikaela J.' <mrenz-whitmore@cabq.gov>
Subject: RE: A point of data, s'il vous plait

Carrie,

Thanks (I think…) for your information and the links which will surely supply more reading time for me. I appreciate the help.

Dan R.

From: Barkhurst, Kathryn Carrie [mailto:kcbarkhurst@cabq.gov]
Sent: Wednesday, September 18, 2019 10:28 AM
To: Dan & Liz Regan <dlreganabq@gmail.com>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Subject: RE: A point of data, s'il vous plait

Hi Dan,

Also to clarify, while AGIS is working up the numbers, all the properties in red possibly qualify based on a nonconforming use (Criterion #1) based on the land use and zoning data we have for each property. The properties in blue and brown would qualify based on a voluntary downzone (Criterion #2) if the owner wanted a lower zone than they previously had.

I'd also like to point out that the Phase 1 zone conversion was not based on land uses. There were rules that converted one zone to the most closely matched zone in the new system. Here is a link to the conversion rules, which explain the methodology:
- Base Zone Conversion Rules: https://abc-zone.com/document/base-zone-conversion-rules
- Sector Plan Zone Conversion Rules: https://abc-zone.com/node/225
- Special Use Zone Conversion Rules: https://abc-zone.com/node/696

Best,
Carrie

From: Dan & Liz Regan [dlreganabq@gmail.com]
Sent: Wednesday, September 18, 2019 9:44 AM
To: Renz-Whitmore, Mikaela J.
Cc: Barkhurst, Kathryn Carrie
Subject: RE: A point of data, s'il vous plait

Mikaela,

Thanks for your quick reply, the link, the info provided and the handoff to the AGIS folks.

ALL muchly appreciated!!!! I will await AGIS' reply. Dan R.

From: Renz-Whitmore, Mikaela J. [mailto:mrenz-whitmore@cabq.gov]
Sent: Wednesday, September 18, 2019 8:20 AM
To: Dan & Liz Regan <dlreganabq@gmail.com>
Cc: Barkhurst, Kathryn Carrie <kcbarkhurst@cabq.gov>
Subject: RE: A point of data, s'il vous plait

I'm not sure we'll be able to get to a number, since we still don't know precisely what land uses were incorrect citywide.

I've asked AGIS to analyze this map to get you a number of all properties we suspected would be eligible for voluntary downzone: https://tinyurl.com/zc-eligible

The map was automated to show all 5 categories that could make a property eligible. Some of what got picked up in this analysis probably wouldn't have survived closer scrutiny by staff, but we used the map to get the biggest possible universe of properties to do a mailing of about 20,000 postcards to property owners about the free zoning conversion opportunity. So it's some number smaller than that!

I'll let you know what AGIS finds.

Thanks,

MIKAELA RENZ-WHITMORE
o 505.924.3932
e mrenz@cabq.gov

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Tuesday, September 17, 2019 7:55 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Subject: A point of data, s'il vous plait

I am looking for the total number of properties in the City that were/are eligible for Voluntary Zone Conversion due to the IDO mischaracterizing the actual use of that property at the time that the IDO became effective.

I remember a projection of approx.. 1500 residences in the foothills (High Desert, et al). But I also think that I remember a number in the mid-2000s when other areas were added in.

Can you help me out with this?

GRACIAS. Dan R.

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This message has been analyzed by Deep Discovery Email Inspector.

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This message has been analyzed by Deep Discovery Email Inspector.

Barkhurst, Kathryn Carrie

From: Don Hancock <sricdon@earthlink.net>
Sent: Tuesday, September 17, 2019 2:16 PM
To: City of Albuquerque Planning Department
Cc: Henry, Dora L.; Renz-Whitmore, Mikaela J.
Subject: Re: Notice of Decision: IDO Annual Update

Follow Up Flag: Follow up
Flag Status: Flagged

It was a surprise today to get this email regarding the impacts of Council Amendment T regarding parking transit reductions.

The map on page 7 of the Supplemental Staff Report appears to show that the impact of the amendment would be to have a 30% parking requirement reduction throughout the University Heights Association (UHA) area. That is unacceptable and clearly erroneous regarding actual parking requirements, history, and data.

The impacts of this proposal must be much more carefully analyzed, and I would urge that the Amendment T not be recommended by EPC at this time because of the need for more analysis and community input.

A couple of examples, UHA (and some other neighborhoods) have on-street permit parking because of heavy vehicular traffic in the area and inadequate off-street parking. Amendment T does not recognize those realities and should be revised to reflect such situations.

IDO residential parking requirements for much of the UHA area are usually 1 space per dwelling unit. Under the previous zoning (University Neighborhoods Sector Development Plan), the requirement was 1.5 spaces per dwelling unit. Thus there has ALREADY been a 33% reduction in the parking requirement under IDO. Allowing an additional 30% reduction would result in a more than 50% parking reduction!

I recognize that I'm late in the EPC process in bringing this issue up. But I hope at Thursday's hearing there is at least a recognition that there are additional aspects of the proposed Amendment that need to be considered.

Thanks for your assistance.

Don Hancock
2315 1/2 Lead, SE
Albuquerque, NM 87106

On 9/17/2019 12:07 PM, City of Albuquerque Planning Department wrote:

> Dear Neighborhood Association Representative,
>
> Attached please find the Notice of Decision for EPC Project #2018-001843 / RZ-2019-00046 Text Amendment to the IDO (otherwise known as the IDO Annual Update). On September 12, 2019, the EPC

voted to continue this hearing to this Thursday, September 19 starting at 9:00 am. The hearing will be in the Council Chambers at City Hall. Parking in the lot under Civic Plaza will be validated.

A link to the Supplemental Staff report and additional information related to the hearing is available at this link.

Thank you,

LONG RANGE PLANNING TEAM
urban design + development division
city of albuquerque planning department
o 505.924.3860
e abctoz@cabq.gov
cabq.gov/planning

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This message has been analyzed by Deep Discovery Email Inspector.

City of Albuquerque
P.O. Box 1293 Albuquerque, New Mexico, 87103

Department of Municipal Development

Timothy Keller, Mayor

Interoffice Memorandum **September 30, 2019**

To: Shahab Biazar PE, City Engineer, Planning Department

From: Paula Dodge-Kwan, DMD-Engineering Division Manager

Subject: COMMENTS BY THE ENGINEERING DIVISION OF THE DEPARTMENT OF MUNICIPAL DEVELOPMENT (DMD) FOR THE EPC HEARING ON OCTOBER 10, 2019, PERTAINING TO TECHNICAL EDITS ON THE IDO

Project #2018-001843
RZ-2019-00046 – Text Amendment to the IDO

DMD Engineering - Drainage Section:
DMD submitted written comments for the EPC hearing on September 19, 2019. DMD's comments opposed the notion that major public storm water holding facilities should be considered an industrial use that would be subject to supplemental buffer and setback regulations as now being proposed with the IDO technical edits at EPC. Planning has since asked DMD to provide further justification for why it believes public storm water ponding areas should not be subject to the new land use buffer and setback regulations, which are the following:

DMD is the City's department that is responsible for undertaking the necessary acquisition of property, design, and construction of the large-scale public flood hazard control facilities in accordance with the City's Capital Improvements Program, so the City can be in conformance with its Flood Hazard and Control Ordinance. Relevant elements of the Ordinance that relate to the current discussion before EPC are presented below, with follow-up commentary from DMD:

ARTICLE 5 OF CHAPTER 14 WITHIN THE CITY OF ALBUQUERQUE CODE OF ORDINANCES IS DEVOTED TO FLOOD HAZARD AND DRAINAGE CONTROL

PART 1: FLOOD HAZARD CONTROL

- 14-5-1-3 (A) STATEMENT OF PURPOSE AND APPROACH. It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

  14-5-1-3 (A) (2) Minimize expenditure of public money for costly flood control projects;

DMD COMMENTARY: According to 14-5-1-3 (A) (2) of this Ordinance, DMD is responsible for minimizing construction costs associated with its major flood control facilities. When a new drainage detention facility needs to be installed, DMD has to purchase whatever existing property

that may be available within the targeted area, with a focus on vacant land so as not to require the costly relocation of occupants within buildings. Once property is purchased, DMD's consultants must accommodate storage of a 100-year storm water volume. If during the pond design process DMD finds that the 100-year storm cannot be contained within the targeted property, and no other property is reasonably available, the ponding area will have to be deepened, pumps will be added and project costs will then increase. The imposition of landscaping setback and buffer requirements will reduce efficiency of the pond's storage capability and dramatically increase costs due to the deepening that may otherwise be accommodate by expanding the site laterally into the buffer. DMD's request is that upon delivery of sufficient technical justification for a buffer reduction to the City Engineer, the City Engineer may lessen or eliminate the buffer requirements, which would be applied on a case by case basis. This approach would be in lieu of the City having to buy additional property in order adequately store the required volume from a 100-year storm, thus "minimizing expenditures."

PART 2: DRAINAGE CONTROL

14-5-2-1 SHORT TITLE. Sections 14-5-2-1 et seq. may be cited as "The Drainage Ordinance"

- 14-5-2-3 STATEMENT OF PURPOSE AND INTENT. It is the purpose of this Ordinance to promote the public health, safety, and general welfare; to minimize public and private losses due to flooding; and where practicable, to ensure that runoff from certain storm events is mitigated to acceptable levels by provisions designed.

> 14-5-2-3 (B) As to flood control, to: (3) Provide for timely and effective construction and maintenance of flood control facilities.

DMD COMMENTARY: It is in the best interest of taxpayers for DMD to design public facilities that require a minimum amount of maintenance due to budget constraints on annually recurring expenses and capital resources. DMD's 2019 general obligation bond request for drainage that was recently sent to voters for approval is 22% below 2017 levels. Not only will property line setbacks reduce pond efficiencies, but maintenance of perimeter landscaping will further stretch currently limited resources to the point where maintenance obligations may be delayed beyond what would expected to be a reasonable response time.

- 14-5-2-4 DEFINITIONS.
  For the purpose of 14-5-2-1, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

  DRAINAGE RIGHT-OF-WAY**.** A public right-of-way acquired, whether in fee or in easement, by the city, county, AMAFCA, or the state for the primary purpose of handling storm drainage.

DMD COMMENTARY: As indicated in earlier comments to the EPC, DMD believes that property acquired through a public process for major drainage facilities like ponding areas, should be considered public drainage right-of-way, much like roadways are R/W, and not subject to traditional land use regulations.

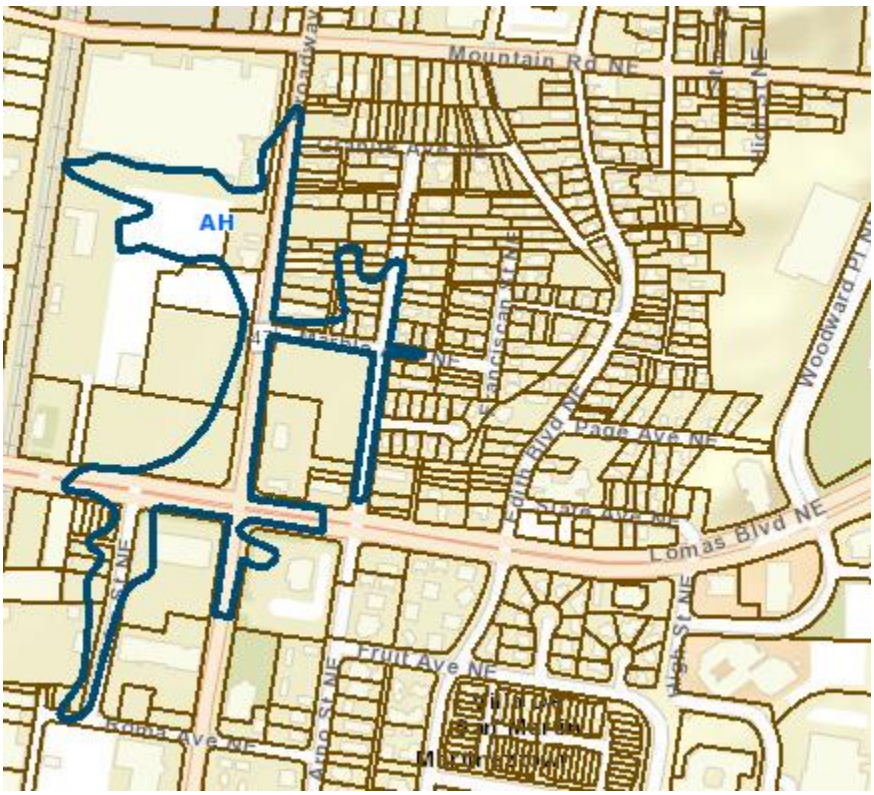
- 14-5-2-6 GENERAL PROVISIONS.

  (B) All developed land within the city shall be provided with adequate drainage control, flood control, stormwater control, and erosion control facilities. The protection of life, health, and property shall be considered the primary function in the planning, design, construction and maintenance of drainage control, flood control, stormwater control, and erosion control facilities. However, other concerns, not limited to the following, shall be addressed: channel capacity, watershed characteristics, channel stability, maintenance, transitions between treatment types, multiple use goals, <u>and appearance</u>. The needs of the community in transportation, utility services, recreation, and open space shall be considered in planning, design, construction, and maintenance – particularly in the selection of channel treatment measures. <u>These needs shall always be considered subsidiary to the primary functions of the drainage control, flood control, stormwater control, and erosion control facilities.</u>

DMD COMMENTARY: When new public drainage facilities are to be located within constrained locations the primary objective of protecting life, health and property should take precedence over the needs of appearance and how these facilities coexist with their surroundings.

Many of the remaining flood plains within the City occur in underserved areas and homeowners must pay monthly flood insurance premiums as a condition of mortgage financing. For example, DMD's new Marble-Arno pond is located in Martineztown/Santa Barbara, which for many decades has been prone to flooding due to its flat valley topography. Flooding has historically concentrated around the Lomas and Broadway intersection where an AH floodplain (blue line below) is recognized by FEMA. Maximizing the efficiency of this new drainage facility will ultimate remove local areas around this intersection from being within this floodplain, which will eliminate the cost of residents of having to carry flood insurance, thereby enhancing surrounding property values.

Substantially deep landscaping buffers will also attract undesirable human activity that would be concealed from the public view with landscaping, which in turn becomes a nuisance in the eyes of the private property owners who border these public drainage facilities.


Mountain Rd NE
AH
Page Ave NE
Lomas Blvd NE
Fruit Ave NE
Roma Ave NE
Woodward Pl NE
High St NE
Earl Wolfe

City of Albuquerque

P.O. Box 1293 Albuquerque, New Mexico, 87103

Department of Municipal Development

Timothy Keller, Mayor
Interoffice Memorandum **October 1, 2019**

To: Shahab Biazar PE, City Engineer, Planning Department

From: Melissa Lozoya, DMD-Deputy Director

Subject: SUPPLEMENTAL COMMENTS BY THE DEPARTMENT OF MUNICIPAL DEVELOPMENT (DMD) FOR THE EPC HEARING ON OCTOBER 10, 2019, PERTAINING TO TECHNICAL EDITS ON THE IDO

Project #2018-001843
RZ-2019-00046 – Text Amendment to the IDO

The Albuquerque's flood control system was built to protect the lives and property of the citizens of Albuquerque.

Several studies have been completed documenting the need for flood protection within various part of the Albuquerque Metropolitan area. Many of these areas are located in older, more established, parts of the City where vacant and available land is scarce. The City continues to work on identifying land that may be used for stormwater detention facilities. These areas are limited, and those that are available are small in size. Through the planning, design and construction of various drainage facilities it has come to the City's attention that in order to provide the proper flood protection the land that is available must be utilized in such a way that the entire area of the parcel is utilized to obtain the required storage for storm water runoff.

If available land can be optimized in such a way that flood protection is achieved through utilizing the entire property then it would eliminate the need for surrounding property owners to pay for flood protection. In turn, leaving more land available for private investments and redevelopment opportunities, thus leading to new land use patterns that bolster economic growth and stability.

Many opportunities to improve drainage conveyance and stormwater storage capabilities remain, especially in more established areas of the City. The City is committed to providing drainage facilities that meet the needs of residents, regardless of their age, ability, gender, ethnicity, or financial resources, to comfortably, safely, and efficiently protect their lives and property from flooding. Imposing more stringent setback requirements as now being proposed will limit the most effective design and construction of needed drainage facilities in these areas. In many cases these setback requirements would create a situation in which additional property would be needed, resulting in condemnation or acquisition of properties that may be occupied by established businesses or residents. This would potentially have a negative impact upon those communities which may be deemed low to moderate income. It is the City's desire to prioritize projects that are beneficial to communities with low-to-moderate income, high populations of elderly citizens with disabilities, or in neighborhoods with histories of systematic disinvestment or underinvestment. The proposed setback requirements will further constrain what can be done to adequately address flooding in these areas, and in some cases it would preclude or significantly postpone the construction of said facilities, leaving those communities more vulnerable.