



**Environmental
Planning
Commission**

**Agenda Number: 08
Project #: 2018-001843
Case #: RZ-2019-00046
Hearing Date: September 12, 2019**

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 54, and the RECOMMENDED CONDITIONS OF APPROVAL beginning on page 74, be forwarded to the City Council.

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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)). As this is the first Annual Update, there are a notable number of both minor and more substantial changes proposed. The proposed changes respond to questions and challenges that arose when the new IDO regulations were applied to real-world projects. Since May 2018 when the IDO became effective, staff has collected approximately 300 minor adjustments to language to clarify the original intent and improve the implementation of adopted regulations. These clarifications and adjustments were requested by neighbors, developers, and staff and are compiled into a table of "Proposed Technical Edits." More substantial changes were also requested by a variety of stakeholders and are proposed and sponsored as individual amendments by a City Councilor, compiled as "Council Amendments." 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 Tech Edits and Council Amendments are the main body of the application for this request.

In general, the request furthers several applicable goals and policies in the Comprehensive Plan that pertain to community identity, land use, urban design, and housing. The proposed text amendments also promote economic growth and investment in the City as a whole. The proposed changes are intended to balance the need to address market demands for housing and businesses with the imperative of protecting and enhancing existing neighborhoods, Major Public Open Space, and Centers and Corridors.

As of this writing, Staff has received several substantive comments that indicate issues with individual proposed changes, but is not aware of any opposition to the overall request. Staff recommends that a recommendation of approval be forwarded to the City Council.

Comments received before August 30, 2019 at 9 am are attached to and addressed in this Staff Report. Comments received before September 5th at 9 am are attached but not addressed. Comments received before September 10th at 9 am (after publication of this report and more than 48 hours before the hearing) are provided to the EPC but not attached to this report.

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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.
- “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.

From May 2018, when the IDO first became effective, staff collected approximately 300 Proposed Technical Edits. In May 2019, City Council adopted Resolution R-19-150 to address a procedural inconsistency related to the Development Review Board and variance requests. (See attachment.) In that resolution, City Council directed the Planning Department to submit the adopted changes as part of the IDO Annual Update. Staff has incorporated these adopted changes into the Proposed Technical Edits, to be reviewed and amended as necessary during the review/decision process for the annual update.

Twenty-one (21) Council Amendments were submitted, including amendments proposing to adopt a new Character Protection Overlay (CPO) zone and a new View Protection Overlay (VPO) zone. Subsequently, staff realized that the IDO requires changes related to CPOs and VPOs to be submitted as Zone Map Amendments decided by City Council pursuant to IDO Subsection 14-16-7(G). These two amendments are hereby withdrawn from consideration as part of this text amendment and will be submitted separately as Zone Map Amendment – Council requests.

Scope

The proposed IDO text amendment applies citywide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to lands that are controlled by another jurisdiction, such as the State of New Mexico, or to Federal lands. Properties in unincorporated Bernalillo County or other municipalities, such as the Village of Los Ranchos and City of Rio Rancho, are also not subject to the IDO.

Environmental Planning Commission (EPC) Role

The EPC is hearing this case pursuant to IDO Subsection 14-16-6-7(D), Amendment to IDO Text.

The EPC's task is to review the changes proposed as Technical Edits and Council Amendments and make a recommendation to the City Council regarding the proposed IDO text amendment as a whole. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is the Council's recommending body with review authority for the IDO Text Amendment. This is a legislative matter.

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

The proposed IDO text amendment fulfills the requirement for an Annual Update process established by IDO Subsection 14-16-6-3(D). The Planning Department compiled the recommended changes, analyzed them, and submitted them in for EPC's review and recommendation in September. The proposed IDO text amendment meets the review and decision criteria in IDO Subsection 14-16-6-7(D)(3).

1. The proposed changes in the requested IDO text amendment are consistent with the spirit and intent of the Albuquerque / Bernalillo County Comprehensive Plan (Comprehensive Plane) and other policies and plans adopted by the City Council.
2. None of the proposed changes in the requested IDO text amendment apply to a single lot or development project. They would affect property citywide.
3. The proposed changes in the requested IDO text amendment are required to protect public health, safety, and welfare and to promote economic growth and investment in the City as a whole that will not create material risks to the public health, safety, and general welfare.

Review and Decision Criterion 14-16-6-7(D)(3)(a)

The proposed changes in the IDO text amendment are consistent with Comprehensive Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review. The Council Amendments, in particular, are consistent with adopted policies to protect and enhance the quality of the City's unique neighborhoods and commercial districts. These amendments further several goals and policies of the Comprehensive Plan and protect the public health, safety, and welfare. See Section III. Analysis of Relevant Existing Documents in this Staff Report for more detailed policy analysis.

Review and Decision Criterion 14-16-6-7(D)(3)(b)

The IDO text amendment includes changes to regulations that apply citywide and generally clarify how to read and apply provisions in the IDO. None of the proposed amendments apply to a single lot or development project. Where there are changes that apply to a portion of the city, such as in select Center and Corridor areas, the change would apply equally in all areas with the same designation. In other instances, there are changes that would apply across a particular zone district or for all approvals of a certain type. These are noted in the Proposed Technical Edits and Council Amendments, where relevant. Such changes are supported by Comprehensive Plan policies cited in this Staff Report. See Section III. Because of this citywide applicability of these proposed changes, the IDO text amendment request is legislative.

Review and Decision Criterion 14-16-6-7(D)(3)(c)

These proposed IDO Annual Update text amendments are required to protect public health, safety, and welfare and to promote economic growth and investment in the City as a whole.

III. ANALYSIS OF RELEVANT EXISTING DOCUMENTS

Integrated Development Ordinance (IDO)

The request was submitted subsequent to the IDO's effective date of May 17, 2018, and therefore is subject to its applicable standards and processes.

Ordinance citations are in regular text; *Staff analysis follows in bold italics.*

Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. The purpose of this Charter is to provide for maximum local self-government. A liberal construction shall be given to the powers granted by this Charter.

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.

Article IX, Environmental Protection

The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.

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.

Article XVII, Planning

Section 1. The Council is the city's ultimate planning and zoning authority, including the adoption and interpretation of the Comprehensive Plan and the Capital Improvement Plan. The Council is also the city's ultimate authority with respect to interpretation of adopted plans, ordinances, and individual cases.

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.

Section 2. The Mayor or his designee shall formulate and submit to the Council the Capital Improvement Plans and shall oversee the implementation, enforcement, and administration of land use plans.

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.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

The request for a text amendment to the IDO furthers the following, applicable Comprehensive Plan Goals and Policies:

Chapter 4: Community Identity

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.

Chapter 5: Land Use

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.

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.

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.

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 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.

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.

IV. KEY ISSUES & DISCUSSION / ANALYSIS OF COUNCIL AMENDMENTS

Council Amendment A – Barbed Wire

Council Purpose: The proposed changes to the IDO’s barbed wire regulations are intended to address safety issues expressed by commercial property owners while still protecting aesthetics in residential and open space areas. First, this amendment will allow for barbed wire or similar materials in all of the Non-residential (NR) zone districts under two conditions. The first condition is that the barbed wire in these zones can’t be visible from a City park or trail or Major Public Open Space. The second condition is that the wall or fence with barbed wire will be required to be set back 5 feet and be a minimum of 6 feet tall when the wall or fence faces a street. These dimensional regulations are intended to better protect the public who may be walking on a sidewalk adjacent to a barbed wire wall or fence. The amendment removes exemptions for public utilities and public facilities such as police or transit stations.

Second, this amendment would prohibit barbed wire in any Mixed-use (MX) zone district. The IDO currently prohibits barbed wire for residential uses in the MX zones. This amendment would extend that prohibition to commercial and civic and institutional uses in the MX zones.

This amendment also includes a sunset clause of January 1st, 2023 for any existing barbed wire that would be deemed illegal under IDO provisions. This will allow a property owner ample time to address security concerns on their property, including public utility structures, APD, and CABQ Transit who were previously exempt from this provision. This amendment would hold public utilities, APD, and CABQ Transit to the same standard we hold private properties to.

Planning Policy Analysis: Parts of this amendment further Comprehensive Plan policies, while other parts of the request conflict with Comprehensive Plan policies for walkability and high-quality development.

The amendment furthers the following Comprehensive Plan policies:

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.

The amendment conflicts with the following Comprehensive Plan policies:

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

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

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

This request would remove the IDO's prohibition of razor/barbed wire that is visible from public streets in Non-residential (NR) zone districts, which could lead to perceptions of a hostile and less comfortable/inviting pedestrian environment. There are many locations citywide where NR zone districts face public streets, including in designated Centers, along designated Main Streets and major arterial roads, and facing Residential zone districts and residential uses. In these locations, the amendment would result in lower-quality development.

This amendment will not protect neighborhoods across the street from NR zone districts. The amendment would be more consistent with these Comp Plan policies if barbed wire was prohibited adjacent to a Residential zone.

The potential benefits to walkability of these changes are undercut by the sunset clause proposed in this amendment for all barbed wire. Because it is unknown at this time where barbed wire is currently installed, the sunset clause may result in more barbed wire being installed in the interim in all zones or remaining after the sunset date, unless significant resources are invested in enforcement sweeps. This amendment would be more consistent with these policies if the sunset clause only applied in NR zone districts or was removed from the amendment altogether.

Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

A property owner with Mixed-use zoning indicated that this change would reduce their ability to protect outdoor goods from theft and vandalism. Expanding the applicability of this regulation to all MX zones, including APD and transit properties, along with the sunset provision, could have financial implications for businesses and require zone changes to allow the site feature to remain.

Council Amendment B – Cannabis Retail, Cultivation, and Manufacturing

Council Purpose: The purpose of this proposed amendment is to establish regulations within the City of Albuquerque for the growing, cultivating, manufacturing, and retail sales of recreational cannabis. These proposed regulations are in anticipation of recreational cannabis being legalized at the state level. Recreational cannabis is not legal at this time, therefore these regulations, as they relate to recreational cannabis would not be enforced or implemented until such a time that the state legalizes recreational cannabis. Please note that the regulations proposed in this amendment will not regulate medical marijuana retail, but would regulate the cultivation and manufacturing of medical marijuana.

This amendment differentiates between recreational and medical retail but does not differentiate between recreational and medical cultivation or manufacturing. This amendment proposes to create three new definitions, three new uses in the use table with applicable use-specific standards, and amend the existing definition of “General Retail” to clarify that medical marijuana falls under this category and not one of the new marijuana-related categories.

Planning Policy Analysis: This amendment is consistent with the following Comprehensive Plan policies.

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.

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).

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.

a) 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.

Council Amendment C – Civil Enforcement Procedures

Council Purpose: This amendment establishes civil enforcement procedures for zoning violations. Currently, violations of the IDO must be enforced via the criminal courts; however, a civil enforcement procedure would offer an option for enforcement based on fines, liens, and negotiations about compliance, which is expected to be more effective and relevant to the issues that the IDO regulates.

Planning Policy Analysis: This amendment implements Comprehensive Plan policies about regulatory alignment and mitigating potential adverse land use impacts.

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.

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.

Council Amendment D – Cluster Development

Council Purpose: The purpose of this amendment is to refine regulations related to cluster development to clarify what the City requires in terms of design when a property is developed under the cluster development regulations. First, this amendment proposes to create a new definition for “cluster groups” and require them through a use-specific standard for cluster development to promote a cluster development pattern. The additional regulations specify how many units make a cluster group and the required common open space between clusters. This amendment does not change the protection carried over from the Los Duranes Sector Development Plan that limited cluster development by dwelling units.

Planning Policy Analysis: Parts of this amendment further Comprehensive Plan policies, while other parts of the request conflict with Comprehensive Plan policies about efficient development patterns and preserving natural landscapes.

The amendment furthers the following Comprehensive Plan policies.

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.

The amendment conflicts with the following Comprehensive Plan policies:

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

Policy 5.3.4 Conservation Development: Encourage conservation development to promote private open space and preserve natural landscape, agricultural lands, and other features of the natural environment to encourage development that is sensitive to the open, natural character of the area and the geological and cultural conditions.

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

Policy 7.3.1 Natural and Cultural Features: Preserve, enhance, and leverage natural features and views of cultural landscapes.

The amendment is intended to address ambiguity in the existing regulations for cluster development. In doing so, the amendment shifts the existing intent of cluster development from preserving one common open space for recreation and enjoyment to requiring residential clusters with small swaths of common open space throughout the subdivision. The result of limiting dwelling units in a cluster group and requiring common open space

around each cluster group is that the same number of units create a larger footprint on the land.

If approved, the amendment would likely result in extending additional infrastructure across larger land areas, generally consuming more land that would be required under the existing regulations, making the development less efficient. The amendment conflicts with Comp Plan policies to protect sensitive lands because it would require more infrastructure and development to be extended across more land to accommodate the same number of units, therefore decreasing the amount of sensitive land, open space, common space, that could be preserved.

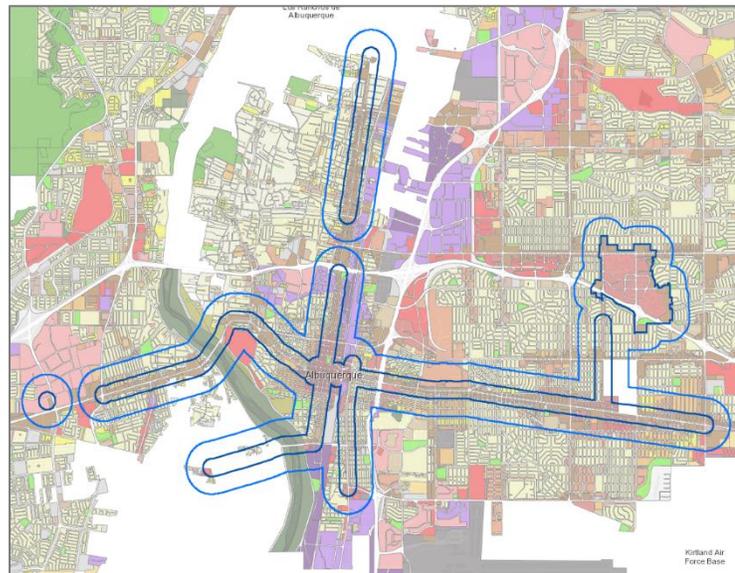
The existing regulations for cluster development are intended as an incentive to preserve sensitive lands, agricultural lands, and/or lands to be used as a common open space. It is recognized that a community's health (or in the case of a development, the residents' health) is partially dependent on the amount of access to green space. The intent of this policy is to offer residents one common open space, which is defined as "the area of undeveloped land within a cluster development that is set aside for enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses."

The cluster development provisions in the IDO might be better categorized as a conservation subdivision rather than a cluster development. The amendment shifts the emphasis from preservation of common open space to the required cluster groups. It may be that both approaches – cluster developments and conservation subdivisions – are useful in different contexts, and perhaps both should be in the IDO as separate uses available for different purposes in different contexts.

If approved, the amendment could potentially harm or interfere with the preservation of natural features and cultural landscapes by breaking up common open space with "cluster groups." If the existing provisions for cluster development are maintained and re-defined as conservation subdivisions, then the IDO should make clear that for every 50 dwelling units, 30% of the land must be set aside as 1 common open space, which cannot be broken up on the site, and each conservation subdivision shall meet all setback and access requirements.

Council Amendment E – Contextual Standards

Council Purpose: This amendment allows a smaller lot to be created in and within ¼ mile of UC-MS-PT areas under contextual standards in Areas of Consistency. The amendment decreases the percentage that a lot can be smaller than the average lot size on the block from 75% to 50% for lots 10,000 square feet or larger that are located within ¼ mile of UC-MS-PT areas.



This additional flexibility in subdividing existing lots is intended to support incremental infill development in areas where the Comprehensive Plan policies on Centers and Corridors direct growth. The R-1D lot size in the IDO is larger than was previously required under the Zone Code. R-1D has a minimum lot size of 10,000 square feet. The R-1 in the Zone Code, except where a Sector Development Plan stated otherwise, had a minimum lot size of 6,000 square feet (5,000 square feet if the lot was platted after 1981).

Planning Policy Analysis: Parts of this amendment further many Comprehensive Plan policies, while other parts conflict with a Comprehensive Plan policy about preserving existing neighborhoods.

The amendment furthers the following Comprehensive Plan policies:

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 Affordability: 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.

The amendment conflicts with the following Comprehensive Plan policy:

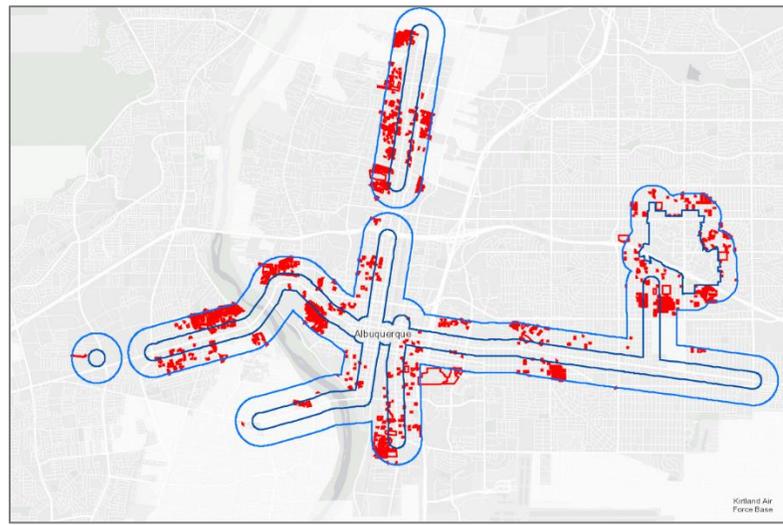
Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

This amendment would allow for slightly more dense development in areas with relatively large lots (over 10,000 sf), which may change the character of the built environment over time; however, it is important to note that in many locations, this change re-establishes lot size that would have been allowed under the old Zoning Code. This change is supported by the preponderance of Comprehensive Plan policies.

One small shift in language is needed to the language to add “no less than” before 50 percent to signal that the lot does not have to be exactly 50% smaller.

Council Amendment F – Cottage Development

Council Purpose: This amendment reduces the minimum lot size for cottage development in proximity to UC-MS-PT areas. Comprehensive Plan policies direct growth to designated Centers and Corridors. Cottage development allows more units of smaller size on a site, with flexibility in site design and layout. This amendment would reduce the minimum lot size for a cottage development to 10,000 square feet in proximity to UC-MS-PT areas; however, it would not change the formula for working out how many cottage units could be developed on a specific property or the zone districts where cottage development is allowed.



Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policies.

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 9.3.1 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.

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

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.

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 and preservation of open space.

Council Amendment G - Drive-Throughs

Council Purpose: The purpose of this proposed amendment is to amend the drive-through provisions for properties located within UC-AC-MS-PT-MT areas and the MX-H zone. Currently, a drive-through facility in these areas can't be located between the front façade of the primary building and the front lot line or within a required side setback abutting a street. The intent of this regulation was to minimize conflicts between vehicles in a drive-through lane and pedestrians, especially in areas with large amounts of pedestrian traffic.

This amendment also proposes to clarify the orientation of drive-through service windows. As written in the IDO, the limitations on the location and orientation of the drive-through service window mean that potentially the service window could not be located on any side of a building in certain contexts. The amendment limits requirement to orientating the service window away from the most sensitive use – residentially zoned areas – and removes the requirement for corner sites. Subsections (b), (c), and (d) address the location of the drive-through service window, order board, and other audible electronic devices.

Planning Policy Analysis: Parts of this amendment further Comprehensive Plan policies, while other parts of the amendment conflict with Comprehensive Plan policies that encourage pedestrian-oriented design in the Centers and Corridors meant to be the most walkable.

The amendment furthers the following Comprehensive Plan policies:

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

This amendment addresses a concern that some of the design requirements for drive-throughs in AC-UC-MS-PT-MT areas are too restrictive and are discouraging or rendering impossible that type of development in Center and Corridor areas, where development is generally desired.

This amendment would allow for flexibility on certain lots where the circumstances of the lot size, location, or orientation do not allow for a site layout that is accessible or, in some 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 allows for some flexibility, but still protects residential neighborhoods from the

sounds and other negative impacts, like idling vehicles, associated with the service window. As written, the proposed language that the window be “parallel with” includes some ambiguity and is open to interpretation and possible loopholes. This regulation would be clearer if the language were adjusted to say “facing.”

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.

The amendment conflicts with the following Comprehensive Plan policies:

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 5.7.2 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 5.1.4.b. Urban Centers: Encourage pedestrian-oriented design, transit-oriented development, and infrastructure improvements that make Urban Centers more walkable over time.

Policy 5.1.8 Premium Transit Corridors: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.

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

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.

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 7.2.2 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.

The existing regulations in the IDO limit the development of drive-throughs in Center and Corridor areas that are meant to become more walkable over time unless the development can meet certain design standards that make them more integrated into a pedestrian-oriented environment.

Drive-throughs are, by definition, auto-oriented uses. The amendment adds exemptions to existing design regulations that make this use more pedestrian-friendly, which will result in allowing this auto-oriented use in areas intended to be Albuquerque's most pedestrian-oriented places. As written, the amendment would remove those design standards for Activity Centers and Major Transit Corridors and add exemptions for UC-MS-PT areas and the MX-H zone, thus allowing more auto-oriented development in those Centers and eroding the potential for them to become more pedestrian-oriented over time.

The amendment would be more consistent with Comp Plan policies if drive-throughs were prohibited in these locations unless they met the opposite of the conditions imposed by the amendment as exemptions, i.e., unless the lot is not located on a corner, the lot is greater than 21,780 feet (½ acre), and the lot has vehicular access to the street that the front façade of the primary building faces. Several other cities are taking dramatic steps to limit drive-through uses as counter to goals for walkable built environments that support community health. This shift in the approach of the amendment would be a more moderate approach, given the Comp Plan's recognition of Center/Corridor areas that are intended to be more walkable than other areas in the city. This approach is also more clear than the current standards in setting out the expectation that the use is just not allowed on the site unless the design standards can be met.

The amendment also proposes to strike language prohibiting service windows on the corner of the building facing intersections. This language was intended to reduce conflicts with pedestrians at street corners and generally reduce the intensity of this auto-oriented use at street corners. The amendment would be more consistent with Comp Plan policies if this language was left unchanged in the IDO.

Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

Policy 5.1.6.d: Ensure that Activity Centers are pedestrian-friendly and provide convenient pedestrian connections to nearby residential areas.

Policy 7.1.2 Development Form: Prioritize elements of development form for each Center and Corridor.

Policy 7.1.2.a: Follow the Development Form Matrix in Table 7-3 for development in Centers.

This amendment would remove a provision that requires drive-through design in Activity Centers to be pedestrian-oriented.

Table 7-3 in the Comprehensive Plan encourages planning for frequent pedestrian connections and locating parking areas to the side or rear of buildings in Activity Centers. This amendment would remove the provision that requires drive-through lanes (which, as vehicle circulation areas, are similar to parking areas in terms of street activation and pedestrian safety) to be located away from the street in Activity Centers.

The amendment would be more consistent with these policies if the drive-through regulations and proposed exemptions were applied in Activity Centers, or if drive-throughs were prohibited unless the lot met the conditions as proposed above.

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

Policy 7.1.2 Development Form: Prioritize elements of development form for each Center and Corridor.

Policy 7.1.2.b: Follow the Development Form Matrix in Table 7-4 for development within 660 feet of Premium Transit Corridors and elsewhere along Corridors outside of Centers.

This amendment would remove a provision that requires drive-through design in Major Transit Corridors to be pedestrian-oriented. Like the Premium Transit Corridor, the Major Transit Corridor designation is intended to encourage development that serves people using transit, as these Corridors are areas where transit service is most frequent. The existing provision that does not allow drive-through lanes between the road and the building is important in these Corridors because it makes it possible for transit users to access those businesses from the sidewalk without having to cross the drive-through lane. The amendment would be more consistent with this policy if the drive-through regulations and proposed exemptions were applied to MT areas. or if drive-throughs were prohibited unless the lot met the conditions as proposed above.

Table 7-4 in the Comprehensive Plan encourages maximizing pedestrian connections, minimal building setbacks, and locating parking areas to the side or rear of buildings in Major Transit Corridors. This amendment would remove the existing provision that requires drive-through lanes (which, as vehicle circulation areas, are similar to parking areas in terms of street activation and pedestrian safety) to be located away from the street in Major Transit Corridors, thus allowing buildings to be set back further (behind the drive-through lane) and reducing pedestrian connections.

Council Amendment H – General Retail, Small

Council Purpose: This amendment revises the threshold for small general retail. “General Retail, Small” is currently defined as 10,000 square feet. In the MX-L zone small general retail is the only size of retail allowed. The MX-L zone is mapped on many streets throughout the city and is intended to provide “neighborhood-scale convenience shopping needs.” However, many of the areas already developed include buildings and retail spaces over 10,000 square feet, and most anchor tenants for such developments require at least 25,000 square feet. For a sense of scale, a pharmacy such as Walgreens or CVS is generally 15,000 square feet, and a hardware and home store such as Ace or True Value is generally 20-25,000 square feet. Revising the threshold for small general retail is intended to ensure the continued economic viability of neighborhood-scale retail spaces throughout the city.

This amendment includes a use-specific standard for the MX-T zone district to limit small general in the MX-T zone only to 10,000 square feet, consistent with other non-residential uses in the MX-T zone, given the zone’s purpose to provide a transition between residential uses and more intense Mixed-use and Non-residential zone districts. This amendment would not change the upper threshold for medium or large general retail uses.

In addition, grocery stores are defined separately from general retail and are generally allowed more square footage; therefore, for consistency, this amendment increases the square footage of grocery stores in the MX-L zone district.

Planning Policy Analysis: Parts of this amendment further Comprehensive Plan goals and policies, while other parts of the amendment conflict with Comprehensive Plan policies that encourage development appropriate in scale to surrounding neighborhoods.

The amendment furthers the following Comprehensive Plan policies.

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.

The amendment conflicts with the following Comprehensive Plan policies:

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.

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 5.2.1.g: Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:

- i. In Activity Centers with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to nearby residential areas;
- ii. In larger area-wide shopping centers located near intersections of arterial streets and provided with access via transit;
- iii. Next to another shopping center at an intersection only when safe pedestrian crossings are provided to encourage shoppers to “park once” and walk to multiple stores; and
- iv. In contiguous storefronts along streets in established neighborhoods and Main Streets.

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.

Policy 8.1.1.b: Support a variety of lower-density, lower-intensity services, jobs, and housing outside of Centers.

The amendment would conflict with these policies. The amendment would allow anchor tenants in the MX-L zone district, which would, in some cases, capture regional growth outside of Centers and Corridors and would increase the intensity of the retail use in MX-L. The amendment would encourage larger-format retail in Mixed-use, as opposed to Non-residential, zone districts and would allow more regional shopping centers in areas other than those established as appropriate in the Comp Plan.

The MX-L zone district is for neighborhood-scale convenience shopping needs. Anchor tenants arguably serve larger community and regional shopping needs. The Council amendment posits that anchor tenants are necessary to support small-scale neighborhood retail and should therefore be allowed in the MX-L zone to anchor the smaller retail businesses and help them succeed and thrive. The other possible consequence is that spaces that would be reserved for smaller, local retail would go to larger, national retail chains.

This amendment would be more consistent with the Comprehensive Plan policy if the use-specific standard limited the allowance of larger retail footprints to MX-L in Areas of Change (which would include UC-MS-PT-AC-MT-EC areas but also Metropolitan Redevelopment Areas, industrial parks, and business parks) only, while leaving the smaller square footage limit in Areas of Consistency. This would add a level of complexity to the small general retail use, but putting this information in a table in the use-specific standard might help provide clarity.

| 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 | 10,000 sf or less | 15,000 sf or less |
| General retail, medium | Not allowed | >10,000 sf – 50,000 sf | > 15,000 sf – 50,000 sf |
| General retail, large | Not allowed | > 50,000 sf | > 50,000 sf |

| 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 |

Council Amendment I – To the Maximum Extent Practicable

Council Purpose: This amendment proposes to remove or change many provisions in the IDO that end with the phrase “to the maximum extent practicable.” The IDO is intended to be a regulatory document with enforceable, predictable provisions. Overuse of the phrase “to the maximum extent practicable” reduces this predictability. While there are a few instances where this phrase is appropriate, the majority of the 40 instances the phrase appears could be changed. The attachment to this amendment offers new language or proposes to strike the phrase “to the maximum extent practicable” where appropriate.

Planning Policy Analysis: Parts of this amendment further a Comprehensive Plan policy, while other parts of the amendment conflict with Comprehensive Plan policies that encourage appropriate processes for desired development.

The amendment furthers the following Comprehensive Plan policy.

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.

The amendment conflicts with the following Comprehensive Plan policies:

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

Policy 5.7.4.d: Provide by-right approval processes for projects that meet regulatory standards.

Policy 5.7.5.a Public Engagement: Coordinate with developers and lenders to remove obstacles and identify effective incentives for desired development.

The amendment would conflict with these policies, since the discretionary review/decision process that is proposed to replace the administrative review/decision process is on a longer decision cycle and by its discretionary nature potentially lead to more unpredictable outcomes. The expertise to make the determination of feasibility and prudent alternatives will more likely reside with staff, who can certainly give comments at EPC, but if staff has the expertise, the determination could also be left with them within the existing review/decision process for the application, as opposed to requiring a new application to EPC for site plan approval (when the applicant may have originally applied for subdivision).

One problem with the amendment as written is that it would apply to all application types anywhere in the city. Administrative site plans to redevelop a downtown block would need to document a sensitive lands analysis, for example.

The amendment would be more consistent with this policy if Subsection 5-2(C) were revised to only apply to undeveloped lands or lands of a certain size (such as 5+ acres, where an archaeological certificate is required) or in a particularly sensitive location, such as within a certain distance from Major Public Open Space. Another option would be to limit the applicability of this section to subdivision applications and site plan applications for lands 5+ acres next to Major Public Open Space (which cannot be subdivided before getting a site plan approved).

Policy 10.4.4.b Arroyos and Drainage: Protect drainage or Open Space functions of arroyos from development impacts.

The amendment would conflict with this policy, as the phrase “to the maximum extent practicable” is a stricter standard than to simply “avoid” or “mitigate.” In the instances where “to the maximum extent practicable” has been removed without adding a quantifiable standard that can be met or not met, any effort to avoid or mitigate will meet the standard, and if no effort can avoid the standard, the application would require a variance. The review/decision criteria for variances currently states that the minimum exception to the dimensional standard should be granted to overcome the hardship or constraint. In the case of a standard that is all or nothing (ex: “arroyos shall be avoided”), approving the variance would allow a street over an arroyo without mitigating or minimizing the crossing. The intent of the provision in this case is better met with the phrase “to the maximum extent practicable” than without it.

This amendment would be more consistent with this the Comp Plan policy to protect arroyos and Open Space if the language from the definition of “maximum extent practicable” requiring “that applicant has taken all possible steps to comply with the standards or regulations and to minimize potential harmful or adverse impacts” be added to the review/decision criteria for variances and Waiver – DRB.

See attached exhibit for staff recommendations for changes and possible considerations.

Note that the exhibit includes several additional instances of “extent possible” in the IDO and suggestions for how to amend them.

Council Amendment J – MX-M Liquor Retail

Council Purpose: This amendment revises Table 4-2-1 Allowable Uses to make “Liquor Retail” a Conditional use in the MX-M zone, unless accessory to a grocery store. Liquor retail is a use that is often incompatible with adjacent land uses. The MX-M zone is mapped on many major streets within the city and is often close to sensitive uses such as residential uses. Making liquor retail a Conditional use would allow for more consideration of whether a liquor retail use is appropriate in each location.

Planning Policy Analysis: Parts of this amendment further Comprehensive Plan policies, while other parts of the amendment conflict with Comprehensive Plan policies that encourage economic development opportunities.

The amendment furthers the following Comprehensive Plan policies.

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.

The amendment conflicts with the following Comprehensive Plan policies:

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.

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 5.7.2 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 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.

This amendment could potentially limit a development or local business's growth or ability to expand. The IDO established the MX-M zone to allow a diverse set of uses. MX-M is often located within Center and Corridor areas. This amendment may limit opportunities to allow for growth in these more urban areas and may limit economic opportunity. This amendment would be more consistent with these policies if MX-M were left permissive in Center and Corridor locations except within 500 feet from any Residential or NR-PO zone district or any group home use (as written in IDO Subsection 4-3(D)(36)(c)).

The Nob Hill Sector Development Plan did not allow liquor retail in Special Use zones (CCR-1 and CCR-2) that converted to MX-M. This amendment could carry over that prohibition for the MX-M zone district in the areas now mapped as Sub-area 1 and Sub-area 2 in the Nob Hill Character Protection Overlay zone (CPO-8).



Council Amendment K – Neighborhood Edge

Council Purpose: In the Neighborhood Edge provisions (Section 5-9 of the IDO), this amendment would reduce the distance from a Protected Lot (i.e. a low-density residential zone district) that parking can be located. Currently, the parking area must be 50 feet from the Protected Lot. In situations where the Protected lot is behind the Regulated lot, this requirement tends to result in pushing the buildings on the site from the front of the lot (near the street), to the back of the lot, where they are closer to the low-density residential zone district. To address this, this amendment proposes to reduce the distance for parking areas to 15 feet from the Protected Lot.

Planning Policy Analysis: This amendment supports the following polices in the Comprehensive Plan.

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.

- 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.

- 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. Some 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.

Council Amendment L – Non-residential Zone Standards

Council Purpose: The purpose of this proposed amendment is to allow taller walls in the front-yard setbacks in the NR-C and NR-BP zone districts. The old Zoning Code required any wall or fence that was within 5 feet of the public right-of-way to be limited to 3 feet in height; however, there was no height limit beyond that 5-foot setback. The IDO extended that provision beyond the previously allowed 5-foot setback, limiting the height of a front or side yard wall or fence in these zones to 3 feet. This amendment proposes to allow a wall up to 6 feet in height in these zones as long as it is set back at least 5 feet from the property line. Any portion of the wall or fence taller than 3 feet will be required to be view fencing.

Planning Policy Analysis: This amendment is consistent with the following Comprehensive Plan policies.

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.

- 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.

- a) Design development to reflect the character of the surrounding area and protect and enhance views.
- 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.

Council Amendment M – North 4th CPO

Council Purpose: The purpose of this proposed amendment is to establish regulations for the North 4th Corridor through a new Character Protection Overlay (CPO) zone. This CPO takes regulations from Resolution R-19-162 and puts them into a permanent overlay zone for the area. These regulations are intended to be more aligned with the surrounding community’s desire for development along the corridor. The resolution also included required street cross-sections that new development would be required to comply with; however, those cross-sections are more appropriately placed in the Development Process Manual rather than the IDO.

Planning Policy Analysis: Because this amendment 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). Please see Proposed Technical Edits for items related to creating a new decision to adopt or amend small areas and small area regulations in the IDO.

Having reviewed the proposed changes related to Building Design within this area, which is also a Main Street, staff recommends that these standards be carried over citywide to replace existing requirements for Urban Centers, Main Streets, and Premium Transit Corridors. To accomplish this, the proposed changes would need to be added to a new amendment sponsored by a City Councilor. If these standards were to be adopted citywide as the new Center/Corridor standards for building design, then these would not be needed in the CPO zone. In general, standards that are citywide are enforced more consistently and therefore offer more predictability and protection for the built environment.

Council Amendment N – NR-C

Council Purpose: This amendment revises Table 4-2-1 Allowable Uses to make a “Construction contractor facility and yard” a Permissive use in the NR-C zone district and adds a use-specific standard making this use Conditional within 330 feet of a Residential zone district. Prior to the adoption of the IDO, most areas now mapped as NR-C were zoned C-3. The C-3 zone allowed this use as permissive and conditional, depending on whether the use was within an enclosed building or an area enclosed by a wall or fence six feet in height, respectively. The NR-C zone district made this use Conditional in all circumstances; however, most of NR-C zones are mapped in areas with a mix of light-industrial and heavy-commercial uses, where this use would be compatible with the surrounding uses. This amendment would make the use permissive but maintain the conditional use protection in proximity to residential zoning, where the use may not be compatible with the surrounding uses.

Planning Policy Analysis: This amendment is consistent with the following Comprehensive Plan policies.

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

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

- 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.

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

- 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.

Council Amendment O – Outdoor Dining

Council Purpose: This amendment removes new regulations adopted with the IDO requiring walls and fences around all outdoor dining locations, including outdoor dining areas on private property and along public rights-of-way. Outdoor dining areas are important and attractive to restaurant businesses and help to create a vibrant and active community. These revisions do not impact the separate State Liquor Law requirement that all areas where alcohol is served and consumed to be enclosed by a wall and the State's process for approving such enclosed areas located within the sidewalk.

Planning Policy Analysis: Parts of this amendment further Comprehensive Plan goals and policies, and parts conflict with Comprehensive Plan goals and policies for walkable places.

The amendment furthers the following Comprehensive Plan policies.

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

Policy 5.1.3.c 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.

- a) 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.

- a) 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.

- a) Design streetscapes to incorporate street trees, landscape elements, and enhanced sidewalks to support vibrant pedestrian environments.
- b) Encourage building and site design that activates the pedestrian environment through building frontage, entrances, parking areas, and gathering spaces.
- c) 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.

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.

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 areas

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.

The amendment conflicts with the following Comprehensive Plan policies:

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.

b) 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.

b) 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.

d) Design streetscapes to incorporate street trees, landscape elements, and enhanced sidewalks to support vibrant pedestrian environments.

e) Encourage building and site design that activates the pedestrian environment through building frontage, entrances, parking areas, and gathering spaces.

f) Support pedestrian activity along streets, including sidewalk dining, parquitos/parklets, and open streets events.

The amendment conflicts with these Comp Plan policies by reducing the required minimum clear pedestrian passage area from 6 feet to 4 feet for local streets. This narrowing of the clear passage area could degrade the quality of the pedestrian environment where higher pedestrian activity is expected. For example, there are existing outdoor patio fences in the public right-of-way that narrow the sidewalk to the extent that people have to walk single-file to pass through the pinch points and may not comply with the Americans with Disabilities Act.

This amendment would be more consistent with these policies if the clear pedestrian path widths were revised by context. In designated Centers and Corridors, where the city would like to encourage and provide infrastructure adequate to support a vibrant pedestrian environment, the minimum sidewalk width should be no less than 6 feet on any street classification. In the Downtown Core, where the DPM requires sidewalks to be a minimum of 10 feet wide to support the greatest density of pedestrians, the minimum clear passage area should be no less than 8 feet in width. On local streets and outside of designated Centers and Corridors, where a lower volume of pedestrian activity is expected, the clear passage area should be no less than 4 feet in width.

Additionally, the amendment would be more consistent with these policies if some vertical demarcation of the limits of the encroachment permit were required to provide more clarity about the extent of the outdoor patio and the remaining sidewalk path that is available for all users. This visual demarcation is also important to establish where the area where private liability for any accidents begins (at the edge of the area approved for encroachment) for insurance purposes. This private insurance coverage is an important part of the encroachment agreement to protect the City.

Council Amendment P – Primary Building Frontage Requirement

Council Purpose: This amendment proposes to allow an outdoor patio to contribute to the required 50% of the front property line that must be occupied by a building. The intent of the original regulation is to locate buildings closer to the street to establish a more walkable, urban form in Urban Centers, Main Streets, and Premium Transit areas. Outdoor patios will also contribute to this urban form; therefore, this amendment proposes to make outdoor patios applicable to the minimum 50% calculation. This amendment also clarifies that the required 50% is a minimum amount.

Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policies.

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.

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.

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.

Council Amendment Q - Procedures

Council Purpose: This amendment makes changes to the procedures chapter of the IDO. These changes are intended to make the development process more transparent and accessible. These changes include directing the Planning Department to create notification forms that applicants will be required to use when sending out neighborhood notification, including requests for a neighborhood meeting. The purpose of making this process more explicit is to ensure that neighborhood associations and property owners receive notice that contains ample information to understand the request. Currently, the city’s website contains examples of what a good notification letter looks like; however, applicants are not required to use these “templates.”

Additionally, this amendment proposes to make changes to the facilitated meeting process to go back to the procedures before the IDO. Pre-IDO, there was no process to deny the request for a facilitated meeting from the City. The IDO granted purview over this process to the Planning Director. This amendment proposes to allow anyone to request and receive a facilitated meeting from the City at any point in the review/decision process for any application.

Planning Policy Analysis: Parts of this amendment further Comprehensive Plan policies, while other parts of the amendment conflict with Comprehensive Plan policies that encourage transparent, predictable development processes.

The amendment furthers the following Comprehensive Plan policies.

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.

The amendment conflicts with the following Comprehensive Plan policies.

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

Policy 5.7.4.d: Provide by-right approval processes for projects that meet regulatory standards.

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

As originally proposed, the amendment conflicts with these policies, since it puts no limits on the number of facilitated meetings that can be requested by any one person or multiple people or at any time during the review/decision process.

Council Services revised this amendment before the 10-day rule deadline to limit the number of facilitated meetings to 1 per decision-making body in the review/decision process prior to the final decision. The revision also added language to require that notice of the facilitated meeting, once scheduled, be sent by email to Neighborhood Association representatives who received notice of the application. This revision is more consistent with these policies. This would remove the Planning Director from deciding which facilitated meetings should be required (therefore freezing the application in the review/decision process). This revision also addresses concerns that all Neighborhood

Associations whose boundaries include or are adjacent to the facilitated meeting have the opportunity to attend the facilitated meeting.

This amendment would be closer to the stated intent to return facilitated meetings to the procedures followed before the IDO, if it proposed to apply only to facilitated meeting process more closely to the pre-IDO procedures so that they were only required for EPC or ZHE conditional use decisions only, and they can only be requested from the decision-maker at the public hearing. Anyone could request the facilitated meeting, or the decision-making body could require the facilitated meeting without such a request. The decision-maker would then determine whether to defer the application to allow the facilitated meeting and would provide guidance about the appropriate items to be negotiated that are within the purview of that decision-maker to require of the applicant. This would remove the Planning Director from this determination, which would respond to residents' concerns, and it would also remove decisions from the facilitated meeting requirement that are decided purely on the regulations in the IDO without discretion to add new requirements. Currently, neighbors have expressed frustration that staff and the DRB are not able to address their ideas and concerns beyond the regulations in the IDO. This change would set clear expectations that the facilitated meeting process is to negotiate solutions for discretionary decisions where such additional regulations could be required by the decision-maker. An additional benefit of this approach is that both the EPC and ZHE have monthly hearing schedules, so the facilitated meeting can be accommodated within the timeframe between hearings.

With all of these options, additional language is needed to address what happens if the applicant declines the facilitated meeting. Presumably, this would result in a deferral until the applicant agrees to the facilitated meeting or a withdrawal of the application. If the Council Amendment option is recommended to go forward, additional language is needed that if the applicant requests the facilitated meeting, and the other party declines the facilitated meeting, the application should be able to move forward in the review/decision process.

Council Amendment R – Site Lighting

Council Purpose: This amendment requires that all sources of light on a site in Non-residential and Mixed-use zone districts be regulated. Currently, only outdoor lighting fixtures are regulated in IDO Section 14-16-5-8. While outdoor light fixtures are the source of most lighting, brightly lit buildings can also be a source of light pollution for adjacent properties.

Planning Policy Analysis: Parts of this amendment further Comprehensive Plan policies, while other parts of the amendment conflict with Comprehensive Plan policies that encourage safe pedestrian environments.

The amendment furthers the following Comprehensive Plan policies.

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.

- 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.

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.

The amendment conflicts with the following Comprehensive Plan policies.

Policy 6.3.2.a Pedestrians: Prioritize and incentivize public and private pedestrian-scale lighting to increase pedestrian visibility and security.

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.

- c) Design development to reflect the character of the surrounding area and protect and enhance views.
- d) Encourage development and site design that incorporates CPTED principles.

One result of this amendment would be to reduce lighting of sidewalks next to commercial buildings located right on the street, particularly in Mixed-use zones with maximum front setbacks and in Center/Corridor areas, where pedestrian activity is encouraged. More light is typically associated with increased pedestrian visibility and security. This amendment would be more consistent with this policy if the regulation only applied abutting a Residential zone or low-density residential development. The former approach would protect all residential uses, but it may apply in a circumstance where a multi-family development was abutting a commercial development, where both uses might want additional lighting at night. The latter

approach would address the conflict between incompatible uses. If the latter approach is taken, a cross reference to these standards should be added from Neighborhood Edges (IDO Section 14-16-5-9).

Council Amendment S – Stub Streets and Cul-de-Sacs

Council Purpose: The purpose of this amendment is to further limit cul-de-sacs and stub streets. Cul-de-sacs and stub streets do not create a walkable, pedestrian-friendly environment and also may present problems with vehicular circulation in subdivisions. This amendment limits cul-de-sacs and stub streets to 100 feet, or the width of two typical single-family lots.

Planning Policy Analysis: Parts of this amendment further Comprehensive Plan policies, while other parts of the amendment conflict with Comprehensive Plan policies that encourage infill development and protection of sensitive lands.

The amendment furthers the following Comprehensive Plan policies.

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 conflicts with the following Comprehensive Plan policies.

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

Policy 5.2.1.n: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

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

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

Policy 7.2.1.f: Discourage gated and/or walled communities and cul-de-sacs.

Policy 7.3.1 Natural and Cultural Features: Preserve, enhance, and leverage natural features and views of cultural landscapes.

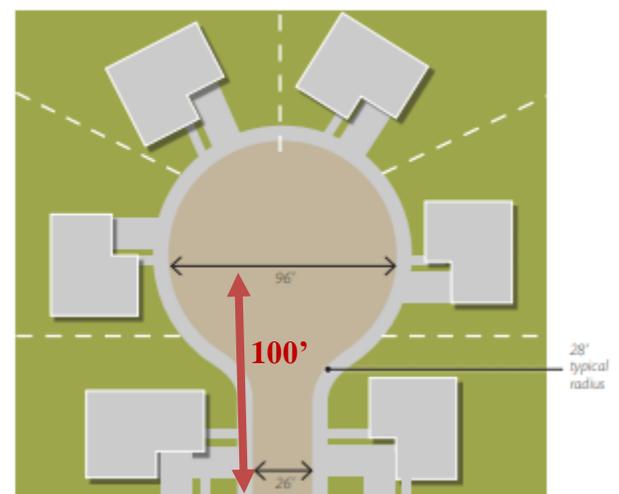
Policy 11.4.5 Private Protections: Encourage the private protection of sensitive lands, such as rock outcrops or significant cultural, archaeological, volcanic, or geologic land through private conservation easements, or replatting as private open space.

Cul-de-sacs and stub streets are generally prohibited by the IDO, as they limit the ability to access the regional roadway network. This amendment could lead to the unintended consequence of less sensitive land being preserved and less infill development happening. The IDO generally prohibits cul-de-sacs except in cases where sensitive land would be preserved or in infill situations where the existing road network would not allow a connection. In these situations, the length of the cul-de-sac would be determined on a case-by-case basis.

Proscribing a limit of 100 feet, measured from the start of the street to the midpoint of the bulb, would render some infill lots infeasible for development, which could open the City up to a regulatory taking claim. In other situations where a cul-de-sac is allowed as an option to otherwise paving over sensitive lands, the 100-foot limit might serve as a disincentive, leading to less preservation of sensitive lands.

The adopted Development Process Manual (DPM) allows single-family residential cul-de-sacs to be up to 700 feet long for standard lots, and up to 1,000 feet long for low-density large lots. The updated draft DPM reduces this to a maximum of 500 feet if the road is 20 feet wide, or 600 feet if the road is 26 feet, which is consistent with current best engineering practices. The draft DPM also establishes a minimum cul-de-sac diameter of 96 feet, which means that the length of the throat of the cul-de-sac could only be up to 52 feet long. This would serve up to 6 dwellings. (See image.) If

FIGURE 7.5.115 Cul-De-Sac Dimensions



this amendment is approved, the DPM will need to be revised to reflect this new maximum length.

Stub streets are the extension of a street past an intersection where the number of units is low enough and the length is short enough that a turn-around is not required. The adopted and draft DPM allow a maximum of 4 dwellings and a maximum length of 150 feet for a stub street from the centerline of the intersecting street to the end of the stub street. The existing IDO regulation for permanent stub streets matches this maximum of 150 feet long, which seems an appropriate balance between allowing infill on existing lots where a street connection cannot be made and ensuring connectivity in the street network.

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.

Council Amendment T – Transit Parking Reduction

Council Purpose: This amendment revises the parking reductions as they apply to transit. Prior to the IDO, the zoning code provided a 10% reduction for development adjacent to any transit route within the city. This reduction was not carried over. The transit parking reductions in the IDO increased the percentage of reductions but limited the location of transit reductions to high-frequency (15-minutes or greater) transit corridors only. This change reduced significantly the locations where a transit reduction could be applied. This amendment would broaden the applicability of transit parking reductions. As written, it is not clear whether the 30% reduction in Subsection 5-5(C)(5)(c)1 applies to the designated frequency of the route or the frequency of the buses (serving any route) at any particular transit stop. If the language applies to the frequency of the route, this regulation is limited to the Rapid Ride Routes that serve Central Avenue and a portion of Coors and Louisiana Boulevards. If this reduction applies to the frequency of buses (serving any route) stopping at the transit stop, this reduction applies to Central Avenue, San Mateo Boulevard, some stops on Coors Boulevard, and small segments of 4th Street, Montgomery Boulevard, and Lomas Boulevard; however, this frequency is not consistent along routes and would not serve the needs of most transit riders. In general, transit riders are looking for frequency of a particular route, as they are trying to get from A to B, rather than the frequency of when a bus in general appears at a stop. This amendment would clarify the language to make it clear that the 30% reduction applies to the frequency of the route and would expand the allowance for peak service frequency from headways of 15 minutes to 30 minutes in order to incorporate more of the heavily used transit routes in the city.

Planning Policy Analysis: The amendment furthers the following Comprehensive Plan policies.

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.

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.

Council Amendment U – West Central VPO

Council Purpose: The purpose of this proposed amendment is to establish regulations for properties abutting Central Avenue west of the Rio Grande to protect views toward the Sandia Mountains. The IDO potentially allowed for more building height along West Central, which could have impact on views to the east as one is traveling down the mesa. Establishing a new View Protection Overlay (VPO) zone will ensure those views aren't impacted by development. The new VPO proposes to limit heights and require minimum setbacks.

Planning Policy Analysis: Because this amendment proposes to create a new View 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). Please see Proposed Technical Edits for items related to creating a new decision to adopt or amend small areas and small area regulations in the IDO.

New Technical Edits Proposed Since EPC Submittal

In reviewing Council Amendments and public comments, staff has identified several additional Technical Edits and revisions to previously proposed Technical Edits that have been added to the spreadsheet for EPC’s review. These items are shown in red text. Please see the Technical Edits Exhibit 1 for details and explanations.

V. PUBLIC OUTREACH

Meetings and Presentations

Annual updates were reviewed at public meetings in May and June 2019. Planning staff presented the proposed amendments, solicited input for new changes, and listened to participants’ feedback about the proposed changes. These 12 meetings focused on each part of the IDO in sequence. There was a daytime and an evening meeting on each topic area that covered the same material – the most significant changes to content followed by discussion of the less substantive technical edits. Meeting participants were invited to review posters of the proposed amendments and indicate the topics they supported, opposed, or had questions about. (See attachment – IDO Annual Update Meeting Summaries.)

There were also four Open House meetings in May, June, and August – one on a Friday afternoon and three on Saturdays, where individuals could review proposed changes, ask questions, and offer suggestions on any aspect of the IDO.

VI. NOTICE

Required Notice for the EPC Hearing

The required notice for an Amendment to IDO Text is published, mailed, and posted on the web. (See Table 6-1-1: Summary of Development Review Procedures.) A neighborhood meeting is not required for an Amendment to IDO Text. The City published notice of the EPC hearing on August 28, 2019 in the ABQ Journal legal ads. (See attachment.)

First class mailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination according to the requirements of IDO Subsection 6-4(K)(2)(a). (See attachment – Neighborhood Association Mailed Notice.)

The City posted notice of the EPC hearing on the Planning Department website at this address: <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>.

The City also posted notice of the application and EPC hearing on the project website at this address: <https://www.abc-zone.com/post-ido-voluntary-zone-conversion-process>

Beginning in April 2019, the City posted all proposed changes to the IDO on the project webpage: <https://abc-zone.com/ido-annual-update-2019>

Additional Notice Provided for the EPC Hearing

An article about the Amendment to the IDO Text for the Annual Update and the EPC hearing was published in the Office of Neighborhood Coordination Neighborhood News in June and July 2019. (See attachment – Neighborhood News article.)

Email notice about the application and the EPC hearing was sent to approximately 10,000 subscribers to the ABC-Z project update email list on July 26 and August 8, 2019. (See attachment – Email Notice.)

VII. AGENCY & NEIGHBORHOOD COMMENTS

Reviewing Agencies

Agency comments were received from PNM, Albuquerque-Bernalillo County Water Utility Authority, and the NM Gas Company. All 3 agencies were concerned about the implications of removing the barbed wire exemption for their public utilities. See additional analysis below. Long-Range Planning provided a comment that briefly explains the request and applicable procedure. Agency comments begin on page 88.

Neighborhood/Public

Mailed and email notice was sent to every neighborhood organization registered with the Office of Neighborhood Coordination. (See application materials.) As of this writing, Staff has received 28 comments. They are summarized below by topic area.

Summary of Agency and Public Comments

Amendment A

There were 4 comments expressing concern about Amendment A, Barbed Wire Regulations. Three public utilities advocated to retain the exemption for those facilities from the barbed wire regulations, which would be consistent with prior barbed wire regulations. This exemption was created due to a number of factors that differentiate public utilities from other uses: 1) public utilities are not typically staffed or do not have a regular human presence, 2) public utilities are more likely to be the target of vandalism or terrorism, and 3) damage to these facilities could be disruptive to a broader area/population and pose other safety concerns. The City's zoning regulations may not apply to these entities if they are considered a "subdivision of the state." State jurisdictions are not bound by the City's zoning.

The other commenter advocated for homeowners to be able to provide protection for their property, but also agrees that the street should not have a barricaded appearance. There have been longstanding prohibitions against use of barbed wire in residential zones - both in Albuquerque and other jurisdictions. The amendment does not propose to change allowances in the residential zones. The amendment would allow a barricaded appearance along streets in areas with Non-residential zoning. This may be appropriate in industrial areas, but many industrial areas face single-family residential properties with Residential zoning. This concern could be addressed by adding "adjacent to Residential zones" to the list of locations where visible barbed wire is not allowed.

Amendment D

There were two public comments in support of this amendment. They mention that the adopted IDO regulations do not achieve the development form they envisioned by the IDO use "Dwelling, cluster development." One commenter also requested adding a cap of 15 dwelling units maximum per cluster group for development proposed adjacent to MPOS in Section 4-3(B)(2)(c)(3). Staff notes that this change is similar to the proposed regulation that applies to any location in the city, not just adjacent to MPOS. The one difference is that Amendment D would allow a cluster of up to 20 dwelling units if that was the extent of the development.

Amendment E-F

There was one public comment concerned with potential gentrification that could happen with the increased densities these Amendments would allow. They would like for "the downsides to these infill efforts to be addressed PRIOR to rather than after the negative impacts occur." The concern is that too much development could be packed on to a site that is too small, in both Amendments.

Amendment H

There was one public comment and continued dialogue with City Council staff expressing opposition to this amendment, as it would undermine the intent of the use “General retail, small.” The commenter pointed out that if a larger building is appropriate, a zone change would be the appropriate process, rather than revising the definition of the use. They stated that the amendment “significantly reduces the interests and voice of the taxpaying, resident stakeholders in the closest environment that surrounds their most expensive investment, their homes. It also does a significant reduction in the ability of Neighborhood Associations to perform the rights and responsibilities given to them by the City of Albuquerque.” Larger sites with interest by national chain anchor tenants may be more appropriate in the MX-M zone, the purpose of which is “to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.”

Amendment J

There were two letters submitted in support of Amendment J received prior to the public comment deadline. They emphasized the importance of allowing public comment in the process for approving new retail package liquor sales for off-premises consumption through the conditional use process. There were 8 other similar letters submitted after the comment deadline, but prior to publication of the staff report. They supported public policy that mitigates the injury to local communities and increased crime rates associated with alcohol consumption, availability, and retail sales. These have all been included in the Public Comment section of the staff report to allow the EPC and the public more time to review the full set of comments.

Amendment K

There was one public comment in support of this amendment. The commenter requested adding a two-story building limit in the area where Neighborhood Edges applies. The commenter mentions that with the 10% allowable administrative deviation, buildings can go up to 33 feet and be 3 stories.

Amendment Q

There were three public comments in support of this amendment and one agency comment expressing concern. One commenter suggested adding the requirement that a facilitated meeting could only be requested by someone who received notice of the request or who would otherwise have standing in the appeal process. The same commenter also suggested limiting the amendment to allow only one facilitated meeting for each decision level (i.e. EPC, DRB, City Council) that a proposed project or request has to go through. In a separate letter, this commenter also noted that the parallel changes in the Technical Edits should not be approved, and that the City should instead adopt Amendment Q. The other commenter suggested the City provide an online, searchable map of “digital yellow signs.” Staff notes that this would only be possible to create after an application is submitted, which would not help when neighborhood associations receive the required pre-application notice and meeting offer. Mapping application information is feasible, but would best be addressed as an administrative procedure.

PNM submitted a comment expressing concern about this amendment. They state that the level of project detail that would be required in the notice negates the purpose of an early consultation with neighbors that could influence the final design of the project.

Amendment R

There was one agency comment expressing concern about this amendment. The NM Gas Company stated that similarly to the barbed wire amendment, this change could negatively impact the security of their facilities and public safety. They would like to be exempted from regulations about brightness and direction of security lighting.

Miscellaneous Other Comments

There are miscellaneous other comments submitted that address the following topics.

- Adding contextual setbacks in CPO and HPO areas (specifically CPO-4 and HPO-1).
- Adding a technical clarification to the Nob Hill/Highland CPO regulations to be more consistent with the citywide Neighborhood Edges regulations (CPO-8).
- Challenging the inclusion of Council Bill R-19-150 as a Technical Edit and requesting that all the technical edits be reviewed by a third party to determine if any changes are substantive in nature.
- A request to eliminate an incentive to protect sensitive lands by allowing lot sizes up to 25 percent smaller (Section 5-2(C)(4) Avoidance of Sensitive Lands).
- A request to revise Table 5-1-4 to add awnings and architectural features to the Allowed Exceptions and Encroachments to address locations that require small or no setbacks to avoid the requirement for encroachment permits or businesses and tenants covering the windows to prevent solar heat gain.
- A comment in support of the deletion of text related to the public utility's responsibility for damages caused by growth of plant materials that were part of an approved plan (Section 5-6(C)(15)(c)).
- Concern about a Technical Edit to Section 6-4(C)(3) and 6-4(K)(6) that tracks with PNM's concern for Amendment Q about what level of detail needs to be provided when offering a pre-application neighborhood meeting, and a request to delete the Technical Edit for Section 6-4(D)(2)(a) about a post-application facilitated meeting.
- Concern about considering alleys as a type of street and a request to protect existing utility easements and new easements that are located within alleys (Section 7-1, page 494).
- A request to City Council for a new amendment to address density.
- Concern about removing the fee schedule from the IDO, with a focus on the process for setting fees and how the right amount of fees is determined.
- A suggested change to the Development Process Manual (DPM) regarding the alley pavement requirements, which could present a barrier to incremental infill projects.

There were questions submitted with the comments; City Council or Planning staff have responded. (See attachments – Public Comments.)

- How R-150 qualifies as a Technical Edit.
- A regulation in Section 5-2(C)(4) about avoidance of sensitive lands and the way the IDO regulates density.
- A proposed amendment in Section 6-2(J) revising the qualifications for the Zoning Hearing Examiner.
- A regulation in Section 6-4(A) about the Zoning Enforcement Officer’s authority to interpret the IDO.
- Table 6-1-1 deleting published notice requirements for Subdivision of Land – Major, Final Plats.
- How development fees are set.

VIII. CONCLUSION

This request is for an amendment to the IDO text; it meets all of the application and procedural requirements in IDO Subsection 14-16-6-7(D). This IDO text amendment is consistent with the Annual Update process established by IDO Subsection 6-3(D). The Planning Department has compiled recommended changes, analyzed them, and submitted the proposed changes as Proposed Technical Edits and Council Amendments for EPC’s review and recommendation at a public hearing in September. This request for amendment to the IDO text meets the review and decision criteria in IDO Subsection 6-7(D)(3).

The proposed changes are consistent with Comprehensive Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review. The City Council Amendments, in particular, are consistent with adopted policies to protect and enhance the quality of the City’s unique neighborhoods and commercial districts.

Planning staff held a series of 12 public meetings and 4 open houses on the proposed changes. In these meetings, staff presented the proposed amendments, solicited input for new changes, and listened to participants’ feedback about the proposed changes. The request for the amendment to IDO text was announced in the Albuquerque Journal and the Neighborhood News, on the Planning Department’s webpage, and by email to a project distribution list of over 10,000 addresses. The Planning Department mailed notice to each of the listed neighborhood representatives.

Comments submitted by interested parties cover a variety of themes, such as solar protections, noise protections, zoning for golf courses, adding uses to the MX-T zone, regulating security cameras, building height, setback, and articulation requirements, and landscaping regulations. Several comments pertain to specific Overlay zones, including reflecting prior regulations with more fidelity in the Coors Boulevard VPO-2, the Sawmill/Wells Park CPO-11, and the Volcano Mesa CPO-12. Multiple comments were submitted about the administration and enforcement section, including reducing the required notice for some applications to fix the perception of over-notice, the content provided with required notices, the timing of notices and commenting periods, the proposed requirement for all pre-application neighborhood meetings to be facilitated, zone change criteria, traffic study methods, online tools for monitoring applications and approvals, enforcement, and remedies for violations. The Albuquerque/Bernalillo County Water Authority submitted several requested technical amendments to further implement the joint water conservation goals and programs. To the extent possible, these changes have been incorporated in the proposed IDO Annual Update text amendments.

Staff recommends that the EPC forward a recommendation to the City Council, subject to the recommended findings and conditions of approval listed below.

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

1. This is a request for an amendment to the IDO text and meets all of the application and procedural requirements in Subsection 14-16-6-7(D) of the IDO.
2. The IDO applies citywide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.
3. The EPC's task is to make a recommendation to the City Council regarding the amendment to the IDO text. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. Adoption of this amendment to the IDO text is a legislative matter.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. After the first year of implementing the IDO as the City's new land use and zoning framework, staff compiled approximately 300 technical edits to further improve the clarity and implementation of the IDO. These proposed amendments to the IDO text are required to promote economic growth and investment in the City as a whole. The proposed changes respond to challenges in implementing new regulations and neighborhood protections in a real-world context with real-world projects. Changes in market demands for housing and business needs, coupled with the imperative of protecting existing neighborhoods are also addressed in the proposed edits and amendments.
6. The request furthers the following relevant City Charter articles:
 - A. Article I, Incorporation and Powers. Amending the Integrated Development Ordinance (IDO) is an act of maximum local self-government and is consistent with the purpose of the City Charter. The updated regulatory language and processes in the IDO will help implement the updated Comprehensive Plan and help guide future legislation.
 - B. Article IX, Environmental Protection. Amending the IDO will better provide for orderly and coordinated development patterns and encourage conservation and efficient use of water and other natural resources. The IDO will help protect and enhance quality of life for Albuquerque's citizens by promoting and maintaining a high-quality and humane built environment. Commissions, Boards, and Committees will have up-to-date procedural guidance to better administer City policy and regulations.
 - C. Article XVII, Planning. Amending the IDO is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement

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

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

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

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

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

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

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

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

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

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

If approved, the request would further the Efficient Development Patterns Goal (5.3). The intent of many of the proposed changes is 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22. Council Amendment I could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.7.4 Streamlined Development, Policy 5.7.4.d Streamlined Development, Policy 5.7.5.a Public Engagement, and Policy 10.4.4.b Arroyos and Drainage.
23. Council Amendment J furthers the following applicable Comprehensive Plan policies:
- A. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
- Policy 5.2.1.h: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.
- Policy 5.3.7 Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.
- This amendment would address potential conflicts between residences and locally unwanted land uses by adding an extra layer of consideration through making the use conditional in the MX-M zone. By making liquor retail a conditional use in the MX-M zone unless accessory to a grocery store this amendment would address neighborhoods' and residents' concerns about nuisance traffic or activity that may disrupt adjacent land uses.
24. Council Amendment J could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.1 Desired Growth, Policy 5.1.2 Development Areas, Policy 5.2.1 Land Uses, Policy 5.7.2 Regulatory Alignment, and Policy 8.1.1 Diverse Places.
25. Council Amendment K furthers the following applicable Comprehensive Plan policies:
- A. Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.
- Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.
- Policy 7.2.2.b: Encourage building and site design that activates the pedestrian environment through building frontage, entrances, parking areas, and gathering spaces.
- Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.
- Policy 7.3.4.b: Promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood-scale, well-designed, appropriately

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

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

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

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

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

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

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

recommend adding an item to the list of required information an explanation of any deviations, variances, or waivers being requested. Staff has received input from Neighborhood Associations that this information is useful in understanding the request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 7.4.2.a: Discourage oversized parking facilities.

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

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

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

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

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

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

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

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

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

43. The request for the IDO Annual Update text amendment was announced in the Albuquerque Journal, the Neighborhood News, and on the Planning Department's web page and social media. The Planning Department mailed notification to each of listed neighborhood representatives.
44. As of this writing, Staff has received multiple comments, expressing support, opposition, and recommended changes. While there are comments in opposition to individual Tech Edits and Council Amendments, there is general support for this request as a whole. The recommended Conditions of Approval address some of the issues raised in public and agency comments.

RECOMMENDATION – RZ-2019-00046 – September 12, 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 – September 12, 2019 – Amendment to the IDO Text

1. The Proposed Technical Edits included as Exhibit 1 shall be adopted, except as modified by any Conditions below.
2. 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].

3. 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.
4. 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.
5. Public Comment: Council Amendment A: [O] Retain the exemption for public utilities to allow barbed wire regardless of the zone or location.
6. 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.
7. New Technical Edits in response to Council Amendment D: [R] On page 130, in Table 4-2-1, add a new use called “Dwelling, conservation development” with the same allowances as Dwelling, cluster development.
 - a. Add a use-specific standard with the same language as currently in 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.
 - b. On 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.”
 - c. On 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.”
- d. On page 192, IDO Subsection 5-1(C)(2)(a)1), add “Conservation development” as a new subsection c, renumbering subsequent subsections accordingly.
 - e. On page 198, IDO 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).
8. 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.
 9. 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.”
 10. 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.”
 11. 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 not located on a corner.
 - c. The lot is 21,780 feet or greater.
 - d. The lot has vehicular access to the street that the front façade of the primary building facings.
 - e. 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.
 12. Council Amendment H: EPC recommends one of the following options:

- 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.”

13. 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 |

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14. 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.

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

 16. Council Amendment J: EPC recommends one of the following options:
 - a. [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 ...”
 - b. [O] To carry over the prohibition of liquor retail in Nob Hill, revise the language proposed for page 161, Subsection 4-3(D)(36)(f), to read: “In the MX-M zone district, this use is permissive in UC-MS-PT-AC-EC-MT areas, except in the following mapped area, where the use is prohibited.” [Include map showing sub-areas 1 and 2 from the Nob Hill Character Protection Overlay (CPO-8).] Create a new subsection (g) to read: “Outside of these areas, this use is ...”

 17. 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.

 18. 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).

 19. 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.

 20. 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.”

21. 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.”

22. 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.”

23. 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.”

24. 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.”

25. 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.”

26. 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 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 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.

27. Public Comment: Amendment R: [O] Revise Subsection 14-16-5-8(B)(1) to add at the end: “The New Mexico Gas Company is exempt from complying with the Outdoor Lighting regulations.”
28. 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] The amendment should be revised 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.
29. 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).
30. Public Comment: Council Amendment [new]: [R] Create a new amendment that would add a new subsection 3-3, numbering subsequent subsections accordingly, establishing contextual setbacks for 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.



Russell Brito
UD&D Manager



Mikaela Renz-Whitmore, AICP
Long Range Manager

Notice of Decision cc list:

List will be finalized subsequent to the EPC hearing on September 12, 2019

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Giezell Edison, 8700A Education Boulevard NW
Kenneth King, 8700A Education Boulevard NW
Anna Vigil-Baca, 6623 San Blas Place NW
Heidi Marchand, 6627 San Blas Place NW

Robert Brown, 2200 William Street SE
Olivia Price Greathouse, 408 Bethel Drive SE
Ed Mascarenas, 8217 Dellwood Road NE
Michael Kiou, 7901 Palo Duro NE
Lucia Muñoz, 316 Dorothy Street NE
Brenda Gebler, PO Box 50219
Ian Colburn, 1002 Arno NE
Loretta Naranjo Lopez, 1127 Walter NE
Bruce Armstrong, 4988 Butte Place NW
Dennis Newton, 6815 Lamar Avenue NW
Ralph Roybal, 1735 Band Saw Place NW
Julie Henss, 1724 Band Saw Place NW
Jack Corder, 2207 Golf Course Road
Dorlienna Lane, 10805 Chicobush Drive NW
Kathy Pierson, 6413 Mitchell SE
Tamaya Toulouse, 1424 Hertz Drive SE
Jill Marley Berry, 1906 Silver Avenue SE
James Montalbano, 1409 Silver Avenue SE
Leon Garcia, 205 Silver Avenue SW
Ronald Casias, 205 Silver Avenue SW
Singing Arrow NA, 12614 Singing Arrow SE
Judy Young, 13309 Rachel Road SE
Beatrice Purcella, 201 Claire Lane SW
Tony Chavez, 305 Claire Lane SW
Julie Nielse, 8020 Bellamah Avenue NE
Laura Garcia, 1404 Katie Street NE
Robyn Garcia-Romero, 6909 Tesoro Place NE
Chris Davis, 6604 Tesoro Place NE
Gwen Colonel, 900 John Street SE
Frances Armijo, 915 William SE
Heather Brislen, 4905 Guadalupe Trail NW
Andy Apple, 5116 Guadalupe Trail NW
Allen Osborn, 245 Espejo Street NE
Eileen Jessen, 420 General Hodges Street NE
Khadijah Bottom, 1200 Madeira SE
Zabdiel Aldaz, 735 Alvarado SE
Roberto Roibal, 2233 Don Felipe Road SW
Marcia Fernandez, 2401 Violet SW
Cherise Quezada, 10304 Paso Fino Place SW
Jerry Gallegos, 5921 Central Avenue NW
Michael Gallegos, 308 Adams Street SE
John Pate, 1007 Idlewilde Lane SE
Jerri Paul-Seaborn, 610 Camino Espanol NW
Sandra Nunn, 602 Camino Espanol NW
James Tolbert, 424 Spruce Street NE
Peter Feibelman, 1401 Sigma Chi Road NE
Monnet Serafin, 1722 Vasilion Place NW
Julian Morales, 6328 Keswick Place NW

Marie Ludi, 6216 St. Josephs Avenue NW
Allan Ludi, 6216 St. Josephs Avenue NW
Tillery Dingler, 7727 Hermanson Place NE
Mary Hawley, 7712 Hendrix Road NE
Matt Stratton, 7309 Bellrose NE
Kim Lovely-Peake, 7100 Bellrose NE
Dan Sosa III, 3615 Tower Road SW
Eloy Padilla Jr., 7619 Greywolf Road SW
Edy Klein, 8700 Education Place NW
Carl Gervais, 7225 Pebble Stone Place NE
Erin Brizuela, 8500 Jefferson Street NE
Allan Armenta, 6005 Sipapu Avenue NW
Mark Lines, 3010 Arno Street NE
William Sabatini, 2904 Arno Street NE
Elisha Allen, 817 Amherst Drive NE
Jan Schuetz, 3501 Calle Del Ranchero Drive NE
Ruth Troyer, 8305 Brook Street NE
Brenda Oliver, 8450 Creek Street NE
Ken Williams, 3639 Sunstar Boulevard SW
Rebecca Jimenez, 3601 Sunstar Loop SW
Ken O'Keefe, 600 Vista Abajo Drive NE
Kathleen Schindler-Wright, 407 Monte Largo Dr.
Richard Vigliano, 1205 Copper NE
Mardon Gardella, 411 Maple Street NE
Jaime Jaramillo, 2001 Allegretto Trail NW
Michelle Lombard, 1512 Presto Way NW
Rene Horvath, 5515 Palomino Drive NW
Jolene Wolfley, 7216 Carson Trail NW
Jackie Cooke, 8015 Dark Mesa NW
Jayne Aubele, 2919 Monument Drive NW
Jill Greene, 3915 Fox Sparrow Trail NW
Angela Manzanedo, 9100 Del Webb Lane NW
Julie Karl, 9100 Del Webb Lane NW
Lucy Barabe, 7025 Moon Glow Court NE
Darrell Spreen, 10412 City Lights Drive NE
Gary Illingworth, 8700A Education Place NW
Karin van der Gaarden, 610 Central Avenue SW
Jody Roman, 8212 Louisiana Boulevard NE
Brandy Hetherington, 8212 Louisiana Boulevard
Paul Jones, 4808 San Timoteo Avenue NW
Bob McElearnay, 5009 San Timoteo Avenue NW
Michelle LeBlanc, 10843 Fort Point Lane NE
Joseph Nastav, 8700A Education Place NW
Bob Pohlman, 7220 Quail Springs Place NE
Goldialu Stone, 7116 Quail Springs Place NE
Deborah Fincke, 6115 Parktree Place NE
Glen Magee, 6105 Parktree Place NE
Ava Mueller, 8500 Jefferson Street NE

Michelle Measles, 10318 Dayflower Drive NW
Rondall Jones, 3117 Don Quixote Court NW
Richard Meyners, 3316 Calle De Daniel NW
Erin Brizuela, 8500 Jefferson Street NE
Gina Montoya, 624 Torretta Drive SW
Michelle Romero, 8500 Jefferson Street NE
John Coffman, 7232 Via Contenta NE
Rick Gallagher, 8401 Casa Gris Court NW
Thomas Borst, 1908 Selway Place NW
T. Alyce Ice, 6902 4th Street NW
Joanne Landry, 7501 Trumbull SE
Harry Hendriksen, 10592 Rio Del Sol NW
Janelle Johnson, PO Box 6270
Don Hancock, 105 Stanford SE
Julie Kidder, 120 Vassar SE
Robert Price, 2700 Desert Garden Lane SW
Antoinette Dominguez, 4519 Valley Park Drive
Harrison (Tai) Alley, 1316 Dennison SW
Rod Mahoney, 1838 Sadora Road SW
Erin Engelbrecht, PO Box 40298
Patricia Willson, 505 Dartmouth Drive SE
Christine Roy, 54 Calle Monte Aplanado NW
Fran Pawlak, 8500 Jefferson Street NE
Susie Sollien, 8500 Jefferson Street NE
James Morrow, 10848 Como Drive NW
Richard Davis, 3304 Calle Vigo NW
Donna Chavez, 8500 Jefferson Street NE
David Zarecki, 8405 Vintage Drive NE
Elizabeth Meek, 8301 Mendocino Drive NE
Jack Corder, 2207 Golf Course Road
Marijo Rymer, 5023 Sala De Tomas Drive
Chris Crum, 1209 Sierra Larga Drive NE
Dennis Roach, 13812 Spirit Trail NE
James Souter, PO Box 6270
Janelle Johnson, PO Box 6270
Richard Schaefer, 3579 Sequoia Place NW
Berent Groth, 3546 Sequoia Place NW
Lita Pino, 5129 Cascade Place NW
Deidra Gurule-Armijo, 1733 Cliffside Drive NW
Diane Exline, 4632 Miramar Drive NW
Euca Burrows White, 9200 Picacho Lane NW
Catherine Mexal, 1404 Los Tomases NW
Doreen McKnight, 1426 7th Street NW
Patrisha Dyea, 5012 Bridges Avenue NW
Kimberlee Tolon McCandless, 3208 Vista Grande Drive NW
Peggy Neff, 8305 Calle Soquelle NE
Dee Silva, 313 63rd Street NW

Steven Budenski, 5732 La Anita Avenue NW
Kendra Roberston, 2319 Edna Avenue NW
Glen Effertz, 2918 Mountain Road NW
Elaine Faust, 200 Gallup Avenue SW
Sarah Mandala, 2225 Alhambra Avenue SW
Michelle Romero, 8500 Jefferson Street NE
Fran Pawlak, 8500 Jefferson Street NE
Eric Faull, 1335 El Rancho Drive SW
Matthew Archuleta, 1628 Summerfield Place SW
Harry Hendriksen, 10592 Rio Del Sol NW
Rene Horvath, 5515 Palomino Drive NW

Charles Bates, 5000 Watercress Drive NE
Larry Caudill, 4915 Watercress Drive NE
Pamela Meyer, 4121 Eubank Boulevard NE
Samantha Martinez, 823 Glacier Bay Street SE
Pamela Meyer, 4121 Eubank Boulevard NE
Christopher James, 5301 Tierra Amada Street NW
John Kinney, 7110 Constitution Avenue NE
Virginia Kinney, 7110 Constitution Avenue NE
Donald Love, 2125 Stanford Drive SE
Kim Love, 2122 Cornell Drive SE

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Long Range Planning

This is a request for a legislative action to amend the Integrated Development Ordinance (IDO) text. Long Range Planning is the applicant for this request.

This request will be processed according to the Amendment to IDO Text procedures in IDO Subsection 14-16-6-7(D). The review and decision criteria are identified Subsection 14-16-6-7(D)(3).

CITY ENGINEER

Transportation Development

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

WATER UTILITY AUTHORITY

Utility Services

In to the EPC case referenced above, the Water Authority has concerns regarding the allowance of barbed wire for those facilities that are within the referenced zones. Previously, public utility structures were exempt from the requirement but the new proposed text removes that exemption. This causes concern from a security standpoint. Some examples of these facilities include water reservoirs, water pump stations, well sites, sanitary sewer lift stations, sanitary sewer vacuum stations and possibly treatment facilities.

***ENVIRONMENTAL HEALTH DEPARTMENT
Air Quality Division***

Environmental Services Division

***PARKS AND RECREATION
City Forester***

POLICE DEPARTMENT/Planning

***SOLID WASTE MANAGEMENT DEPARTMENT
Refuse Division***

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Regarding Council Amendment "A" -Barbed Wire: ABQ RIDE currently has one facility - Yale Maintenance - that has barbed wire that is not compliant with the proposed regulation, but only on its south side at Bell Street. A forthcoming remodel will probably allow us to become compliant by 2023. Regarding Council Amendment "T" - Parking Reductions - we are still parsing the language. The change will not harm us, but as written the language may fail to take into account the joint frequency of routes that overlap.

***COMMENTS FROM OTHER AGENCIES
BERNALILLO COUNTY***

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

NEW MEXICO GAS COMPANY

The New Mexico Gas Company, Inc. (“NMGC”) wishes to provide the following comments on the proposed amendments to the Integrated Development Ordinance’s barbed wire regulations and site lighting regulations.

NMGC generally supports both the barbed wire regulations and the lighting regulations which seek to protect aesthetics in the City of Albuquerque. However, NMGC respectfully submits that public utilities should be exempt from both the barbed wire regulations and the lighting regulations for the following reasons.

Security and Public Safety

Under the IDO, public utilities are currently exempt from restrictions on the use of barbed wire fences. NMGC believes that security and public safety are the reasons for the current exemption. NMGC’s mandate is to provide the safe and reliable delivery of natural gas. In order to do so, NMGC must comply with the security regulations and public safety standard of several governmental and non-governmental agencies. For example, NMGC follows security guidelines or regulations issued by the DHS, FCC, NEB, and CSA. Removing barbed wire fences from NMGC locations that are visible from city parks, trails, or major public open spaces, or changing the brightness and direction of security lights at NMGC facilities will negatively affect the security of these facilities. Moreover, NMGC has good reason to believe that its facilities are, in fact, at risk. NMGC has experienced, and documented, numerous break-in attempts at several of its facilities. As a public utility, security and public safety are paramount for NMGC. NMGC believes intrusion detection and prevention using barbed wire fences and security lighting are both extremely important for the security of a public utility, and ultimately, therefore, public safety.

Impact on Rate Payers

In the case of both barbed wire regulations and lighting regulations, NMGC will need to evaluate each of its sites within the City of Albuquerque and then make the appropriate changes. NMGC has hundreds of sites in the City of Albuquerque. Evaluating each site for compliance with both the barbed wire regulations and the lighting regulations will consume considerable operational resources. After the evaluation is complete, NMGC may need to expend considerable capital in order to make the necessary modifications to its security features and lighting systems. As a public utility, any expense that NMGC incurs to comply with new regulations are included in its rate base. Therefore, the cost of the new regulations will ultimately be borne by the NMGC ratepayers.

PUBLIC SERVICE COMPANY OF NEW MEXICO

Proposed Technical Edits – Environmental Planning Commission (EPC)

Review/Recommendation

1. Section 5-6(C)(15)(c), page 258

PNM supports this deletion.

2. Section 6-4(C)(3), page 339

This change requires that detailed information and materials explaining a proposed project to be provided to neighborhood associations at the time of a meeting request. The original intent of this

change was to provide for early dialogue with the neighborhoods for their input and to allow reasonable changes to the document for the developer rather than providing a completed project plan. As written, this presents the project as already fully designed and not open to suggestions or recommendations from the neighborhoods. The level of project description detail required in the revision is interpreted by the neighborhood that the project is already fully designed and that it is too far into the design stage to be open for suggestions or recommendations from the neighborhood. Also, it will be costly for the applicant to prepare, especially if the neighborhood meeting results in large-scale changes that require even more design and engineering work to be done.

3. Section 6-4(D)(2)(a) new, page 340

It is unclear what would be accomplished by having a post-application facilitated meeting. What is the purpose of requiring a pre-application facilitated meeting and then a post application facilitated meeting? PNM recommends that this new language be deleted.

4. Section 6-4(K)(6), page 346

Similar to Item 2 above, this change requires that detailed information and materials explaining a proposed project to be provided to neighborhood associations at the time of a meeting request. As written, it presents the project as already fully designed and not open to suggestions or recommendations from the neighborhoods. The level of project description detail required in the revision was previously interpreted by the neighborhood that the project is already predetermined prior to the neighborhood meeting and that it is too far into the design stage to be open for input from the neighborhood resulting in the original IDO change. Also, it will be costly for the applicant to prepare, especially if the neighborhood meeting results in large-scale changes that require even more design and engineering work to be done.

5. Section 7-1, page 446; Section 7-1, page 494

If the City considers alleys as a type of street, the City shall protect existing utility easements that are located or new easements as a result of being directed to be located within alleys.

City Council Amendments to the IDO dated July 24, 2019:

1. Amendment A – Barbed Wire

IDO Section(s) 5-7 Walls and Fences; 6-8 Nonconformities

PNM strongly opposes this amendment. It is essential to retain all existing barbed wire, razor wire and other similar materials at PNM facilities (generation stations, switching stations and substations) within the City of Albuquerque for the protection of electric grid infrastructure and safety of the public. Barbed wire and/or razor wire installations have been added over time at various PNM facilities because of previous illegal entry by individuals with malicious intent who either vandalize the electrical equipment, steal copper materials or engage in graffiti within the PNM facilities. PNM has experienced instances of vandalism and copper theft through physical security breaches resulting in damage to perimeter infrastructure barriers and equipment theft at key station facilities. This has resulted in a negative impact on reliability and increased cost to repair and/or replace stolen/damaged equipment. Copper theft has become an epidemic and a significant expense not only to PNM for repairs and replacement of stolen copper within several stations but also to businesses in Albuquerque. This is a very serious safety issue for the public and for PNM.

The safety and security of the electric utility system is critical for the delivery of reliable electric service and for the safety of the general public.

As directed by the Federal Energy Regulatory Commission (FERC), the North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection (CIP) Reliability Standards define the reliability requirements for planning and operating the North American bulk power system. PNM is held to comply with these directives and reliability standards in a manner that deters, detects, delays, defends and responds to potential threats in order to prevent and/or significantly mitigate the severity of damage that may be caused by physical attacks, including vandalism and theft. A physical attack could result in widespread instability, uncontrolled separation from the electric system, or cascading outages within a system interconnection. Even with the extensive security measures and deterrents that PNM currently has in place at its facilities, these facilities still require barbed wire and razor wire to control illegal unauthorized access. The proposed amendment is in serious conflict with FERC, NERC and CIP mandates. PNM advises that the exemption language remain in force.

2. Amendment Q – Procedures

IDO Section 6-4 General Procedures; Amendment to Section 6-4(K)(6), Content of the Notice

The change in this section is similar to the proposed revision in the Technical Edits described above in Items 2 and 4. This change requires that detailed information explaining a proposed project are to be provided to neighborhood associations at the time of a meeting request which is in conflict with the original intent of the IDO language. As written, it expects an applicant to present a proposed project already fully designed in great detail. The level of project description detail that is required in the amendment will be interpreted by the neighborhoods that the project is already predetermined prior to the neighborhood meeting and that it is too far into the design stage to be open to suggestions or recommendations from the neighborhood. Also, it will be very costly for the applicant to prepare, especially if the neighborhood meeting results in large-scale changes that require even more design, re-design or engineering work to be done.

Attachments

1. Application
 - a. Development Review Application
 - b. Form Z
 - c. Application Letter
 - d. PRT Meeting Notes
 - e. Request Justification Letter
 - f. ONC Inquiry Response
 - g. Neighborhood Association Notification Letter
 - h. Neighborhood Association Notice Labels
 - i. Neighborhood Association Notice Mailing Certification
 - j. Proposed Council Amendments – July 24, 2019
 - k. Proposed Technical Edits – July 25, 2019
 - i. R-19-150
 - ii. Technical Edit Exhibit – Section 3-4(J) CPO-11 Map
 - iii. Technical Edit Exhibit – Section 5-5(C) Parking Reductions and Credits
 - iv. Technical Edit Exhibit – Section 6-5(F) Landfill Gas Mitigation Approval
2. IDO Annual Update Meeting Summaries
 - a. Part 1 General Provisions & Part 7 Definitions
 - b. Part 2 Zone Districts & Part 3 Overlay Zones
 - c. Part 4 Use Regulations
 - d. Part 5 Development Standards
 - e. Part 6 Administration & Enforcement (i.e., review and decision processes)
 - f. Open House Public Comments
3. Public Comments
4. Agency Comments
5. Exhibit 1: Technical Edits – September 12, 2019
 - a. Technical Edit Attachment – R-19-150
 - b. Technical Edit Attachment – Section 3-4(J) CPO-11 Map
 - c. Technical Edit Attachment – Section 5-5(C) Parking Reductions and Credits
 - d. Technical Edit Attachment – Section 6-5(F) Landfill Gas Mitigation Approval
 - e. Technical Edit Attachment – Quasi-judicial Small Area Decision
6. Exhibit 2: Council Amendments – September 12, 2019
7. Exhibit 3: Amendment I, Maximum Extent Practicable Staff Recommendations