

Renz-Whitmore, Mikaela J.

From: Becky C. Davis <beedee3@lawyer.com>
Sent: Thursday, August 1, 2019 8:49 PM
To: Renz-Whitmore, Mikaela J.
Cc: "René Horvath"; Jolene Wolfley
Subject: Re: IDO Annual Update

Dear Mikaela --

Based upon how a particular developer and his agent, have interpreted "cluster" (and received waivers) to mean "more than one cluster" on a site, and "usable open space" has been construed, and assented to by Planning staff to mean other than contiguous square footage, I wanted proposed amendment D, Sec. 4-3(B)(2)(c) (3) to clearly state that any development proposed adjacent to MPOS to not exceed a 15 unit max per cluster group (Amendment Ds exemplar); and that buffer space between cluster groups to be 50ft. long by 50ft. wide so developers could not congeal, consolidate or compress the "usable open space" to an artifice of their choosing.

And, no, the amendment may be applied to any development which devises to use a "cluster group" design to prepare a site plan. Thus far, Planning Dept.'s interpretations of "cluster" have been more injurious to site plans adjacent to MPOS, in spite of the IDO's strictures on site development planning.

Respectfully submitted,
Becky C. Davis, Member, WSCONA IDO Study Subgroup.

Sent: Thursday, August 01, 2019 at 4:47 PM
From: "Renz-Whitmore, Mikaela J." <mrenz-whitmore@cabq.gov>
To: "beedee3@lawyer.com" <beedee3@lawyer.com>
Subject: IDO Annual Update

Hi Becky,

Thanks for your comment. I wanted to make sure I understand. The amendment already limits clusters to 15 and separated by common open space 50 x 50 citywide, whether next to Major Public Open Space or not. Are you saying you want that to ONLY apply next to Major Public Open Space?

Thanks,



MIKAELA RENZ-WHITMORE

long range manager

urban design & development division

o 505.924.3932

m 505.924.3860

e mrenz@cabq.gov

cabq.gov/planning

From: noreply@engagingplans.org <noreply@engagingplans.org>

Sent: Thursday, August 1, 2019 4:38 PM

To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>

Subject: Form submission from: Contact Us

Submitted on Thursday, August 1, 2019 - 4:38pm

Submitted by anonymous user: 174.56.79.154

Submitted values are:

First Name: Becky C.

Last Name: Davis

Your Email Address: beedee3@lawyer.com

Your Phone Number:

Your Message:

Re: IDO Amendment D: Cluster Development (pg.14 of Amendments). Please add to Sec. 4-3(B)(2)(c) amendment #3:

3. Adjacent to MPOS -- the number of dwelling units in a cluster group will not exceed 15. Each cluster will be separated by usable open space at least 50 feet by 50 feet in length and width.

The results of this submission may be viewed at:

<https://abc-zone.com/node/5/submission/4217>



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This message has been analyzed by Deep Discovery Email Inspector.

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Renz-Whitmore, Mikaela J.

From: Becky C. Davis <beedee3@lawyer.com>
Sent: Wednesday, August 7, 2019 2:39 PM
To: Renz-Whitmore, Mikaela J.
Subject: Re: IDO Annual Update

Thank you Mikaela. No, the 50 x 50 open space and 15-unit clusters would not be limited to only MPOS. It could be anywhere in the city. My contribution was written so as to avoid the creative calculations of common open space, and unit counting as has been done with the Poole property. In that site plan, every tree and spot of common grass throughout the planned development is counted toward "common open space". And the site plan consists of 2 "clusters" to avoid the IDO's prescription that a cluster development consist of only 50 housing units at maximum, not the 74 the developer has proposed.

Thank you for your questions.
Becky C. Davis

Sent: Thursday, August 01, 2019 at 4:47 PM
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To: "beedee3@lawyer.com" <beedee3@lawyer.com>
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MIKAELA RENZ-WHITMORE

long range manager

urban design & development division

o 505.924.3932

m 505.924.3860

e mrenz@cabq.gov

cabq.gov/planning

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Sent: Thursday, August 1, 2019 4:38 PM

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Subject: Form submission from: Contact Us

Submitted on Thursday, August 1, 2019 - 4:38pm

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Barkhurst, Kathryn Carrie

From: Mike Puelle <mpuelle@agc-nm.org>
Sent: Friday, August 9, 2019 12:01 PM
To: City of Albuquerque Planning Department
Cc: Kelly Roepke; 'Greg Leach'; Mike Leach - Sycamore Associates LLC (mdl@sycamore-associates.com)
Subject: 1615 University Blvd NE: AGC New Mexico: Zone Conversion Follow Up
Attachments: CABQ July 3 2019 Meridian Approval with Condition Letter.pdf; AGC NM Phase II IDO Zone Conversion Signed Form.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Tara, thank you again for your help, last week. Per our phone conversation, please find some follow-up information that we discussed.

Again, we are commercial construction trade association located at 1615 University Blvd NE since the 1960s. We also have a back building that has been used by tenants over the years, including office space, warehouse space, and yard space. The IDO changed the zoning of our property at 1615 University NE. We discovered this when our new tenant in our back building applied to renew their business license. They were **approved with a screening condition, which will be addressed, below. The decision document is attached.** Also, in parallel, once we learned of the new zoning designation, our trade association applied for a zone conversion for our property, as whole. **Our application document is attached and the denial e-mail we received is below.**

Per our phone conversation, this property abuts the Big I interchange at the back, where the yard space is located. The back boundary of the property looks over an approximately six-foot high retaining wall. At the bottom of the retaining wall is a vacant area of about ten feet next to the water drainage conduit that runs above the Big I interchange's frontage road. This frontage road also is significantly below the drainage conduit. Please see some photos, as discussed, [at this weblink](#). In sum, there is essentially no access for viewing our back property, neither public nor private. The back property borders a water drainage conduit and a high-speed limited-access road, both of which are substantially below the level of the property.

On the phone, we discussed this follow-up information as a step in reverting this property's zoning designation as part of the City's annual refinement process; as well as mitigating the screening condition in our tenant's business license renewal.

We **very much appreciate your time and guidance**, and look forward to further information how we should proceed from here.

Many thanks. --- Mike



Michael Puelle

Chief Executive Officer | AGC New Mexico
1615 University Blvd NE | Albuquerque, NM 87102
P: (505) 842-1462 C: (505) 301-5195 F: (505) 842-1980
www.agc-nm.org | *Building New Mexico Projects & Careers*



From: City of Albuquerque Planning Department [mailto:abcto@cabq.gov]
Sent: Tuesday, July 02, 2019 3:11 PM
To: mike@ag-nm.org
Cc: Mike Puelle <mpuelle@agc-nm.org>
Subject: Zone Conversion Follow Up

Dear Mike Puelle,

We are writing to inform you that your zone conversion request for 1615 University Blvd NE does not qualify for the Phase 2 Voluntary Zoning Conversion process. The uses on this property are allowed in the NR-C zone. There are no nonconforming uses on the property and it is therefore ineligible for the zoning conversion process.

If you are interested in a zone change in the future, you may pursue a Zone Map Amendment through the [Environmental Planning Commission \(EPC\)](#).

You can find the details about the Zone Map Amendment process in the Integrated Development Ordinance [here](#). Forms and fees can be downloaded from the Planning Department webpage [here](#).

If you have questions related to a proposed development, the Planning Department offers free [Pre-application Review Team \(PRT\) meetings](#) every Monday and Tuesday afternoon.

If you have any questions or concerns, please call 505-924-3860 and ask to speak with someone from the Long Range Planning Team.

Sincerely,



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

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Aranda, James M.
Sent: Friday, August 9, 2019 1:23 PM
To: P. Davis Willson; Renz-Whitmore, Mikaela J.
Subject: RE: IDO Annual Update Comments

Hi Ms. Wilson,
Thank you very much for submitting your feedback and support of IDO amendments D and Q.

I just wanted to confirm that we received your message.

Have a great day!

JMA



JAMES M. ARANDA, MCRP
planning administrator | planning department
o 505.924.3361
e jmaranda@cabq.gov
cabq.gov/planning

From: P. Davis Willson [<mailto:info@willsonstudio.com>]
Sent: Friday, August 09, 2019 10:36 AM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Aranda, James M. <jmaranda@cabq.gov>
Subject: Fwd: IDO Annual Update Comments

Hi Mikaela (and Mr. Aranda)

I am re-sending this to you because it just bounced back when sent to the abcto@cabq.gov email.

I was planning to come to tomorrow's Open House but have a meeting at 9am—so I will be late if I can make it at all.

thanks,
Patty Willson

Willson + Willson Architects
505 Dartmouth Drive SE
Albuquerque, NM 87106
V: (505) 266-8944
F: (505) 266-2746
[email: info@willsonstudio.com](mailto:info@willsonstudio.com)

Begin forwarded message:

From: "P. Davis Willson" <info@willsonstudio.com>

Subject: IDO Annual Update Comments

Date: August 9, 2019 at 10:29:20 AM MDT

To: abcto@cabq.gov

Cc: "Davis, Pat" <patdavis@cabq.gov>, "Foran, Sean M." <seanforan@cabq.gov>

I am in support of Councilors Borrego and Sanchez's Amendment D - Cluster Development. It is critical that this definition be clarified and complied with; we can see from the Feb. 6, 2019 letter from Jim Strozier to Derek Bohannon, EPC Chairman, that the developer clearly meant to circumvent the use specific standard for cluster housing projects. (see attached scan).

Councilors Winter and Davis' Amendment Q also has my support. As one of the two designated contacts for my NA, it is next to impossible to keep up with disseminating that information to neighbors. In addition to standardizing the notification form and meeting procedures, I would like to see an online, searchable, map of 'digital yellow signs'. If NA contacts had the ability to just paste a link into their websites or Facebook & Nextdoor pages, folks could get directly to the project submission. However, that still doesn't help the large population of older neighbors who don't use computers (yes, they still exist).

I have copied this to my City Councilor and his Policy Analyst.

thanks,

Patty Willson

The cluster development project comp development as follows:

- The cluster development pr each other on 22.75 acres.
- Contextual lot and setback r standards.
- The number of dwelling unit (acres) by the minimum lot s (acre). The total of that calcul is 91 lots is the maximum n



cluster housing projects only
cluster development project

- The Common Open space is s outdoor recreation. It is also project site (7.13 acres requir gained through lot size reduc length and width of 35 feet. A public right-of-way, is landsc

Willson + Willson Architects
505 Dartmouth Drive SE
Albuquerque, NM 87106
V: (505) 266-8944
F: (505) 266-2746
[email: info@willsonstudio.com](mailto:info@willsonstudio.com)
<http://www.willsonstudio.com>

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Saturday, August 10, 2019 3:56 PM
To: Renz-Whitmore, Mikaela J.
Subject: FW: IDO Session on Part 5

Mikaela, Here's the one from this morning.

Thank you for your undivided attention this morning.....it was greatly helpful in furthering my familiarity with what's up & what's down!!!

Dan

From: Dan & Liz Regan [mailto:dlreganabq@gmail.com]
Sent: Saturday, August 10, 2019 7:23 AM
To: Cynthia Borrego <cynthiaborrego@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>
Cc: Diane Gibson <dgibson@cabq.gov>; Don Harris <dharris@cabq.gov>; Isaac Benton <ibenton@cabq.gov>; Ken Sanchez <kensanchez@cabq.gov>; Klarissa J. Pena <kpena@cabq.gov>; Pat Davis <patdavis@cabq.gov>; Trudy Jones <trudyjones@cabq.gov>; 'Nair, Sarita' <snair@cabq.gov>; 'Jim Griffiee' <jgriffiee@noreste.org>; 'PeggyD' <peggyd333@yahoo.com>; 'Dr. Susan Chaudoir' <edu.chaudoir@gmail.com>; 'Dawn Marie' <dawnmarie@cabq.gov>; 'Joe Valles' <joevalles@aol.com>; 'Michael Pridham' <michael@drpridham.com>
Subject: FW: IDO Session on Part 5

Councilors Borrego and Winter,

I share the email below with you as a way of addressing the question or issue of the manner in which “density” is handled in the IDO. I noted your surprise, Councilor Borrego, at the Aug. 5th meeting, that the Comprehensive Plan did not address the matter of density in housing areas.

What I can tell you is three things that I think are true:

- Density was part of almost all Sector Plans. It was a well-developed, long standing statement of how the resident tax-payers of a sector saw their area as being the best livable.
- Sector plans in some areas of our fair city were sliced and diced into pretty much nothingness by the Planning Dept. at the behest of the development industry and along with the sector plan went “density”.
- The proposed “Technical Edit” noted below is far from a technical (as in minor or diminutive) matter.....it speaks directly to the proposed overloading of both the Poole Property on the West side (with “sensitive” lands) and the Barstow/Alameda corner on the East side (with fitting into an already established neighborhood pattern).

I wish you and the Council the best of luck in this year's IDO revision process. Your residential citizens are depending on the outcomes.

Dan Regan
Knapp Heights NA President
District 4 Coalition – Chair, Zoning/Development Committee

From: Dan & Liz Regan [<mailto:dlreganabq@gmail.com>]

Sent: Thursday, May 23, 2019 12:58 PM

To: 'Renz-Whitmore, Mikaela J.' <mrenz-whitmore@cabq.gov>; 'Campbell, David S.' <dscampbell@cabq.gov>

Cc: Dan Regan <dlreganabq@gmail.com>; 'Jim Griffiee' <jgriffie@noreste.org>; 'PeggyD' <peggyd333@yahoo.com>; Dr. Susan Chaudoir <edu.chaudoir@gmail.com>; 'Emillio, Dawn Marie' <dawnmarie@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>; 'Joe Valles' <joevalles@aol.com>; 'Michael Pridham' <michael@drpridham.com>; 'Nair, Sarita' <snair@cabq.gov>

Subject: IDO Session on Part 5

Mikaela & David,

I will either be late or not in attendance at all at the 11:30 – 1:30 IDO Session tomorrow at the TR Com. Center. So I am sending these written comments to you in advance of that meeting.

198	5-2(C)(4)	Revise as follows: "For all development except cluster and cottage development, if avoidance of sensitive lands..."	Revision to avoid confusion and/or conflict between this provision and the Use-specific Standards for cluster and cottage development.
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I think that I understand the intent of the revision being proposed for this section.

However, I would like to propose that the entirety of 5-2(C)(4) needs to be eliminated because it is illogical to have a whole section, e.g., 5-2 that supposedly addresses Sensitive Lands as if they were/are going to be valued & protected, albeit only *"To the maximum extent practicable"*, while at the same time promulgating that the density of development adjacent to the Sensitive Lands can be increased above normal regulations so that we can cram more homes/businesses into a smaller area while pretending to protect Sensitive Lands. The increased density, in & of itself, puts an added burden on all utility systems in the area, especially issues with hydrology, including sewage, drainage, runoff.

If our City wants to really protect Sensitive Lands, we need to leave these areas as unburdened as possible. MAXIMUM development closest to Sensitive Lands simply doesn't make logical sense to this taxpayer.....and allowing a Cluster & Cottage Development right up to the edge of Sensitive Lands makes even less sense to this taxpayer.....it's just DUMB!!!!!!

I read 5-2(C)(4) as a paragraph written by, or controlled by, the Development Community of the City to increase their bottom lines of profit to the direct detriment of the uniqueness of our City. We are destroying that which most residents most value!! In my humble POV.

Thanks for including all of the above in the record of input about the Technical Edits to the IDO for 2019.

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

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: C. David Day <cdauidday@terradesigns.org>
Sent: Tuesday, August 13, 2019 4:08 PM
To: Renz-Whitmore, Mikaela J.; Pedraza, Lucas; stratadesign.nm@gmail.com
Cc: Reames Tina
Subject: Infill Clinic

Hi Mikaela, Lucas, and Michelle,

Thank you for hosting a great clinic and for letting us participate and discuss our small potential project. The infill diagrams, analysis, and discussion this morning were all extremely helpful.

Tina Reames and I had a PRT (Pre app. Review Team) meeting right after your clinic concerning the same potential project.

In that meeting, we found that no large impediments exist in IDO for the lot.

3 items that cropped up that we would like to share with you in the spirit of helpful input that might be considered in your continued refining of the IDO:

1) SETBACK (front) of 1' maximum, 3.4(E)(3)(a):

All the historic buildings on the east side of Broadway have 15' front yards, and so in keeping with that, and to create an entry court, we created a 10' setback. The newer 40's and 50's buildings - like 208 Broadway (art gallery), etc are 0' setback, as are most of the historic commercial buildings on the west side of Broadway. According to our PRT, ZHE most likely would not allow this variance given that no hardship exists in meeting that 1' max setback, and contextual evidence would not be weighed. We can certainly change our design to 1' setback - it would help make a more useable lot anyway, but wanted to suggest that contextual adjacencies to HPOs might be worth looking at. FYI, this lot is in CPO-4 and is adjacent, but not subject, to HPO-4. I'll attach a context sketch in a separate email - City email usually bounces back any jpg attachments as junk mail.

2) ENCROACHMENTS Allowed Exceptions and Encroachments, Table 5-1-4:

Architectural feature (awning specifically) can encroach up to 2 ft into a required setback, but not closer than 3 ft from any lot line. This would disallow an awning on a building on this lot which has a 1' setback max. The CPO-4 requires large glazing (40% of street facade - a great thing by the way) but an overhang or awning would be needed to shade this as the building faces west and would overheat without projections. Otherwise, you end up, like some other 0' lot line bldgs. on Broadway, with blanked out facades or windows covered 24/7/365 which would negate the good part of the CPO-4 trying to get friendly shopfronts to open onto Broadway. This is a discrepancy in the Table. A good example of where this happens is north on Broadway at MLK at the BelVedere. Rob Dickson came to legal ROW encroachment agreement with COA back when that project was built. I'll attach a photo in a separate email.

3) ALLEY PAVING DPM requirements:

PRT initially stated that the entire length of the alley (1 block) would need to be paved by the developer to accommodate resident access to townhomes and shared parking lot. PRT was helpful about an alternate solution of accessing the new development from Broadway and the existing shared parking lot, while blocking off the alley access entirely, thereby avoiding alley improvements. I don't know how you can approach this, but Economic Development should be made aware that aside from impact fees, sidewalk, utility and landscape requirements, the alley paving might be enough to kill most small infill projects, especially given the modest development potential of a single small 50 x 142 lot. I know that Bern Co road standards are minimal - a proper base, grading, and gravel top suffice - maybe that could be a compromise? And I know that permeable gravel lots exist at the WEEST bldg on Broadway and in the center of BelVedere (photo in next email).

PRT echoed what we discussed at the Infill Clinic - that our next step would be to meet separately with Fire Dept and Solid Waste to verify access requirements / arrangements.

Thanks again, we'll hopefully be seeing you all soon.

Best, David Day.

c. david day

terra designs l.l.c.
505.515.1333
cdavidday@terradesigns.org

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Renz-Whitmore, Mikaela J.

From: C. David Day <cdauidday@terradesigns.org>
Sent: Tuesday, August 13, 2019 4:20 PM
To: Renz-Whitmore, Mikaela J.; Pedraza, Lucas; stratadesign.nm@gmail.com
Cc: Reames Tina
Subject: Re: Infill Clinic

Historic properties to north on east side of Broadway all have 15' front yard setbacks.
The property shown here with 0' setback is from late 1940's or 50's and breaks the pattern.



Encroachments - BelVedere awnings at Broadway / MLK are around 4' to 5' deep and exists because of legal encroachment agreement btwn Rob Dickson developer and COA.



Crushed gravel permeable paving at drives & parking areas, private lane, BelVedere



On Aug 13, 2019, at 4:08 PM, C. David Day <cdavidday@terradesigns.org> wrote:

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c. david day

terra designs l.l.c.
505.515.1333
cdavidday@terradesigns.org

=====
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Barkhurst, Kathryn Carrie

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Tuesday, August 13, 2019 1:17 PM
To: Borrego, Cynthia D.; Sanchez, Ken; City of Albuquerque Planning Department
Cc: 'Dan Regan'; 'PeggyD'; 'Jim Griffiee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emilio, Dawn Marie; 'Rene Horvath'
Subject: IDO Amendment D -- some comments

Councilors Borrego & Sanchez,

I applaud and STRONGLY support your Amendment D which deals with a new definition of “cluster groups”, the illustrations of not-so-good and very good clusters and the configuration language you propose to add to the IDO under 4-3-(B)(2)(c). These changes would definitely impact the “can of sardines” platting that can be proposed and has shown up in a number of different cluster arrangements over the past year.

Thank you for your efforts to get this amendment through this year’s IDO evaluation process. They are muchly appreciated by this taxpayer.

Dan Regan
Knapp Heights NA, President
D4Coalition, Zoning/Development Committee, Chair

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

Barkhurst, Kathryn Carrie

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Tuesday, August 13, 2019 1:57 PM
To: Benton, Isaac; City of Albuquerque Planning Department
Cc: 'Dan Regan'; 'PeggyD'; 'Jim Griffiee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; 'Rene Horvath'
Subject: IDO Amendment E & F -- some comments

Councilor Benton,

I have read as carefully as I can both Amendments E & F and I understand that infill close to UC-MS-PT areas is a desirable goal to having a 'walkable' neighborhood that enhances these areas. Both E & F would increase density wherever they are applied – as I am understanding them.

I also have some concerns about three aspects of these amendments:

- Amendment E as proposed with your changes – let's say that someone has a 10K sq. ft. piece of property and does the 50 % split in it.....and then takes each 5K plot and builds 2 or 3 townhomes, each with multiple stories with each of them being relative of small size.....is this goodness?
- Amendment F as proposed – if I am understanding it properly, one could put a Cottage Development on a quarter of an acre of property.....and when I read the Definition of "Dwelling, Cottage Development" I am astounded that a quarter of an acre could contain/include a "combination of dwelling units with shared facilities, including but not limited to open space, parking lots or carports, gardens, recreation areas, community building(s) with facilities such as a kitchen and dining area, meeting and activity spaces, and a maximum of 1 guest room." We live on almost a quarter of an acre and it is impossible for me to conceive of half of those items on this property and have it be livable for any length of time.
- In dealing with both of these amendments, I have a concern that another version of "gentrification" may be afoot for some developers and these "improvements" have the possibility/likelihood of raising property values in the surrounding areas such that some other folks may no longer be able to afford property taxes. AND, I understand that there is some delicate balancing acts that have to occur for positive changes to occur.....I'd just like the downsides to these infill efforts to be addressed PRIOR to rather than after the negative impacts occur.

Thanks for your efforts in all of these issues.....I do not envy your position or workload.

Dan Regan
Knapp Heights NA, President
D4Coalition, Zoning/Development Committee, Chair

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

Barkhurst, Kathryn Carrie

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Tuesday, August 13, 2019 12:56 PM
To: Benton, Isaac; City of Albuquerque Planning Department
Cc: 'Dan Regan'; 'PeggyD'; 'Jim Griffee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; Rene Horvath
Subject: IDO Amendment K -- some comments

Councilor Benton,

I STRONGLY support the changes you have put forth in Amendment K. Thanks for your efforts in this matter.

I also have a RECOMMENDATION that would also be helpful to obtaining a yet better outcome when dealing with the Neighborhood Edge for/in any MX-L zone:

- Can the 35 foot maximum height (with a 3.5 foot – 10% -- accommodation always available from Planning Staff) in the MX-L zones be changed or augmented by stating that a two story limit also applies.
- Rationale: in at least two instances (Markana II and Barstow/Alameda) in the NE Heights, developers have taken the 35' (augmented to 39') and crammed three or four stories into their building which required them to produce a flat roof design side by side with peaked roofing with some style. The three/four stories also increased the density quotient well beyond the surrounding properties.

The two story limit would be more in keeping with the definition of MX-L zones. It would also be reflective of the long stated intentions of all Sector Plans for District 4 Neighborhood Associations developed in the 25 years prior to the IDO – the majority of which got wiped out because they were found to be lacking in historical character or uniqueness.

I greatly appreciate your consideration of all of the above. Thanks for all that you do on the Council to keep us moving in the right directions!!!

Dan Regan
Knapp Heights NA, President
D4Coalition, Zoning/Development Committee, Chair

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

Barkhurst, Kathryn Carrie

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Tuesday, August 13, 2019 12:25 PM
To: Winter, Brad D.; Davis, Pat; City of Albuquerque Planning Department
Cc: Dan Regan; 'PeggyD'; 'Jim Griffee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita
Subject: IDO Amendment Q -- come comments

Follow Up Flag: Follow up
Flag Status: Flagged

I am in FULL and STRONG support for the Content of Notice you are proposing in 6-4(K)(6) and the change in 6-4(D)(1) and 6-4(D)(2) that reinstates the prior status of a requested facilitated meeting, e.g., if one is requested, it will happen! The arbitrary criteria put in place by the then Director of Planning in June 2018 should never have been established. Thanks for putting these changes into your Amendment Q.

I have, however, two suggestions that may be helpful in the long run:

- in 6-4(D)(1), it states that “anyone” may request a City-sponsored facilitated meeting.....does this mean that someone from California or Finland can insert themselves into a city zoning process and require a facilitated meeting? I am not trying to be facetious.....only reading the language in this section.
RECOMMENDATION: some qualification(s)/criteria needs to be put in place for this to stay manageable. Maybe ‘anyone’ who received Notice or who would have standing in any appeal process, c.f., (6-4(U)(2) & Table 6-4-3.
- Might it also be helpful to state in this amendment that one facilitated meeting will be sufficient for each decision level (EPC, DRB) that a proposed project/change has to go through. Of course, this decision level item would be in addition to the Pre-Application Facilitated Meeting which is the most fundamental place to reach agreement & accommodation. It would also be necessary that all parties understand that all Notices must be sent to all parties with standing or possible impact.....if that is not already clearly stated elsewhere.

Thanks to both of you for your efforts with this amendment. It is certainly appreciated by this taxpayer and other Neighborhood Association folks that I know.

Dan Regan
Knapp Heights NA, President
D4Coalition Zoning / Development Committee, Chair

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

Renz-Whitmore, Mikaela J.

From: Melodie and Gary Eyster <meyster1@me.com>
Sent: Thursday, August 15, 2019 6:12 PM
To: Renz-Whitmore, Mikaela J.
Cc: 'Gary and Melodie Eyster'
Subject: RE: Neighborhood Edges in CPO-8 on Copper Avenue

Thank you, Mikaela. That interpretation makes sense to me.

Perhaps there would be a benefit in adding the underlined below in the annual update?

a. For any portion of a building within 50 feet from the property line of the regulated lot abutting Copper Avenue: 45 feet.

b. For any portion of a building more than 50 feet and up to 100 feet from the property line of the regulated lot abutting Copper Avenue: 65 feet

Kind regards, Gary

From: Renz-Whitmore, Mikaela J. [mailto:mrenz-whitmore@cabq.gov]
Sent: Wednesday, August 14, 2019 2:24 PM
To: Melodie and Gary Eyster
Subject: RE: Neighborhood Edges in CPO-8 on Copper Avenue

I read that to mean the regulated lot.

Best,



MIKAELA RENZ-WHITMORE

o 505.924.3932
e mrenz@cabq.gov

From: Melodie and Gary Eyster <meyster1@me.com>
Sent: Tuesday, August 13, 2019 5:00 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Cc: 'Gary and Melodie Eyster' <meyster1@me.com>
Subject: Neighborhood Edges in CPO-8 on Copper Avenue

Hi, Mikaela,

In CPO-8 the neighborhood edges provision states: *2. For properties fronting the south side of Copper Avenue between Graceland Drive and San Mateo Boulevard, the maximum building height shall be as follows:*

a. For any portion of a building within 50 feet from the property line abutting Copper Avenue: 45 feet.

b. For any portion of a building more than 50 feet and up to 100 feet from the property line abutting Copper Avenue: 65 feet.

Does *the property line abutting Copper Avenue* refer to the property line of the protected lot or the regulated lot?

Kind regards, Gary

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This message has been analyzed by Deep Discovery Email Inspector.

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Sunday, August 18, 2019 3:04 PM
To: Renz-Whitmore, Mikaela J.; Williams, Brennon
Cc: 'Jim Griffee'; 'PeggyD'; 'Dr. Susan Chaudoir'; Emillio, Dawn Marie; Winter, Brad D.; 'Joe Valles'; 'Michael Pridham'; Nair, Sarita; Dan Regan; Aranda, James M.
Subject: IDO Technical Edits -- STILL NOT RIGHT on this one
Importance: High

Mikaela and Brennon,

I ask that you read the email below.....before proceeding to the rest of this email. Thanks

In my most recent review (that would be today) of current Technical Edits being proposed for adoption, I find the exact same language being proposed for the item captured below!

My contentions with and opposition to this approach have not changed and I still find it to be “developer driven” and mind-numbingly dismissive of the common good for the city. The closing sentence in the Definition of Maximum Extent Practicable states: “Economic considerations may be taken into account but shall not be the overriding factor.” This taxpayer would contend that paving the way for more residences to be packed into smaller spaces contiguous to “sensitive” land has to pretty much be tied to the highest possible amount of profit from a piece of property.....and it seems most reasonable that this would make the “economic considerations” “the overriding factor”.

For CLARITY: This taxpayer finds the Technical Edit below to be detrimental to sane, positive growth & development in our city, especially as that development borders sensitive land.

Thanks for your attention to and time with both of these emails.

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

From: Dan & Liz Regan [mailto:dlreganabq@gmail.com]
Sent: Thursday, May 23, 2019 12:58 PM
To: 'Renz-Whitmore, Mikaela J.' <mrenz-whitmore@cabq.gov>; 'Campbell, David S.' <dscampbell@cabq.gov>
Cc: Dan Regan <dlreganabq@gmail.com>; 'Jim Griffee' <jgriffee@noreste.org>; 'PeggyD' <peggyd333@yahoo.com>; Dr. Susan Chaudoir <edu.chaudoir@gmail.com>; 'Emillio, Dawn Marie' <dawnmarie@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>; 'Joe Valles' <joevalles@aol.com>; 'Michael Pridham' <michael@drpridham.com>; 'Nair, Sarita' <snair@cabq.gov>
Subject: IDO Session on Part 5

Mikaela & David,

I will either be late or not in attendance at all at the 11:30 – 1:30 IDO Session tomorrow at the TR Com. Center. So I am sending these written comments to you in advance of that meeting.

198	5-2(C)(4)	Revise as follows: "For all development except cluster and cottage development, if avoidance of sensitive lands..."	Revision to avoid confusion and/or conflict between this provision and the Use-specific Standards for cluster and cottage development.
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I think that I understand the intent of the revision being proposed for this section.

However, I would like to propose that the entirety of 5-2(C)(4) needs to be eliminated because it is illogical to have a whole section, e.g., 5-2 that supposedly addresses Sensitive Lands as if they were/are going to be valued & protected, albeit only *"To the maximum extent practicable"*, while at the same time promulgating that the density of development adjacent to the Sensitive Lands can be increased above normal regulations so that we can cram more homes/businesses into a smaller area while pretending to protect Sensitive Lands. The increased density, in & of itself, puts an added burden on all utility systems in the area, especially issues with hydrology, including sewage, drainage, runoff.

If our City wants to really protect Sensitive Lands, we need to leave these areas as unburdened as possible. MAXIMUM development closest to Sensitive Lands simply doesn't make logical sense to this taxpayer.....and allowing a Cluster & Cottage Development right up to the edge of Sensitive Lands makes even less sense to this taxpayer.....it's just DUMB!!!!!!

I read 5-2(C)(4) as a paragraph written by, or controlled by, the Development Community of the City to increase their bottom lines of profit to the direct detriment of the uniqueness of our City. We are destroying that which most residents most value!! In my humble POV.

Thanks for including all of the above in the record of input about the Technical Edits to the IDO for 2019.

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

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 This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Renz-Whitmore, Mikaela J.
Sent: Monday, August 26, 2019 4:14 PM
To: Dan & Liz Regan
Cc: Jim Griffee; peggyd333@yahoo.com; Dr. Susan Chaudoir; Emillio, Dawn Marie; Winter, Brad D.; joevalles@aol.com; michael@drpridham.com; Nair, Sarita; Aranda, James M.; Brito, Russell D.
Subject: IDO Technical Edits -- ZHE Qualifications

Please see my responses in red below.

Thanks,



MIKAELA RENZ-WHITMORE

o 505.924.3932
e mrenz@cabq.gov

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Sunday, August 18, 2019 4:17 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Williams, Brennon <bnwilliams@cabq.gov>
Cc: 'Jim Griffee' <jgriffee@noreste.org>; 'PeggyD' <peggyd333@yahoo.com>; 'Dr. Susan Chaudoir' <edu.chaudoir@gmail.com>; Emillio, Dawn Marie <dawnmarie@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>; 'Joe Valles' <joevalles@aol.com>; 'Michael Pridham' <michael@drpridham.com>; Nair, Sarita <snair@cabq.gov>; Aranda, James M. <jmaranda@cabq.gov>
Subject: RE: IDO Technical Edits -- ZHE Qualifications

Mikaela and Brennon,

I have a number of concerns about the Tech. Edit below.

335	6-2(J)	Add new language as follows: "The ZHE shall have professional experience in both land use and law."	Adds qualifications for the ZHE
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First Concern: Given the following Definition from the IDO:

Zoning Hearing Examiner (ZHE)

A City employee, or a person or firm on contract with the City, who reviews and decides applications for Conditional Use Approvals, Expansions of Nonconforming Use or Structure, and Variances.

how has this position been filled since the IDO became effective 5/17/18? Was there a ZHE prior to the IDO becoming effective? My ignorance in these matters is on display here, methinks/1

Yes, there was a ZHE prior to the IDO. The Planning Department is responsible for finding a ZHE. In the past, we have hired private land use lawyers or drawn from City staff with experience in land use and law. The current ZHE is a hearing officer in the City Clerk’s office who has been assigned to serve as the ZHE among his other duties.

Second Concern: Will the qualifications be part of this set of Tech. Edits or will the propose wording above be the only change at this time and the qualifications will follow at some future date?

The wording in the third column includes the proposed qualifications: "The ZHE shall have professional experience in both land use and law."

Third Concern: Who will have any input to the process for the development of these qualifications ?

Anyone can have input right now and at any time before City Council makes a final decision about this year’s annual update. And then you have another opportunity next year!

Fourth Concern: Are there qualifications already in place for the ZEO.....since that person according to the following paragraph, from the IDO itself, carries considerable power (emphasis, mine) ?

As defined by the IDO:

Zoning Enforcement Officer (ZEO)

A City Planning Department employee or his/her authorized representative who interprets the provisions of this IDO, reviews applications for decisions related to this IDO, and may make administrative decisions.

The Planning Director designates a ZEO, typically the head of the Code Enforcement Division. That position requires experience in land use and regulation.

6-4(A)	<p>INTERPRETATION</p> <p>The ZEO has authority to interpret this IDO, including the authority to determine its applicability to specific properties or situations and the authority to interpret the boundaries of zone districts and Overlay zones on the Official Zoning Map.</p>
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Is the ZEO’s authority to interpret the IDO absolute or are there other folks/bodies who have the ability to impact, have input into or question the ZEO’s interpretations or authority?

The ZEO can and does consider input from lots of people. He interacts with applicants, the public, and staff.

Appeals are the typical way folks question ZEO interpretations, including decisions made by City Staff as indicated in Table 6-1-1.

Again, please note that my questions are not rhetorical. I would hope for answers to tach of them.

Thanks for your attention to all of the above.

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

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

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Sunday, August 18, 2019 4:17 PM
To: Renz-Whitmore, Mikaela J.; Williams, Brennon
Cc: 'Jim Griffee'; 'PeggyD'; 'Dr. Susan Chaudoir'; Emillio, Dawn Marie; Winter, Brad D.; 'Joe Valles';
'Michael Pridham'; Nair, Sarita; Aranda, James M.
Subject: RE: IDO Technical Edits -- ZHE Qualifications

Mikaela and Brennon,

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335	6-2(J)	Add new language as follows: "The ZHE shall have professional experience in both land use and law."	Adds qualifications for the ZHE
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how has this position been filled since the IDO became effective 5/17/18? Was there a ZHE prior to the IDO becoming effective? My ignorance in these matters is on display here, methinks/1

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---------------	---

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Again, please note that my questions are not rhetorical. I would hope for answers to tach of them.

Thanks for your attention to all of the above.

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

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

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Sunday, August 18, 2019 3:48 PM
To: Renz-Whitmore, Mikaela J.; Williams, Brennon
Cc: 'Jim Griffee'; 'PeggyD'; 'Dr. Susan Chaudoir'; Emillio, Dawn Marie; Winter, Brad D.; 'Joe Valles'; 'Michael Pridham'; Nair, Sarita; Aranda, James M.; Dan Regan
Subject: IDO Technical Edits -- Plat Changes & Plan Changes

Mikaela and Brennon,

The following Tech. Edit raises several questions for me and others.

328	Table 6-1-1	Delete published notice requirement for Subdivision of Land - Major, Final Plat.	Published notice is required for Preliminary Plat, so published notice is not needed at Final Plat.
-----	-------------	--	---

First Question:

If there are any, especially significant changes, that occur to the Plat betwixt Preliminary and Final versions AND there is no longer any requirement for the Final Plat to be shared with the NA, HOA, Coalition or neighbors impacted by the Plat at issue.....then how in the heck are those impacted by the Plat & its changes to even be aware of those changes?

Second Question:

Who, or which party/group, suggested this particular Edit?

Third Question:

If there were significant changes made to the Plat between Preliminary submission and Final (approved) state AND those changes had negative impacts upon neighboring property owners, what avenues of redress would the neighboring property owners have.....that didn't require the hiring of an attorney?

Fourth Question:

Could, in your opinion, one be justified in understanding the proposed Tech. Edit as one more example of the IDO being executed in a manner that leaves the residential taxpayers of the city (& their organizations) a tad in the dark and needing to spend their valuable time constantly checking on the status of projects (via city website & decision-making body's agendas) that will impact them directly?

PLEASE NOTE: I have left room between each question for your responses, because I do not consider any of the questions above to be rhetorical in nature or asked simply as a way to fill my time on a nice Sunday afternoon.

Thanks for your attention to all of the above.

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

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

Renz-Whitmore, Mikaela J.

From: Renz-Whitmore, Mikaela J.
Sent: Tuesday, August 27, 2019 8:58 AM
To: Dan & Liz Regan
Cc: Jim Griffiee; peggyd333@yahoo.com; Dr. Susan Chaudoir; Emillio, Dawn Marie; Winter, Brad D.; joevalles@aol.com; michael@drpridham.com; Nair, Sarita; Aranda, James M.; Brito, Russell D.; Williams, Brennon
Subject: FW: IDO Technical Edits -- Plat Changes & Plan Changes

Please see my responses below in red.

Thanks,



MIKAELA RENZ-WHITMORE

o 505.924.3932
e mrenz@cabq.gov

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Sunday, August 18, 2019 3:48 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Williams, Brennon <bnwilliams@cabq.gov>
Cc: 'Jim Griffiee' <jgriffie@noreste.org>; 'PeggyD' <peggyd333@yahoo.com>; 'Dr. Susan Chaudoir' <edu.chaudoir@gmail.com>; Emillio, Dawn Marie <dawnmarie@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>; 'Joe Valles' <joevalles@aol.com>; 'Michael Pridham' <michael@drpridham.com>; Nair, Sarita <snair@cabq.gov>; Aranda, James M. <jmaranda@cabq.gov>; Dan Regan <dlreganabq@gmail.com>
Subject: IDO Technical Edits -- Plat Changes & Plan Changes

Mikaela and Brennon,

The following Tech. Edit raises several questions for me and others.

328	Table 6-1-1	Delete published notice requirement for Subdivision of Land - Major, Final Plat.	Published notice is required for Preliminary Plat, so published notice is not needed at Final Plat.
-----	-------------	--	---

First Question:

If there are any, especially significant changes, that occur to the Plat betwixt Preliminary and Final versions AND there is no longer any requirement for the Final Plat to be shared with the NA, HOA, Coalition or neighbors impacted by the Plat at issue.....then how in the heck are those impacted by the Plat & its changes to even be aware of those changes?

All substantive review happens at Preliminary Plat, which includes approving an Infrastructure List. The Infrastructure List itemizes all the off-site infrastructure that is required. Once approved at Preliminary Plat, the Infrastructure List must be financially guaranteed or constructed before the Final Plat will be approved. Once approved, the Final Plat can be recorded; then the project can be constructed or the lot could be sold.

To summarize: Preliminary Plat is where decisions get made. Final Plat is just for final signatures. The final plat must match the approved Preliminary Plat. If changes need to be made to the Preliminary Plat after it is approved, then it is reviewed again at DRB for a Preliminary Plat approval so that the Infrastructure List can also be reviewed and adjusted as necessary.

Both Preliminary Plat and Final Plat decisions happen at public meetings, and those noticed or those interested can either attend the meeting, keep up with the case through the online case tracking system, or review the Notice of Decision posted on the website the Friday after the meeting. IDO will still require web posting of Notice of Decisions for both the Preliminary Plat and the Final Plat.

Second Question:

Who, or which party/group, suggested this particular Edit?

DRB staff suggested this edit. Long Range staff did not understand the difference between Preliminary and Final Plat when we originally drafted the IDO. This edit would go back to pre-IDO procedures. The published notice (which takes approximately 30 days) should come early in the process when there is opportunity for input, not at the end, when all the substantive decisions have been made. Once notice of the submittal of an application is provided, it is the responsibility of those notified to keep up with the case.

Third Question:

If there were significant changes made to the Plat between Preliminary submission and Final (approved) state AND those changes had negative impacts upon neighboring property owners, what avenues of redress would the neighboring property owners have.....that didn't require the hiring of an attorney?

See responses above.

Fourth Question:

Could, in your opinion, one be justified in understanding the proposed Tech. Edit as one more example of the IDO being executed in a manner that leaves the residential taxpayers of the city (& their organizations) a tad in the dark and needing to spend their valuable time constantly checking on the status of projects (via city website & decision-making body's agendas) that will impact them directly?

Notice is intended to give the heads up to those who may be interested that an application has been submitted at the start of the City's review/decision process. There is no other instance of a decision in Table 6-1-1 where published notice (i.e. legal ad) is required both at the beginning and at the end of a decision process. You are right that the IDO puts the responsibility of following-up and tracking the case through the review/decision process on those notified.

The IDO was intended to institute better rules so that residential taxpayers (& their organizations) can rely more on the rules for protections than on having to negotiate case-by-case, as often happened with the former SU-1 zoning system. This new approach relies heavily on getting the rules right, which we are trying to do and will continue to try to do with every annual update.

PLEASE NOTE: I have left room between each question for your responses, because I do not consider any of the questions above to be rhetorical in nature or asked simply as a way to fill my time on a nice Sunday afternoon.

Thanks for your attention to all of the above.

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

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

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Monday, August 19, 2019 4:01 PM
To: jgriffie@noreste.org; peggyd333@yahoo.com; Winter, Brad D.; Emillio, Dawn Marie; Schultz, Shanna M.; Renz-Whitmore, Mikaela J.; Nair, Sarita; Williams, Brennon
Cc: michael@drpridham.com; 'Joe Valles'; Aranda, James M.; Rene Horvath; 'Steve Wentworth'
Subject: IDO Current Review Process -- maybe some hiccups
Attachments: Comments on Revisions to Sect. 6 of IDO.docx

Goodly & Esteemed Pholk,

I am wading thru, at a very slow pace, the Technical Edits to the IDO as proposed by the Planning Dept. and am wondering if I have stumbled upon some connections that I never saw or realized before.

I am currently dealing with pages 42 & 43 of the 83 pages of the Tech. Edits – specifically (*Italics, mine*):

327	Table 6-1-1	<i>Change requirement to hold public hearings to public meetings for the following DRB decisions: Subdivision of Land - Major, Preliminary Plat; Vacation of Easement or Right-of-way - DRB; DRB - Variance. Update any references to public hearings related to DRB throughout the IDO accordingly.</i>	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. This change would return DRB processes closer to pre-IDO processes.
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and

328	Table 6-1-1	<i>Change the title of "Variance - DRB" to "Waiver - DRB" and realphabetize. Renummer related Specific Procedure accordingly. Replace all other references to Variance - DRB throughout the IDO accordingly. Rename "Wireless Telecommunications Facility Waiver" to "Waiver - Wireless Telecommunications Facility" for consistency. Replace all references to this procedure throughout the IDO accordingly.</i>	<i>DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. Exceptions to Sections 5-3 (Access and Connectivity), 5-4 (Subdivision of Land), and 5-5 (Parking and Loading) would be decided by DRB as a waiver, not as a variance, which is limited to exceptional lots per State statute. See related item for edits to Subsection 6-6(N). See related items for</i>
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			exceptions: Front yard parking and carports.
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The first connection I made was to the R-19-150 resolution that breezed thru City Council pretty easily without any committee hearings or public discussion – or, at least, any input from the public on it.....which some folks found rather odd and possibly inappropriate.....and that this ‘interim’ phase is now being memorialized with a Tech. Edit.

The second connection I made was that my email & attachment from my June 6, 2019 email (see below & attached again) may have had some role to play in the creation of R-19-150. It pretty much removes any public input of substance when such input is not desired by the City body.....that, at least, cuts down on my Kafka reference.

An Aside: **Shanna**, it would be most helpful to me to know whether you had a role in the creation of R-19-150.....if that is an appropriate piece of information to request. If you did not have a role in its creation, do you know who did?

A third connection I made was that R-19-150 and some of the two Tech. Edits presented above are NOT Technical Edits. But they are substantive & constitutive changes made to cover the operations of the DRB, preserving their sole role as “a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings”. **SOMEONE NEEDS TO CALL THIS FOR WHAT IT IS.....it AIN’T a Technical Edit.**

A fourth connection I made: While both R-19-150 and the above “edits” preserve the DRB for what it has always been, they also are an admission that the IDO as currently constituted does not want to deal with any substantive issues or problems that NAs, HOAs, Coalitions or other recognized / unrecognized parties have with any particular zoning project. Please understand that it has been the consistent experience of multiple NAs, HOAs and Coalitions, since June 2018 (less than a month after the IDO became effective) that the realignment of responsibilities of the EPC and the DRB actually SILENCED citizen input to the development process when any substantive issue arose that didn’t fit into the neatly sliced & diced (by the development community, no less) categories that the Planning Department was willing to deal with. Questions that fell outside of these customer-designed categories were simply not going to be dealt with by the IDO, the Planning Dept. or the City Council. And, whatever access the public had to even present these “outside the IDO box” issues / problems was going to be further removed by items like R-19-150.

IN THIS TAXPAYER’S humble POV, THE INTERIM R-19-150 SHOULD NOT BE CODIFIED INTO THE IDO AT THIS TIME OR ANY TIME PRIOR TO A THOROUGH EXAMINATION BY THE LUHO (he’s the one who raised the red flag about possible problems with how the City was handling a number of issues in the administrative processes)– OR BETTER YET, AN INDEPENDENT NEUTRAL 3RD PARTY. SUCH EXAMINATION SHOULD ALSO DETERMINE WHETHER THE CITED EDITS ARE, IN FACT, SUBSTANTIVE IN NATURE & IMPACT RATHER THAN “TECHNICAL EDITS”. I strongly suggest that some decision about all of this is considered and decided BEFORE the EPC submits the Planning Dept.’s Technical Edits to the Council.

I realize that there is a very heavy Council Agenda for this evening’s meeting and I know that everyone is swamped with more things to do that we each have time for.....howsomever, I think the issues raised in all of the above, below & attached are critical to the integrity of the City’s effort to establish a creditable record on this year’s IDO Revisions.

Brad, if it is appropriate, can you forward this email with attachment to the LUHO for his awareness. If that would be dumb, please, ignore my ignorance in this matter!

Thanks to all of you for your attention to all of this.

If I am totally off-base & wacko about/with any of the above, it is OK for any of you to point that out to me. My ignorance about the fields of Urban Planning, Zoning Codes, City Procedures, quasi-judicial boundaries & considerations and appropriate decorum with emails of a semi-official nature – I own all of it and am willing to receive at least a modicum of education about any of them.....BUT, I'm supposed to be retired and my 70+ brain can only take so much input at one time.

Dan Regan
Knapp Heights NA, President
District 4 Coalition, Zoning / Development Committee, Chair

From: Dan & Liz Regan [mailto:dlreganabq@gmail.com]
Sent: Thursday, June 6, 2019 2:24 PM
To: 'Renz-Whitmore, Mikaela J.' <mrenz-whitmore@cabq.gov>
Cc: 'Jim Griffiee' <jgriffiee@noreste.org>; 'PeggyD' <peggyd333@yahoo.com>; 'michael@drpridham.com' <michael@drpridham.com>; 'Joe Valles' <joevalles@aol.com>; Winter, Brad D. <BWinter@cabq.gov>; Emillio, Dawn Marie <dawnmarie@cabq.gov>; 'Shanna Schultz' <smschultz@cabq.gov>; Dr. Susan Chaudoir <edu.chaudoir@gmail.com>; Rene Horvath <aboard10@juno.com>
Subject: Comments on PTEs to Sect. 6 of IDO

Mikaela,

I started reading the PTEs for Section 6 prior to heading for one of the IDO Sessions this week and realized that I would have an easier time putting my comments into a Word doc. than trying to express them with the same level of clarity at an IDO Session. Ergo, please find attached, my comments on these PTEs and I do hope you find clarity in some of them!

Thanks for all the Sessions thus far that you and the other Planning Dept. folks planned & executed. It is obvious that a lot of work went into these meetings.

Thanks for your attention to the attached comments.

Dan Regan
KHNA President
D4C Zoning/Development Committee Chair

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Wednesday, August 21, 2019 12:40 PM
To: Davis, Pat; City of Albuquerque Planning Department
Cc: 'PeggyD'; 'Jim Griffie'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; 'Rene Horvath'; Renz-Whitmore, Mikaela J.
Subject: IDO Amendment A -- some comments

Councilor Davis and EPC Chair Serrano,

I think that there are some very substantive barriers that need to be considered before the proposed Amendment A could be enacted.

The first issue is a matter of law that has been part of our jurisprudence heritage since before our nation was founded; it's called "a man's home is his castle". Below is the opening paragraph from a William & Mary Law School Journal article on this topic:

William & Mary Journal of Race, Gender, and Social Justice – Volume 8 | Issue 2 Article 2

"A Man 's Home is His Castle?": Reflections on the Home, the Family, and Privacy During the Late Nineteenth and Early Twentieth Centuries By Jonathan L. Hafetz

The maxim that a "man's house is his castle" is one of the oldest and most deeply rooted principles in Anglo-American jurisprudence.' It reflects an egalitarian spirit that embraces all levels of society down to the "poorest man" living "in his cottage." The maxim also forms part of the fabric of the Fourth Amendment to the Constitution, which protects people, their homes, and their property against unreasonable searches and seizures by the government. Despite the continuing erosion of this protection in other places,, including on streets, in automobiles,' at airports, and in schools, the home retains a special place in search and seizure law," and continues to symbolize a zone of privacy often beyond the reach of the modern regulatory state."

Full article: <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1190&context=wmjowl>

Making it illegal for a homeowner to provide protection for his/her property at a level required by the experience of crime seems to me to be a 'bridge too far'.

Which leads to the second substantive barrier: the lived & ongoing level of insecurity in the face of criminal trespass and damage to one's property. I refer you to the sketch below of Maslow's Hierarchy of Needs. There have been some critics who take exception to Maslow's thinking and outcomes on the needs of individual human being and groups of the same. But, methinks, by and large, Maslow's Hierarchy has been found to be more valid than not when dealing with the human experience.



IF I am understanding the intent of Amendment A, there is a strong element of the aesthetic appearance of our city ‘from the road’ so to speak. ‘Twould be much better if we didn’t look like an barricaded or armed camp. A sentiment with which I am in TOTAL AGREEMENT.

Howsomever, creative aesthetics reside mostly at the top of the Hierarchy of Needs.....and, I would submit, our fair and good city is NOT there at the moment – we are, still yet even, struggling to establish a lasting modicum of SAFETY & SECURITY for our population, both businesses and residences. I cite just a few REAL TIME instances:

- Churches, even before the more recent shootings in mid & late-2019, which have church members assigned to patrol their parking lots during weekend services to guard against broken windows and pillaged vehicles. I am also certain that some larger churches actually hire Security Guards to perform this same function.
- Social groups (square dancing clubs, specifically) who have the same routine with members rotating the parking lot patrol because of damage to vehicles and who are losing members because of the hassle and no actual assistance from the APD to find the perpetrators.
- A residence on a bright Sunday morn, whilst occupants are at church & lunch, with a 20 something male, high on meth, climbing up on the roof of their home and brandishing a 8-10” hunting knife blade as at least 10 APD eventually try to talk him down & secure the area.
- A residence’s back yard that has been ‘invaded’ multiple times with auto parts & tools being rummaged thru and some disappearing.
- A residence with antique cars in the back yard that became sleeping arrangements for some transients not far from one of the busiest Major Transit roads & Areas of Change in the city.
- Multiple (maybe even, most) chain stores and some locals who will not open their doors until Security Guards are present.

My point is that BASIC SAFETY & SECURITY does not exist for many in our city and may not arrive in a sustainable way for several more years.

If an individual home/castle owner has found that barbed wire around three sides of his property wall has caused a cessation of criminal trespass, such that he & his wife can sleep a little more securely with windows open so the swamp cooler can do its thing.....I think the city will be hard pressed to demand that this barrier be removed for the sake of aesthetics. And if the barbed wire needs to come down so that intruders don’t risk injury as they INTRUDE.....well, where have we come to.

IF our fair city achieves some communal sense of belonging, self-esteem, pride, confidence and morality.....THEN, I think it would be a prime time for Amendment A to be enacted.....until such time, I think we need to deal with where we, as a city, find ourselves to be, e.g., still trying to be safe & secure at a basic and minimal level.

Thanks for your consideration of all of the above. I do appreciate your and the other councilors hard work toward making our city a better place to live!!

Dan Regan
Knapp Heights NA, President
D4Coalition, Zoning/Development Committee, Chair

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Wednesday, August 21, 2019 1:10 PM
To: Davis, Pat; City of Albuquerque Planning Department
Cc: 'PeggyD'; 'Jim Griffiee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; 'Rene Horvath'; Renz-Whitmore, Mikaela J.
Subject: RE: IDO Amendment A -- some comments

Pat, thanks for your quick reply and the information.

When I spoke with Mikaela about this item several weeks ago now, we talked about the extension out to 2023 and the fact that this pause was for cause. I just think that we are at a juncture where making things harder for some homeowners isn't what we need to be doing with our time and resources.

Appreciate your comments and efforts, good sir!!!

Dan R.

From: Davis, Pat [mailto:patdavis@cabq.gov]
Sent: Wednesday, August 21, 2019 12:50 PM
To: Dan & Liz Regan <dlreganabq@gmail.com>; City of Albuquerque Planning Department <abcto@cabq.gov>
Cc: 'PeggyD' <peggyd333@yahoo.com>; 'Jim Griffiee' <jgriffiee@noreste.org>; 'Michael Pridham' <michael@drpridham.com>; 'Joe Valles' <joevalles@aol.com>; Nair, Sarita <snair@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>; Emillio, Dawn Marie <dawnmarie@cabq.gov>; 'Rene Horvath' <aboard10@juno.com>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Subject: RE: IDO Amendment A -- some comments

Dan, thanks for your email.

To clarify the history here, precisely for some of the reasons you raise, I asked Planning to pause enforcement of the current barbed wire prohibition (city rules have always prohibited BW in residential areas, for example). Amendment A simply restores the major components of the old rules allowing barbed wire in some areas to their old standards.

I've flagged your email for review once the IDO amendments come back from EPC. Pat

Pat Davis

City Councilor, District 6
Phone 505.768.3100 | [email](#) | [website](#) |

From: Dan & Liz Regan [dlreganabq@gmail.com]
Sent: Wednesday, August 21, 2019 12:39 PM
To: Davis, Pat; City of Albuquerque Planning Department
Cc: 'PeggyD'; 'Jim Griffiee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; 'Rene Horvath'; Renz-Whitmore, Mikaela J.
Subject: IDO Amendment A -- some comments

Councilor Davis and EPC Chair Serrano,

I think that there are some very substantive barriers that need to be considered before the proposed Amendment A could be enacted.

The first issue is a matter of law that has been part of our jurisprudence heritage since before our nation was founded; it's called "a man's home is his castle". Below is the opening paragraph from a William & Mary Law School Journal article on this topic:

William & Mary Journal of Race, Gender, and Social Justice – Volume 8 | Issue 2 Article 2

"A Man 's Home is His Castle?": Reflections on the Home, the Family, and Privacy During the Late Nineteenth and Early Twentieth Centuries By Jonathan L. Hafetz

The maxim that a "man's house is his castle" is one of the oldest and most deeply rooted principles in Anglo-American jurisprudence.' It reflects an egalitarian spirit that embraces all levels of society down to the "poorest man" living "in his cottage." The maxim also forms part of the fabric of the Fourth Amendment to the Constitution, which protects people, their homes, and their property against unreasonable searches and seizures by the government. Despite the continuing erosion of this protection in other places,, including on streets, in automobiles,' at airports, and in schools, the home retains a special place in search and seizure law," and continues to symbolize a zone of privacy often beyond the reach of the modern regulatory state."

Full article: <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1190&context=wmjow>

Making it illegal for a homeowner to provide protection for his/her property at a level required by the experience of crime seems to me to be a 'bridge too far'.

Which leads to the second substantive barrier: the lived & ongoing level of insecurity in the face of criminal trespass and damage to one's property. I refer you to the sketch below of Maslow's Hierarchy of Needs. There have been some critics who take exception to Maslow's thinking and outcomes on the needs of individual human being and groups of the same. But, methinks, by and large, Maslow's Hierarchy has been found to be more valid than not when dealing with the human experience.



IF I am understanding the intent of Amendment A, there is a strong element of the aesthetic appearance of our city 'from the road' so to speak. 'Twould be much better if we didn't look like an barricaded or armed camp. A sentiment with which I am in TOTAL AGREEMENT.

Howsomever, creative aesthetics reside mostly at the top of the Hierarchy of Needs.....and, I would submit, our fair and good city is NOT there at the moment – we are, still yet even, struggling to establish a lasting modicum of SAFETY & SECURITY for our population, both businesses and residences. I cite just a few REAL TIME instances:

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My point is that BASIC SAFETY & SECURITY does not exist for many in our city and may not arrive in a sustainable way for several more years.

If an individual home/castle owner has found that barbed wire around three sides of his property wall has caused a cessation of criminal trespass, such that he & his wife can sleep a little more securely with windows open so the swamp cooler can do its thing.....I think the city will be hard pressed to demand that this barrier be removed for the sake of aesthetics. And if the barbed wire needs to come down so that intruders don’t risk injury as they INTRUDE.....well, where have we come to.

IF our fair city achieves some communal sense of belonging, self-esteem, pride, confidence and morality.....THEN, I think it would be a prime time for Amendment A to be enacted.....until such time, I think we need to deal with where we, as a city, find ourselves to be, e.g., still trying to be safe & secure at a basic and minimal level.

Thanks for your consideration of all of the above. I do appreciate your and the other councilors hard work toward making our city a better place to live!!

Dan Regan
Knapp Heights NA, President
D4Coalition, Zoning/Development Committee, Chair

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Renz-Whitmore, Mikaela J.

From: Davis, Pat
Sent: Wednesday, August 21, 2019 12:50 PM
To: Dan & Liz Regan; City of Albuquerque Planning Department
Cc: 'PeggyD'; 'Jim Griffee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; 'Rene Horvath'; Renz-Whitmore, Mikaela J.
Subject: RE: IDO Amendment A -- some comments

Dan, thanks for your email.

To clarify the history here, precisely for some of the reasons you raise, I asked Planning to pause enforcement of the current barbed wire prohibition (city rules have always prohibited BW in residential areas, for example). Amendment A simply restores the major components of the old rules allowing barbed wire in some areas to their old standards.

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Pat Davis

City Councilor, District 6
Phone 505.768.3100 | [email](#) | [website](#) |

From: Dan & Liz Regan [dlreganabq@gmail.com]
Sent: Wednesday, August 21, 2019 12:39 PM
To: Davis, Pat; City of Albuquerque Planning Department
Cc: 'PeggyD'; 'Jim Griffee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; 'Rene Horvath'; Renz-Whitmore, Mikaela J.
Subject: IDO Amendment A -- some comments

Councilor Davis and EPC Chair Serrano,

I think that there are some very substantive barriers that need to be considered before the proposed Amendment A could be enacted.

The first issue is a matter of law that has been part of our jurisprudence heritage since before our nation was founded; it's called "a man's home is his castle". Below is the opening paragraph from a William & Mary Law School Journal article on this topic:

William & Mary Journal of Race, Gender, and Social Justice – Volume 8 | Issue 2 Article 2

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IF our fair city achieves some communal sense of belonging, self-esteem, pride, confidence and morality.....THEN, I think it would be a prime time for Amendment A to be enacted.....until such time, I think we need to deal with where we, as a city, find ourselves to be, e.g., still trying to be safe & secure at a basic and minimal level.

Thanks for your consideration of all of the above. I do appreciate your and the other councilors hard work toward making our city a better place to live!!

Dan Regan
Knapp Heights NA, President
D4Coalition, Zoning/Development Committee, Chair

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Wednesday, August 21, 2019 1:05 PM
To: Jones, Trudy; City of Albuquerque Planning Department
Cc: 'PeggyD'; 'Jim Griffee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; 'Rene Horvath'; Renz-Whitmore, Mikaela J.; Schultz, Shanna M.
Subject: Amendment H -- some Comments

Councilor Jones and Chair Serrano,

I find the encroachment into the “General Retail Small” as proposed in Amendment H is an unwarranted easement on behalf of the developers to sidestep a trip to the EPC.

I also find it to be an instance , one more time yet again, in which the IDO as created, deliberated and found to be READY for prime time, can’t really stand as approved by the Council. The IDO can’t be allowed to mean what it says.....that the category “General Retail Small” exists for good reasons and those good reasons are being abrogated with this proposed Amendment H. The communities in which the Retail Small exists are, by their long and current existence, suited for and accustomed to SMALL as part of their lived & living character.

If a developer wants to change the SMALL to something larger, they have a perfect avenue in requesting a Zone Change and having the EPC review, hear the reasons for such a request and allow the neighbors to have a voice in the wisdom or damage of such a Zone Change “in situ”. This approach would be vastly more efficient and effective than a **city wide change** that allows any General Retail Small space/area to be low hanging fruit for development, regardless of what impact it has on the surrounding residents.

I OPPOSE STRONGLY the adoption of Amendment H as written and I OPPOSE any conversion of General Retail Small to an automatically larger space.

Thanks for your consideration of all of the above comments.

Dan Regan
Knapp Heights NA, President
D4Coalition, Zoning/Development Committee, Chair

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

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Wednesday, August 28, 2019 9:57 AM
To: Morris, Petra; peggyd333@yahoo.com; jgriffie@noreste.org; michael@drpridham.com; joevalles@aol.com; Nair, Sarita; Winter, Brad D.; Emillio, Dawn Marie; aboard10@juno.com; Renz-Whitmore, Mikaela J.; Schultz, Shanna M.; Jones, Trudy; City of Albuquerque Planning Department
Cc: Dan Regan
Subject: RE: Amendment H -- some Comments

Ms. Morris,

Thank you for your historical perspective and your last two paragraphs of explanation of the intent of Amendment H.

I would suggest that prior to the IDO coming into existence, the City had some good ideas and processes that worked rather well to maintain a balance of interests for all stakeholders at the table. One of those processes that I think worked very well was that a zone change, more often than not, happened in the light of day with public awareness and an EPC hearing. I think that this prior process should stay in existence.

BOTTOM LINE: after all of your considerations below, passage of Amendment H would mean that the zone changes which would create a MEDIUM when/where a SMALL was deemed (in the development of the Comprehensive Plan and the IDO) most appropriate and that this could be done through an administrative process with no public notice and no public hearings. Have you ever been OK with a shirt or dress that is one size too large for you?? And to have the larger size sprung on you without your consultation??

This seems to this taxpayer and Neighborhood Association President to be another attempt to accomplish one of the "Challenges" faced by the Planning Dept. as they contemplated a new Zoning regimen in 2013. To wit:

"Rebalancing Neighborhood Association input into development process(too much power without responsibility:" Need to either remove from process or give them a charge – they can say no to a development only if they offer another area within the neighborhood where it would be more appropriate. Or only allow them to say :yes, if." [Consolidated Roundtable Notes (July 16, 2013)]

I am sorry for the analogy, given our current level of societal depravity, but that statement reads, to this taxpayer, as a pretty serious, figurative gun to the heads of people like me who choose to get involved with the best development of our fair city.

So if it's all the same to you, I STRONGLY, and WITH VERY GOOD, SUBSTANTIVE REASON, OPPOSE the ratification, in any way, shape or form, of Amendment H. It 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.

Thanks again for your considered response to my first email on this topic.

Dan Regan
Knapp Heights Neighborhood Association, President
District 4 Coalition of Neighborhood Associations
Zoning/Development Committee, Chair

From: Morris, Petra [mailto:pmorris@cabq.gov]

Sent: Tuesday, August 27, 2019 3:29 PM

To: 'peggyd333@yahoo.com' <peggyd333@yahoo.com>; 'jgriffie@noreste.org' <jgriffie@noreste.org>; 'michael@drpridham.com' <michael@drpridham.com>; 'joevalles@aol.com' <joevalles@aol.com>; Nair, Sarita <snair@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>; Emillio, Dawn Marie <dawnmarie@cabq.gov>; 'aboard10@juno.com' <aboard10@juno.com>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Schultz, Shanna M. <smschultz@cabq.gov>; Jones, Trudy <trudyjones@cabq.gov>; Dan & Liz Regan (dlreganabq@gmail.com) <dlreganabq@gmail.com>

Subject: FW: Amendment H -- some Comments

Good afternoon Mr. Regan,

Thank you for your email about Amendment H. Councilor Jones has asked me to follow up with you on the background and reasoning behind the proposed amendment. I know you have discussed some of this with Shanna in our office, but I thought it might be helpful to share this information with everyone on this email chain.

Prior to the adoption of the IDO, the different zones broke retail up via what the store sold, rather than the size of the store, with the exception of the regulations on Large Retail Facilities (i.e. big boxes) which regulated retail over 75,000 square feet. In adopting the IDO, instead of focusing on what the store sold, the IDO focused instead on the size of store as a measure of the impact a store may have. The exception to this is building and home improvement, groceries, liquor, and adult retail, which are treated a little differently for a variety of reasons.

The IDO broke retail into three general categories: Small, Medium, and Large. These categories have square footage thresholds associated with them:

- Small: up to 10,000 square feet of gross floor area
- Medium: more than 10,000 square feet of gross floor area and no more than 50,000 square feet of gross floor area
- Large: more than 50,000 square feet of gross floor area

In the year since the IDO was adopted, we have found that while 10,000 square feet is appropriate as a threshold for the more dense parts of Albuquerque e.g. Nob Hill and Downtown, the 10,000 square feet does not work so well for the less urban parts of Albuquerque, especially where there are older strip malls with vacant buildings that are looking for new tenants. Many of these older strip malls would be looking for tenants that can “anchor” the area, i.e. be the main draw, and support a series of smaller tenants around them. And those “anchor” tenants are usually around 25,000 square feet in size. As an example of sizes:

- Walgreens and CVS are usually around 15,000 square feet
- Ace or True Value are around 20-25,000 square feet
- Office Max or Staples are around 20-25,000 square feet
- Cost Plus World Market is around 22,000 square feet
- Old Navy is around 15-20,00 square feet

This amendment would not allow a larger facility such as Target or Walmart as these tend to be 100,000 – 150,000 square feet or larger.

While this amendment does avoid a zone change, this is in order to avoid the introduction of more intense uses in the requested zone that may not be appropriate to the area, when it is only the size of the building for the retail that is needed. For example if a property is zoned MX-L and has a 25,000 square foot vacant commercial building, and the

property owner/ developer wants to redevelop the site with a new commercial use, they would need to get a zone change to MX-M if their tenant wanted to use all of the space. If the MX-M zone change was approved, the property owner would get the larger retail size (General Retail Medium), but would also get all of the more intense uses that the MX-M zone includes.

This amendment is intended to allow for the redevelopment of Albuquerque's commercial strips, as well as the ongoing economic viability of these areas, while not introducing more intense uses (through many requests for zone changes) that may not be compatible with the context of the area. This amendment is seeking to balance neighborhood protections with economic viability.

Kind regards,

Petra Morris, AICP

Council Planning Manager

Albuquerque City Council

505.768.3161

pmorris@cabq.gov

From: Dan & Liz Regan [<mailto:dlreganabq@gmail.com>]

Sent: Wednesday, August 21, 2019 1:05 PM

To: Jones, Trudy; City of Albuquerque Planning Department

Cc: 'PeggyD'; 'Jim Griffee'; 'Michael Pridham'; 'Joe Valles'; Nair, Sarita; Winter, Brad D.; Emilio, Dawn Marie; 'Rene Horvath'; Renz-Whitmore, Mikaela J.; Schultz, Shanna M.

Subject: Amendment H -- some Comments

Councilor Jones and Chair Serrano,

I find the encroachment into the "General Retail Small" as proposed in Amendment H is an unwarranted easement on behalf of the developers to sidestep a trip to the EPC.

I also find it to be an instance , one more time yet again, in which the IDO as created, deliberated and found to be READY for prime time, can't really stand as approved by the Council. The IDO can't be allowed to mean what it says.....that the category "General Retail Small" exists for good reasons and those good reasons are being abrogated with this proposed Amendment H. The communities in which the Retail Small exists are, by their long and current existence, suited for and accustomed to SMALL as part of their lived & living character.

If a developer wants to change the SMALL to something larger, they have a perfect avenue in requesting a Zone Change and having the EPC review, hear the reasons for such a request and allow the neighbors to have a voice in the wisdom or damage of such a Zone Change "in situ". This approach would be vastly more efficient and effective than a **city wide change** that allows any General Retail Small space/area to be low hanging fruit for development, regardless of what impact it has on the surrounding residents.

I OPPOSE STRONGLY the adoption of Amendment H as written and I OPPOSE any conversion of General Retail Small to an automatically larger space.

Thanks for your consideration of all of the above comments.

Dan Regan
Knapp Heights NA, President
D4Coalition, Zoning/Development Committee, Chair

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This message has been analyzed by Deep Discovery Email Inspector.

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Wednesday, August 28, 2019 9:08 AM
To: Winter, Brad D.; Borrego, Cynthia D.; Emillio, Dawn Marie; Vigil, Susan P.; Schultz, Shanna M.
Cc: 'Jim Griffee'; peggyd333@yahoo.com; michael@drpridham.com; 'Joe Valles'; 'Rene Horvath'; 'Mike Minturn'; City of Albuquerque Planning Department; Renz-Whitmore, Mikaela J.; KLBAEHR@msn.com; all_wever@yahoo.com; wmfan@swcp.com
Subject: SIGNED A Request for an IDO Amendment RE Density
Attachments: CC Density Amend - dr Sig 8-28-19.pdf

Councilors Winter and Borrego, et al,

Please find attached the request for a Density Amendment signed by me as representative of our own NA and the District 4 Coalition.

Thank you for all the work you constantly do for the good of our City!!!!

Dan R.
280-2549

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

City Councilors Brad Winter & Cynthia Borrego
Policy Analysts Dawn Marie Emillio & Susan Vigil
Council Planning Staff Shanna Schultz

August 25, 2019

Dear Councilors Winter & Borrego, et al:

The purpose of this letter is to request an amendment to the IDO which addresses "density".

Density is a term referenced throughout the IDO and Comprehensive Plan, yet it is not defined. Density has many meanings in the context of planning ranging from lot area to dwelling units per acre. It would appear that the only differentiating metric in the IDO between high, medium and low-density is building height. Yet, height alone does not define density. A part of the wisdom of many of the Sector Plans was the appropriate density they included for that Sector. These levels were time tested and found to be conducive to the enhancement and protection of long established neighborhood & area norms. The elimination of these Sector Plans also eliminated the appropriate density levels for these areas. Density, as described below, has become worse than muddled.

The following is an example of how density-specific terminology is used in the IDO, yet is not properly defined.

- The term "**low-density multi-family**" is used multiple times in the IDO, yet it is not actually defined in the document [References: Section: 2-3(E)(1), (p. 19); Section 2-4(A)(1), (p.23); Section 2-4(B)(1), (p. 25)].
- Based upon definition of the term "**Low-density Residential Development**" in the Development Definition section of the IDO, "**multi-family dwellings**" **are specifically excluded** (Part 14-16-7: Definitions and Acronyms, (7-1) (p.45)). Thus by definition of the IDO, multi-family dwellings are not a form of "Low-Density Residential Development."

It is then inconsistent for the IDO to reference the term "low-density multi-family residential" multiple times without the provision of supporting information to clarify the distinction between "low-density multi-family" and other multi-family categories.

Put another way: Areas of consistency per the IDO, is where development must reinforce the character and intensity of existing development. The IDO is being exploited as developers build "multi-family dwellings" in zones R-ML(IDO, pg19, & table 4-2-1), R-MH(IDO, pg 21, & table 4-2-1), MX-T(IDO table 4-2-1), MX-L(IDO, pg 25 & table 4-2-1), MX-M(IDO table 4-2-1), and MX-H (IDO table 4-2-1) without regard to density because the IDO does not define Multi-Family Dwellings for low density, moderate density, nor high density. By definition of Low-Density Residential

Development (IDO pg 457), multi-family dwellings are not low density. IDO table 4-2-1 however allows multi-family development in low density zones R-ML, and MX-L as well as using the undefined term "Low-Density Multi-Family Dwellings" in its definition. This has enabled developers to successfully locate high density multi family dwellings (apartment housing) while arguing that it is allowed per table 4-2-1, and by definition, but in reality there is not line for low, medium and high density multi-family dwelling. We ask that multi family dwellings be removed from a use for zones R-T, R-ML, MX-T, MX-L as those definitions are restricted to low density by definition, and multi-family dwelling does not meet the definition of low-density development.

We respectfully request that an amendment to the IDO be created that would clarify the definition and metric used for the term "density" by the City of Albuquerque in developing the IDO and numerically quantify the terms "high-density", "medium-density" and "low-density".

And a final consideration: Ideally, each zoning district should include a density attribute in their respective "Dimensional Standards Summary" table where it can be tailored to be different between the urban and suburban parts of town. Of course, if the review body took "area of consistency" into consideration the whole thing would take care of itself, maybe.

BOTTOM LINE: The IDO needs to be amended so that the concept and reality of population density is once again recognized as a valid and defined entity within the new IDO zones throughout the city. Damage is being done by the lack of such definition and clarity and the situation will only get worse without correction.

Thank you for your consideration of this issue.



Dan Regan
Knapp Heights Neighborhood Association, President
District 4 Coalition of Neighborhood Associations
Zoning / Development Committee, Chair

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Wednesday, August 28, 2019 12:17 PM
To: Renz-Whitmore, Mikaela J.; Williams, Brennon; City of Albuquerque Planning Department
Cc: 'Jim Griffee'; 'PeggyD'; 'Dr. Susan Chadoir'; Emillio, Dawn Marie; Winter, Brad D.; 'Joe Valles'; 'Michael Pridham'; Nair, Sarita; Aranda, James M.; Davis, Pat
Subject: IDO Technical Edits -- Pages 46 - 48 of Proposed Tech Edits

Mikaela and Brennon,

I have some comments on all of the items on these three pages.

340	6-4(D)(1)	<p>Add new subsections as follows: "(a) If a request for facilitated meeting is sent to Planning Department, the Planning Director will decide within 3 business days whether the facilitated meeting will be required. (b) If a facilitated meeting is requested at a public meeting or hearing, the decision-making body shall decide at the same meeting or hearing whether to require the facilitated meeting. (c) A</p>	<p>Adds clarity about who will decide whether a facilitated meeting is required and gives a timeline and criteria for the decision. Criteria are adapted from the memo dated July 18, 2018 and available online here: https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fdocuments.cabq.gov%2f%2f06dd-4cfe-a51f-0d8bdb5f2a67&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-449acct/06dd-4cfe-a51f-0d8bdb5f2a67&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-449acct Criteria-IDO-16July2018.PDF Note: the proposed changes for 6-4(D) are competing proposals with Council Amendment Q for the same subsection</p>
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		<p>facilitated meeting shall be required if all of the following criteria are met:</p> <ol style="list-style-type: none">1. The complexity and potential impacts of a proposed project warrant facilitation.2. The requester has described the issue or opportunity to be discussed or negotiated at the facilitated meeting, and the decision-making body has the authority to implement the results of a negotiated agreement about that issue or opportunity.3. There are changed conditions, new information, or new points of discussion not covered in a Neighborhood Meeting or public meeting or hearing that indicate that a	
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		facilitated meeting may be useful or lead to productive negotiation.	
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This Technical Edit still assumes that former Director Campbell's memo of June 2018 is still valid and that not all requested Pre-App or Post App meetings can be honored until they have gone through a vetting by the Director (with the help of the Planning Staff). I CONTEND THAT THE CRITERIA SET OUT IN THAT MEMO IS ARBITRARY AND BOGUS. I ALSO CONTEND THAT AMENDMENT Q AS PROPOSED BY COUNCILORS WINTER & DAVIS NEEDS TO BE APPROVED AND THAT THIS TECHNICAL EDIT BE CHANGED IN ACCORDANCE WITH THAT CHANGE. I note the acknowledgement in the Explanation column that Amendment Q is in place but I would like my POV about this issue registered.

340	6-4(D)(2)	<p>Make the existing language a new subsection and revise as follows: "(b) If a facilitated meeting is required by the City, 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 consecutive calendar days after the City notifies the applicant, the Neighborhood Associations, and the requester (if different) that the City is requiring the meeting. The meeting shall occur within a period of 7 consecutive days prior to the next scheduled hearing or meeting of the decision-making body.</p> <p>1. If reasonable attempts have been made to accommodate the schedules of both the applicant, and the Neighborhood Associations, and the requester (if different), and no meeting has occurred, the application may move forward shall proceed in the relevant review/decision process."</p>	<p>Sets a timeframe for the meeting summary to be submitted before a meeting or hearing. The result of this provision would be that if the summary isn't received in time for the hearing, the case could be heard or deferred but not decided. The case could be decided at the next public meeting or hearing after the meeting summary has been available for at least 7 days, allowing all parties time to review. Any comments or corrections to the meeting summary could be submitted as public comments to the decision-maker, per each decision makers rules of conduct establishing deadlines for comments, or given verbally at the meeting or hearing as testimony. Note: the proposed changes for 6-4(D) are competing proposals with Council Amendment Q for the same subsection</p>
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AND

340	6-4(D)(2)(a) [new]	Add a new subsection as follows: "If a post-application facilitated meeting is required by the City, the decision-making body shall not make a decision or recommendation until after	Makes clear that when the City requires a facilitated meeting, it is agreeing not
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		<p>the facilitated meeting takes place or the deadline for the facilitated meeting passes, whichever comes first. If the scheduling of a required facilitated meeting results in a request for deferral from the applicant, no deferral fee shall apply."</p>	<p>to decide on the application until the facilitated meeting takes place or the time limit for the meeting expires. Note: the proposed changes for 6-4(D) are competing proposals with Council Amendment Q for the same subsection</p>
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I am at pains to understand why it is OK with the Planning Staff to say that the Application Hearing can go forward without a requested Pre-Application Facilitated meeting having happened and, at the same time, refusing to allow the decision hearing to go forward without the requested Post-Application Facilitated meeting. I **CONTEND THAT THE ISSUES THAT WILL END UP IN THE POST-APP. MEETING WILL HAVE BEEN PRESENT IN THE PRE-APP. MEETING AND THAT HOLDING THE APPLICATION HEARING WITHOUT A PRE-APP. FACILITATED MEETING IS TO SERIOUSLY CRIPPLE THE ABILITY OF THE IMPACTED NEIGHBORHOOD ASSOCIATIONS AND OTHER NOTIFIED FOLKS TO DEAL WITH ALL OF THE INFORMATION THAT WOULD BE PROVIDED AT THE PRE-APP. MEETING.** Given the paucity of information supplied by some developers & agents **even at the Pre-App. meeting** (as evidenced multiple times over the past 12 months+), that holding the Application Hearing without a Pre-App F. meeting could be bad news for the entire process of a project. I respectfully request that 6-4(D)(2)(1) as proposed above be changed so that no Application hearing can occur until after the Pre-App. F. meeting is held and the report for that meeting has been reviewed.

Thanks for your attention to all of the above. NOTE the ALL CAPS above are not intended to indicate a shouting voice; I am merely trying to have my rationale for these positions stand out from the rest of my message.

Dan Regan
 Knapp Heights NA, President
 District 4 Coalition of NAs
 Zoning/Development Committee, chair

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

Renz-Whitmore, Mikaela J.

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Wednesday, August 28, 2019 3:56 PM
To: Renz-Whitmore, Mikaela J.; Williams, Brennon; City of Albuquerque Planning Department
Cc: 'Jim Griffee'; 'PeggyD'; Emillio, Dawn Marie; Winter, Brad D.; 'Joe Valles'; 'Michael Pridham'; Nair, Sarita; Aranda, James M.; Rene Horvath
Subject: IDO Technical Edits -- Table of Fees

I have several observations and even more questions.

342	Table 6-4-1	Delete table of fees from IDO.	City Council weighs in on fees through the annual budget process. Only some fees were established by the IDO; others are set by Planning Director. This edit proposes to have all fees established by the Planning Director, which would improve tracking/transparency by having them all in one place.
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Observations:

- Having “Fees” which can be changed over time in an IDO published Table is problematic, especially if it cannot be updated as times change and if it is not noted as being updated as needed.
- Having “Fees” impacted by the annual budgetary requirements can always be tricky.
- I have heard from the development side that some Fees are exorbitantly high and from the residential/community side that Fees do not cover the real costs of the impact of new development, so the taxpayers keep taking a sizable financial hit.

Questions:

- If no longer kept in Table 6-4-1, yet ALL fees will be in one place – Where might that ‘one place’ be and for how long will it be kept secret?
- How can the desire to have the Planning Director determine all fees escape the City Council’s need to impact the fees due to fiscal realities?
- Or will the Council only make strong recommendations due to budget needs that the Planning Director will then formally establish?
- Will there be any process, at all, whereby the public will be given information about the timing/schedule for Fee Settings?
- If the development industry folk are allowed to be part of the fee conversations, will there be any such process whereby participation of residents/community would also be allowed?

Thanks for your attention to the above.

Dan Regan

Knapp Heights Neighborhood Association, President
District 4 Coalition, Zoning / Development Committee, Chair

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

Renz-Whitmore, Mikaela J.

From: Renz-Whitmore, Mikaela J.
Sent: Friday, August 30, 2019 11:36 AM
To: Dan & Liz Regan
Cc: Williams, Brennon; Jim Griffee; peggyd333@yahoo.com; Emillio, Dawn Marie; Winter, Brad D.; joevalles@aol.com; michael@drpridham.com; Nair, Sarita; Aranda, James M.; Renee Horvath (aboard10@juno.com)
Subject: Re: IDO Technical Edits -- Table of Fees

Please see my responses in red text below.

Best,



MIKAELA RENZ-WHITMORE

o 505.924.3932
e mrenz@cabq.gov

From: Dan & Liz Regan <dlreganabq@gmail.com>
Sent: Wednesday, August 28, 2019 3:56 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Williams, Brennon <bnwilliams@cabq.gov>; City of Albuquerque Planning Department <abcto@cabq.gov>
Cc: 'Jim Griffee' <jgriffee@noreste.org>; 'PeggyD' <peggyd333@yahoo.com>; Emillio, Dawn Marie <dawnmarie@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>; 'Joe Valles' <joevalles@aol.com>; 'Michael Pridham' <michael@drpridham.com>; Nair, Sarita <snair@cabq.gov>; Aranda, James M. <jmaranda@cabq.gov>; Rene Horvath <aboard10@juno.com>
Subject: IDO Technical Edits -- Table of Fees

I have several observations and even more questions.

342	Table 6-4-1	Delete table of fees from IDO.	City Council weighs in on fees through the annual budget process. Only some fees were established by the IDO; others are set by Planning Director. This edit proposes to have all fees established by the Planning Director, which would improve tracking/
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			transparency by having them all in one place.
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Observations:

- ? Having “Fees” which can be changed over time in an IDO published Table is problematic, especially if it cannot be updated as times change and if it is not noted as being updated as needed.
- ? Having “Fees” impacted by the annual budgetary requirements can always be tricky.
- ? I have heard from the development side that some Fees are exorbitantly high and from the residential/community side that Fees do not cover the real costs of the impact of new development, so the taxpayers keep taking a sizable financial hit.

Questions:

- ? If no longer kept in Table 6-4-1, yet ALL fees will be in one place – Where might that ‘one place’ be and for how long will it be kept secret?

Fees are posted on the Planning webpage. Please see the two links below:

- [Fee Schedule - Building & Safety](#)
- [Fee Schedule - General Planning Fee Schedule](#)

- ? How can the desire to have the Planning Director determine all fees escape the City Council’s need to impact the fees due to fiscal realities?

There is a check and balance through the budget process. The Planning Director’s ability to set fees can be more immediately responsive to fiscal realities, but the City Council has the final say on fiscal matters.

- ? Or will the Council only make strong recommendations due to budget needs that the Planning Director will then formally establish?

Yes.

- ? Will there be any process, at all, whereby the public will be given information about the timing/schedule for Fee Settings?

There is not currently a process for the fees that are set by the Planning Director. Anyone is welcome to give comments.

- ? If the development industry folk are allowed to be part of the fee conversations, will there be any such process whereby participation of residents/community would also be allowed?

There is no formal process for taking comments from anyone about fees. As far as I am aware, no one has talked to the Planning Department about fees.

Thanks for your attention to the above.

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

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

Renz-Whitmore, Mikaela J.

From: Eric Roll <ericsroll@gmail.com>
Sent: Thursday, August 29, 2019 7:58 PM
To: City of Albuquerque Planning Department
Subject: City Council Amendments to the Integrated Development Ordinance (IDO), Amendment J: MX-M Liquor Retail

Follow Up Flag: Follow up
Flag Status: Flagged

August 29, 2019

To: The Environmental Planning Commission
Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

Re: City Council Amendments to the Integrated Development Ordinance (IDO), Amendment J: MX-M Liquor Retail

It is very important to me, my wife, and our daughter that Citizens be allowed, and encouraged, to have their voices heard when it comes to matters of sale of retail package liquor for off-site consumption. Any requests for such allowances should be classified and considered a conditional use.

Please allow us to speak up for our families, parks, and neighborhoods by supporting Councilor Pat Davis' amendment.

Thank you for standing up for us!

Eric S. Roll

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

Renz-Whitmore, Mikaela J.

From: Kathleen Burke <kathleenmariaburke@yahoo.com>
Sent: Thursday, August 29, 2019 5:03 PM
To: City of Albuquerque Planning Department
Subject: City Council Amendments to the Integrated Development Ordinance (IDO), Amendment J: MX-M Liquor Retail

Follow Up Flag: Follow up
Flag Status: Flagged

Environmental Planning Commission
Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

Dear Environmental Planning Commissioners, Acting Director Williams and Ms. Renz-Whitmore:

I am writing to urge the Commission to make "Liquor Retail" a "Conditional Use" in a MX-M Zone. We in Albuquerque neighborhoods where liquor is sold at convenience stores know the problems associated with this. We are seeking relief from the problems of alcohol being over-consumed, in public places, near sellers, which are near our homes.

Public comment must be considered in these situations. Our communities can only benefit from such, whereas out-of-state proprietors gain from the silencing of the community.

Thank you.

Sincerely,
Kathleen Burke
La Mesa Resident

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

**Comments Received after the September 5, 2019
Deadline to submit materials for full consideration by Staff
(EPC Rules of Conduct B.12)**

Renz-Whitmore, Mikaela J.

From: Carol Jacobson <cjacobson@swcp.com>
Sent: Saturday, August 31, 2019 12:29 PM
To: City of Albuquerque Planning Department
Subject: City Council Amendments to the IDO, Amendment J: MX-M Liquor Retail
Attachments: Alcohol Policy Summary.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

August 31, 2019

TO: Environmental Planning Commission, City of Albuquerque
Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

RE: City Council Amendments to the Integrated Development Ordinance, Amendment J: MX-M Liquor Retail

Dear Commissioners, Acting Director Williams & Ms. Renz-Whitmore:

I'm writing in support of IDO Amendment J which changes the sale of package liquor at small retail stores in zone MX-M from "permissive" to "conditional" use. As a lifelong urban resident, I repeatedly have seen the harm alcohol availability and especially sales of packaged alcohol at retail outlets have done to individuals, adjacent residential communities and local businesses. Consequently, I see a need for regulating packaged retailers in zone MX-M with conditional-use permits.

Furthermore, health science research shows alcohol consumption, availability and retail packaged sales cause injury to local communities and policy is a means to mitigate the related injury. For a simple summary, see the attached PDF (or go to: http://www.alcoholpolicymd.com/alcohol_and_health/alc_availability.htm).

Please take a step forward in ensuring the health, safety & well-being of our city by supporting Amendment J. Thank you for your consideration.

Sincerely,

Carol Jacobson
415 Adams St NE
Albuquerque, NM 87108
cjacobson@swcp.com

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

ALCOHOL POLICY

ALCOHOL & HEALTH

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The Relationship Between Alcohol Availability and Injury and Crime

Introduction

There is a growing body of research that shows what many people already know: areas with more alcohol outlets (a business or location where alcoholic beverages are sold) tend to experience more alcohol-related injury and crime. Incidents of sexual and other assaults, domestic violence, child abuse, youth violence, homicides, alcohol-related motor vehicle crashes, and drunk driving have all been shown to increase when the availability of alcohol increases.

Concern among local communities generally focuses on alcohol availability from commercial outlets, such as bars and retail stores. But public availability of alcohol, or alcohol that is served at public events and in public places such as parks, can be a significant source of alcohol in the community and should also be of concern.

The Facts

- The number of alcohol outlets is related to violent assaults. One study showed that each additional alcohol outlet was associated with 3.4 additional assaults per year. Scribner, R., Mackinnon, D. & Dwyer, J.: "The risk of assaultive violence and alcohol availability in Los Angeles County." *American Journal of Public Health* (85) 3: 335-340. 1995.
- Alcohol outlet density has been shown to be the single most important environmental factor explaining why violent crime rates are higher in certain areas of the city than in others. LaBouvie, E. & Ontkush, M.: "Violent crime and alcohol availability: relationships in an urban community." *Journal of Public Health Policy* 19(3):303-318. 1998.
- There are a greater number of alcohol-related injury crashes in cities with higher outlet densities. A 1% increase in outlet density means a 54% increase in alcohol-related crashes. Thus, a city of 50,000 residents with 100 alcohol outlets would experience an additional 2.7 crashes for each new outlet opened. Scribner, R., Mackinnon, D. & Dwyer, J.: "Alcohol outlet density and motor vehicle crashes in Los Angeles County cities." *Journal of Studies on Alcohol* (44): 447-453, July 1994.
- Blocks that have more bars have higher crime rates for murder, rape, assault, robbery, burglary, grand theft and auto theft. Adding one bar to a block would result in 3.38 crimes committed on that block in a year. It would increase the risk of murder taking place on that block by 5%, and increase the risk of having a violent crime of any type by 17.6%. Runcek, D. & Maier, P. "Bars, blocks and crimes revisited: linking the theory of routine activities to the empiricism of 'hot spots.'" *Criminology* (29) 4: 725-753. 1991.
- The level of drinking, drinking participation, and participation in binge drinking are all significantly higher among all college students when a greater number of outlets licensed to sell alcoholic beverages exist near campus. This is particularly true for underage drinking. Chaloupka, F. & Wechsler, H. "Binge drinking in college: the impact of price, availability and alcohol control policies." *Contemporary Economic Policy*, vol. xiv, October 1996.
- Freedom from unwanted interruptions in one's house or place of business are fundamental legal rights. A basic tenet of law is the right to the "quiet enjoyment" of one's own property. High densities of alcohol outlets cause noise, traffic, loitering, and other disturbances of the public peace. *Preventing Problems Related to Alcohol Availability: Environmental Approaches*. U.S. DHHS Pub No. (SMA) 99-3298.

Policy Solutions

Communities can influence both alcohol availability and consumption, and thereby mitigate related problems, by controlling the number of alcohol outlets, regulating the behavior of current outlets, and even closing problem outlets. These measures, along with others such as stricter enforcement on underage sales of alcohol and responsible alcohol service training, are part of



a broader strategy that communities can implement to prevent and reduce threats to the health and safety of their residents from alcohol abuse.

Renz-Whitmore, Mikaela J.

From: Charlie Bennett <CB4inNM@gmail.com>
Sent: Sunday, September 1, 2019 12:43 PM
To: City of Albuquerque Planning Department; Williams, Brennon; Renz-Whitmore, Mikaela J.
Cc: Schultz, Shanna M.; Davis, Pat; Mayor Keller
Subject: City Council Amendments to the Integrated Development Ordinance (IDO), Amendment J: MX-M Liquor Retail

September 1, 2019

To: Environmental Planning Commission
Brennon Williams, Acting Planning Department Director
Mikaela Renz-Whitmore, Long Range Manager

Re: City Council Amendments to the Integrated Development Ordinance (IDO), Amendment J: MX-M Liquor Retail

Dear Environmental Planning Commissioners, Acting Director Williams and Ms. Renz-Whitmore:

The “Permissive Use” of Package Liquor Retail for Off-site Consumption within a MX-M zone should be considered contradictory to the “Purpose” of the IDO as stated on page 1, Part 14-16-1 General Provisions, 1-3 Purpose:

- 1-3(D) Protect the quality and character of residential neighborhoods.
- 1-3(G) Protect the health, safety, and general welfare of the public.
- 1-3(K) Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.

In many instances MX-M zoned properties do abut R-1, R-LT, R-2, R-G and R-3 zoned properties. Permissive Use of Package Liquor Retail would contribute to harm to the residential zoned communities, other nearby businesses and the greater community due to:

- additional DWI, illegal off site sales of liquor to minors, public drunkenness, vagrancy, violent assaults and inebriated persons who often end up requiring medical emergency care at a great financial cost to other City projects and tax payers, as well as great physical harm to those requiring emergency medical assistance in those same emergency rooms. These issues are already large problems in Albuquerque as reported in the media and seen by you and your fellow citizens every day.
- increased vehicle traffic through neighborhoods, including vehicles operated by intoxicated persons, endangering the residents of neighborhoods, pedestrians and in particular endangering the children who live and play in these areas.

Package Liquor Retail applicants have historically testified to Zoning Hearing Officers in detail as to how they will protect their own property and interests, yet remain silent on how they would prevent, or even mitigate injury to neighborhoods and other businesses.

Please repair Albuquerque’s Integrated Development Ordinance by making Package Liquor Retail for Off-site Consumption within a MX-M zone a “Conditional Use” and allow the citizens of Albuquerque a means of protecting their neighborhoods and businesses from harm.

Please enter into the case file the evidentiary documents made available in a folder named “IDO Amendment J support files” on my Google Drive shared via this link:

https://drive.google.com/drive/folders/1C86ptNs4w_pvnVMI9v6FHfrXW9C4AJSP?usp=sharing. These files are from

previous cases ruling on Planning Department applications for Package Liquor Retail for Off-site Consumption and are pertinent to any ruling regarding this Amendment.

Sincerely yours in community,
Charles Bennett
600 San Pablo Street, NE
Albuquerque, NM 87108
505-331-4517

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: CUNA CUNA <cuna@comcast.net>
Sent: Sunday, September 1, 2019 5:07 PM
To: City of Albuquerque Planning Department
Subject: IDO Amendment J MX-M liquor retail

Dear Environmental Planning Commissioners, Planning Department Acting Director Williams, and Ms. Renz-Whitmore:

Re: The proposed amendment to the IDO, Amendment J, MX-M liquor retail sales

The Board of Directors of the Classic Uptown Neighborhood Association (CUNA) urge you to change the language under MX-M liquor retail sales from a "permissive use" to a "conditional use".

The IDO as written could adversely affect our neighborhood, mainly along Menaul Blvd NE. As presently written, a business could begin alcohol retail sales and our residents wouldn't be able to have a say in the matter. We would like to be able to address the EPC in the event that changes are being proposed for our neighborhood. It is vitally important that we have a voice from the outset in a potential situation of this kind. This change allows us this voice.

Recently, a Hustler Hollywood store opened in our neighborhood. Our residents were very concerned about this type of store here. There was no legal structure that allowed us to comment on the process.

We know that the laws regarding adult retail and liquor retail are different. Based on the fact that the adult store was allowed to open without any city ordinance protection for us, we don't want the potentially severe problems of retail liquor sales being allowed in our area without us being able to have ordinance protection, such as being allowed public comment.

We feel that having a voice in these matters is a necessity since we are the ones having to live with the consequences of any decisions being made.

Sincerely,

David Haughawout

President, Classic Uptown NA

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: David Haughawout <davidh.d7@comcast.net>
Sent: Sunday, September 1, 2019 9:43 PM
To: City of Albuquerque Planning Department
Subject: IDO Amendment

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Environmental Planning Commissioners, Planning Department Acting Director Williams and Ms. Mikaela Renz-Whitmore:

Subject: IDO Amendments: Amendment J: MX-M Liquor Retail

I am writing this email concerning the City Council Amendments to the Integrated Development Ordinance, Amendment J on behalf of the undersigned Neighborhood Associations affiliated with City Council District 7.

The above listed amendment addresses the issue of changing the language that states "for the sale of retail liquor, off premise consumption" from a "permissive use" to a "conditional use".

By making this change neighborhood residents will have a chance to address their concerns to the EPC pertaining to the sale of alcohol in their area before a ruling is made. NM State statutes concerning the sale of alcoholic beverages, of course have to be followed, but this issue isn't about that.

My understanding is having "conditional use" will require public hearings whereas a "permissive use" takes the ruling to a level where no public input can be heard. We don't want problems associated with off-premise liquor sales being allowed in our neighborhoods without us being able to have protections in place, one being the open public comment period.

It seems that it has become necessary to make sure we have a voice, considering the fact that the neighborhoods are the ones that have to deal with the consequences of these decisions.

David Haughawout, President

City Council District 7 Coalition of Neighborhood Associations

Alvarado Park NA

Mile Hi NA

SandiaHSANA

Mark Twain NA

Classic Uptown NA

Hodgin NA

NEAR

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Flora Silva <silva_f65@yahoo.com>
Sent: Sunday, September 1, 2019 6:20 AM
To: City of Albuquerque Planning Department
Cc: Davis, Pat
Subject: City Council Amendments to the Integrated Development Ordinance (IDO), Amendment J: MX-M Liquor Retail

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Environmental Planning Commissioners, Acting Director Williams and Ms. Renz-Whitmore,

Councilor Pat Davis is proposing an amendment (IDO Annual Update Amendment – MX-M Liquor Retail) to the IDO that would allow citizens the ability to weigh in on these applications at Zoning Hearings.

I support this amendment. Residents in the Nob Hill area between Carlisle, Washington, Copper and Lead have experienced the negative impact of off site liquor retail sales. At the corner of Central & Solano, a 7-11 Store has customers who trash the area, consume alcohol off the premise and wander and drink in our park, yards, car lots, bus stops and business store fronts. In addition, The 7-11 store has requested hundreds of calls for service to APD; resources which are limited. The out-of-state Corporate office has not provided its' own security officer(s).

Please pass the Amendment. Albuquerque residents would like to take back our communities.

Thank You,

Flora Silva, Resident

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Erin Tarica <etarica@gmail.com>
Sent: Monday, September 2, 2019 4:40 PM
To: City of Albuquerque Planning Department; Williams, Brennon; Renz-Whitmore, Mikaela J.
Subject: Fwd: City Council Amendments to the Integrated Development Ordinance (IDO), Amendment J: MX-M Liquor Retail

Dear Environmental Planning Commissioners, Acting Director Williams and Ms. Renz-Whitmore:

The "Permissive Use" of Package Liquor Retail for Off-site Consumption within a MX-M zone should be considered contradictory to the "Purpose" of the IDO as stated on page 1, Part 14-16-1 General Provisions, 1-3 Purpose:

- 1-3(D) Protect the quality and character of residential neighborhoods.
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In many instances MX-M zoned properties do abut R-1, R-LT, R-2, R-G and R-3 zoned properties. Permissive Use of Package Liquor Retail would contribute to harm to the residential zoned communities, other nearby businesses and the greater community due to:

- additional DWI, illegal off site sales of liquor to minors, public drunkenness, vagrancy, violent assaults and inebriated persons who often end up requiring medical emergency care at a great financial cost to other City projects and tax payers, as well as great physical harm to those requiring emergency medical assistance in those same emergency rooms. These issues are already large problems in Albuquerque as reported in the media and seen by you and your fellow citizens every day.
- increased vehicle traffic through neighborhoods, including vehicles operated by intoxicated persons, endangering the residents of neighborhoods, pedestrians and in particular endangering the children who live and play in these areas.

Package Liquor Retail applicants have historically testified to Zoning Hearing Officers in detail as to how they will protect their own property and interests, yet remain silent on how they would prevent, or even mitigate injury to neighborhoods and other businesses.

Please repair Albuquerque's Integrated Development Ordinance by making Package Liquor Retail for Off-site Consumption within a MX-M zone a "Conditional Use" and allow the citizens of Albuquerque a means of protecting their neighborhoods and businesses from harm.

Sincerely yours in community,
Erin Tarica
705 Morningside Dr NE
Albuquerque, NM 87110

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Rebecca Habtour <rhabtour@gmail.com>
Sent: Monday, September 2, 2019 3:02 PM
To: City of Albuquerque Planning Department; cb4innm@gmail.com
Subject: Liquor Retail as a Conditional Use in a MX-M Zone

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I was just forwarded information on the proposal to make liquor retail a conditional use in a mixed use zone and I wanted to say I support that move.

I'm certain you've already heard many anecdotal arguments concerning offsite consumption spilling over into the community in the form of public drinking and the violence and various problems that come with that, but I thought it might be useful to add to that work found in academic research.

There are many studies I could cite that relate high densities of liquor stores and other off-premises alcohol outlets to higher incidents of crime and other traits indicative of, or leading to distressed communities, but I thought this study done in Los Angeles nutshellled a major finding quite well:

"Cities and communities with a high density of off-premises alcohol outlets were 3.7 times more likely to have high violent crime rates than cities and communities with a low density of off-premises alcohol outlets, even after accounting for Economic Hardship Index ($p < 0.01$). "

whereas,

"The association between on-premises outlets and violent crimes was not statistically significant."

<http://publichealth.lacounty.gov/sapc/MDU/SpecialReport/AODC2013.pdf>
quotes on page 9

There are real potential community benefits to limiting the sale of off-site alcohol to a relative few outlets in each community. Personally, I would prefer to see those opportunities skewed towards locally owned entities who have shown a real interest in and investment in the well being of the community around them, if possible.

On-site consumption, like in a restaurant, bar, or brewery, because it is in a more controlled environment, is a much safer option for mixed-use communities trying to open up more retail opportunities.

Best Regards,

Rebecca Habtour

Rebecca Habtour MArch MCP
+1 (443) 824-9168 | rhabtour@gmail.com
www.linkedin.com/in/rebecca-habtour

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This message has been analyzed by Deep Discovery Email Inspector.