

Henry, Dora L.

From: Dodge-Kwan, Paula N.
Sent: Tuesday, September 17, 2019 8:06 AM
To: Henry, Dora L.
Cc: Brito, Russell D.; Biazar, Shahab
Subject: EPC 9-12-19 Agency Comments
Attachments: EPC Hearing Comments 9.16.19.docx

Thank You

Paula

From: MacKenzie, John
Sent: Tuesday, September 10, 2019 8:56 AM
To: Henry, Dora L. <DHenry@cabq.gov>
Cc: Brito, Russell D. <RBrito@cabq.gov>
Subject: RE: EPC 9-12-19 Agency Comments

Dora,

Here are our revised comments for #2018-001843.

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City of Albuquerque

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Department of Municipal Development

Timothy Keller, Mayor
Interoffice Memorandum

September 16, 2019

To: Shahab Biazar PE, City Engineer, Planning Department
From: John MacKenzie, DMD-Engineering Division
Subject: COMMENTS BY THE ENGINEERING DIVISION OF THE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR THE EPC HEARING ON SEPTEMBER 19, 2019.

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

Drainage Section:

DMD recognizes that Planning is recommending Drainage Facilities not be considered an “Other Major Utility” in the IDO as it currently exists, but instead be designated a new land use (ref. page 480, Section 7-1). DMD Engineering is opposed to this edit since the new land use requirements are more substantial than they currently exist.

DMD Engineering would also be opposed to adding Drainage Facilities to the list of industrial uses since the new Edge Buffer requirements for Drainage Facilities are more substantial than what currently exists (ref. page 242, Section 5-6(E)(4)(a)(2)).

DMD believes that public drainage ponds should be considered public right-of-way with no zoning, just like streets, roadways, and arroyos have no zoning. Public drainage ponds are designed to collect storm water runoff that would otherwise flood private property and abutting transportation facilities, otherwise making them unusable. Their existence should be considered a relatively benign use when compared to streets and roadways, given that they don’t produce noise or any noticeable activity, and they hold storm water for only a day or two. Due to their inherent danger, they don’t allow access by the public and so they have to be fenced. Public drainage facilities created by DMD are always going to be subject to the public hearing process, where citizens can recognize their importance and provide guidance on how they want the facility’s appearance to be in terms of property line buffering and the necessary fencing or walls, on a case by case basis.

It’s wrong to consider these drainage ponds as industrial uses, given that essentially no industrial-type activity occurs on their premises. Increasing perimeter buffer requirements beyond 5 feet will result in a disservice to the public due to the resulting adverse impact to a ponding facility’s efficiency. As the buffer depth increase so does the decrease in a pond’s storage capacity, thus requiring them to occupy more lateral area. Increasing a pond’s buffer

requirements will also increase the City's cost to maintain the perimeter landscaping. Numerous private property owners around the new Marble Arno pond have frequently complained about homeless people gathering along neighborhood streets and roadways. As landscape buffers become deeper they will undoubtedly attract those who want to linger in isolated locations away from the roadway, which can lead to increased liability due the dangers of deep water within a ponding facility.

Here are more comments that support the notion of designating public ponding areas as public right-of-way.

Below is the IDO's definition for **Public Right-of-way**. Notice that drainage is included with transportation-related features that are all typically contained within public right-of-way, which has no zoning.

- **Public Right-of-way**

That area of land deeded, reserved or dedicated by plat or otherwise acquired by any unit of government for the purposes of movement of vehicles, bicycles, pedestrian traffic, and/or for conveyance of public utility services and drainage. This land generally does not have established zoning and is instead designated as unclassified in the Official Zoning Map.

Below is the IDO's definition for **Infrastructure**. Notice that drainage and flood control facilities are included with transportation-related features that are typically contained within public right-of-way, which has no zoning.

- **Infrastructure**

Streets, sidewalks, public or private utility facilities, sanitary sewer and water system facilities, drainage and flood control facilities, street lighting, and other improvements used by the public or used in common by owners of lots within a subdivision. Includes both private (owned by a non-governmental entity) and public (owned by a governmental entity) improvements.

Below is the IDO's definition for **Major Arroyo**. The primary function of Major Arroyos is to convey storm water runoff, yet this is not included in the definition. Major Arroyos are routinely dedicated as right-of-way and without zoning.

- **Major Arroyo**

An arroyo designated by the Facility Plan for Arroyos as a Major Open Space Arroyo or Major Open

Below is the IDO's definition for Park. This should be amended to include drainage facilities, whether it be channels or ponding, since many existing parks in the city include drainage infrastructure (arroyos and ponding areas), which will also continue into the future.

- **Park**

Publicly or privately owned land that is maintained for active or passive recreational use and for the use and enjoyment of the general public or the residents or occupants of a development. This use includes areas consisting of vegetative landscaping and/or areas improved for outdoor sports and recreation.

Structural improvements are generally limited to those that facilitate the use of the land as a park.

Incidental uses include, but are not limited to, playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker's quarters, and parking.

DMD appreciates having these issues taken into consideration when making these decisions.