



**Environmental  
Planning  
Commission**

**Agenda Number: 02  
Project #: 2018-001843  
Case #: RZ-2020-00046  
Hearing Date: January 21, 2021**

## **Staff Report**

**Applicant** City of Albuquerque Planning Department

**Request** Amendments to the Integrated Development Ordinance (IDO) Text for the 2020 Annual IDO Update

**Location** City-wide

### **Staff Recommendation**

***That a recommendation of APPROVAL of Project 2018-001843, Case RZ-2020-00046 based on the FINDINGS beginning on page 63, and the RECOMMENDED CONDITIONS OF APPROVAL beginning on page 72, be forwarded to the City Council.***

### **Staff Planners**

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### **Summary of Analysis**

This request is for various City-wide, legislative amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(D). The request consists of revisions identified as part of the Annual Update process to identify desired changes through a regular cycle of discussion among residents, businesses, City Staff, and decision makers (14-16-6-3(D)). Since April 2019, Staff has collected approximately 100 proposed adjustments to language to clarify intent and improve implementation of adopted regulations. These clarifications and adjustments, requested by neighbors, developers, and Staff, are found in a spreadsheet of “City-wide Text Amendments” (see attachment). Other changes, requested by Council Services and the Planning Department, are also in the spreadsheet and are explained in greater detail in associated memos (see attachments). For each proposed change, the following is provided: relevant page and section of the IDO, the text proposed to change, and an explanation of the purpose and/or intent of the change. The spreadsheet, and its accompanying exhibits and memos, are the main components of the request.

The request generally furthers applicable Comprehensive Plan Goals and policies that pertain to land use, urban design, and economic development. The proposed changes are intended to balance the need to address market demands with the imperative of protecting and enhancing existing neighborhoods, Major Public Open Space, and Centers and Corridors.

As of this writing, Staff has received several substantive comments that indicate issues with individual proposed changes, but is not aware of any opposition to the overall request. Staff recommends that a recommendation of approval, subject to conditions, be forwarded to the City Council. The conditions address instances of conflict with Comprehensive Plan policies and potential, unintended consequences while (in most cases) accommodating the proposed amendment.

Comments received before January 11<sup>th</sup> at 9 am are attached to and addressed in this Staff Report. Comments received before January 14<sup>th</sup> at 9 am are attached, but not addressed. Comments received before January 19<sup>th</sup> at 9 am (after publication of this report and more than 48 hours before the hearing) are provided to the EPC, but not attached to this report.

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## ***I. INTRODUCTION***

### ***Background***

Upon its original adoption in May 2018, the Integrated Development Ordinance (IDO) established a process through which it can be updated on an annual basis. IDO Subsection 14-16-6-3(D) requires Annual Updates to the IDO, stating that the Planning Department shall prepare amendments to the text of the IDO and submit them every calendar year for an EPC hearing in December. The IDO annual update process established a regular, required cycle for discussion among residents, businesses, City Staff, and decision-makers to consider any needed changes that were identified over the course of the year.

Adoption of the 2019 IDO Annual Update in November 2020 established two types of annual IDO updates: Amendment to IDO Text-Citywide [Subsection 14-16-6-7(D)] and Amendment to IDO Text-Small Areas [Subsection 14-16-6-7(E)]. City-wide text amendments apply generally throughout the City and are legislative in nature, and are reviewed using a legislative process. Text amendments to smaller areas within the City apply only to those areas and are quasi-judicial in nature. They require a quasi-judicial review process, which includes notice to affected property owners and a prohibition of ex-parte communication with decision-makers about the proposed changes. City Councilors will be acting as legislators when adopting City-wide text amendments and as quasi-judges when adopting text amendments only affecting properties in specific small areas.

### ***Request***

This request is for various City-wide amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(D). These City-wide text amendments are accompanied by proposed text amendments to Small Areas within the City, which were submitted separately pursuant to Subsection 14-16-6-7(E) and are the subject of another Staff report (RZ-2020-00048). The proposed City-wide amendments, when combined with the proposed Small-area amendments, are collectively known as the 2020 IDO Annual Update.

A spreadsheet (see attachment) of approximately 100 proposed, City-wide changes provides the following: page and section of the IDO that would be modified, the text proposed to change, and an explanation of the purpose and/or intent of the change. The spreadsheet also notes that proposed changes to four IDO subsections are shown in the following exhibits (see attachments).

- Exhibit 5-2(D) [new] - Climatic & Geographic Responsiveness [new]
- Exhibit 5-5 Parking - Allowed Vehicles [new]
- Exhibit 5-11(D) - Multi-family Building Design
- Exhibit 6-9(C)(5) - Civil Enforcement

The spreadsheet also includes changes requested by the following parties via memos (see attachments):



- City Councilors requested approximately 20 changes to various IDO sections via a memo about City-wide text amendments.
- Council Services Staff requested several changes in response to requests by the Open Space Advisory Board and Open Space Staff of the Parks and Recreation Department, including IDO Section 14-16-5-6 related to landscaping next to arroyos, and IDO Section 14-16-5-2 and 14-16-7-1 related to riparian areas and an additional buffer requirement for development next to sensitive lands within Major Public Open Space.
- The Associate Director of the Planning Department and Chair of the Development Review Board (DRB) requested changes to IDO Section 14-16-5-2 related to site design analysis to respond to climate and geography, and Section 14-16-5-11 related to building design standards for multi-family development.

From April 2019, when Staff posted proposed changes for the 2019 annual update, Staff continued to collect and identify improvements that could be made to improve the clarity, enforcement, and effectiveness of existing regulations. City Councilors proposed changes between the end of the 2019 Annual Update process in September 2020, when City Council took the final vote to approve amendments, and November 30, when the 2020 Annual Update application was submitted. The spreadsheet notes the source of the change when it came from one of the memos described above. Otherwise, the source of the change is Planning Staff, Code Enforcement, Development Review Services, property owners, agents, developers, and neighbors.

### ***Applicability***

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

### ***Environmental Planning Commission (EPC) Role***

The EPC is hearing this case pursuant to IDO Subsection 14-16-6-7(D), Amendment to IDO Text. The EPC's task is to review the proposed changes and make a recommendation to the City Council regarding the proposed IDO text amendments as a whole. The EPC is a recommending body with review authority and can submit Conditions for Recommendation of Approval as it deems necessary. As the City's Planning and Zoning Authority, however, the City Council will make the final decision. This is a legislative matter.

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

The proposed IDO text amendment fulfills the requirement for an IDO Annual Update established by IDO Subsection 14-16-6-3(D). Planning Department Staff compiled the recommended changes, analyzed them, and submitted them for EPC's review and recommendation as required.

The proposed City-wide text amendment as a whole meets the review and decision criteria for Amendment to IDO Text-Citywide in IDO Subsection 14-16-6-7(D)(3)(a-c). The requirement and the applicant's response are in plain text; Staff analysis follows in ***bold italic*** text.

*Criterion 14-16-6-7(D)(3)(a)*

The proposed amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended (including the distinction between Areas of Consistency and Areas of Change), and with other policies and plans adopted by the City Council.

Response: The proposed changes in the IDO text amendment are consistent with Comprehensive Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review. The proposed changes are consistent with adopted policies to protect and enhance the quality of the City's unique neighborhoods and commercial districts. These amendments further several goals and policies of the Comprehensive Plan and protect the public health, safety, and welfare.

***The proposed IDO text amendments-City-wide, are generally consistent with the spirit and intent of the Comprehensive Plan and other, applicable Plans-though there are some instances of conflict. However, overall the request meets Criterion 14-16-6-7(D)(3)(a). See Section III of this report for Staff's in-depth policy analysis.***

*Criterion 14-16-6-7(D)(3)(b)*

The proposed amendment does not apply to only one lot or development project.

Response: The IDO text amendment includes changes to regulations that apply City-wide and generally clarify how to read and apply provisions in the IDO. None of the proposed amendments apply to a single lot or development project. Where there are changes that apply to a portion of the city, such as in select Center and Corridor areas, the change would apply equally in all areas with the same designation. In other instances, there are changes that would apply across a particular zone district or for all approvals of a certain type. Such changes are supported by Comprehensive Plan policies cited in this Staff Report.

***The proposed IDO text amendments-City-wide consist of changes that would apply throughout the City and not to a single lot or development project. The proposed text amendments are legislative in nature.***

***Regarding proposed changes to locational categories (ex. along arroyos, riparian areas) and to specific zones (ex. mixed-use and non-residential zone districts), these would apply equally in all such areas that have the same designation and are not directed toward any specific lot or project. Therefore, the request meets Criterion 14-16-6-7(D)(3)(b).***

*Criterion 14-16-6-7(D)(3)(c)*

The proposed amendment promotes public health, safety, and welfare.

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

*The request generally promotes the public health, safety, and welfare of the City because, overall, it is generally consistent with a preponderance of applicable Goals and policies in the Comprehensive Plan and other applicable Plans, although there are some instances of conflict (see Section III for Staff's in-depth policy analysis).*

### III. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

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

The request was submitted subsequent to the November 2, 2020 effective date of the 2019 Annual IDO Update and therefore is subject to its applicable standards and processes. Citations are in regular text; Staff analysis follows in ***bold italics***.

#### *Charter of the City of Albuquerque*

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

##### Article I, Incorporation and Powers

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

***Amending the IDO via text amendments is consistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and processes in the IDO will generally help implement the Comprehensive Plan and help guide future legislation.***

##### Article IX, Environmental Protection

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

***The proposed City-wide text amendments to the IDO will help ensure that land is developed and used properly and that environmental features and natural resources will be better protected and preserved. The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote***

*improved quality of life. Commissions, Boards, and Committees will have updated and clarified regulations to help facilitate effective administration of City policy in this area.*

Article XVII, Planning

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

*Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts.*

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

*Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development, and will help with the enforcement and administration of land use plans.*

***Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)***

The Comprehensive Plan and the IDO were developed together and are mutually supportive. The purpose of the IDO [see 14-16-1-3], in the most overarching sense, is to implement the Comprehensive Plan and protect the health, safety, and general welfare of the public.

The request for a text amendment to the IDO-City-wide generally furthers a preponderance of applicable Comprehensive Plan Goals and Policies, though some conflicts emerge and are explained below in the Staff analysis.

***Chapter 4: Community Identity***

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

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

Response: If approved, the request would generally further the Community Identity Character Goal (4.1) and Policy (4.1.4). The IDO is intended to make zoning and land use more transparent, accurate, and contextually compatible in order to enhance, protect, and preserve distinct communities, neighborhoods, and traditional communities. The IDO provides protections for residential neighborhoods through dimensional standards specific to residential zone districts in Part 2, tailored regulations in Overlay zones in Part 3, use-specific standards that require distance separations between non-residential and residential uses and zone districts in Part 4, and development standards that apply adjacent to residential uses or zone district in Part 5. A proposed change in IDO Subsection 5-6(E)(4)

would require multi-family development to provide a buffer from existing industrial development. Proposed amendments to allow the Landmarks Commission to review cases in the HPO zone could help preserve and protect distinct communities.

***Staff Analysis: As a whole, the proposed text amendments would generally enhance, protect, and preserve distinct communities, including neighborhoods because they include provisions that would strengthen the use-specific standards. However, a few proposed amendments conflict with this Goal and policy.***

***Campgrounds and RV- allowing these permissively in the MX-L (neighborhood/low intensity) and MX-M (medium intensity) zones would place these uses close to existing neighborhoods, especially since MX-L is the IDO equivalent to the former C-1 neighborhood commercial zone, where they would not protect or enhance existing residential areas.***

***Drive through and drive-ups- The MX-L (neighborhood/low intensity) zone is often located adjacent or near to established neighborhoods and communities. Removing the requirement to get a conditional use for a drive-through in the MX-L zone removes the public's opportunity to provide input regarding something that may affect them. The request partially furthers Goal 4.1- Character and Policy 4.1.4- Neighborhoods.***

#### *Chapter 5: Land Use*

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

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

Response: If approved, the request would generally further the Land Use Centers & Corridors Goal (5.1) and Policy 5.1.2. The IDO is the regulatory tool to implement the “Centers and Corridors” community vision set out in the Comprehensive Plan in a coordinated, City-wide context so that existing communities can benefit from appropriate new development, while being protected from potential adverse effects.

The IDO regulations operationalize the City’s Development Areas – Areas of Change and Consistency – to direct growth to appropriate locations and ensure protections for low-density residential neighborhoods, parks, and Major Public Open Space. The IDO implements the Comprehensive Plan through regulations tailored to the City’s designated Centers and Corridors, and coordinated with transportation and urban design policies and updated technical standards for infrastructure in the Development Process Manual.

Proposed changes to the following IDO subsections would specifically apply in designated Centers & Corridors and implement this Goal and policy.

- 4-3(B)(3)(b) Cottage Development in UC-MS-PT areas

- 4-3(B)(7)(a) Multi-family Development in DT-UC-MS-PT areas
- 4-3(D)(17)(I) Fueling Stations in UC-AC-MS-PT-MS areas
- 4-3(D)(19) Light Vehicle Sales and Rental in UC-MS-PT areas
- Table 5-1-4 Porches in UC-MS-PT areas
- Table 5-5-1 Parking requirement for hotels or motels in UC-MS-PT areas
- 7-1 Definition of infill development

***Staff Analysis: As a whole, the proposed text amendments would generally help promote strong centers connected by corridors to which more intense growth can be directed in order to maintain more appropriate development scale in areas intended to remain stable. However, a few conflicts with this Goal and policy emerge in the proposed text amendments.***

***One proposed amendment would limit the prohibition on Light Vehicle Sales and Rental in the MX-H zone to only UC-MS-PT areas zoned MX-H. This would support only the Urban Centers (Uptown and Volcano Heights) and the MS and PT areas (which are limited mostly to Central Ave.), and is not broad enough in scope to strengthen and reinforce Centers & Corridors. The request partially furthers Goal 5.1- Centers & Corridors and Policy 5.1.2- Development Areas.***

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

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

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

Response: If approved, the request would further the Efficient Development Patterns Goal (5.3) and the Infill Development policy (5.3.1). The intent of many of the proposed changes is the clarify how to read and apply provisions in the IDO, which will result in a more predictable development outcomes and consistent decision-making. Changes proposed for the IDO Purpose (IDO Section 14-16-1-3) and use-specific standards for cottage development (Subsection 14-16-4-3(B)(3)) include new regulations intended to promote efficient development patterns, maximize the utility of existing infrastructure and public facilities, and encourage compact development.

***Staff Analysis: The proposed text amendments, as a whole, would generally help promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land. For example, the proposed amendments that support cottage development, improvements to multi-family dwellings, and porches in setbacks in UC-MS-PT areas can encourage and promote infill development, which by definition uses existing infrastructure and public facilities. The request furthers Goal 5.3- Efficient Development Patterns, Policy 5.3.1- Infill Development, and Policy 5.3.3- Compact Development.***

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

Response: If approved, the request would further Conservation Development policy (5.3.4). The IDO establishes land uses that encourage conservation, development standards that preserve sensitive lands and require transitions between development and Major Public Open Space. Changes proposed for the IDO Purpose (IDO Section 14-16-1-3), Contextual Standards for residential development (IDO Subsection 5-1(C)(2)(b)3), Sensitive Lands standards (IDO Section 14-16-5-2), and definition of Common Open Space associated with cluster development (IDO Section 14-16-7-1) are all intended to limit development next to sensitive lands and encourage the preservation of open space.

***Staff Analysis: The proposed text amendments would generally encourage conservation development that would promote open space and preserve the natural landscape. The above-mentioned changes would help limit development next to sensitive lands and encourage preservation of open space. The request furthers Policy 5.3.4-Conservation Development.***

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

Response: If approved, the request would further the Locally Unwanted Land Uses (LULUs) policy (5.3.7). The IDO implements this policy through distance separations between uses that are often unwanted, such as pawn shops and group homes, and through the allowance of these uses in appropriate zone districts coupled with development standards that set the bar for high-quality development regardless of where they get built. The proposed changes to the use-specific standards for community residential facilities and cannabis-related uses and building design standards for multi-family development are intended to ensure that these uses are evenly distributed across the Albuquerque area with appropriate standards to ensure high-quality development.

*Staff Analysis: The proposed text amendments address group homes, community residential facilities (CRF), and multi-family developments, which can be considered LULUs. The changes would allow for a more equitable distribution of CRFs and group homes and ensure that these groups are treated fairly. The changes that would provide for improved multi-family development, including building design and buffering, throughout the City.*

*However, the proposed amendment to make Campground and RV Parks permissive in the MX-L and MX-M zones, which are often near neighborhoods, could result in a LULU. The request both furthers and conflicts with Policy 5.3.7-Locally Unwanted Land Uses.*

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

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

Response: If approved, the request would further the Land Use Implementation Processes Goal 5.7 and the Regulatory Alignment policy 5.7.2. The IDO's procedures and processes in Part 6 have been developed to effectively and equitably implement the Comprehensive Plan. In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO established an annual update to the regulatory framework. Proposed changes are intended to continually improve how the IDO implements the Comp Plan by aligning regulations with Goals and policies.

*Staff Analysis: The annual amendment process for the IDO is a procedure to continue to effectively and equitably implement the Comprehensive Plan that results in an updated regulatory framework. In most instances, the proposed text amendments would improve the connection between applicable Comprehensive Plan Goals and policies and the IDO, its implementation mechanism. However, in some instances, the proposed updates would result in conflicts with applicable Goals and/or policies; such conflicts can be addressed through the application of conditions for recommendation of approval.*

*The request generally furthers Goal 5.7, but both furthers and conflicts with Policy 5.7 due to the instances when the regulatory framework would begin to depart from aligning with Goals and policies (ex. campgrounds next to established neighborhoods, drive-throughs in neighborhood commercial zones without a public process, light vehicle sales and rental in most MX-H locations, visual clutter due to signs).*

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

Response: If approved, the request would further Implementation Goal (5.7) and Public Engagement policy (5.7.5). The IDO Annual Update process was established to provide a regular cycle for discussion among residents, City Staff, and decision makers to consider



any needed changes identified over the course of the year. Changes proposed to Part 6 to allow Landmarks Commission comments in HPO zones, for example, would improve public engagement in the planning process.

***Staff Analysis: The request furthers and conflicts with Policy 5.7.5-Public Engagement. The annual update process for the IDO itself provides a regular opportunity for residents and stakeholders to better understand and engage in the planning and development process. Specifically, the proposed change to Part 6 would improve public engagement by having changes to the HPO historic zone go before a public body. However, the proposed amendment to allow drive-throughs permissively in the MX-L zone would remove the conditional use requirement, thereby preventing the public from engaging in the planning process via public hearing, regarding a use that could potentially affect them.***

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

Response: If approved, the request would further the Implementation Goal (5.7) and the Development Services policy (5.7.6). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which will result in a more predictable development outcomes and consistent decision-making.

***Staff Analysis: The annual amendment process for the IDO is a procedure to continue to effectively and equitably implement the Comprehensive Plan; the proposed text amendments would result in more transparent approval and permitting processes. The request generally furthers Goal 7-Implementation Processes and Policy 5.7.6-Development Services.***

## *Chapter 7: Urban Design*

Goal 7.1 Streetscapes & Development Form: Design streetscapes and development form to create a range of environments and experiences for residents and visitors.

Response: If approved, the request would further the Streetscapes & Development Form Goal (7.1). The IDO implements this goal through zoning standards appropriate in each zone district (Part 14-16-2); in specific small areas (Part 14-16-3); and in different contexts, such as next to residential neighborhoods, next to Major Public Open Space, in Centers/Corridors, or in Areas of Change/Consistency in use-specific standards (Part 14-16-4) and development standards in Part 5. Proposed changes for drive-through stacking requirements in IDO Table 5-5-8 and building design standards in IDO Section 14-16-5-11 are intended to establish high-quality standards in the appropriate context.

***Staff Analysis: As a whole, the proposed text amendments would generally help create a range of environments and experiences through designed streetscapes and development forms. However, the proposed amendment to remove the lot size requirement for joint-premises signs in Subsection 5-12(F)(2)(b) would encourage a proliferation of signs and visual clutter that would adversely affect the streetscapes. The request partially furthers Goal 7.1- Streetscapes and Development Form.***

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

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

Response: If approved, the request would further the Sense of Place Goal (7.3) and the Natural and Cultural Features policy (7.3.1). The IDO establishes regulations that apply in particular contexts (Centers/Corridors, next to residential development, next to Major Public Open space, on sensitive lands, etc.). A proposed IDO Purpose (IDO Section 14-16-1-3) would name this policy intent as a purpose of the IDO, and changes proposed for Sensitive Lands standards (IDO Section 14-16-5-2) are intended to preserve, enhance, and leverage natural features and views toward geographical features that figure prominently in our cultural landscapes.

***Staff Analysis: The proposed text amendments include changes that would re-inforce sense of place through context-sensitive design because they would help to protect natural resources, and thereby preserve, enhance, and leverage natural features and views of cultural landscapes. The request furthers Goal 7.3 - Sense of Place and Policy 7.3.1 - Natural and Cultural Features.***

Goal 7.4 - Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment.

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

Response: If approved, the request would further the Context-Sensitive Parking Goal (7.4) and Parking Requirements policy (7.4.2). The IDO regulates parking in Section 14-15-5-5 based on uses and context, including requirements tailored for Centers/Corridors versus elsewhere in the city. Proposed changes would provide an incentive for outdoor dining by reducing the parking requirement.

***Staff Analysis: The proposed text amendments include changes that would facilitate design of parking facilities that complement the built environment, and would tailor parking requirements to the development context of Centers & Corridors, which would result in both better matching the development context. The request furthers Goal 7.4 - Context-Sensitive Parking and Policy 7.4.2 - Parking Requirements.***

Goal 7.5 - Context-Sensitive Site Design: Design sites, buildings, and landscape elements to respond to the high desert environment.

Policy 7.5.1 - Landscape Design: Encourage landscape treatments that are consistent with the high desert climate to enhance our sense of place.

Response: If approved, the request would further the Context-Sensitive Site Design Goal (7.5) and Landscape Design Policy (7.5.1). The IDO implements this Comp Plan goal and

policy by regulating site design in Section 14-16-5-2 and landscaping in Section 14-16-5-6. Proposed changes in these sections would further this Comp Plan goal and policy.

***Staff Analysis: The changes proposed in the text amendments regarding sustainable housing design and sensitivity to environmental context would help ensure that sites are designed to better respond to the high desert environment and climate. The request furthers Goal 7.5- Context-Sensitive Site Design and Policy 7.5.1- Landscape Design.***

#### *Chapter 8: Economic Development*

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

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

Response: If approved, the request would further the Placemaking Goal (8.1) and Diverse Places Policy (8.1.1). The IDO implements the Comp Plan by establishing zoning standards tailored to different zone districts and different contexts. Proposed changes in Part 14-16-4 and Part 14-16-5 generally further this Comp Plan goal and policy.

***Staff Analysis: The proposed text amendments include changes that would contribute to creating interesting places with different development intensities and densities, which would help create places where business and talent can stay and thrive. The changes to expand housing options and improve design, and to protect historic and natural environments, are such changes. The request furthers Goal 8.1- Placemaking and Policy 8.1.1- Diverse Places.***

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

Response: If approved, the request would further the Placemaking Goal (8.1) and Resilient Economy Policy (8.1.1). The IDO implements the Comp Plan by establishing zoning standards that set the bar for high-quality development while still allowing a range of uses in appropriate contexts. For example, the proposed change to parking requirements for outdoor dining in IDO Table 5-5-8 is intended to provide an incentive for development that responds to the new COVID-19 conditions for restaurants.

***Staff Analysis: The changes proposed in the text amendments would generally encourage economic development efforts that would foster a more robust, resilient, and diverse economy. Some such changes are the proposed change to parking requirements for outdoor dining, clarification regarding cannabis products, and food truck courts. The request furthers Policy 8.1.2- Resilient Economy.***

#### *Chapter 9: Housing*

Goal 9.2 - Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.

Policy 9.2.2 - High Quality: Encourage quality and innovation in new housing design and construction, materials, and energy and water conservation.

Response: If approved, the request would further the Sustainable Design Goal (9.2) and High Quality Policy (9.2.2). The IDO implements the Comp Plan through development standards that set the bar for high-quality development. The proposed change for a new IDO Subsection 14-16-5-2(D) would add a site design requirement to analyze multi-family development for responsiveness to climate, including building and window placement and living landscape elements.

***Staff Analysis: The proposed text amendments would promote sustainable housing design compatible with the natural and built environment by adding a design requirement to analyze multi-family development for responsiveness to climate. The changes would encourage quality and innovation in new housing via a focus on long-term sustainability and quality throughout the City. The request furthers Goal 9.2- Sustainable Design and Policy 9.2.2- High Quality***

Policy 9.2.1 - Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

Response: If approved, the request would further the Compatibility Policy (9.2.1). The proposed change to building design standards for multi-family development in IDO Section 14-16-5-11 is intended to help enhance neighborhood character wherever these developments occur outside of Center/Corridor areas.

***Staff Analysis: The proposed text amendments include a change to the standards for multi-family development that would result in such development enhancing neighborhood character and being more compatible with its surroundings. The request furthers Policy 9.2.1-Compatibility.***

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

Response: If approved, the request would further the Cluster Housing Policy (9.2.3). The IDO implements the Comp Plan through the cluster development and cottage development residential uses. The proposed changes to use-specific standards for cottage development in IDO Subsection 14-16-4-3(B)(3)(b) and the definition of Common Open Space associated with cluster development in IDO Section 14-16-7-1 are intended to incentivize these housing options.

***Staff Analysis: The proposed text amendments would encourage development of cluster and cottage housing, which would allow more clustering of residential dwellings that provide community spaces and/or open space. Therefore, the request furthers Policy 9.2.3-Cluster Housing.***

*Chapter 11: Heritage Conservation*

Policy 11.3.1 - Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

Policy 11.3.1.a: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment.

Response: If approved, the request would further the Natural and Cultural Features Policy (11.3.1) and sub-policy (11.3.1.a). The IDO includes protections for Major Public Open Space and Sensitive Lands in Part 14-16-4 and Part 14-16-5. The proposed amendments for IDO Purpose (IDO Section 14-16-1-3) would name this policy intent as a purpose of the IDO. Changes proposed for Sensitive Lands standards (IDO Section 14-16-5-2) for landscaping next to arroyos, adding riparian areas as sensitive lands, and requiring an additional buffer for development next to Major Public Open Space with sensitive lands would all further this policies by adding regulatory protections for sensitive lands.

***Staff Analysis: The proposed text amendments would add protections that would facilitate preservation and enhancement of natural characteristics and features, which contribute to distinct identity of communities and cultural landscapes. These protections would help minimize negative impacts to the natural environment, including riparian areas, arroyo slopes, and MPOS. The request furthers Policy 11.3.1 - Natural and Cultural Features and Subpolicy a.***

#### **IV. KEY ISSUES & DISCUSSION**

All of the proposed text amendments are presented and explained in the spreadsheet of City-wide changes (see attachment). This report section provides further discussion regarding only the proposed text amendments that have exhibits or were requested via memo (see attachments- memo from Council Services and memo from the Planning Department).

The following issues are organized in the order of the IDO, except for changes proposed by Council that would affect multiple sections. These are discussed at the end of this section.

##### ***Exhibit Subsection 14-16-5-2(D) – Climatic and Geographic Responsiveness***

Purpose: The amendment adds an additional site design requirement to analyze climatic and geographic responsiveness in order to improve building performance and result in timeless designs. This amendment is based on input from a focus group of local architects and would

apply to multi-family residential development containing more than 25 dwelling units and all non-residential development (except industrial development).

Albuquerque has compelling environmental forces, including the daily and seasonal position of the sun and dramatic views of the Sandia mountains and other physical features that should guide building layout and site design. The first requirement would be for a sun and shade analysis and requirements to reduce summer heat and glare and to capture winter sun. The second requirement is to analyze the site's view potential of the Sandia mountains, Bosque and Rio Grande, and Northwest Mesa escarpment and volcanoes to determine appropriate placement and orientation of buildings, windows, balconies, and patios.

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

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

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

Goal 9.2 - Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.

Policy 11.3.1 – Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

Policy 11.3.1.a – Natural and Cultural Features: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment in light of the relationship to and effect upon the following:

- i. Indigenous vegetation and other materials appropriate to landscapes;
- ii. Topography and landscape features such as arroyos, the Rio Grande and Bosque, the foothills, and escarpments;
- iii. Soils and erosion potential;
- iv. Colors and textures of the natural environment; and
- v. Scenic views from the public right-of-way

Policy 11.3.1.d – Natural and Cultural Features: Encourage site design that enhances and leverages views to cultural landscapes.

***If approved, the amendment would add a site design requirement to analyze multi-family development for responsiveness to climate and geographic features. Multi-family and non-residential developments (except industrial development) would reinforce a sense of place through context-sensitive design that responds to Albuquerque's unique climate and geography (7.3). The site design analysis would enhance and leverage natural features and views of cultural landscapes, such as the Sandia and Rio Grande, by***

*requiring developments to consider prominent geographical features in the placement and orientation of buildings, windows, balconies, and patios (7.3.1, 11.3.1, 11.3.1.a, and 11.3.1.d). As it relates to multi-family residential developments, the amendment promotes design compatible with the natural and built environments by requiring an analysis of reduction of summer heat, capture of winter glare, and consideration of microclimates when landscaping to mitigate heat gain (9.2).*

#### ***Exhibit - Subsection 14-16-5-5 Parking***

Purpose: The proposed changes are largely editorial in nature. In the current IDO, parking of certain vehicles for more than 2 hours is included as 3 different uses in Table 4-2-1: Allowable Uses. Parking a vehicle is generally not considered a land use; parking is generally considered an incidental activity related to a primary or accessory use on a property. Including these regulations in the use table undermines their effectiveness and enforceability. The changes propose to move these regulations to the parking section of the IDO, where they will be more likely to be found and enforced.

Additionally, the proposed changes eliminate the term “non-commercial vehicle,” which is defined as “A light vehicle used in the conduct of normal daily activities that can be lawfully parked in a parking space that meets the requirements of the DPM.” Table 4-2-1 allows parking of non-commercial vehicles in Residential zone districts. By omission, parking heavy vehicles other than RVs, which are called out as a separate use, are not allowed. The definition of non-commercial vehicles does not add anything and is proposed to be replaced with light vehicle, which has an operational definition based on weight, as opposed to the purpose of the vehicle.

Table 4-2-1 does not specify where parking of heavy vehicles for more than 2 hours is allowed, so the proposed change adds a regulation to allow that activity in all zone districts that do not allow single-family dwellings (i.e. MX-L, MX-M, MX-H, or any Non-residential zone district). The proposed changes also add the phrase “with the permission of the property owner of the premises” to clarify that property owners have the right to control who is allowed to park on their property.

Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policies related to Community Identity, Land Use, and Urban Design:

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

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

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

Policy 7.4.1 - Parking Strategies: Provide parking options, optimize parking efficiencies, and plan for parking as essential infrastructure.

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

*If approved, these amendments would further the Neighborhoods Policy (4.1.4), Land Uses Policy (5.2.1), Regulatory Alignment Policy (5.7.2), Parking Strategies Policy (7.4.1), and Parking Requirements Policy (7.4.2). The proposed changes improve the enforceability of regulations intended to ensure appropriate parking controls in each zone district for different type of vehicles. The current IDO protects residential neighborhoods by allowing the parking of light vehicles but not heavy vehicles; the proposed changes clarify this prohibition. While parking of vehicles is not a land use per se, accommodating parking is an important part of ensuring access to a mix of uses in each community. The proposed changes establish a new subsection in the parking regulations that clearly regulates where different types of vehicles can be parked in each zone district.*

***Exhibit 14-16-5-11(D) - Multi-family Building Design***

Purpose: The intent of the proposed amendment is to improve the design standards (Subsection 14-16-5-11-(D)) and use-specific standards (Subsection 14-16-4-3(B)7) for multi-family buildings to balance quality, affordability, and visibility at both the site and neighborhood levels. Numerous multi-family developments have been proposed in Albuquerque over the past year that the Development Review Board (DRB) wanted to revisit. These proposed standards would address some needs identified by the DRB, with input from a local architectural focus group, to identify basic design regulations while allowing for architectural creativity. The amendments also improve the overall livability of multi-family developments by requiring additional landscaping and allowing more turf grass in required landscaping areas. These standards would apply to multi-family developments outside of the UC-MS-PT areas; UC-MS-PT would retain the building design standards now in the IDO.

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

The proposed amendment furthers the following Comprehensive Plan policies related to Land Use, Urban Design, and Housing:

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

Policy 7.3.2.e Community Character: Encourage high-quality development that capitalizes on predominant architectural styles, building materials, and landscape elements.

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



Policy 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

Policy 9.2.2 High Quality: Encourage quality and innovation in new housing design and construction, materials, and energy and water conservation.

Policy 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.

*If approved, the amendment would further the Regulatory Alignment Policy (5.7.2), Community Character Policy (7.3.2.e), Development Quality (7.3.5), Compatibility Policy (9.2.1), High Quality Policy (9.2.2), and Development Cost Policy (9.6.1). The proposed changes would have a minor impact on the way multi-family housing is designed and developed as most current projects comply with these standards. The standards balances quality, affordability, and livability. The proposed changes have also involved a public engagement effort with several local architects and developers/owners of both market-rate and affordable multi-family housing in order to ensure that the amendment is feasible to implement. The proposed changes amend the building design standards and use-specific standards regarding landscaping and usable open space for multi-family buildings. They also take into consideration the value of a multifamily project being an aesthetic complement to the surrounding area and neighborhood. The new standards are narrowly tailored, context-sensitive, and only apply to multi-family developments outside of the UC-MS-PT areas.*

The proposed amendment conflicts with the following Comprehensive Plan sub-policies:

Policy 9.1.2.a Affordability: Prioritize support for affordable housing that the market is unable to provide for populations with the lowest income levels and/or special needs.

Policy 9.5.1a Quality Housing: Prioritize lowest-income households when allocating local funds for affordable and workforce housing.

Policy 10.1.4.a Water Conservation: Incorporate native vegetation and low water use species wherever possible, particularly in areas without easy access to irrigation.

*These amendments have been reviewed with affordable housing agencies, developers, and architects. Many of the building design standards match requirements of the New Mexico Finance Authority requirements and also match what private developers want to produce to create buildings that are aesthetically pleasing and acceptable to the adjacent neighborhoods. Changes proposed to the use-specific standard in 14-16-4-3(B)(7)(a) would require more of the lot to be landscaped than for other uses City-wide (25 percent of the net lot area as opposed to 15 percent), allow more turf grass for this use than allowed City-wide for other uses (up to 20 percent of required landscape areas as opposed to 10 percent). These new requirements recognize that water is a resource to be allocated in beneficial ways. Providing additional landscaping for families living in*

*multi-family development, which generally does not provide private yards is a wise use of the water resource (10.1.4). Properly designed irrigations systems for multi-family development can be a significant way to keep watering efficient.*

***Exhibit 6-9(C)(5) – Administrative Civil Enforcement***

Purpose: The proposed changes are primarily editorial in nature. The City Clerk proposed this amendment with the intention of eliminating overlapping, and often conflicting, procedures in multiple City ordinances. The proposed changes eliminate references to other City ordinances that include a variety of administrative processes and notice requirements, along with their respective timelines. These references to other City ordinances are replaced by consistent references to the Independent Hearing Office Ordinance (ROA 1994 Part 2-7-8).

Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policies related to Land Use:

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

Policy 5.7.4.c. Streamlined Development: Provide streamlined approval processes for projects that meet the intent of the Comp Plan.

*If approved, this amendment will eliminate contradictory procedures within the City's Code of Ordinances and bring this subsection into alignment with procedures used City-wide by the City Clerk for administering hearings by special hearing officers. This amendment was prepared by City Legal as part of a larger effort to improve consistency, efficiency, and predictability of administrative processes in the City.*

***Memo – Open Space Advisory Board/Open Space Staff – November 23, 2021***  
***Subsection 14-16-5-6(C)(4) and Subsection 14-16-5-2(C)(3)***

Council Purpose: This amendment proposes to regulate what types of landscaping are appropriate abutting arroyos, which the IDO defines in Section 14-16-7-1. The Open Space Advisory Board (OSAB) and Open Space Staff have expressed concern that seeds of invasive species that are planted next to arroyos across the city end up being carried downstream to the Bosque. The seeds take root and then require substantial amounts of funding, Staff time, and volunteer time to remove. Regulating the types of vegetation that can be planted near an arroyo will help curb the amount of invasive species that end up sprouting in the Bosque.

The proposed amendment will apply where landscaping is required in the IDO, i.e. in multi-family, mixed-use, and non-residential development. Separately from this IDO update, the OSAB has expressed interest in further refining the Albuquerque Plant Palette to identify plant species that are appropriate to be planted near Major Public Open Space and arroyos.

The proposed changes affect two subsections in the IDO. A regulation would be added to Subsection 5-6(C)(4) limiting landscaping abutting arroyos to plants identified as appropriate for planting next to arroyos and Major Public Open Space. A cross reference would be added from Subsection 5-2(C) Major Arroyos in the Sensitive Lands Section to the new regulation, which would apply to all arroyos as defined by the IDO.

Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policies related to Land Use and Heritage Conservation:

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

Policy 11.3.1 - Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

Policy 11.3.1.a: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment in light of the relationship to and effect upon the following:

- i. Indigenous vegetation and other materials appropriate to landscapes;
- ii. Topography and landscape features such as arroyos, the Rio Grande and Bosque, the foothills, and escarpments;

***If approved, the proposed amendments would further the Conservation Development policy (5.3.4), and Natural and Cultural Features Policy (11.3.1) and sub-policy (11.3.1.a). The proposed amendments would help prevent the seeds of invasive species on abutting development from draining into arroyos. Arroyos generally carry runoff through the Bosque and into the Rio Grande. Requiring that landscaping on abutting properties use species appropriate for arroyos and Major Public Open Space will help protect these natural ecosystems and ensure that development helps preserve and protect open space and natural landscape features.***

***Memo – Open Space Advisory Board/Open Space Staff – November 23, 2020***  
***Subsection 14-16-5-2(C)(1), Subsection 14-16-5-2(J)(2)(b), and Section 14-16-7-1***

Council Purpose: These amendments further refine the Sensitive Lands section of the IDO. First, a new type of sensitive land would be regulated – riparian areas in Subsection 14-16-5-2(C)(1). Riparian areas would be defined in Section 7-1 as those identified on a map maintained by Open Space Staff in the Parks and Recreation Department to make clear which properties include or are adjacent to riparian areas, which will be subject to additional regulations. The OSAB and Open Space Staff have recommended that the IDO formally identify riparian areas as sensitive lands and offer protections for them.

IDO Subsection 14-16-5-2(C) requires all subdivisions and site plans to begin with a Sensitive Lands analysis. If any of the sensitive lands identified in the IDO are found on the property, any development must avoid them or go to the Environmental Planning Commission for a site plan that avoids sensitive land and mitigates negative impacts to the greatest extent possible, while allowing development to occur on the property, which may require variances as needed to avoid regulatory takings.

Second, IDO Subsection 5-2(J)(2)(b) would require an additional 50 feet of buffering for properties that are 5 acres or greater adjacent to Major Public Open Space (MPOS) that contains a steep slope, escarpment, wetland, or riparian area. IDO Subsection 14-16-5-2(J)(2)(a)(1) currently requires a single-loaded street between development and Major Public Open Space or a 45-foot buffer, if preferred by the Open Space Superintendent.

The proposed additional buffering would help protect not only the sensitive land but the private property, as well. There are examples in Albuquerque of development next to sensitive lands experiencing erosion and drainage issues resulting in property damage. Some instances have had to be rectified by the City of Albuquerque using public dollars. It's appropriate to make this provision applicable only to properties greater than 5 acres adjacent to MPOS, as these larger sites will be able to accommodate an additional 50-foot buffer. If the City were to make this regulation applicable to all properties regardless of size, there is a chance that the regulation would result in making the lot undevelopable, resulting in a regulatory takings, as a smaller lot may not have adequate acreage to accommodate the buffer.

Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policies related to Land Use and Heritage Conservation:

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

Policy 11.3.1 - Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

Policy 11.3.1.a: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment in light of the relationship to and effect upon the following:

- iii. Indigenous vegetation and other materials appropriate to landscapes;
- iv. Topography and landscape features such as arroyos, the Rio Grande and Bosque, the foothills, and escarpments;

*If approved, the proposed amendments would further the Conservation Development policy (5.3.4), and Natural and Cultural Features Policy (11.3.1) and sub-policy (11.3.1.a). The proposed amendments would help protect riparian areas, which contribute to the natural environment and their ecosystems. Adding riparian areas to the sensitive lands regulated by the IDO would further the policies to encourage conservation development and protect the natural environment. Adding a buffer requirement for development next to Major Public Open Space with sensitive lands would further protect these sensitive lands on public property and encourage conservation development on adjacent properties.*

**Memo – Council Services - City-wide Text Amendments – November 24, 2020**  
**Section 14-16-1-3 Purpose**

Purpose: This amendment proposes to add an additional Purpose statement to the IDO related to the natural resources in Albuquerque. The IDO offers a multitude of protections for Major Public Open Space and Sensitive Lands, which include arroyos, acequias, and wetlands, the waterways and water systems that lead to the Bosque and the Rio Grande. This purpose statement reinforces the intent of these protections.

Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policies related to Land Use and Heritage Conservation:

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

Policy 11.3.1 - Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

Policy 11.3.1.a: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment in light of the relationship to and effect upon the following:

- v. Indigenous vegetation and other materials appropriate to landscapes;
- vi. Topography and landscape features such as arroyos, the Rio Grande and Bosque, the foothills, and escarpments;

*If approved, the proposed amendments would further the Conservation Development policy (5.3.4), and Natural and Cultural Features Policy (11.3.1) and sub-policy (11.3.1.a). The IDO includes many protections for Major Public Open Space and Sensitive Lands in Part 14-16-4 and Part 14-16-5. The proposed amendments for IDO Purpose (IDO Section 14-16-1-3) would name this policy intent as a purpose of the IDO, which generally improves awareness and therefore effectiveness of the IDO in implementing this policy.*

***Memo – Council Services - City-wide Text Amendments – November 24, 2020***

***Table 4-2-1: Allowable Uses – Drive-throughs and Drive-ups in the MX-L Zone District***

Purpose: The proposed amendment will make drive-throughs and drive-ups in the MX-L zone district an accessory use. Currently this use is conditional accessory (CA), which requires a conditional use approval through the Zoning Hearing Examiner. The proposed change would eliminate this requirement. This amendment is being proposed in response to the COVID-19 pandemic and its impact on how businesses operate. Extending this accessory use to the MX-L zone without the need of a conditional use approval is intended to make it easier to develop drive-throughs; note that the amendment would remain in place after the pandemic is past and would be a permanent solution to a temporary issue.

The proposed amendment would remove the requirement for a public hearing associated with a conditional use request. Areas zoned MX-L were previously zoned C-1 Neighborhood Commercial under the former Zoning Code. In the C-1 zone, drive-throughs were permissive for lower-impact uses (banks, loaning money, or pawn shops) but were conditional for uses that have greater impact on nearby neighborhoods (retail and restaurants). Due to the greater impact on neighborhoods, the conditional use requirement was put in place for restaurant and retail drive-throughs to provide the opportunity for the public to participate in the process and provide input.

Planning Policy Analysis: Part of this amendment furthers Comprehensive Plan policies, but part of it conflicts with Comprehensive Plan policies that support transit, transit-oriented development, walkability, and air quality.

This amendment furthers the following Comprehensive Plan policies related to Transportation, Urban Design, and Economic Development:

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

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

Policy 8.2.1 Local Business: Emphasize local business development.

***If approved, the amendment would generally further Redevelopment Policy (6.6.4) and Resilient Economy Policy (8.1.2). The proposed changes generally facilitate a business response to the COVID-19 pandemic and improve the overall movement of people, goods, and services. While larger (often franchised) businesses have already invested in drive-throughs and drive-ups as part of their business model, smaller local businesses are attempting to respond to the pandemic by redeveloping their built environments and business models. However, the amendment wouldn't necessarily benefit local businesses more than it would benefit corporate chains, because it would apply equally to both***

*(Policy 8.2.1). In this respect, the proposed amendment is intended to support a more resilient local economy and public health during the pandemic.*

The amendment conflicts with the following Comprehensive Plan policies:

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

Policy 5.1.11.a Multi-Modal Corridors: Encourage the redevelopment of aging auto-oriented commercial strip development to a more mixed-use, pedestrian-oriented environment.

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

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

Policy 6.4.1 Active Transportation: Promote options and mobility for walking, biking, and other non-motorized travel.

Policy 6.4.2 Air Quality: Reduce the adverse effects of automobile travel on air quality through coordinated land use and transportation that promote the efficient placement of housing, employment, and services and improve the viability of multi-modal transportation options.

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

Policy 7.6.2 Transportation Infrastructure: Match infrastructure capacity, design, and maintenance to the development context, expected land use intensities of abutting development, and all travel modes.

*If approved, this amendment would conflict with the Multi-modal Corridors Policy and sub-policy (5.1.11. and 5.1.11.a), Pedestrian Network Policy (6.2.4), Active Transportation Policy (6.4.1), Transit-Oriented Development Policy (6.1.2) Air Quality Policy (6.4.2), Pedestrian-accessible Design Goal (7.2), and Transportation Infrastructure Policy (7.6.2).*

*The proposed changes would increase the amount of auto-oriented land use activity at business locations that could not only contribute to more auto-oriented traffic, but also adversely affect the safety of pedestrian-oriented activity as well as decrease the amount. These adverse effects would have a negative impact at the neighborhood scale considering the fact that auto-oriented activity would not only be taking place on the premises of each business, but also to and from each business. An increase in auto-oriented traffic would also have an adverse effect on air quality at the neighborhood*

*level. Although the proposed amendment would be an immediate response to support businesses during the pandemic, it is a permanent solution to a temporary issue and would have long-term effects such as facilitating a built environment even more supportive of auto-oriented activity as compared to pedestrian-oriented activity, which adversely impacts Centers & Corridors.*

*The proposed amendment would remove the requirement for a public hearing associated with a conditional use request, so constituents/neighbors would have no say regarding development of drive-throughs in their neighborhoods. The proposed amendment's removal of the conditional use requirement would mean that the IDO would be even more permissive than the former Zoning Code, which was based on 1970s zoning practice, and would take us backwards as a City.*

*Staff suggests considering non-permanent mechanisms through which drive-throughs can be facilitated as a response to the pandemic only, such as issuing special permits with a sunset date, rather than change the IDO wholesale. Perhaps this change could be included in a special "pandemic response" bill.*

***Memo – Council Services – City-wide Text Amendments – November 24, 2020  
Table 4-2-1 and Subsection 14-16-2-5(E)(2) Campground and RV Park Use***

Council Purpose: The proposed amendment would make the Campground and RV Park use a permissive use in the MX-L and MX-M zone districts, rather than in just the Non-residential Sensitive Use (NR-SU) zone district, and would amend Table 4-2-1. The amendment removes references to Campground and RV Parks Use from Section 14-16-2-5(E)(2). This amendment is a response to the COVID-19 public health emergency and the increase in RV camping that is the result of people seeking a safe way to vacation. Albuquerque's mild climate makes it a popular destination for RV "snowbirds." Allowing this use in more zones will allow the City to respond.

Planning Policy Analysis: This amendment generally furthers the following Comprehensive Plan policies related to Land Use and Housing:

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

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

Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

Policy 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.



*If approved, the amendment would further the Land Uses sub-policies (5.2.1h) and (5.2.1.n), Infill Development Policy (5.3.1), Housing Options Policy (9.1.1), and the Development Cost Policy (9.6.1). The proposed changes improve the ability to accommodate RV campgrounds and encourage more productive use of vacant and under-utilized lots to ensure a sufficient supply and range of housing options during the COVID-19 public health emergency. The current IDO only allows the campground and RV park land use permissively in the Non-residential Sensitive Use (NR-SU) zone district. This zone district is required for uses not allowed in any other zone district and establishes development standards on case-by-case basis for each site and each proposed use. Developing one of these sensitive uses requires both a zoning amendment to NR-SU and a Site Plan – EPC to be approved concurrently. These processes take a minimum of 6 weeks.*

*The proposed changes would allow this use permissively on properties zoned MX-L or MX-M, which are much more abundant throughout the City and which are also located closer to commercial activities and amenities to accommodate people visiting the city. As a permissive use, the review/decision process would either be Site Plan – Administrative if on a site less than 5 acres with infrastructure in place or Site Plan – DRB if on a larger site or if infrastructure is needed. The current use-specific standards for campground and RV park already require sufficient buffering and screening (including extra screening adjacent to a Residential zone district) to minimize negative impacts on nearby uses.*

The proposed amendment conflicts with the following Comprehensive Plan policies:

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

Policy 4.1.1 – Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

Policy 4.1.1 – Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

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

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

Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

*The use “Campground or RV Park” is not listed as a residential use in the IDO; it’s a motor-vehicle related use and is not necessarily intended to provide a long-term housing*

*solution. The intent of the amendment appears to be to accommodate increased vacationing, by both locals and tourists.*

*Allowing Campgrounds and RV Park as a permissive use in the MX-L (neighborhood/low intensity) and MX-M (medium intensity) zones would place these uses close to existing neighborhoods, where they would not enhance or protect distinct communities and could adversely affect the identity and cohesiveness of established neighborhoods.*

*Campgrounds and RV parks are often considered Locally Unwanted Land Uses (LULUs) because most neighborhoods tend to not want one in their area, even with the Use-Specific Standards that require additional buffering. Despite this, and the possibility of complaints by constituents/neighbors when a new campground pops up within their boundaries, the amendment proposes to make Campground or RV Park a permissive use in the MX-L and MX-M zone districts—which are the zone districts most commonly near residential areas. MX-L Mixed-Use Low Intensity zone is roughly equivalent to the former C-1 zone and MX-M is roughly equivalent to the former C-2 zone. Both provide services to neighborhoods, but the MX-L zone is lower intensity and less suited to the Campground or RV Park use.*

*A more appropriate zone district for the Campground or RV Park uses is NR-C, the Non-Residential Commercial Zone or perhaps NR-BP, though that could affect business parks and office uses. These zones do not have the review requirement of the NR-SU zone, which requires EPC review.*

*Although the proposed amendment is a response to support vacationers during the pandemic, it would be a permanent solution to a temporary issue and would have long-term effects on neighborhoods that could not be taken back. Staff suggests considering non-permanent mechanisms to address the issue, particularly if it pertains to one (or a few) particular sites. Or the zoning on the site in question could perhaps be changed. Another idea is to issuing special temporary permits, rather than change the IDO wholesale. Perhaps this change could be included in a special “pandemic response” bill.*

***Memo – Council Services - City-wide Text Amendments – November 24, 2020  
Subsection 14-16-4-3(B)(3) Cottage Development***

Council Purpose: There are three proposed amendments related to cottage development. If the first amendment is recommended, then the second and third amendments are not necessary. However, if the first amendment is not recommended, then the second and third amendments should be considered.

The purpose of the first amendment is to reduce the minimum required lot size for cottage development to 10,000 square feet City-wide. The cottage development use allows for more flexibility in site design and layout. The amendment would not change the formula for determining how many cottage units could be developed on a specific property, or the zone districts where cottage development is allowed.

The purpose of the second amendment is to allow cottage development on lots between 10,000 square feet and 1 acre on properties outside of UC-MS-PT areas with a Conditional Use approval. The purpose of the third amendment is to allow cottage development to occur on lots that are at least 10,000 square feet in additional Centers and Corridors. This will add Activity Centers, Downtown, and Employment Centers to the current Centers and Corridors (UC-MS-PT) where cottage development is allowed to occur permissively on smaller lots than allowed City-wide outside of Centers and Corridors. Both of these amendments would not change the formula for determining how many cottage units could be developed on a specific property, or the zone districts where cottage development is allowed. If the first amendment to make cottage development permissive City-wide on lots a minimum of 10,000 square feet is passed, the other two amendments would become unnecessary, as the use would be allowed permissively and allowed City-wide (including the specified centers and corridors in the other proposed amendments).

Planning Policy Analysis: These three amendments further the following Comprehensive Plan goals and policies.

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

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

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

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

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

Goal 9.1 – Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

Policy 9.1.2 – Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

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

Goal 9.3 – Density: Support increased housing density in appropriate places with adequate services and amenities.

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

*If approved, any of these amendments encourages compact development in more areas, which allows for slightly more density than is normally allowed in zone districts such as R-A and R-1. Cottage developments are intended to include smaller dwellings than would normally be built, which allows for more clustering of those dwellings and preservation of open space (5.3.3). These amendments would allow for more infill development than allowed by the existing cottage development rules, which have a 1-acre minimum lot size (5.3.1). Most of the land where infill residential development might occur is less than one acre, so cottage development cannot currently occur in many infill situations.*

*Cottage development is an innovative way to allow for slightly increased residential density that remains in scale with low-density residential development patterns in existing neighborhoods (9.3). The dwelling types allowed in cottage development are the same as would be allowed in the underlying zone district, but the development intensity is measured based on gross floor area instead of the number of dwellings allowed. This type of development would promote affordability, since the units are smaller, and the slight increase in density allows for more units, which allows developers to price lower than traditional units (9.1.2). Cottage development encourages an alternative housing type that maintains the scale of single-family neighborhoods while expanding housing options (9.1.2.c).*

*This amendment would allow for infill and increased density in all Center areas (9.3). This amendment allows for infill with a transitional form of residential development, which is not as dense as desired in Centers and Corridors, but does bring more people within walking distance of goods, services, and transit encouraged in Centers (9.3.1). The amendment would allow for slightly more dense development in areas with relatively large lots (over 10,000 sf), which would generally use and help maximize existing infrastructure and public facilities (5.3). Such development would encourage efficient use of land in already developed areas, which reduces the reliance on less efficient greenfield development (5.1.1 and 5.1.1.c).*

**Memo – Council Services – City-wide Text Amendments – November 24, 2020**  
**Subsections 14-16-4-3(B)(8) Community Residential Facility**

Council Purpose: This primary purpose of this amendment is to ensure that the City of Albuquerque is in compliance with the Federal Fair Housing Act. The proposed changes would remove the use-specific standards 14-16-4-3(B)(8)(c) and 14-16-4-3(B)(8)(d). The proposed changes would remove two requirements associated with Community Residential

Facilities (CRFs): 1) the requirement that they be located no closer than 1,500 feet from another CRF or group home and 2) the requirement that there be no more than 30 CRFs and group homes per City Council District. The Federal Fair Housing Act prohibits local municipalities from placing regulations that treat a protected class (as defined by Federal Housing Administration) any differently than any other residential use. The IDO defines CRFs as housing for federally protected classes specifically to ensure compliance with the Fair Housing Act. Other residential uses (single-family homes, townhouses, multi-family development, etc.) do not have distance separations or caps per Council District. Removal of these CRF requirements will ensure that the City of Albuquerque complies with FHA standards.

Use-specific standards for group homes in IDO Subsection 14-16-4-3(B)(9) will remain in place, including the cap per Council District and distance separation requirement. An editorial edit is proposed to remove reference to the Community Residential Facility in this use-specific standard consistent with the proposed amendment.

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

The amendment furthers the following Comprehensive Plan policies:

Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

Policy 9.1.1.b Housing Options: Assure against discrimination in the provision of housing.

Policy 9.1.3 Fair Housing: Promote fair housing through local housing programs that enhance housing affordability, choice and access to opportunity for all communities, especially those communities that bear the burdens from lack of investment and access to opportunity.

Policy 9.1.3.a Fair Housing: Enhance housing choice for people in federally defined protected classes throughout the region by coordinating plans and investments to affirmatively further fair housing.

Policy 9.1.3.b. Fair Housing: Promote equitable housing practices for federally defined protected classes through fair housing education and enforcement.

Policy 9.4.3 Equitable Distribution: Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit.

***If approved, the amendment would further the Housing Options Policy (9.1.1) and sub-policy (9.1.1.b), Fair Housing Policy (9.1.3), and Equitable Distribution Policy (9.4.3). The proposed changes ensure that the City is not in violation of federal law set by the Federal Fair Housing Act and are not discriminatory in nature. While the two metrics currently included in the IDO were originally intended to ensure equitable distribution of***

*locally unwanted land uses (LULUs) across the city, City Council has discovered that these local land use protections are too far reaching.*

The amendment conflicts with the following Comprehensive Plan policies:

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

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

*If approved, this amendment would conflict with the Neighborhood Policy (4.1.4) and Locally Unwanted Land Uses Policy (5.3.7). Neighborhood character may be impacted by the addition of Community Residential Facilities that include the provision of services to residents living in these facilities. Many neighbors may object to this use. The Fair Housing Act prohibits local municipalities from regulating this use differently than other residential uses. The public benefit of housing choice, ensuring the availability of fair housing and services throughout the City, seems to outweigh the consideration of neighborhood character.*

***Memo – Council Services - City-wide Text Amendments – November 24, 2020***  
***Subsection 14-16-4-3(D)(17)(I) Light Vehicle Fueling Station***

Council Purpose: This amendment would allow for a gas station canopy to count toward the requirement that a building associated with a light vehicle fueling station be within 15 feet of the front property line. Additionally, this amendment would exempt gas stations from Subsection 14-16-5-1(D)(2), which requires that 50 percent of the building be located within 15 feet of the front property lines in UC-MS-PT areas. These requirements as originally written do not conform with CPTED principles, which call for passive viewing of activity from the street. A gas station is unique in that the activity occurs not in the building but at the pumps. Therefore, good visibility of the pumps is important for safety.

Planning Policy Analysis: Part of this amendment furthers Comprehensive Plan policies, while other parts conflict with Comprehensive Plan policies regarding walkability and high-quality development.

The amendment furthers the following Comprehensive Plan policies:

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

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

*If approved, the proposed amendment would further the Land Uses Policy (5.2.1) and Community Character sub-policy (7.3.2.b). This amendment would make it easier for*

*light vehicle fueling stations to meet IDO requirements without modifying the industry preferences for canopies and pumps right on the street, where they act as signs to attract customers.*

*Council Services Staff cites CPTED principles, which are included in the Comp Plan policy 7.3.2.b, as being improved with the proposed amendment. However, specific CEPTED comments, usually from APD, were not included in the memo, so analysis can only be general at this stage.*

*Planning Staff notes that many activities, such as parking, which the Comp Plan advocates for placing in locations where they are not visible from the street, can still meet CPTED principles through careful placement of lighting and sightlines to access points onto the property and building entrances. This policy should not be used to advocate for placing all activities at the street, as that misapplication undermines other policy goals in the Comp Plan.*

The amendment conflicts with the following Comprehensive Plan policies:

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

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

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

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

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

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

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

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

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

*In areas designated at the most urban and most walkable in the city (Urban Centers, Activity Centers, Main Streets, Premium Transit Corridors, Major Transit Corridors, and the MX-H zone district), the IDO currently requires the convenience store portion of any*

*light vehicle fueling station to be placed on the street. This placement is “gas backwards” as one designer put it, although everyone will know from signage that the use is a gas station.*

*In in UC-MS-PT areas, which are intended to be more pedestrian-oriented and urban, the intent is to activate the street with pedestrian-oriented uses and move the auto-oriented portion of the use to the back or side of the lot. Gas companies don’t like this layout because they want the canopy and pumps near the street where they act as additional signage (in addition to the free-standing sign, which is already quite visible). The benefit to this urban layout for gas stations is that pedestrians do not have to cross both the drive aisles for the pumps and the drive aisle to the convenience store. Customers going to the convenience store from the pumps only have to cross the drive aisle for the pumps. There is a benefit to pedestrians as well as a benefit to the built environment at the street, as the building helps establish a “street wall” that is generally pleasing to pedestrians and provides the greatest sense of place for the streetscape- which is what’s intended for UC-MS-PT areas, not all areas.*

*If approved, this amendment would conflict with many policies in the Comp Plan, including those regarding Centers and Corridors, where the current regulation applies. This amendment would undermine the intent of the IDO regulation by allowing the canopy to count as the building and would thereby conflict with Comp Plan policies promoting walkability and development quality within Centers and Corridors.*

*When the IDO was originally adopted, these higher-quality design standards were a major argument for a streamlined approval process. If developments meet the rules, the approval can be granted by Staff or the Development Review Board. The undermining of these rules for higher development quality also negates the promise of the IDO, and the resulting lower-quality development may fuel arguments that more development should go through discretionary review and decision processes to ensure high-quality design, particularly in Center and Corridor areas, which are supposed to have the most pedestrian-oriented development and be the most walkable areas of the city. This would make development approvals slower and more unpredictable in areas where the City wants to encourage growth and development. If Centers and Corridors do not have development standards that make them more walkable and urban over time, there will be little distinction between Centers/Corridors and all other areas in Albuquerque, which renders the vision of the Comp Plan – that more high-quality development occur in Centers & Corridors to create a more walkable, pedestrian-oriented place – moot.*

*The area where the current rules apply is a small portion of the City- just UC-MS-PT areas (see map). Light vehicle fueling stations every place else can continue to develop as the industry prefers. If the proposed, wholesale amendment is a response to a particular site, the gas station industry consists of large, chain operations with several locations. If one of their locations is designed differently because it’s in a special location, it’s just one. Furthermore, perhaps additional signage and/or a variance to signage if needed can*



*address their concern regarding placement of the pumps- provided that is the actual concern, rather than resistance to slightly change a corporate site layout.*

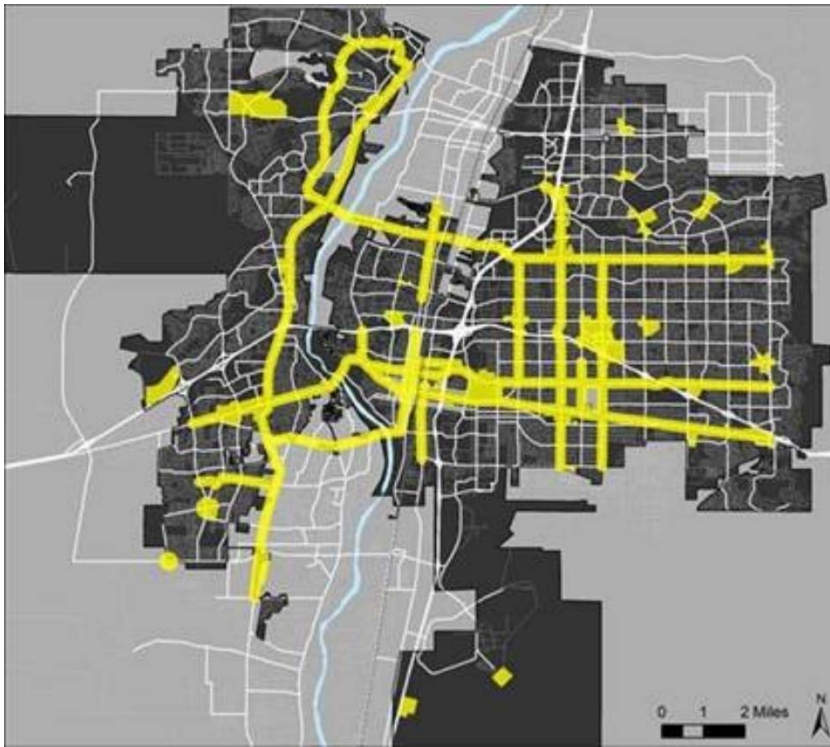


Figure 1: UC-AC-MS-PT-MT areas + MX-H properties

***Memo – Council Services - City-wide Text Amendments – November 24, 2020***

***4-3(D)(19) Light Vehicle Sales and Rental***

Council Purpose: This amendment would change the use-specific standard for light vehicle sales and rental in IDO Subsection 14-16-4-3(D)(19) to allow outdoor display of light vehicles in more MX-H zoned areas. The prohibition will remain for properties zoned MX-H in a UC-MS-PT area to ensure appropriate development standards in these urban locations.

Planning Policy Analysis: Part of this amendment furthers Comprehensive Plan policies, while other parts of it conflict with Comprehensive Plan policies.

The proposed amendment furthers the following Comprehensive Plan policy related to Land Use:

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

If approved, the proposed amendment would generally further Land Use Policy 5.2.1. This amendment would make it easier for light vehicle sales and rental to meet IDO requirements without requiring a canopy for the use to be considered “indoor.” In that sense, this amendment helps support the use in more locations throughout the City.

This amendment conflicts with the following Comprehensive Plan policies related to Land Use, Urban Design, and Economic Development.

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

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

Policy 7.1.1 Design Elements: Prioritize design elements for transit-supportive design along Premium Transit Corridors, walkability within Centers, and a balance of land use and transportation considerations along other Corridors.

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

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

This amendment conflicts with Land Uses Policy 5.2.1, Urban Design Policies 7.1.1 and 7.2.2.b, and Economic Development Policy 8.1.1 because it would allow and encourage lower-density and intensity uses in a zone designated specifically for the highest density and intensity of mixed uses. This would facilitate development of incompatible uses in designated Centers and Corridors, which are intended to be highly walkable, diverse, and pedestrian oriented. The requirement for light vehicle sales and rental to be located indoors in the MX-H zone is intended to allow the use, but in a showroom-style form, with a building at the street edge and the automobile inventory located so it’s not visible from the street and does not disrupt pedestrian realm, or could be located in a lower-intensity zone nearby.

This amendment conflicts with Regulatory Alignment Policy 5.7.2. When the former zoning code districts were converted to IDO zone districts, only a small subset of properties zoned C-3 were converted to MX-H, which requires light vehicle sales and rental to take place indoors. These locations are Premium Transit areas city-wide, and Urban Centers, Activity Centers, Main Streets, and Major Transit east of the river. The remaining C-3 properties that are not in a designated Center or Corridor were converted to NR-C, which does not require light vehicle sales and rental to be indoors.

The intent of this conversion was to select a small number of locations to attract the highest density and intensity of uses in the City. Drawing more intense uses to select locations is one way of maintaining the character and relatively low density of the rest of the City. Lessening what makes the MX-H zone distinct and how it supports the Comprehensive Plan conflicts with the regulatory alignment policy. It is also contrary to creating a range of interesting places with a different development intensities and densities, and therefore conflicts with Economic Development Policy 8.1.1, Diverse Places.

The proposed amendment would be more consistent with Land Use policy 5.2.1 if outdoor vehicle storage was required to be in a screened area not visible from the street. This suggested Use-specific standard would result in a development form that furthers more of the policies listed above, rather than conflict with them.

***Memo – Council Services - City-wide Text Amendments – November 24, 2020***  
***Table 5-5-1 Off-street Parking Requirements – Outdoor Dining Incentives***

Council Purpose: This amendment would reduce the off-street parking requirement for outdoor dining from 5 to 3 spaces and eliminating the parking requirement entirely for Urban Centers, Activity Centers, Main Street areas, and Premium Transit areas (UC-AC-MS-PT). This proposed amendment is intended to incentivize the development of more outdoor dining areas by making it easier to accommodate the use without having to provide required parking.

In response to the COVID-19 public health emergency, the City Council adopted a temporary outdoor dining ordinance (O-20-16) in June 2020. This ordinance allowed for the creation of temporary outdoor dining areas for developed sites by reducing all parking requirements by 25 percent. In the time since this bill was enacted, the importance and attractiveness of outdoor dining areas has increased. This amendment seeks to incentivize outdoor dining areas by permanently reducing the parking requirement for outdoor dining.

Planning Policy Analysis: Part of this amendment furthers Comprehensive Plan policies, while other parts conflict with a Comprehensive Plan sub-policy for site design.

This amendment furthers the following Comprehensive Plan policies related to Land Use, Urban Design, Economic Development, and Resilience & Sustainability.

Policy 7.1.1 Design Elements: Prioritize design elements for transit-supportive design along Premium Transit Corridors, walkability within Centers, and a balance of land use and transportation considerations along other Corridors.

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

Policy 7.4.1 Parking Strategies: Provide parking options, optimize parking efficiencies, and plan for parking as essential infrastructure.

Policy 7.4.2.b.i. Parking Requirements: In urban development contexts and within walking distance of high-capacity or high-frequency transit stops or stations, lower parking requirements for development adjacent to high-frequency transit or within 1/4-mile of a high-capacity transit station or transit center.

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

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

Policy 13.5.2 Healthful Development: Encourage public investments and private development that enhance community health.

*If approved, the amendment would generally further Design Elements Policy 7.1.1, Walkable Places sub-policy 7.2.2.b, Parking Requirements Policy 7.4.1, Parking Requirements sub-policy 7.4.2.b.i, Diverse Places Policy 8.1.1, Resilient Economy Policy (8.1.2), and Healthful Development Policy (13.5.2). Local businesses' use of the temporary outdoor dining option during the pandemic demonstrates that this way of accommodating dining is viable and may have long-term implications for how restaurants, bars, etc. accommodate their customers. The proposed changes would incentivize businesses to establish practices that support growth of their businesses and customer health.*

*The proposed changes would not incentivize outdoor dining throughout the City, but are narrowly tailored to fit the needs of Urban Centers, Activity Centers, Main Streets, and Premium Transit areas, specifically where the design capacity is suitable for accommodating an increase of this commercial activity.*

The amendment conflicts with the following Comprehensive Plan sub-policy:

Policy 7.5.2.b. Site Design: Design outdoor spaces to use landscape elements, shade, openings for winter sun, and non-glare materials advantageously to create inviting and comfortable places for people to gather in all seasons.

*If approved, this amendment would conflict with the Site Design sub-policy 7.5.2.b. While designing a site to support outdoor dining would be valuable during months of the year with sun and good weather, weather conditions in Albuquerque vary greatly by season. Therefore, this amendment would potentially not be viable for businesses during the colder and windier months of the year.*

*Though the proposed text amendment would generally support walkability and alternative modes of transportation in UC-AC-MS-PT areas, it is possible that parking demand could exceed parking supply in some instances. Furthermore, this would create*

*a permanent change to address a temporary issue that perhaps could be addressed as an emergency measure and on a case-by-case basis.*

***Memo – Council Services - City-wide Text Amendments – November 24, 2020  
Table 5-5-8 Stacking Requirements for Drive-throughs and Drive-ups***

Council Purpose: This amendment proposes to increase the number of minimum stacking spaces for drive-throughs or drive-ups associated with a restaurant in Table 5-5-8 from 6 to 12 City-wide and from 4 to 6 in UC-MS areas. As confirmed by the transportation engineer in the Planning Department, the current minimum does not provide adequate on-site vehicle stacking. Many applications provide at least 12 vehicle stacking spaces anyway. IDO Subsection 14-16-5-5(I)(1)(a) already requires vehicle stacking spaces to be integrated into the site layout, and that layout must be approved by the department transportation engineer. During the COVID-19 public health emergency, drive-through and drive-up services have allowed restaurants and retailers to continue to offer goods and services. This increased demand has shown a need for additional stacking requirements, as drive-through and drive-up uses are expected to continue to have a high demand into the future.

Planning Policy Analysis: Part of this amendment furthers Comprehensive Plan policies, while other parts conflict with Comprehensive Plan policies for air quality and transportation infrastructure.

This amendment furthers the following Comprehensive Plan policies related to Transportation and Economic Development:

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

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

Policy 8.2.1 Local Business: Emphasize local business development.

***If approved, the amendment would further Redevelopment Policy 6.6.4 and Resilient Economy Policy 8.1.2. The proposed amendment would apply to all restaurants, local and national chains, and would not necessarily promote local business more so than chains. This amendment responds to recent applications for drive-throughs and drive-ups providing at least 12 vehicle stacking in response to the increased demand due to the pandemic. The changes are proposed in consultation with the Planning Department's transportation engineer and take into consideration current IDO and DPM requirements for incorporating adequate vehicle stacking into site layout.***

*The amendment is context-sensitive to address the increasing demand for additional stacking requirements in commercial areas of the city (and keep any adverse effects away from residential neighborhoods) and is also narrowly tailored to address the needs of only restaurants (not other types of businesses that utilize drive-throughs and drive-ups). By increasing stacking spaces on-site, traffic congestion that has been occurring on the periphery of sites due to inadequate stacking spaces should be reduced or eliminated.*

The amendment conflicts with the following Comprehensive Plan policies:

Policy 6.4.2 Air Quality: Reduce the adverse effects of automobile travel on air quality through coordinated land use and transportation that promote the efficient placement of housing, employment, and services and improve the viability of multi-modal transportation options.

Policy 7.6.2.a Transportation Infrastructure: Design sites to coordinate auto access, circulation, and building placement to minimize harmful effects of traffic on single-family neighborhoods adjacent to major streets.

Policy 13.4.1 Air Quality: Maintain good air quality that complies with federal standards to safeguard public health and enhance quality of life for all residents.

*If approved, the amendment would conflict with Air Quality Policy 6.4.2, Transportation Infrastructure Sub-policy 7.6.2a., and Air Quality Policy 13.4.1. Even though the proposed changes would increase each site's capacity to accommodate automobile traffic, increased numbers of idling automobiles waiting in line will increase the amount of pollution being emitted at the site and decrease air quality in the surrounding area, including any nearby neighborhoods.*

***Memo – Council Services - City-wide Text Amendments – November 24, 2020***  
***Subsection 14-16-5-6(C)(1) – Maintenance of Landscaping***

Council Purpose: This amendment would add a cross-reference in IDO Subsection 14-16-5-5(C)(1) to IDO Subsection 5-13(B)(6) Operations and Maintenance, which requires that any landscaping installed pursuant to a Site Plan or development approval must be maintained and replaced, if necessary. Adding this cross-reference will help raise awareness that property owners need to maintain all landscaping on their property as approved by the City.

Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policy related to Land Use.

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

If approved, the amendment would add a cross reference to the landscaping section of the IDO to remind owners that they must maintain their required site landscaping. This requirement does not apply to low-density residential development. This amendment does not change the substance of any regulation. However, the intent of this proposed change is to improve compliance with this regulation by raising awareness of this requirement.

***Memo – Council Services - City-wide Text Amendments – November 24, 2020***  
***Subsection 14-16-5-12(F)(2)(b) – Joint Sign Premises***

Council Purpose: This amendment eliminates the current frontage requirement in Subsection 14-16-5-12(F)(2)(b) for joint sign premises to allow joint signs irrespective of lot size. The intent behind the current regulation is to limit sign clutter, allowing either individual signs or joint sign premises but not both. Table 5-12-2 allows either one freestanding sign per premises or 1 joint sign premises. Joint sign premises generally reduce visual clutter (providing one sign for multiple businesses), so they should generally be encouraged as they are currently.

As written, the frontage requirements for joint sign premises purposefully do not allow properties that have more than 100 feet of frontage to have a joint premises sign, because each lot is likely to have its own free-standing sign. The requirement to have a minimum 100 feet of frontage for individual signs is so that, in areas of town where there are a number of smaller premises on abutting lots, they are required to do joint sign premises in order to avoid visual clutter.

Planning Policy Analysis: Part of this amendment furthers a Comprehensive Plan policy, while other parts of the request conflict with a Comprehensive Plan policy.

This amendment furthers the following Comprehensive Plan policy related to Land Use:

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

If approved, the amendment would remove the requirement for joint sign premises to consist of multiple lots, each with less than 100 feet of street frontage, that combined, equal over 100 feet of street frontage. The sign regulations allow freestanding signs for properties with over 100 feet of street frontage.

This amendment conflicts with the following Comprehensive Plan policy related to Land Use: Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

As currently regulated, any lot or collection of lots with less than 100 feet of street frontage would not be allowed a freestanding sign. Small lots have to share signs so that there's not too much sign clutter along a given street. Removing the second requirement that the combined

premises have at least 100 feet of street frontage is likely to result in more signs than allowed under the current regulations, which is inconsistent with the stated intent of this change.

Rather than lessen signage clutter, this amendment would increase it and allow signs to proliferate on both small and large lots. Signage companies would benefit by being able to sell more signs: each lot could have its own free-standing monument sign (each lot and/or business typically wants its own sign) in addition to the larger, free-standing monument signs shared by 2 or more premises.

Allowing freestanding signs more frequently than every 100 feet could also pose safety hazards, such as reducing visibility along the road for vehicles entering and exiting private property. Public safety was the original justification for the current requirement that limits freestanding signs to no more frequently than every 100 feet, and is a viable justification for not changing the current IDO regulation 5-12(F)(2)(b).

***Memo – Council Services - City-wide Text Amendments – November 24, 2020***  
***Subsection 14-16-6-6(I)(3) Site Plan – DRB Review and Decision Criteria***

Council Purpose: The IDO gives the Planning Director, and his/her designees, some discretionary authority related to wall height; access and driveway placement; and alternative landscape plans, including landscape spacing, plant density, or alternative plantings. The Planning Director is Chair of the Development Review Board (DRB), or the Director can appoint a designee. This amendment would give the DRB authority to identify mitigation measures within the scope of the Planning Director's discretionary authority if the DRB identifies significant adverse impacts on adjacent residential uses, Major Public Open Space, or private open space. Such discretionary decisions would require the DRB to conduct hearings quasi-judicially, where Staff is essentially acting as judges, rather than as administrators, of the zoning code.

The DRB already operates under the requirements of a quasi-judicial process to review site plans and therefore can work within the limited discretion provided by the proposed review criterion. Public notice and hearings are conducted in compliance with the requirements of the Open Meetings Act. The DRB follows due process requirements, such as swearing in speakers for site plan cases and allowing applicant and public speakers the opportunity for cross examination. The DRB members refrain from ex-parte communication. When communication outside of the DRB meeting is deemed necessary to advance review of the site plan, the DRB members disclose that communication in writing to the record of the case. This additional review and decision criterion for Site Plan – DRB will allow the DRB, in a limited capacity, to request that a site plan include additional features to mitigate potential adverse impact on the surrounding community.

Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policies related to Community Identity, Land Use, and Heritage Conservation:



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

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

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

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

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

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

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

Policy 11.3.1 - Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

Policy 11.3.1.a Natural and Cultural Features: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment

***If approved, this amendment would further many Comp Plan policies. The discretion granted would help mitigate negative impacts in residential areas and next to Major Public Open Space and private open space. This decision criterion would help encourage conservation development. While the discretion to add requirements beyond the predictable standards in the IDO may introduce some unpredictability in the development process, the alternative is either to apply for a variance – a slow and unpredictable process that may be overkill for walls, access, and landscaping. The proposed decision criterion provides a limited amount of bounded discretion that seems appropriate for a board made up of Staff.***

***Memo – Council Services – City-wide Text Amendments – November 24, 2020  
Section 14-16-7-1 Cluster Development***

Council Purpose: This amendment revises the definition of a cluster development to make clear that cluster development does not increase the overall density of a development over a traditional subdivision development form, but rather allows dwellings to be grouped or clustered on smaller lots.

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

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

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

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

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

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

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

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

***If approved, the amendment would revise the definition of cluster development in the IDO to clarify the original intent of this use, which is not to increase density but to preserve common open space for recreation and enjoyment by allowing an alternative site layout. This clarification supports the type of high-quality development originally intended for this use in Policy 5.3.3 – Compact Development and Policy 5.3.4 – Conservation Development (5.7 and 5.7.2). The amendment also protects the identity of communities by ensuring appropriate density. It clarifies the definition of cluster development to explain that this use does not increase density compared to a traditional subdivision development (4.1 and 4.1.2).***

***Memo – Council Services – City-wide Text Amendments – November 24, 2020  
Section 14-16-7-1 Common Open Space Definition***

Council Purpose: The purpose of this amendment is to amend the definition of Common Open Space. Common Open Space is only required when developing the Cluster Development use. The amendment removes on-site ponding as an area that can be considered for Common Open Space. On-site ponding areas often have an AMAFCA or City of Albuquerque easement associated with them and may not always be preserved in a form that can be enjoyed by the residents of a cluster development. In addition, the definition is revised to clarify that Common Open Space can include existing site features that are desired to be preserved, including historic buildings, sensitive lands, and hazard prone areas.

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

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

Policy 5.3.4.c: Use cluster development to concentrate buildings on a portion of the site, in particular near floodplains or other natural features, to allow the remaining land to be used for recreation, open space, agriculture, or preservation of sensitive land areas.

Goal 11.2 – Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

Policy 11.2.3 – Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

Goal 12.1 – Infrastructure: Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan's vision for future growth.

Policy 12.1.4 – Drainage and Flood Control: Reduce or eliminate flooding by improving ponding and drainage capacities in an environmentally sensitive manner through the development process and in coordination with flood control agencies.

*If approved, the amendment supports the improvement of ponding and drainage capacities through the development process by removing on-site ponding as an area that can be considered as Common Open Space in cluster developments. This amendment to the Common Open Space definition allows for on-site ponding capacities to remain solely for the purpose of reducing or eliminating flooding (12.1 and 12.1.4).*

*The amendment also specifies that Common Open Space can include existing site features that are desired to be preserved, including historic buildings, sensitive lands, and hazard-prone areas. The preservation of these buildings and areas furthers Policy 5.3.4 and sub-policy 5.3.4.c, which encourage development that preserves geological and cultural conditions as well as sensitive land areas. Additionally, the amendment also furthers Goal 11.2 – Historic Assets and Policy 11.2.3 – Distinct Built Environments, which both intend to preserve historic buildings and features, including those distinct to certain communities.*

***Memo – Council Services - City-wide Text Amendments – Multiple Sections – Food Trucks***

Council Purpose: This amendment proposes to add a new use to the IDO called “Mobile Food Truck Court.” Currently, Mobile Food Trucks are an accessory use in the IDO and therefore cannot be the only use on a site. Adding Mobile Food Truck Court allows for food trucks to be the primary, i.e. only, use on a site. In light of the COVID-19 public health emergency, mobile food trucks have been a popular alternative to indoor dining. Creating a new use for Mobile Food Truck Courts will allow further opportunities for mobile food vendors to have a space to offer their goods and services to the public.

Planning Policy Analysis: This amendment furthers the following Comprehensive Plan policies related to Land Use, Urban Design, and Economic Development:

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

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

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

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

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

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

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

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

***If approved, this amendment would further many Comp Plan policies. Food truck courts are a low-impact way to bring local food service closer to neighborhoods and to add vibrant, safe outdoor spaces on underutilized and vacant lots. The use-specific standards ensure that food truck courts provide trash receptacles and that generators (which can generate noise and fumes) are not allowed. The current use – mobile food truck – will remain an accessory use that would allow the use of generator when accessory to a primary use other than a food truck court. The parking requirement would ensure that food truck courts do not negatively impact surrounding development with excessive parking overflow.***

*A related proposed amendment to Subsection 14-16-5-5(B)(1) would require compliance with parking lot standards for landscaping, etc. (The current use – mobile food truck – does not have a parking requirement.) Food trucks have proven to be a source of resilience within the local economy, and allowing food truck courts is intended to leverage this resilience beyond the COVID-19 public emergency.*

*One improvement that could be made to the proposed language would be to specify where the 20 feet that is required for paving the access begins, as does the red text below:*

*4-3-(D)(31)(f)- Ingress and egress areas shall be paved with an impermeable surface for a minimum length of 20 feet into the lot from the edge of the public right-of-way.*

*The mobile food truck court operator would be required to provide trash receptacles. See the proposed 4-3-(D)(31)(b). Staff suggests that hand-washing stations and restroom facilities also be provided at food truck courts.*

***Spreadsheet – City-wide Text Amendments – Multiple Sections – Historical Protection Overlay (HPO) Zone Process changes***

Purpose: These related, proposed changes would require IDO regulations within Historic Protection Overlay (HPO) zones to be reviewed by the Landmarks Commission (LC), which will make a recommendation to City Council, the final decision-making body. Currently, the IDO establishes the EPC as the review and recommendation body. These changes would revert to pre-IDO practice, where the LC reviewed changes to the H-1 zone district (Old Town) and to provisions in the EDO Sector Development Plan. Note that Historic Standards and Guidelines are still reviewed and decided by the LC pursuant to IDO Section 14-16-6-6(E).

One amendment would add a new subsection for "Adoption or Amendment of Landmark or Historic Protection Overlay Zone" to IDO Section 3-5. Another related amendment would add a new subsection to IDO Section 6-7(C)(1) – Applicability stating that any amendments to the text of an HPO zone or any IDO standards that apply to an HPO zone will be considered as a part of the Adoption or Amendment of Historic Designation process.

Another related amendment would add language to 6-6(H)(2) and 6-6(N)(2). The language notes that all applications in an HPO zone or on properties or in districts listed on the State Register of Cultural Properties or the National Register of Historic Places shall first be reviewed by the Historic Preservation Planner who will send a recommendation to the ZEO. This same language currently exists in process sections for Wall or Fence Permit - Minor and Variance – ZHE.

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

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

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

Goal 11.2 – Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

*If approved, the amendments further Implementation Processes Policy 5.7 and Regulatory Alignment Policy 5.7.2. The IDO's procedures and processes in Parts 14-16-3 and 14-16-6 have been developed to effectively and equitably implement the Comprehensive Plan. In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO established an annual update requirement into the regulatory framework. Proposed changes are intended to continually improve how the IDO implements the Comp Plan by aligning regulations with Comp Plan goals and policies. These amendments specifically address Regulatory Alignment by updating the review process for Albuquerque's historic assets.*

*With these amendments, the Landmarks Commission will first review IDO provisions regarding HPO zones and make a recommendation to City Council, the final decision-making body. One of the amendments also gives the Historic Preservation Planner oversight in reviewing applications in an HPO zone or on properties or in districts listed on the State Register of Cultural Properties or the National Register of Historic Places who will make a recommendation for the ZEO. These review processes will work to preserve and enhance significant historic districts and buildings in Albuquerque (11.2).*

*Although not currently required, the Planning Department is asking the LC to review these proposed changes and send a recommendation to City Council in parallel to the EPC's recommendation through this annual update process.*

#### ***New Changes Proposed Since Application Submittal***

In reviewing public comments, Staff has identified several additional revisions to previously proposed changes.

Planning staff identified an inconsistent use of verbs in a Use-specific standard for hospitals. The intent of this rule is to prohibit ambulance transportation to and from hospitals in the MX-M zone. However, the standard says "may not include ambulance transportation to or from the facility." The use of "may" is slightly ambiguous whether it is prohibited or not: other uses of "may" in the IDO are permissive allowing something but this is the only instance where it is used as a prohibition. Planning staff propose to revise the Use-specific standard 4-3(C)(5) to replace "may" with the word "shall" to be consistent with other prohibitions in the IDO.

Planning staff recommends a minor text addition to the proposed mobile food truck court use-specific standard for consistency with other IDO language related to measurements.

## **V. PUBLIC OUTREACH**

### ***Meetings and Presentations***

Annual updates were reviewed at an online public study session / open house in December 2020 via Zoom. Planning Staff presented the proposed amendments and then hosted breakout rooms, where people could ask questions and discuss with Staff. This meeting was recorded and is posted on the project webpage at: <https://abc-zone.com>.

Staff also recorded a line-by-line reading, as required by a neighborhood representative, of the proposed amendments and posted recordings of each page on the project webpage.

The EPC held a study session regarding the proposed 2020 IDO amendments on January 14, 2020. This was a publically-noticed meeting.

## **VI. NOTICE**

### ***Required Notice for the EPC Hearing***

For an Amendment to IDO Text, the required notice must be published, mailed, and posted on the web (see Table 6-1-1: Summary of Development Review Procedures.) A neighborhood meeting is not required for an Amendment to IDO Text. The City published notice of the EPC hearing on December 21, 2020, the legal ad, in the ABQ Journal newspaper.

First class mailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination pursuant to the requirements of IDO Subsection 14-16-6-4(K)(2)(a) (see attachments).

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

The City also posted notice of the application and EPC hearing on the project website at this address: <https://abc-zone.com/ido-annual-update-2019>

The City posted all proposed changes to the IDO on the project webpage beginning on November 30, 2020: <https://abc-zone.com/ido-annual-update-2019>

### ***Additional Notice Provided***

Email notice about the application and the EPC hearing was sent to approximately 10,000 subscribers to the ABC-Z project update email list on December 7, 2020 (see attachment).

Both the neighborhood association notification letter and the email notice to 10,000 residents and stakeholders included information about the public open house meeting held on December 17, 2020 to review the proposed amendments.

## **VII. AGENCY & NEIGHBORHOOD COMMENTS**

### ***Reviewing Agencies***

A few agencies reviewed the request and replied “no comment”. Several agencies provided substantive comments related to this application, including PNM, ABQ Ride, NM Department of Health, and Code Enforcement.

#### ***PNM***

PNM’s letter includes a broad policy analysis, but in some cases leaves out specifics necessary to understand the proposed text amendments.

#### **1. 1-7(A) GENERAL**

- 1-7(A)(3) Other City regulations or State or federal laws may apply [+, such as the National Electrical Safety Code (NESC)+], even if the IDO is silent on these other applicable laws or regulations. Violations of these other applicable laws or regulations are not considered violations of this IDO.

The proposed amendment serves to bring attention to the NESC and “advertise” this important safety code. NESC requirements are part of the building permit, plan check, and inspections processes. If a few projects have been implemented contrary to these requirements, they can be addressed through enforcement, and perhaps legal action if necessary. If applicants and/or designers are not paying as much attention to NESC requirements as they should, perhaps the Planning Department can assist by improving coordination and communication and highlighting these requirements on, for example, building permit checklists. Staff finds this proposed amendment unnecessary, but relatively harmless.

2. [+ 1-8(E) If any regulation in this IDO conflicts with any applicable regulations, standards, or processes of the City-adopted Rank 2 Facility Plan: Electric System Transmission & Generation (Facility Plan), the provisions in the Facility Plan shall prevail. +]

Planning System, Rank II facility plans are generally not regulatory in nature. They are policy documents. However, the Electric System Transmission & Generation Plan contains design standards that apply to substation design so it makes this particular plan somewhat of a hybrid, although the Open Space Facility Plan contains resource management plans that also address regulations. Making an exception for one Facility Plan is likely to be followed by requests from each entity for its “special” facility plan. Rather than do this piecemeal, all Facility Plans should be considered and all stakeholders involved- not just PNM.

The PNM memo does not explain how the Electric System plan’s implementation is inconsistent; Staff is not aware that it has been. If so, a Plan update may be a more appropriate mechanism to remedy this.



The proposed amendment would elevate the Electric Systems Facility Plan above the IDO, which is wholly a regulatory document. Generally, this is not good planning practice. If PNM has a particular need, perhaps regarding a particular project, Staff encourages them to begin a dialogue regarding ways to meet that need rather than a wholesale amendment to the IDO. Furthermore, Subsection 14-16-1-8(D) already states the following:

*1-8(D) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable State or federal law, the more restrictive provision shall prevail, unless the provisions of State or federal law, as interpreted by the courts, prevent that result.*

No changes are proposed to 1-8(D), which already covers any instances of conflict. Therefore, the proposed 1-8(E) is unnecessary and could create an internal inconsistency in the IDO. Amendment to the Rank II facility plan is the proper mechanism to address electric system standards and processes that need to be updated.

3. Use-specific standards, 4-3(E)(8) Electric Utility

4-3(E)(8)(a) All uses and facilities shall be subject to those terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended.

4-3(E)(8)(b) Where this use includes geothermal or solar energy generation, the provisions of Subsections 14-16-4-3(E)(9) or 14-16-4-3(E)(10) apply.

4-3(E)(8)(c) Electric Generation Facilities, as identified in the Facility Plan for Electric System Transmission and Generation, are of a larger scale and more industrial in nature. This facility type is only allowed [+ as a primary use +]in the NR-GM zone district [+ except for solar energy generation and battery storage facilities, which can be primary uses in the NR- BP, NR-LM, and NR- GM zone districts+].

[+4-3(E)(8)(d) Solar Energy Generation, back-up generators, and battery storage are accessory uses in all zone districts where electric utility is allowed. +]

The proposed text amendment would expand the zones in which solar energy and battery storage facilities are allowed, but would leave the more intense generation types (ex. natural gas, geothermal, wind, biomass, nuclear, coal) as permissive in the NR-GM zone, which is appropriate for such uses. A new use-specific standard would be added to make Solar Energy Generation, back-up generators, and battery storage an accessory use. The question is: electric utility as a use is allowed in most zones, including residential zones (ex. R-1), but should generation be? Staff believes generally not, but the limitation to specific types of lower-impact generation technologies seems acceptable.

4. 6-3(B) RANK 2 FACILITY PLANS

Facility Plans provide policy guidance on a particular topic citywide to relevant implementing departments. They normally cover only one type of natural resource (such as

Major Public Open Space) or one type of public facility or utility (such as electricity transmission). These plans are required to be consistent with the ABC Comp Plan, as amended, and to identify how they relate to its vision, goals, and policies. In case of conflict, policies in the ABC Comp Plan, as amended, shall prevail. [+The Facility Plan: Electric System Transmission and Generation contains standards and processes that prevail over normally applicable IDO regulations (see also Section 14-16-1-8(E). +]

Though focused on the Electric Systems Plan, Staff finds this language potentially problematic for the reasons explained in 2, above. The standards and process in the Electric Systems Facility Plan (2010-2020), written by PNM to apply to itself, can be changed through the proper mechanism- amendment of the Rank II Plan which, in 2021, should be happening soon.

*NM Department of Health (NMDOH)*

Planning staff met with NMDOH to get data on permitted cannabis locations to implement the City's new distance separation requirements for cannabis-related uses. In these meetings, NMDOH staff identified a gap in our definition of cannabis manufacturing. The current definition of cannabis-infused products manufacturing only applies to products infused with cannabis and products that are not smoked.

NMDOH pointed out that they regulate the production of vaping and dabbing products, which are smoked, but not a leaf product. Our manufacturing definition excludes this common product because they are smoked. Planning staff believe that the intent of this regulation was to capture any processing of the cannabis leaf into another refined product.

Infusing cannabis is one process/product, but there are other processes and products that are manufactured. The main manufacturing processes include concentrating the psychoactive chemicals, infusing the leaf product in oil/alcohol to create a tincture or ointment, or crushing and baking the raw leaf for edibles.

To address these gaps, Planning staff proposed the following revisions:

*Cannabis-infused Products Manufacturing*

The processing of a product, other than cannabis itself, which contains or is derived from cannabis, including but not limited to concentrates, cannabis infusions, edible products, ointments, and tinctures and not including hemp.

*ABQ Ride*

In a collaborative working group of members of Council Services, ABQ Ride, and the Planning Department, one additional change to the Transit Peak Service Frequency definition is recommended to help clarify the methodology used to develop and maintain the data created to administer the parking reduction allowances that were revised in the 2019 IDO Annual Update. The change clarifies that the Planning Department's Albuquerque Geographic Information Services (AGIS) Division will publish the data created by the Transit Department, and removes an unnecessary phrase about averaging the frequency of the route in each direction.

*Planning Department*

Planning staff identified an inconsistent use of verbs in a Use-specific standard for hospitals. The intent of this rule is to prohibit ambulance transportation to and from hospitals in the MX-M zone. However, the standard says “may not include ambulance transportation to or from the facility.” The use of “may” is slightly ambiguous whether it is prohibited or not: other uses of “may” in the IDO are permissive allowing something but this is the only instance where it is used as a prohibition.

Planning staff proposes to revise Use-specific standard 14-16-4-3(C)(5) to replace “may” with the word “shall” to be consistent with other prohibitions in the IDO.

Planning staff recommends a minor text addition to the proposed mobile food truck court use-specific standard for consistency with other IDO language related to measurements.

***Neighborhood/Public***

Mailed and email notice was sent to every neighborhood organization registered with the Office of Neighborhood Coordination. (See application materials.) As of this writing, Staff has received 5 comments. The comments are discussed below, and organized by the section of the IDO that the comments address.

*Section 4-3(B)(3), Cottage Development*

This comment is from Ms. Walthers, on behalf of the Rio Grande Blvd. Neighborhood Association. It states: “We do have concerns about all three proposed Council amendments regarding Cottage development. The North Valley has many lots that are a quarter acre. We think that allowing Cottage development on lots between 10,000 sf and one acre will change the character of the valley. Other areas of the city typically have smaller lots. So, this change would [have] a much smaller impact on those areas. The second amendment calls for makes this development a conditional use throughout the city. We know that the argument is that through the conditional use process neighborhood associations would be able to have input. We feel this would put an enormous burden on neighborhood associations. We already track DRB applications, EPC applications, OSAB meetings, and IDO proposed changes. We will also be involved in community planning areas, so our plate is full already. The third Cottage development proposal expands the areas where these 10,000 sf to acre lots can have Cottage development to Activity Centers, Downtown, and Employment Centers. The 2019 updates to the IDO expanded Cottage development to the 10,000 sf to acre lots for UC-MS-PT areas. This process was just completed in the Fall of 2020. We feel that the City should see how this change works out before expanding Cottage development to other areas. We are not aware of any property that has submitted plans for these smaller lots. Waiting to implement the expansion to other areas will allow neighbors to see how these new Cottage developments are implemented and how the design affects adjacent properties. Presently, it is very hard for to visualize how these properties will be developed.”

**Analysis:** To respond to these concerns, the EPC could recommend to City Council not to adopt any of the three proposed text amendments related to Section 4-3(B)(3), Cottage Development. However, Staff analysis indicates that applicable Goals and policies related to cottage development are furthered.

*Section 5-2(D), Climatic and Geographic Responsiveness*

This comment is from Titan Development and pertains to changes proposed in Subsection 5-2(D). The comment states: “this regulation is incredibly vague and subjective, and could result in impacts to density, site design, and ultimately feasibility of a project. Additionally, it conflicts with Geographic Responsiveness section in that buildings could be located to maximize solar, but therefore they are not maximizing views, etc. The entire section needs to be removed.”

The comment also states: “It is always in the owner’s best interest to develop a site and promote views, as that is the best way to achieve premium value on a property. In reality, it is impossible to design every building and unit with maximum visibility to geographic features. As a developer of multi-family projects, it is our primary concern to take advantage of these attributes and we don’t think the planning department needs to have oversight here.”

**Analysis:** To respond to these concerns, the EPC could recommend to City Council not to adopt any of the proposed amendments to Section 5-2(D), Climatic and Geographic Responsiveness. However, Staff analysis indicates that applicable Goals and policies related to climate responsiveness are furthered.

*Table 5-5-1, Outdoor Dining & Table 5-5-8, Drive-through and Drive-up Stacking*

This comment is from Ms. Walthers, on behalf of the Rio Grande Blvd. Neighborhood Association. It states: “In general, we do not have any specific objections to the changes regarding Outdoor Dining and Drive through and Drive-up Stacking Parking. However, we question changes being made that are being proposed because of the COVID pandemic. While behavior has changed during the pandemic, no one knows if these changes will persist after the pandemic. Thus, we think that changes should only be made if they make sense for the long term. COVID should not be the justification.”

**Analysis:** There is language that explains the policy implications of these changes beyond their utility in responding to the Covid-19 pandemic. However, Staff analysis indicates that applicable Goals and policies related to climate responsiveness are furthered.

*Section 5-11(D), Multi-family Building Design*

This comment is from Titan Development and pertains to the proposed changes to building standards for multi-family development. The comment states: “We have concerns with how they are currently proposed, but are working through these issues and hope to have them addressed through these meetings.”

**Analysis:** Staff analysis indicates that applicable Goals and policies related to urban design are furthered.

*Section 5-11 - Window glazing*

Another comment was submitted by Mr. Kassam. Re: Nob Hill Text amendment allowing residential building frontages, he supports this change and requests: “I feel that this should apply wherever there is a minimum glazing requirement in the UC-MS- PT areas.”

**Analysis:** Staff analysis indicates that applicable Goals and policies related to urban design are furthered.

Another comment related to window glazing is from Mr. Gamelsky on behalf of the AIA Albuquerque Chapter of the Committee on the Environment. These comments generally request the glazing requirements be reduced to promote more energy efficient buildings. The letter identifies 5 Character Protection Overlay Zones, Multifamily Residential Development, and all development in UC-AC-MS-PT areas that require more window glazing than is supported by the 2015 International Building Code. The letter mentions two strategies that could mitigate the heat energy gain – shading south facing windows and providing window films for energy efficiency. Both of these strategies are allowed and encouraged to address energy heat gain, as long as the film meets the transparency standards in the Transparent Window or Door Definition:

**Transparent Window or Door**

A window or door with windows rated with a Visible Transmittance of 70 percent or greater or a combination of glass and coating or finish to satisfy the equivalent standard. A transparent window or door on the ground floor permits easy viewing into the building from the sidewalk from a minimum distance of 3 feet away from the building. Reflective or mirrored glass is not considered to be transparent. Any portion of a door or window that is covered with a sign or translucent window wrap is not considered to be transparent. See also *Reflective or Mirrored Glass*.

The EPC could consider revising the following sections of the IDO to address the citywide glazing requirements for multi-family development and development in the UC-AC-MS-PT areas, and revise the requirements as follows:

<b>Current Requirement</b> <b>Multi-family residential</b>	<b>Requested by AIA</b> <b>Multi-family residential</b>	<b>Current Requirement</b> <b>UC-AC-MS-PT</b>	<b>Requested by AIA</b> <b>UC-AC-MS-PT</b>
<b>Ground Floor</b>			
None specified citywide; UC-MS-PT is 20% of the façade	North side, if street-facing = 8%	30% if street-facing	North side, if street-facing = 8%
None specified citywide; UC-MS-PT is 20% of the façade	South side, if street-facing = 12.5%	30% if street-facing	South side, if street-facing = 12.5%
None specified citywide; UC-MS-PT is 20% of the façade	West side, if street-facing = 10%	30% if street-facing	West side, if street-facing = 10%
None specified citywide; UC-MS-PT is 20% of the façade	East side, if street-facing = 10%	30% if street-facing	East side, if street-facing = 10%
<b>Second Story and Above</b>			

None specified citywide; UC-MS-PT is 20% of the façade	None	None specified	None
None specified citywide; UC-MS-PT is 20% of the façade	None	None specified	None
None specified citywide; UC-MS-PT is 20% of the façade	None	None specified	None
None specified citywide; UC-MS-PT is 20% of the façade	None	None specified	None

If the issue is the standards in the Character Protection Overlay Zones, those would need to be individually amended.

Staff does not believe that these standards for UC-MS-PT areas conflict with the building code. The building code allows a maximum amount of fenestration (“transparent windows or doors” in the IDO) to be provided among all 4 sides of the building, inclusive of all stories. In the IDO, more emphasis is placed on a higher amount of windows or doors on the ground floor, for the purposes of activating the pedestrian streetscape in urban centers. This would allow shifting of some of the window “allowance” from the higher stories to the ground floor. Additionally, in urban settings such as UC-MS-PT areas, it is more common for buildings to share walls, in which case more windows could be provided on the street-facing side(s).

It is also unclear if the recommendations are replicating the building code, in which case zoning standards would not be required to address this. The 2019 IDO annual update included a new provision in Subsection 1-8(C) that states: “If any regulation in this IDO conflicts with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code) or any other building safety codes, the provisions in those codes shall prevail.” The intent of the IDO is to set a higher bar for livability and activation of streetscapes in locations intended for more dense and intense development.

**Analysis:** To respond to these concerns, the EPC could recommend to City Council to adopt the proposed standards listed as “Requested by AIA” in the table above. Staff believes that the policy intent of creating active pedestrian streetscapes would be better accomplished with the current regulations for the UC-AC-MS-PT areas. The proposal would not concentrate the windows on the street-facing building frontage at the ground level. Due to the conflict with Comp Plan policy, staff believe that no change is warranted to address these concerns.

#### *Section 5-12, Temporary Signs*

The second comment was submitted by Mike Griffin and proposes changes that are intended to address election period signs. Because of court rulings that prohibit regulating signs based on content, these signs fall under the category of temporary signs.

The first request is to exclude any temporary signs from the count and size limits for regulated signs. Temporary signs are already excluded from the permanent sign count and size. A property can have up to 4 temporary signs, and one if these signs may be displayed for a longer duration, as would be appropriate for a political sign. This requested change would allow all 4 temporary signs to be displayed for a longer duration, where the intent of the current rule was to allow one political sign. Staff believe that no change is warranted to address this concern.

The second, third, and fourth request is to obtain written authorization to place a temporary sign on private property not owned by the person wishing to place the sign. Generally it is the property owner's responsibility for monitoring and maintaining what happens on their property; it is unclear who would maintain the authorization form and who would verify if one was obtained. Adding a new required form does not seem like it would address the issue of illegally posted temporary signs. Staff believe that no change is warranted to address these three concerns.

The fifth change is to allow Code Enforcement staff the authority to remove all temporary signs if there are over five on a single property. This appears to be an expeditious approach to ensuring compliance with the four or less per property. However, in some cases it is unclear where the property lines are and if there are multiple properties in a shopping center development or on vacant land. This could result in uneven enforcement of this regulation. Staff believe that making the proposed change could cause more harm than good in addressing the issue raised. In general, first amendment rights to free speech should take precedence over a sign regulation that is more about controlling the aesthetics of a property. The purpose of regulating the number of a political sign is not about political speech, it is about avoiding a cluttered streetscape.

The sixth change is to add a fine for violation of the Temporary Sign regulations. The IDO already provides for Administrative Civil Enforcement, per subsection 6-9(C)(5). Fines of up to \$500 per day of the violation duration can be assessed. The City's Code of Ordinances also provides penalty provisions for violation of any of the City's Ordinances, per subsection 1-99 of ROA 1994. Staff believe that these two penalty regulations are preferable to creating a new and different fine amount and process.

While staff does not support any of the proposed changes, the EPC could consider making the changes recommended in the letter from Mr. Griffin, see attachments for the proposed changes.

*Section 6-6(I)(3), DRB Discretionary Authority (page 445)*

This comment is from Titan Development. The comment states: "DRB is a technical board and should not be allowed to have discretionary authority over any aspect of the project. The intent of this board is to follow the technical regulations and ensure the project meets the zoning code and DPM. The Environmental Planning Commission is intended to have discretionary authority over a project.

This Amendment should absolutely be considered for removal and goes against the intent of the City's entitlement process. While the scope of the regulation is limited, we are gravely concerned with more discretionary items being added to the DRB authority over time and empowering the DRB even further. In our opinion, having the DRB have the ultimate authority on design related issues at their discretion is extremely problematic and confuses the whole entitlement process."

**Analysis:** To respond to these concerns, the EPC could recommend to City Council not to adopt any of the proposed amendments to Section 6-6(I)(3), Site Plan - DRB – Review and Decision Criteria. However, Staff analysis of the policies related to this new regulation indicates that this amendment would further many Comp Plan policies. The discretion granted would help mitigate negative impacts in residential areas and next to Major Public Open Space and private open space. This decision criterion would help encourage conservation development. The proposed decision criterion provides a limited amount of bounded discretion that seems appropriate for a board made up of Staff.

## **VIII. CONCLUSION**

The request is for an amendment to the IDO text; it meets all of the application and procedural requirements in IDO Subsection 14-16-6-7(D). This IDO text amendment is consistent with the Annual Update process established by IDO Subsection 6-3(D). The Planning Department has compiled recommended changes, analyzed them, and submitted the proposed changes as a spreadsheet with 4 associated Exhibits and 3 memos requesting and explaining changes for EPC's review and recommendation at a public hearing in January. This request for amendment to the IDO text meets the review and decision criteria in IDO Subsection 6-7(D)(3).

The proposed changes are generally consistent with Comprehensive Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review.

Planning Staff held an online study session/open house on the proposed changes. Staff presented the proposed amendments and Staffed breakout rooms to allow participants to ask questions and discuss. The request was announced in the Albuquerque Journal, on the project webpage, and by email to a project distribution list of over 10,000 addresses. The Planning Department emailed notice to each of the listed neighborhood representatives with email addresses on file with the Office of Neighborhood Coordination and mailed notice to the rest.

Comments submitted by interested parties cover a variety of themes. To the extent possible, these changes have been incorporated in the Recommended Conditions of Approval for EPC's consideration.

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



***RECOMMENDED FINDINGS – RZ-2020-00046, January 21, 2021 – Text Amendments to the IDO, City-wide***

1. The request is for various City-wide, legislative amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(D). The proposed City-wide amendments, when combined with the proposed Small-area amendments, are collectively known as the 2020 IDO Annual Update.
2. These City-wide text amendments are accompanied by proposed text amendments to Small Areas within the City, which were submitted separately pursuant to Subsection 14-16-6-7(E) and are the subject of another Staff report (RZ-2020-00048).
3. The IDO applies City-wide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.
4. The EPC's task is to make a recommendation to the City Council regarding the proposed amendments to IDO text. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. This is a legislative matter.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. Since April 2010, Staff has collected approximately 100 minor adjustments to language intended to clarify the IDO's original intent and improve implementation of adopted regulations. The proposed amendments respond to challenges in implementing regulations and neighborhood protections and are intended to promote economic growth and investment in the City. Changes in market demands for housing and business, combined with the imperative of protecting existing neighborhoods, sensitive lands, and Major Public Open Space, are also addressed.
7. The request meets the application and procedural requirements in Subsection 14-16-6-7(D) of the IDO, as follows:
  - A. The proposed amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended (including the distinction between Areas of Consistency and Areas of Change), and with other policies and plans adopted by the City Council.

The proposed IDO text amendments-City-wide, are generally consistent with the spirit and intent of the Comprehensive Plan, though there are some instances of conflict.

- B. The proposed amendment does not apply to only one lot or development project.

The proposed IDO text amendments-City-wide consists of changes that would apply throughout the City and not to a single lot or development project.

- C. The proposed amendment promotes public health, safety, and welfare.

The request generally promotes the public health, safety, and welfare of the City because, overall, it is generally consistent with a preponderance of applicable Goals and policies in the Comprehensive Plan.

8. The request generally furthers the following relevant City Charter articles:

- A. Article I, Incorporation and Powers. Amending the IDO via text amendments is consistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and processes in the IDO will generally help implement the Comprehensive Plan and help guide future legislation.
- B. Article IX, Environmental Protection. The proposed City-wide text amendments to the IDO will help ensure that land is developed and used properly and that environmental features and natural resources will be better protected and preserved. The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote improved quality of life. Commissions, Boards, and Committees will have updated and clarified regulations to help facilitate effective administration of City policy in this area.
- C. Article XVII, Planning. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts (Section I). Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development, and will help with the enforcement and administration of land use plans (Section II).

9. The request *further*s the following, applicable Comprehensive Plan Goals and Policies from Chapter 5-Land Use, Chapter 7-Urban Design, Chapter 8-Economic Development, Chapter 9-Housing, and Chapter 11-Heritage Conservation:

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

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

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

The request, as a whole, would generally help promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land. For example, the proposed amendments that support cottage development, improvements to multi-family dwellings, and porches in setbacks in UC-MS-PT areas can encourage and promote infill development, which by definition uses existing infrastructure and public facilities.

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

The proposed text amendments would generally encourage conservation development that would promote open space and preserve the natural landscape. The above-mentioned changes would help limit development next to sensitive lands and encourage preservation of open space.

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

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

The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which will result in a more predictable development outcomes and consistent decision-making. The annual amendment process for the IDO is a procedure to continue to effectively and equitably implement the Comprehensive Plan; the proposed text amendments would result in more transparent approval and permitting processes.

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

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

The proposed text amendments include changes that would re-inforce sense of place through context-sensitive design because they would help to protect natural resources. The IDO establishes regulations that apply in particular contexts (Centers/Corridors, next to residential development, next to Major Public Open space, on sensitive lands, etc.). A proposed IDO Purpose (IDO Section 14-16-1-3) would name this policy intent as a purpose of the IDO, and changes proposed for Sensitive Lands standards (IDO Section 14-16-5-2) are intended to preserve, enhance, and leverage natural features and views toward geographical features that figure prominently in our cultural landscapes.

- E. Goal 7.4 - Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment.

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

The proposed text amendments include changes that would facilitate design of parking facilities that complement the built environment, and would tailor parking requirements to the development context of Centers & Corridors, which would result in both better matching the development context. The IDO regulates parking in Section 14-15-5-5 based on uses and context, including requirements tailored for Centers/Corridors versus elsewhere in the city. Proposed changes would provide an incentive for outdoor dining by reducing the parking requirement.

- F. Goal 7.5 - Context-Sensitive Site Design: Design sites, buildings, and landscape elements to respond to the high desert environment.

Policy 7.5.1 - Landscape Design: Encourage landscape treatments that are consistent with the high desert climate to enhance our sense of place.

The IDO implements this Goal and policy by regulating site design in Section 14-16-5-2 and landscaping in Section 14-16-5-6. The proposed text amendments regarding sustainable housing design and sensitivity to environmental context would help ensure that sites are designed to better respond to the high desert environment and climate. Proposed changes to these sections would further this Goal and policy.

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

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

The IDO implements the Comp Plan by establishing zoning standards tailored to different zone districts and different contexts. The proposed text amendments include changes that would contribute to creating interesting places with different development intensities and densities, which would help create places where business and talent can stay and thrive. The changes to Part 14-16-4 and Part 14-16-5 expand housing options and improve design, and to protect historic and natural environments, are such changes.

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

The IDO implements the Comp Plan by establishing zoning standards that allow a range of uses in appropriate contexts, which generally encourages economic development. The proposed text amendments would further encourage economic development efforts that would foster a more robust, resilient, and diverse economy. Some such changes are the proposed change to parking requirements for outdoor dining, clarification regarding cannabis products, and food truck courts.

- I. Goal 9.2 - Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.

Policy 9.2.2 - High Quality: Encourage quality and innovation in new housing design and construction, materials, and energy and water conservation.

The proposed text amendments would promote sustainable housing design compatible with the natural and built environment by adding a new IDO Subsection 14-16-5-2(D), a design requirement to analyze multi-family development for responsiveness to climate, including building and window placement and living landscape elements.. The changes would encourage quality and innovation in new housing via a focus on long-term sustainability and quality throughout the City.

- J. Policy 9.2.1 - Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

The proposed text amendments include a change to building design standards for multi-family development in IDO Section 14-16-5-11, which is intended to help enhance neighborhood character wherever these developments occur outside of Center & Corridor areas. The proposed change would result in such development enhancing neighborhood character and being more compatible with its surroundings.

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

The proposed text amendments would encourage development of cluster and cottage housing, which would allow more clustering of residential dwellings that provide community spaces and/or open space. The proposed changes to use-specific standards for cottage development in IDO Subsection 14-16-4-3(B)(3)(b) and the definition of Common Open Space associated with cluster development in IDO Section 14-16-7-1 are intended to incentivize these housing options.

- L. Policy 11.3.1 - Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

Policy 11.3.1.a: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment.

The proposed text amendments would add regulatory protections for sensitive lands to the Sensitive Lands standards (Section 14-16-5-2), which would facilitate preservation and enhancement of natural characteristics and features and thereby contribute to distinct

identity of communities and cultural landscapes. These protections would help minimize negative impacts to the natural environment, including riparian areas, arroyo slopes, and MPOS.

10. The request *both furthers and conflicts with* the following, applicable Comprehensive Plan Goals and Policies from Chapter 4- Community Identity, Chapter 5-Land Use, and Chapter 7-Urban Design:

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

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

As a whole, the proposed text amendments would generally enhance, protect, and preserve distinct communities, including neighborhoods because they include provisions that would strengthen the use-specific standards.

However, Campgrounds and RV- allowing these permissively in the MX-L (neighborhood/low intensity) and MX-M (medium intensity) zones would place these uses close to existing neighborhoods, especially since MX-L is the IDO equivalent to the former C-1 neighborhood commercial zone, where they would not protect or enhance existing residential areas.

Drive through and drive-ups- The MX-L (neighborhood/low intensity) zone is often located adjacent or near to established neighborhoods and communities. Removing the requirement to get a conditional use for a drive-through in the MX-L zone removes the public's opportunity to provide input regarding a use that could affect them and their neighborhood.

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

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

As a whole, the proposed text amendments would generally help promote strong centers connected by corridors to which more intense growth can be directed in order to maintain more appropriate development scale in areas intended to remain stable. The proposed amendments regarding cottage development, multi-family development, porches, and the definition of infill development would help implement Centers & Corridors concepts.

However, some proposed amendments conflict with this Goal and policy. One proposed amendment would limit the prohibition on Light Vehicle Sales and Rental in the MX-H zone to only UC-MS-PT areas zoned MX-H. This would support only the Urban Centers (Uptown and Volcano Heights) and the MS and PT areas (which are limited mostly to Central Ave.), and is not broad enough in scope to strengthen and reinforce Centers & Corridors.

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

The proposed text amendments address group homes, community residential facilities (CRF), and multi-family developments, which can be considered LULUs. The changes would allow for a more equitable distribution of CRFs and group homes and ensure that these groups are treated fairly. The changes would provide for improved multi-family development, including building design and buffering, throughout the City.

The proposed amendment to make Campground and RV Parks permissive in the MX-L and MX-M zones could result in a LULU because these zones which are often near neighborhoods and/or abut single-family residential uses.

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

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

The request generally furthers Goal 5.7, but both furthers and conflicts with Policy 5.7 due to the instances when the regulatory framework would begin to depart from aligning with Goals and policies. The annual IDO update is a procedure to continue to effectively and equitably implement the Comprehensive Plan that results in an updated regulatory framework. In most instances, the proposed text amendments would improve the connection between applicable Comprehensive Plan Goals and policies and the IDO, its implementation mechanism.

However, in some instances, the proposed updates would result in conflicts with applicable Goals and/or policies (ex. campgrounds next to established neighborhoods, drive-throughs in neighborhood commercial zones without a public process, light vehicle sales and rental in most MX-H locations, visual clutter due to signs).

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

The annual update process for the IDO itself provides a regular opportunity for residents and stakeholders to better understand and engage in the planning and development process. Specifically, the proposed change to Part 6 would improve public engagement by having changes to the HPO historic zone go before a public body.

However, the proposed amendment to allow drive-throughs permissively in the MX-L zone would remove the conditional use requirement, thereby preventing the public from engaging in the planning process via public hearing, regarding a use that could potentially affect them.

- F. Goal 7.1 Streetscapes & Development Form: Design streetscapes and development form to create a range of environments and experiences for residents and visitors.

As a whole, the proposed text amendments would generally help create a range of environments and experiences through designed streetscapes and development forms. The IDO implements this goal through zoning standards appropriate in each zone district (Part 14-16-2); in specific small areas (Part 14-16-3); and in different contexts, such as next to residential neighborhoods, next to Major Public Open Space, in Centers/Corridors, or in Areas of Change/Consistency in use-specific standards (Part 14-16-4) and development standards in Part 5. Proposed changes for drive-through stacking requirements, building design standards, and joint sign premises standard in are intended to establish high-quality standards in the appropriate context.

However, the proposed amendment to remove the lot size requirement for free-standing signs, Subsection 5-12(F)(2)(b), and could function differently than intended. It would encourage a proliferation of signs and visual clutter that would adversely affect streetscapes.

11. The proposed text amendment to make drive-throughs a permissive use in the MX-L zone, permanently, conflicts with the following, applicable Comprehensive Plan Goals and policies: Policy 5.1.11 Multi-Modal Corridors, Policy 5.1.11.a Multi-Modal Corridors, Policy 6.1.2 Transit-Oriented Development, Policy 6.2.4 Pedestrian Network, Policy 6.4.1 Active Transportation Policy 6.4.2 Air Quality, Goal 7.2 Pedestrian-Accessible Design, and Policy 7.6.2 Transportation Infrastructure. See proposed Condition 1-A.
12. The proposed amendment to make Campground or RV park a permissive use in the MX-L and MX-M zones, permanently, conflicts with the following, applicable Comprehensive Plan Goals and policies: Goal 4.1 – Character, Policy 4.1.1 – Distinct Communities, Policy 4.1.1 – Identity and Design, Policy 5.2.1.h Land Uses, and Policy 5.3.7 Locally Unwanted Land Uses. See proposed Condition 1-I.
13. The proposed amendment to exempt light vehicle fueling stations from site design requirements that apply in UC-MS-PT areas conflicts with the following, applicable Comprehensive Plan Goals and policies: Policy 5.1.1.a Desired Growth, Policy 5.1.4.b. Urban Centers, Policy 5.1.6.d Activity Centers, Policy 5.1.8 Premium Transit Corridors, Policy 5.1.9 Main Streets, Policy 5.1.10 Major Transit Corridors, Policy 7.2.1 Walkability, Policy 7.2.2 Walkable Places, and Policy 7.3.5 Development Quality. See proposed Condition 1-B.
14. In cases of conflict between a proposed text amendment and applicable Comprehensive Plan Goals and/or policies, Staff has provided conditions for recommendation of approval that address the conflicts.



15. For an Amendment to IDO Text, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A neighborhood meeting is not required. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. First class mailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination (ONC) as required by IDO Subsection 14-16-6-4(K)(2)(a). Notice was posted on the Planning Department website and on the project website.
16. In addition to the required notice, on December 7, 2020 e-mail notice was sent to the approximately 10,000 people who subscribe to the ABC-Z project update email list. Staff also recorded a line-by-line reading, as requested by a neighborhood representative, of the proposed amendments and posted the recording on the project webpage.
17. On December 17, 2020, the Planning Department hosted a public open house meeting via Zoom to review the proposed 2020 Annual Updates. Planning Staff presented the proposed amendments and hosted breakout rooms, where people could ask questions and discuss with Staff. Both the email notice and the required neighborhood association notification letter included information about the public open house.
18. The EPC held a study session regarding the proposed 2020 IDO amendments on January 14, 2020. This was a publically-noticed meeting.
19. As of this writing, Staff has received multiple comments, expressing support, opposition, and recommended changes. While there are comments in opposition to individual Tech Edits and Council Amendments, there is general support for this request as a whole. The recommended Conditions of Approval address some of the issues raised in public and agency comments.
- 20.

***RECOMMENDATION – RZ-2020-00046 – January 21, 2021 – Text Amendment to the IDO***

**That a recommendation of APPROVAL of Project #: 2018-001843, RZ-2020-00046, a request for Amendment to IDO Text- City-wide, be forwarded to the City Council based on the preceding Findings and subject to the following Conditions for recommendation of approval.**

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***RECOMMENDED CONDITIONS FOR RECOMMENDATION OF APPROVAL– RZ-2020-00046***  
***– January 21, 2021 – Amendment to IDO Text, City-wide***

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1. The proposed amendments included in the spreadsheet “City-wide Text Amendments” (see attachment) shall be adopted, except as modified by the following conditions:
  - A. On page 147, Table 4-2-1. In the MX-L zone, drive-through shall remain a CA (conditional accessory) use and the public process associated with a conditional use hearing shall continue to be required.
  - B. On page 151, Subsection 4-3(B)(3)(b): **[EPC must select 1 option below, delete the others]**
    1. Keep the first amendment to allow cottage development on sites that are 10,000 SF citywide, as a permissive use. The other two proposals for this section would be deleted.
    2. Keep the second amendment to allow cottage development on sites that are 10,000 SF citywide, as a conditional use outside of UC-MS-PT areas. The other two proposals for this section would be deleted.
    3. Keep the third amendment to allow cottage development on sites that are 10,000 SF citywide, in AC-DT-EC areas. The other two proposals for this section would be deleted.
    4. Keep the second amendment, to allow cottage development on sites that are 10,000 SF citywide, as a conditional use outside of UC-MS-PT areas, and third amendment, to allow cottage development on sites that are 10,000 SF citywide, in AC-DT-EC areas. The first proposal for this section would be deleted.
  - C. On page 154, Subsection 4-3(B)(7)(a) and 4-3(B)(7)(b) [new], remove that proposed amendment and replace with the new “Exhibit 4-3 Multifamily Use-specific Standards.”
  - D. On page 164, Subsection 4-3-(D)(17)(l). Light vehicle fueling station buildings in designated UC-AC-MS-PT-MT areas shall continue to be subject to the same requirements as other retail uses.
  - E. On page 166, Subsection 4-3(D)(19), revise text as follows: “In UC-AC-MS-PT-MT areas in the MX-H zone district, outdoor display or storage of vehicles is prohibited.”
  - F. On page 201, Subsection 4-3(F)(11)(i) regarding mobile food trucks. “Other sales or services may be allowed as approved by the City Parks and Recreation Director provided they are directly related to activities in the park or recreational area.”
  - G. On page 279, Subsection 5-6(C)(4), fix the wording: “Landscaping abutting arroyos shall consist of plants ~~as approved by~~ that are included on the Official Albuquerque Plant Palette.”

- H. On page 336, Subsection 5-12(F)(2)(b), subsections 1 and 2 regarding Joint Sign premises shall be retained.”
  - I. On page 538, 7-1, Definitions: Regarding the use of mobile food trucks for sales related to parks and recreation activities, the sentence “Other sales or services may be allowed as specified elsewhere in the IDO” shall be substituted by “Other sales or services may be allowed as approved by the City Parks and Recreation Director provided they are directly related to activities in the park or recreational area” (see also page 201).
  - J. Multiple pages. The following shall be added to the proposed new Subsection 4-3(D)(31)(b): “The mobile food truck court operator must provide trash receptacles and hand-wash stations.”
  - K. Multiple pages. The use table shall not be amended to allow Campground and RV Park to be a permissive, permanent use in the MX-L and MX-M zones. Rather, Campground and RV Park shall become permissive in the NR-C and NR-BP zones.
2. The following, additional items shall be added to the 2020 IDO Annual Update - Citywide Text Amendments:
- A. On page 155, Subsection 4-3(C)(5), revise the Use-specific standard for Hospital as follows: “In the MX-M zone district, this use is limited to no more than 20 overnight beds and ~~may~~ shall not include ambulance transportation to or from the facility.”
  - B. On page 172, Subsection 4-3(D)(31)(f), revise text provided in Council Memo – Citywide Text Amendments as follows: “Ingress and egress areas shall be paved with an impermeable surface for a minimum length of 20 feet into the lot from the edge of the public right-of-way.”
3. The following definitions shall be revised as shown:
- A. “Riparian Areas Aquatic ecosystems and the transitional ecosystems surrounding them, as shown on the map created and maintained by the City Parks and Recreation Department and published by AGIS. The transitional riparian ecosystem is characterized by distinctive vegetative communities and soils that are affected by the presence of surface and groundwater, and provides critical habitat, including for endangered species and migratory birds.”
  - B. On page 512 of the IDO, revise the “Cannabis-infused Products Manufacturing” definition as follows: “Cannabis-~~infused~~ Products Manufacturing. The processing, including but not limited to extraction, refinement, isolation, or packaging of a product other than cannabis itself, which contains or is derived from cannabis, including but not limited to concentrates, cannabis infusions, edible products, ointments, and tinctures and not including hemp.”
  - C. On page 561 of the IDO, revise the “Peak Service Frequency” definition as follows: “Peak Service Frequency: The average amount of time between buses arriving at a particular

transit stop or station during peak periods (7:00 A.M. to 9:00 A.M. and 3:00 P.M. to 6:00 P.M.), calculated by the City Transit Department using published transit schedules and published by AGIS. This frequency is generally calculated for the most frequent route, or combination of paired routes that act as one route, that stops at the transit stop or station in question and is based on the average frequency of the route ~~in each direction.~~”

4. The following Exhibits shall be replaced with the new versions attached to this staff report:

- A. Exhibit 5-2(D) – Climatic & Geographic Responsiveness
- B. Exhibit 5-11(D) – Multi-family Building Design

5. Conditions from PNM:

- A. 1-7(A)(3) Other City regulations or State or federal laws may apply [+, such as the National Electrical Safety Code (NESC)+], even if the IDO is silent on these other applicable laws or regulations. Violations of these other applicable laws or regulations are not considered violations of this IDO.
  - B. Use-specific standard 4-3(E)(8) Electric Utility
    - 4-3(E)(8)(a) All uses and facilities shall be subject to those terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended.
    - 4-3(E)(8)(b) Where this use includes geothermal or solar energy generation, the provisions of Subsections 14-16-4-3(E)(9) or 14-16-4-3(E)(10) apply.
    - 4-3(E)(8)(c) Electric Generation Facilities, as identified in the Facility Plan for Electric System Transmission and Generation, are of a larger scale and more industrial in nature. This facility type is only allowed [+ as a primary use +]in the NR-GM zone district [+ except for solar energy generation and battery storage facilities, which can be primary uses in the NR- BP, NR-LM, and NR- GM zone districts+].
    - [+4-3(E)(8)(d) Solar Energy Generation, back-up generators, and battery storage are accessory uses in all zone districts where electric utility is allowed. +]
- 



**Catalina Lehner**  
**Senior Planner, Current Planning**

**Carrie Barkhurst**  
**Senior Planner, Long Range Planning**

*Notice of Decision cc list:*

List will be finalized subsequent to the EPC hearing on January 21, 2021

## CITY OF ALBUQUERQUE AGENCY COMMENTS

### PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

### CITY ENGINEER

Transportation Development

No comments.

Hydrology Development

New Mexico Department of Transportation (NMDOT)

### DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER: none

### WATER UTILITY AUTHORITY

Utility Services

### ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

### PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

*POLICE DEPARTMENT/Planning*

*SOLID WASTE MANAGEMENT DEPARTMENT*

*Refuse Division- no comment*

*FIRE DEPARTMENT/Planning*

*TRANSIT DEPARTMENT*

## ***COMMENTS FROM OTHER AGENCIES***

### ***BERNALILLO COUNTY***

No adverse comments to zone change.

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

No adverse comments.

### ***ALBUQUERQUE PUBLIC SCHOOLS***

No adverse impacts.

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

### ***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

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

Please see attached memo dated 1-14-2021



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

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

### APPLICATION INFORMATION

Applicant: <b>City of Albuquerque, Planning Department / Urban Design &amp; Development</b>		Phone: <b>505-924-3860</b>
Address: <b>1 Civic Plaza NW</b>		Email: <a href="mailto:mrenz-whitmore@cabq.gov">mrenz-whitmore@cabq.gov</a>
City: <b>Albuquerque</b>	State: <b>NM</b>	Zip: <b>87103</b>
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:		List <u>all</u> owners:

### BRIEF DESCRIPTION OF REQUEST

**Amendment to IDO Text – Citywide for the 2020 IDO Annual Update, as required by Section 6-3(D) of the IDO.**

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

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

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: <b>Citywide</b>	Between:	and:
--------------------------------------	----------	------

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

**Project #2018-001843 / Case # RZ-2019-00046 IDO Annual Update – 2019; Project # 1001620 / Case #16EPC-40082 – Adoption of the IDO**

Signature:	Date: <b>November 30, 2020</b>
Printed Name: <b>Mikaela Renz-Whitmore</b>	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date: Project #



## Form Z: Policy Decisions

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

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

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

n/a Interpreter Needed for Hearing? no if yes, indicate language: \_\_\_\_\_

02 Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

n/a Letter of authorization from the property owner if application is submitted by an agent

n/a Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)

n/a Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

☐ **ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

☐ **ADOPTION OR AMENDMENT OF FACILITY PLAN**

\_\_\_ Plan, or part of plan, to be amended with changes noted and marked

\_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable

\_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)

\_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing

\_\_\_ Proof of emailed notice to affected Neighborhood Association representatives

\_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☒ **AMENDMENT TO IDO (TEXT) – Amendment to IDO Text – Citywide**

03 Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked

n/a Proof of Pre-submittal Neighborhood Meeting per IDO Section 14-16-6-4(C)

04 Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable

05 Required notices with content per IDO Section 14-16-6-4(K)(6)

X Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first-class mailing

X Proof of emailed notice to affected Neighborhood Association representatives

n/a Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first-class mailing (to property owners) **Amendment to IDO Text – Citywide**

☐ **ZONING MAP AMENDMENT – EPC**

☐ **ZONING MAP AMENDMENT – COUNCIL**

\_\_\_ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)

\_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)

\_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing

\_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first-class mailing

\_\_\_ Sign Posting Agreement

☐ **ANNEXATION OF LAND**

\_\_\_ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*

\_\_\_ Petition for Annexation Form and necessary attachments

\_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)

\_\_\_ Board of County Commissioners (BCC) Notice of Decision

**I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.**

Signature: \_\_\_\_\_

Date: November 30, 2020

Printed Name: Mikaela Renz-Whitmore

☐ Applicant or ☒ Agent

**FOR OFFICIAL USE ONLY**

Project Number: \_\_\_\_\_

Case Numbers

-

-

Staff Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

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

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

*Official Use only*

PA#: \_\_\_\_\_ Received By: \_\_\_\_\_ Date: \_\_\_\_\_

**APPOINTMENT DATE & TIME:** \_\_\_\_\_

Applicant Name: CABQ Planning Department Phone#: 505-924-3879 Email: abcto@cabq.gov

### PROJECT INFORMATION:

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

Size of Site: Citywide Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Previous case number(s) for this site: Project #2019-001843, RZ-2019-0046, Project 1001620

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

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

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

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

### LOCATION OF REQUEST:

Physical Address: Citywide \_\_\_\_\_ Zone Atlas Page (Please identify subject site on the map and attach) \_\_\_\_\_ misc.

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

Amendment to IDO Text - Citywide for the 2020 IDO Annual Update

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

Please review application process and procedures for a Text Amendment to the IDO - Small Area.

## PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-210 Date: 11/17/20 Time: N/A (sent via email to [abcto@cabq.gov](mailto:abcto@cabq.gov))

Address: Citywide

### AGENCY REPRESENTATIVES

Planning: Linda Rumpf ([lrumpf@cabq.gov](mailto:lrumpf@cabq.gov))

Zoning/Code Enforcement: Marcelo Ibarra ([marceloibarra@cabq.gov](mailto:marceloibarra@cabq.gov))

Fire Marshal: Bob Nevárez ([rnevarez@cabq.gov](mailto:rnevarez@cabq.gov)) or call 505-924-3611 (if needed)

Transportation: Nilo Salgado ([nsalgado-fernandez@cabq.gov](mailto:nsalgado-fernandez@cabq.gov))

Hydrology: Ernest Armijo, P.E., ([earmijo@cabq.gov](mailto:earmijo@cabq.gov))

### PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

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

*Additional research may be necessary to determine the exact type of application and/or process needed.*

*Factors unknown at this time and/or thought of as minor could become significant as the case progresses.*

**REQUEST:** Amendment to IDO Text - Citywide for the 2020 IDO Annual Update

### SITE INFORMATION:

Zone: x

Size: x

Use: x

Overlay zone: x

Comp Plan Area of: x

Comp Plan Corridor: x

Comp Plan Center: x

MPOS or Sensitive Lands: x

Parking: 5-5

MR Area: x

Landscaping: 5-6

Street Trees: 5-6(D)(1)

Use Specific Standards: Allowable Uses, Table 4-2-1

Dimensional Standards: See the Dimensional Standards Tables in the IDO

\*Neighborhood Organization/s: All

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

### PROCESS:

Type of Action: Amendment to IDO Text-Citywide 6-7(D)

Review and Approval Body: EPC Is this a PRT requirement? Yes

## PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-210 Date: 11/17/20 Time: N/A (sent via email)

Address: Citywide

### NOTES:

See the **Integrated Development Ordinance**

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

### New Public Notice Forms

We have created forms for all email/mailed public notice and for Pre-submittal Neighborhood Meetings. Please complete these forms for public notice:

- [Neighborhood Meeting](http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance) or <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>
- [Public Notice](http://www.cabq.gov/planning/urban-design-development/public-notice) or <http://www.cabq.gov/planning/urban-design-development/public-notice>

### Records requests

To request a site plan and/or Notice of Decision, please use ABQ Records web page:

<https://www.cabq.gov/clerk/public-records>

Please include the site's address and the Case Tracking #s (see Zoning Comments) in your request.

### Requests to Inspect Public Records

Any person may submit their request to inspect public records to the Office of the City Clerk by clicking on the following link to request records using our ABQ Records portal. <https://cabq.nextrequest.com/>

This enables us to respond to requests in the order in which they are received. Plus, it's a better way to share large files.

- Linda Rumpf, [lrumpf@cabq.gov](mailto:lrumpf@cabq.gov)

### File Submittal

For Administrative Amendments, DRB, EPC, hydrology and traffic submittals, e-mail electronic files to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov). For questions about an application submittal or the submittal process itself, please contact Jay Rodenbeck at [jrodenbeck@cabq.gov](mailto:jrodenbeck@cabq.gov) and/or to Maggie Gould at [mgould@cabq.gov](mailto:mgould@cabq.gov).

For other questions, please contact the Planning representative at the top of the PRT Notes.

For Building Safety Plan Review, contact Building Safety at 924-3963. Website:

<https://www.cabq.gov/planning/building-safety-permits>

### Current Planning Comments

Amendment to IDO Text-Citywide 6-7(D)

### 6-4(K)(3)(b) Notice to Neighborhood Associations

## PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-210 Date: 11/17/20 Time: N/A (sent via email)

Address: Citywide

4. For applications where Table 6-1-1 requires electronic mail notice, mailed notice to Neighborhood Association representatives is only required if there is no e-mail address on file for that representative. See Table 6-1-1 in the IDO and section 6-7(D) AMENDMENT TO IDO TEXT-CITYWIDE.

### **Zoning Comments**

Amendment to IDO Text-Citywide 6-7(D)

EPC 6-7-E-2-a

### **Transportation Development comments**

For additional information contact Nilo Salgado (924-3630) or Jeanne Wolfenbarger (924-3991)

**\*\*Contact Jeanne Wolfenbarger for comments/discussion/input.**

*If you would have additional questions or would like to schedule a follow-up conference call meeting please contact Linda Rumpf at [lrumpf@cabq.gov](mailto:lrumpf@cabq.gov)*

December 30, 2020

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



Dear Chair Serrano,

Please accept this **REVISED** letter of justification, required by IDO Subsection 14-16-6-7(D)(3)(a), of the request for a Text Amendment to the Integrated Development Ordinance (IDO), submitted for the Environmental Planning Commission's review and recommendation to the City Council as part of the annual update required by IDO Subsection 14-16-6-3(D).

The IDO is the regulatory tool to realize and implement the "Centers and Corridors" community vision set out in the Albuquerque-Bernalillo County Comprehensive Plan ("Comp Plan") in a coordinated, citywide context where existing communities can benefit from appropriate new development, while being protected from potential adverse effects. The IDO regulations coordinate with the City's Development Areas – Areas of Change and Consistency – that work together to direct growth to appropriate locations and ensure protections for low-density residential neighborhoods, parks, and Major Public Open Space. The IDO implements the Comp Plan through regulations tailored to each of the City's designated Centers and Corridors. The IDO regulations are also coordinated with transportation and urban design policies in the updated Comp Plan, as well as updated technical standards for infrastructure in the Development Process Manual (DPM).

In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO built in an annual update process into the regulatory framework. This process was established to provide a regular cycle for discussion among residents, City staff, and decision-makers to consider any needed changes that were identified over the course of the year. Over the course of the two-and-a-half years since the IDO has become effective, staff collected approximately 100 adjustments to language needed to improve the clarity and intended implementation of the adopted regulations. These clarifications and adjustments were requested by neighbors, developers, and staff and are compiled into a table of "Citywide Proposed Text Amendments." Each proposed change provides the page and section of the adopted IDO that would be modified, the text that is proposed to change, along with an explanation of the purpose or intent of the change. This document is the main body of the application for Amendments to IDO Text - Citywide.

### **Background**

Unlike the 2019 IDO annual update, the 2020 IDO Annual Update is purposefully broken down into two cases instead of one. This is because the City-wide text amendments to the IDO are legislative in nature and the Small Area amendments are quasi-judicial in nature. There are two different application types for text amendments to the IDO, and this request is reviewed and decided according to IDO Subsection 14-16-6-7(D), Amendment to IDO Text - Citywide.

## Justification for an Amendment to IDO Text – Citywide under the Criteria in 6-7(D)(3)

### Overview

These proposed amendments to the IDO text are consistent with the required Annual Update process described in IDO Subsection 14-16-6-3(D). The Planning Department has compiled the recommendations, performed analyses of the proposed changes, and is now submitting the proposed amendments for EPC's review and recommendation in September. These proposed amendments to the IDO text meet the Review and Decision Criteria in IDO Subsection 14-16-6-7(D)(3).

- 1) These proposed amendments to the IDO text are consistent with the spirit and intent of the ABC Comp Plan and other policies and plans adopted by the City Council.
- 2) None of the proposed text amendments to the IDO text apply to a single lot or development project. They would affect property citywide.
- 3) These proposed amendments to the IDO text are required because of changed conditions or circumstances in all or a significant portion of the city, and the changes are required in order to promote economic growth and investment in the City as a whole that will not create material risks to the public health, safety, and general welfare.

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

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

**Response:** These proposed amendments to the IDO text are consistent with Comp Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review. Changes proposed via the memo from City Council, in particular, are consistent with adopted policies to protect and enhance the quality of the City's unique neighborhoods and commercial districts. These amendments further the following applicable goals and policies of the ABC Comprehensive Plan and protect the public health, safety, and welfare.

### Chapter 4: Community Identity

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

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

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

**Response:** If approved, the request would further the Community Identity Character Goal (4.1) and the Neighborhoods policy (4.1.4). The IDO is intended to make zoning and land use entitlements in our community more transparent, accurate, and contextually compatible in order to enhance, protect, and preserve distinct communities, neighborhoods, and traditional communities. The IDO provides protections for residential neighborhoods through dimensional standards specific to residential zone districts in Part

2, tailored regulations in Overlay zones in Part 3, use-specific standards that require distance separations between non-residential and residential uses and zone districts in Part 4, and development standards that apply adjacent to residential uses or zone district, especially edge buffers and Neighborhood Edges in Part 5. A proposed change in IDO Subsection 5-6(E)(4) would require multi-family development to provide a buffer from existing industrial development.

## **Chapter 5: Land Use**

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

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

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

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

There are changes proposed for the following IDO subsections that would specifically apply in designated Centers & Corridor locations and implement this goal and these policies.

- 4-3(B)(3)(b) Cottage Development in UC-MS-PT areas
- 4-3(B)(7)(a) Multi-family Development in DT-UC-MS-PT areas
- 4-3(D)(17)(I) Fueling Stations in UC-AC-MS-PT-MS areas
- 4-3(D)(19) Light Vehicle Sales and Rental in UC-MS-PT areas
- Table 5-1-4 Porches in UC-MS-PT areas
- Table 5-5-1 Parking requirement for hotels or motels in UC-MS-PT areas

In addition, a change proposed to the definition of “Infill Development” in Section 14-16-7-1 provides a further distinction from what might be called “greenfield development” of undeveloped sites, typically at the edge of the city versus infill, which is tied to the Centers and Corridors vision and policy intent.



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

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

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

Response: If approved, the request would further the Efficient Development Patterns Goal (5.3) and the Infill Development policy (5.3.1). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which will result in more predictable development outcomes and consistent decision-making. Changes proposed for the IDO Purpose (IDO Section 14-16-1-3) and use-specific standards for cottage development (Subsection 14-16-4-3(B)(3)) include new regulations intended to promote efficient development patterns, maximize the utility of existing infrastructure and public facilities, and encourage compact development.

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

Response: If approved, the request would further the Conservation Development policy (5.3.4). The IDO implements this Comp Plan policy by establishing land uses that encourage conservation, development standards that preserve sensitive lands and require transitions between development and Major Public Open Space. Changes proposed for the IDO Purpose (IDO Section 14-16-1-3), Contextual Standards for residential development (IDO Subsection 5-1(C)(2)(b)3), Sensitive Lands standards (IDO Section 14-16-5-2), and definition of Common Open Space associated with cluster development (IDO Section 14-16-7-1) are all intended to limit development next to sensitive lands and encourage the preservation of open space.

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

Response: If approved, the request would further the Locally Unwanted Land Uses policy (5.3.7). The IDO implements this Comp Plan policy through distance separations between uses that are often unwanted locally, such as pawn shops and group homes, and through the allowance of these uses in appropriate zone districts as either permissive or conditional coupled with development standards that set the bar for high-quality development regardless of where they get built. The proposed changes for the use-specific standards for community residential facilities and cannabis-related uses and building design standards for multi-family development are intended to ensure that these

uses are evenly distributed across the Albuquerque area with appropriate standards to ensure high-quality development.

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

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

Response: If approved, the request would further the Land Use Implementation Processes Goal (5.7) and the Regulatory Alignment policy (5.7.2). The IDO's procedures and processes in Part 6 have been developed to effectively and equitably implement the Comprehensive Plan. In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO established an annual update requirement into the regulatory framework. Proposed changes are intended to continually improve how the IDO implements the comp Plan by aligning regulations with Comp Plan goals and policies.

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

Response: If approved, the request would further the Implementation Goal (5.7) and the Public Engagement policy (5.7.5). The IDO Annual Update process was established to provide a regular cycle for discussion among residents, City staff, and decision makers to consider any needed changes that were identified over the course of the year. Changes proposed for Part 6 of the IDO are intended to improve public engagement opportunities in the planning and development process.

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

Response: If approved, the request would further the Implementation Goal (5.7) and the Development Services policy (5.7.6). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which will result in a more predictable development outcomes and consistent decision-making.

## **Chapter 7: Urban Design**

**Goal 7.1 Streetscapes & Development Form:** Design streetscapes and development form to create a range of environments and experiences for residents and visitors.

Response: If approved, the request would further the Streetscapes & Development Form Goal (7.1). The IDO implements this Comp Plan goal through zoning standards that are appropriate in each zone district (Part 14-16-2); in specific small areas (Part 14-16-3); and in different contexts, such as next to residential neighborhoods, next to Major Public Open Space, in Centers/Corridors, or in Areas of Change/Consistency in use-specific standards (Part 14-16-4) and development standards in Part 5. Proposed changes for drive-through stacking requirements in IDO Table 5-5-8, building design standards in IDO Section 14-16-

5-11 and joint sign premises standard in Subsection 5-12(F)(2)(b) are intended to establish high-quality standards in the appropriate context.

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

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

Response: If approved, the request would further the Sense of Place Goal (7.3) and the Natural and Cultural Features policy (7.3.1). The IDO establishes regulations that apply in particular contexts (Centers/Corridors, next to residential development, next to Major Public Open space, on sensitive lands, etc.). A proposed IDO Purpose (IDO Section 14-16-1-3) would name this policy intent as a purpose of the IDO, and changes proposed for Sensitive Lands standards (IDO Section 14-16-5-2) are intended to preserve, enhance, and leverage natural features and views toward geographical features that figure prominently in our cultural landscapes.

**Goal 7.4 - Context-Sensitive Parking:** Design parking facilities to match the development context and complement the surrounding built environment.

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

Response: If approved, the request would further the Context-Sensitive Parking Goal (7.4) and Parking Requirements policy (7.4.2). The IDO regulates parking in Section 14-15-5-5 based on uses and context, including requirements tailored for Centers/Corridors versus elsewhere in the city. Proposed changes would provide an incentive for outdoor dining by reducing the parking requirement.

**Goal 7.5 - Context-Sensitive Site Design:** Design sites, buildings, and landscape elements to respond to the high desert environment.

**Policy 7.5.1 - Landscape Design:** Encourage landscape treatments that are consistent with the high desert climate to enhance our sense of place.

Response: If approved, the request would further the Context-Sensitive Site Design Goal (7.5) and Landscape Design Policy (7.5.1). The IDO implements this Comp Plan goal and policy by regulating site design in Section 14-16-5-2 and landscaping in Section 14-16-5-6. Proposed changes in these sections would further this Comp Plan goal and policy.

## **Chapter 8: Economic Development**

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

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

Response: If approved, the request would further the Placemaking Goal (8.1) and Diverse Places Policy (8.1.1). The IDO implements the Comp Plan by establishing zoning standards

tailored to different zone districts and different contexts. Proposed changes in Part 14-16-4 and Part 14-16-5 generally further this Comp Plan goal and policy.

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

Response: If approved, the request would further the Placemaking Goal (8.1) and Resilient Economy Policy (8.1.1). The IDO implements the Comp Plan by establishing zoning standards that set the bar for high-quality development while still allowing a range of uses in appropriate contexts. The proposed change to parking requirements associated with outdoor dining in IDO Table 5-5-8 is intended to provide an incentive for development that responds to the new COVID-19 conditions for restaurants.

## **Chapter 9: Housing**

**Goal 9.2 - Sustainable Design:** Promote housing design that is sustainable and compatible with the natural and built environments.

**Policy 9.2.2 - High Quality:** Encourage quality and innovation in new housing design and construction, materials, and energy and water conservation.

Response: If approved, the request would further the Sustainable Design Goal (9.2) and High Quality Policy (9.2.2). The IDO implements the Comp Plan through development standards that set the bar for high-quality development. The proposed change for a new IDO Subsection 14-16-5-2(D) would add a site design requirement to analyze multi-family development for responsiveness to climate, including building and window placement and living landscape elements.

**Policy 9.2.1 - Compatibility:** Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

Response: If approved, the request would further the Compatibility Policy (9.2.1). The proposed change to building design standards for multi-family development in IDO Section 14-16-5-11 is intended to help enhance neighborhood character wherever these developments occur outside of Center/Corridor areas.

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

Response: If approved, the request would further the Cluster Housing Policy (9.2.3). The IDO implements the Comp Plan through the cluster development and cottage development residential uses. The proposed changes to use-specific standards for cottage development in IDO Subsection 14-16-4-3(B)(3)(b) and the definition of Common Open Space associated with cluster development in IDO Section 14-16-7-1 are intended to incentivize these housing options.

## **Chapter 11: Heritage Conservation**

**Policy 11.3.1 - Natural and Cultural Features:** Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

**Policy 11.3.1.a:** Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment

Response: If approved, the request would further the Natural and Cultural Features Policy (11.3.1) and sub-policy (11.3.1.b). The IDO includes many protections for Major Public Open Space and Sensitive Lands in Part 14-16-4 and Part 14-16-5. The proposed amendments for IDO Purpose (IDO Section 14-16-1-3) would name this policy intent as a purpose of the IDO. Changes proposed for Sensitive Lands standards (IDO Section 14-16-5-2) for landscaping next to arroyos, adding riparian areas as sensitive lands, and requiring an additional buffer for development next to Major Public Open Space with sensitive lands would all further this policy by adding regulatory protections for sensitive lands.

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

6-7(D)(3)(b) The proposed amendment does not apply to only one lot or development project.

**Response:** These proposed amendments to the IDO text include changes to regulations that apply citywide and generally clarify how to read and apply provisions in the IDO. None of the proposed text amendments to the IDO text apply to a single lot or development project. Where there are changes that apply to a narrower portion of the city, such as in select Centers and Corridors, the change is supported by Comprehensive Plan policies cited above. These are noted in the “Citywide Proposed Text Amendments,” where relevant. In other instances, there are changes that would apply across a particular zone district or for all approvals of a certain type. Because of this, the proposed amendments are legislative in nature.

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

6-7(D)(3)(c) The proposed amendment promotes public health, safety, and welfare.

**Response:** This request promotes public health, safety, and welfare by improving the quality and the enforceability of the existing land use and zoning regulations.

These proposed amendments to the IDO text are also required to promote economic growth and investment in the City as a whole. The proposed changes respond to challenges in implementing new regulations and neighborhood protections in a real-world context with real-world projects. Changes in market demands for housing and business needs, coupled with the imperative of protecting existing neighborhoods, are addressed in the proposed text amendments.

## Notification

Table 6-1-1 indicates that mailed and e-mail notification is required. For a citywide Policy Decision, all Neighborhood Associations are required to be noticed, pursuant to 6-4(D)(3)(b). Electronic mailed notice is required, and mailed notice to Neighborhood Association representatives is only required if there is no e-mail address on file for that representative. Letters were mailed to any Neighborhood Representative who does not have an e-mail address on file with the Office of Neighborhood Coordination.

The project memo asked if subject line of the mailed affidavit was not updated. This is correct, a template from a prior request is shown in the subject line, but the number of letters mailed and the signed date of 11-25-2020 confirm that this was prepared this year for this 2020 Annual Update.

The notification letter included links to the project website - <https://abc-zone.com/ido-annual-update-2020> - where complete information on the application, the proposed amendments, the review and decision process, and scheduled meetings are posted. The letter also included information about a public Open House meeting held on December 17, 2020. That meeting reviewed the majority of the proposed changes that apply citywide; for brevity, some minor changes were omitted and some proposed changes consolidated onto one slide (i.e. definitions amendments). There was an approximately hour-long presentation followed by an hour-long question and answer session broken out into multiple break out rooms. The recording of the presentation is posted on the project website at:

- [Presentation \(PDF\)](#)
- [YouTube video](#)

A pre-application offer of facilitated meeting is not required for the City-wide text amendments (IDO Table 6-1-1). Long Range staff have not received a request for a post-application facilitated meeting. If one is requested, Long Range staff will be happy to work with ADR to respond. Please note, however, that Citywide Policy Decisions are not listed in the section that would require a delay in the decision on the application to allow a post-submittal facilitated meeting (IDO 14-16-6-4(L)(2)). This is because the EPC is a review and recommending body, and continued opportunity for discussion and commenting is provided through the City Council review and decision process.

Sincerely,



Mikaela Renz-Whitmore, Long Range Planning Manager  
City Planning Department

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Page	Section	Change / Discussion	Explanation
1	1-3	Add a new purpose statement labeled 1-3(L) as follows and renumber subsequent purpose statements as necessary: "Protect the abundant natural resources that characterize Albuquerque, including but not limited to Major Public Open Space, Sensitive Lands, the Rio Grande, and the waterways that lead to the river."	Adds a purpose statement related to the many IDO protections for Major Public Open Space and Sensitive Lands. See additional explanation in Council memo for citywide text amendments.
115	3-5	Add a new Subsection (D) as follows, renumbering subsequent subsections accordingly: "Adoption or Amendment of Landmark or Historic Protection Overlay Zone" (1) Amendments to the text of an HPO zone in this Subsection 14-16-3-5 or to any other standard in this IDO that applies specifically to an HPO zone shall be reviewed and decided pursuant to Subsection 14-16-6-7(C) (Adoption or Amendment of Landmark or Historic Protection Overlay Zone). (1) Amendments to Design Standards and Guidelines for an HPO zone or City Landmark shall be reviewed and decided pursuant to Subsection 14-16-6-6(E) (Historic Design Standards and Guidelines)." Renumber subsequent subsections accordingly.	Requires IDO provisions for HPOs to be reviewed by the Landmarks Commission (LC), which will make a recommendation to City Council, the final decision-making body. This reverts to pre-IDO practice, where the LC reviewed changes to the H-1 zone district (Old Town) and to provisions in the EDo Sector Development Plan. Note that Historic Standards and Guidelines are still reviewed and decided by the LC per 6-6(E).
147	Table 4-2-1	Drive-throughs and drive-ups Revise to add an accessory use (A) in the MX-L zone district.	Changes the allowance for drive-thrus from CA to A in the MX-L zone. See additional explanation in the Council Services memo for citywide text amendments.
147	Table 4-2-1	For the use "Dwelling unit, accessory without kitchen," make this use Permissive Accessory in the R-T zone, which is consistent with the allowances for an Accessory dwelling unit, with a kitchen."	Makes the allowance for ADUs without kitchens consistent with ADUs with kitchens. There was an inconsistency in the old zoning system that allowed ADUs with kitchens in certain areas, but ADUs without kitchens (formerly "accessory living quarters") were conditional uses in other zones that allow single family and townhouse development. The R-T zone allows multiple single-family dwellings on one lot, and ADUs with kitchens permissively, so it makes sense for ADUs without kitchens, which are generally considered less impactful than ADUs with kitchens and other dwelling types, to be allowed as well.

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147	Table 4-2-1	<p>"Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours"</p> <p>"Parking of non-commercial vehicles"</p> <p>"Parking of recreational vehicle, boat, and/or recreational trailer"</p> <p>Remove these uses from Table 4-2-1. Remove from Table 3-3-1, Table 3-3-2, and Table 5-5-1 editorially as a result.</p> <p>Create a new Subsection 14-16-5-5(B)(4) Allowed Vehicles as shown in Exhibit 5-5. Move use-specific standards content to this new subsection and revise accordingly. Allow light vehicles to be parked in or adjacent to any zone district.</p> <p>Move content in Subsection 4-3(F)(15)(d) to Subsection 5-13(A).</p>	<p>Parking is generally not a separate land use but just incidental activity related to a primary use. See related items for Subsection 5-5(F)(1)(a)(5) and 7-1. See Exhibit for 5-5.</p>
147	Table 4-3-1	<p>On page 147, revise "Dwelling unit, temporary" to "Dwelling, temporary."</p> <p>Revise the term wherever else it appears in the IDO, including in the Use-specific Standard.</p>	<p>Eliminates the requirement for temporary dwellings to have a kitchen. Dwelling unit definition hinges on the presence of a kitchen.</p>
151	4-3(B)(3)(b)	<p>Dwelling, Cottage Development</p> <p>Revise text to read as follows:</p> <p>"The minimum project size for a cottage development is 10,000 square feet."</p>	<p>Reduces the minimum required lot size for cottage development to 10,000 square feet citywide. See additional explanation in the Council Services memo for citywide text amendments. Note: This is one of 3 proposed changes to cottage development that are overlapping and may be mutually exclusive.</p>
151	4-3(B)(3)(b)	<p>Dwelling, Cottage Development</p> <p>Revise to add a new subsection with text as follows:</p> <p>"This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) if located on a lot outside of a UC-MS-PT area that is at least 10,000 square feet but no larger than 1 acre."</p>	<p>Adds cottage development on smaller lots citywide as a conditional use. See additional explanation in the Council memo for citywide text amendments. Note: This is one of 3 proposed changes to cottage development that are overlapping and may be mutually exclusive.</p>
151	4-3(B)(3)(b)2	<p>Dwelling, Cottage Development</p> <p>Revise text to read as follows:</p> <p>"In UC-MS-PT[-AC-DT-EC] areas or within 1,320 feet (¼ mile) of UC-MS-PT[-AC-DT-EC] areas: 10,000 square feet."</p>	<p>Allows cottage development on smaller lots in all Center types. See additional explanation in the Council memo for citywide text amendments. Note: This is one of 3 proposed changes to cottage development that are overlapping and may be mutually exclusive.</p>



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Page	Section	Change / Discussion	Explanation
154	4-3(B)(7)(a)	<p>Dwelling, Multi-family</p> <p>Revise as follows:</p> <p>"...this use shall meet the following landscape standards:</p> <p>1. Except in DT-UC-MS-TP areas, this use shall provide, somewhere on the lot, at least 1 tree..."</p> <p>Move text from 2 to be part a second sentence in Subsection 1. Renumber Subsection 3 accordingly.</p> <p>Add a new Subsection 3 and 4 with text as follows:</p> <p><u>"4. Except in DT-UC-MS-PT areas, 25 percent of the net lot area shall contain landscaping. Tree canopies and ground-level plants shall cover a minimum of 75 percent of the total landscape area. Each tree counts as 16 square feet of live vegetation regardless of the actual size of the tree canopy or the size of the tree canopy in the Official Albuquerque Plant Palette.</u></p> <p><u>5. Except in DT-UC-MS-PT areas, turf grass species requiring irrigation for survival after the first 2 growing seasons are restricted to 20 percent of the landscape area. Drought-tolerant grasses may cover up to an additional 70 percent of the landscape area."</u></p>	<p>Proposes revised standards submitted by the DRB chair in response to several multi-family projects that have been submitted under the IDO. See related item for proposed change to building design standards in Subsection 5-11(D). See additional explanation in the Memo from Planning Department Associate Director and DRB Chair.</p>
154	4-3(B)(7)(b) [new]	<p>Dwelling, Multi-family</p> <p>Add a new Subsection with text as follows and renumber subsequent subsections accordingly:</p> <p><u>"No more than 30 percent of required usable open space can be private or occur on upper stories unless the lot is located within 660 feet in any direction of an NR-PO zone district or Major Public Open Space."</u></p>	<p>Proposes revised standards submitted by the DRB chair in response to several multi-family projects that have been submitted under the IDO. See related item for proposed change to building design standards in Subsection 5-11(D). See additional explanation in the Memo from Planning Department Associate Director and DRB Chair.</p>
155	4-3(B)(8)	<p>Community Residential Facility, Small or Large</p> <p>Delete subsections (c) and (d).</p>	<p>Removes 2 requirements on this use, which is defined as housing for people in classes protected by the Fair Housing Act, which prohibits local municipalities from placing regulations that treat a protected class (as defined by FHA) any differently than any other residential use. Removal of these requirements will ensure that the City of Albuquerque is in compliance with FHA standards. See additional explanation in the Council memo for citywide text amendments.</p>

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155	4-3(B)(9)	Group Home, Small, Medium, or Large Revise subsections (b) and (c) to remove references to Community Residential Facilities.	Removes the distance separation requirements between Group Homes and Community Residential Facilities (CRF). See related item removing requirements for CRFs in Subsection 4-3(B)(8). See additional explanation in the Council memo for citywide text amendments.
159	4-3(D)(3)(a)2	General Agriculture Revise to read: "For cows and horses in Residential zone districts <u>other than R-A</u> and Mixed-use zone districts, see Subsection 4-3(F)(3)(d)."	The R-A zone district is intended for general agriculture, which includes animal keeping. This change makes clear that a conditional use approval is not required to keep cows and horses in the R-A zone district. See related proposed change to Animal Keeping use-specific standard.
164	4-3(D)(17)(I)	Light Vehicle Fueling Station Revise to read: "In UC-AC-MS-PT-MT areas and <u>or</u> the MX-H zone district..."	Clarifies the intent to apply to property that is either in a UC-AC-MS-PT-MT area, zoned MX-H, or both, in a designated center and zoned MX-H.
164	4-3(D)(17)(I)	Light Vehicle Fueling Station Revise text to read as follows: "In UC-AC-MS-PT-MT areas and the MX-H zone district, the fully enclosed portion of any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum front setback of 15 feet. A canopy attached to the building with a common roof <u>may</u> satisfy this standard. <u>The requirements of 5-1(D)(2) do not apply to this use.</u> "	Allows a gas station canopy to count toward the requirement that a building be within 15 feet of the front property line. Exempts gas stations from 5-1(D)(2), which requires that 50% of the building be located within 15 feet of the front property lines in UC-MS-PT areas. See additional explanation in the Council memo for citywide text amendments.
166	4-3(D)(19)	Light Vehicle Sales and Rental Revise text as follows: " In <u>UC-MS-PT areas in</u> the MX-H zone district, outdoor display or storage of vehicles is prohibited.	Limits this regulation to apply only in UC-MS-PT areas. See additional explanation in the Council memo for citywide text amendments.
172	4-3(D)(34)	Cannabis Retail Add a new Subsection (b) and renumber subsequent subsections accordingly: "This use may not include a storage or display area outside of fully enclosed portions of a building."	Clarifies that cannabis retail cannot occur outside a building. This is more restrictive than general retail, which allows outdoor display/storage with a conditional use approval.

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Page	Section	Change / Discussion	Explanation
179	4-3(D)(42)	Freight Terminal or Dispatch Center Make existing text a new Subsection 2 and create a new Subsection 1 with text as follows: "If no building is provided on the premises, this use must be screened from any adjacent Residential zone district or lot containing a residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening)."	Adds requirements to screen the use next to Residential zone districts even if a building is not proposed.
181	4-3(E)(2)	Cannabis Cultivation Facility Delete "facility" from header. Add new Subsections (b) and (c) renumber subsequent subsections accordingly, with text as follows: "4-3(E)(2)(a) Except as specified in Subsection (b) below, all activities in this use must be conducted within the fully enclosed portions of a building unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) to conduct specific activities outside of the fully enclosed portions of a building. 4-3(E)(2)(b) An incidental storage area is allowed outside of the fully enclosed portions of a building, but must be screened from view from each property line as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas)."	Adds regulations consistent with light manufacturing to require all activities to occur inside unless a conditional use approval is granted. Allows a storage area but requires screening.
181	4-3(E)(3)	Cannabis-infused Products Manufacturing Add new Subsections (b) and (c) renumber subsequent subsections accordingly, with text as follows: "4-3(E)(2)(a) Except as specified in Subsection (b) below, all activities in this use must be conducted within the fully enclosed portions of a building unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) to conduct specific activities outside of the fully enclosed portions of a building. 4-3(E)(2)(b) An incidental storage area is allowed outside of the fully enclosed portions of a building, but must be screened from view from each property line as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas)."	Adds regulations consistent with light manufacturing to require all activities to occur inside unless a conditional use approval is granted. Allows a storage area but requires screening.

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191	4-3(F)(3)	Animal Keeping Revise first sentence in Subsection 4-3(F)(3)(d) to read: "In Residential <u>zone districts other than R-A</u> or any Mixed-use zone district..." Revise Subsection 4-3(F)(3)(e) to read: "Where general agriculture is allowed in the R-A zone district or any Non-residential zone district..."	The R-A zone district is intended for general agriculture, which includes keeping animals. This change makes clear that a conditional use approval is not required to keep cows and horses in the R-A zone district. See related change to General Agriculture use-specific standard.
201	4-3(F)(11)(i)	Mobile Food Truck Add a new sentence as follows: "Other sales or services may be allowed as approved by the City Parks and Recreation Director."	Allows additional sales and services (e.g. a mobile "skate shop" or "bike repair service") at City parks via what the IDO calls a food truck, as requested by City Parks & Recreation staff. See related change for the definition of a food truck in Section 7-1 that would allow this exception.
204	4-3(G)(1)	Circus Revise the first sentence as follows: " <u>This use may take place on a fairground, which requires a Site Plan - EPC related to the NR-SU zone district. Where this use is proposed in another zone district, a Site Plan - Administrative demonstrating...</u> "	Clarifies the different Site Plans required. This use may, but is not required to, take place on a fairground, which requires NR-SU zoning and a Site Plan - EPC.
206	4-3(G)(4)	Fair, Festival, or Theatrical Performance Revise the first sentence as follows: " <u>This use may take place on a fairground, which requires a Site Plan - EPC related to the NR-SU zone district. Where this use is proposed in another zone district, this use is limited to ...</u> "	Clarifies the different Site Plans required. This use may, but is not required to, take place on a fairground, which requires NR-SU zoning and a Site Plan - EPC.
212	5-1(C)(2)(b)3	Add a new sentence as follows: " <u>On lots with sensitive lands or adjacent to sensitive lands or Major Public Open Space, the lot may be up to 150 percent larger.</u> "	Allows consolidations into larger lots to help preserve sensitive lands and limit the number of dwellings on and near sensitive lands and Major Public Open Space. See related item for new purpose statement of the IDO.
218	Table 5-1-4	Add "Porch" with the following text: " <u>May encroach into a required setback, but not closer than 5 ft. from any lot line. May encroach up to the front lot line in UC-MS-PT areas.</u> " Add UC-MS-PT acronym explanations to top of table.	Clarifies that portions of a building meeting the definition of porch may be in required setbacks. See related item to revise definition of porch to clarify. UC-MS-PT areas have 0 ft. front setbacks, so porches are also allowed to start at the front lot line.
218	Table 5-1-4	Add "Swimming pool" with the following text: " <u>May encroach into a required setback, but in-ground swimming pools shall not be closer than 5 ft. from any lot line or building.</u> "	Clarifies that swimming pools can be in required setbacks. Setbacks apply to buildings. Swimming pools are referred to in the IDO as accessory structures.

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221	5-2	Rename Subsection 5-2(C) "Site Design to Avoid Sensitive Lands." Add a new Subsection (D) Site Design to Respond to Climate and Geographic Features as shown in Exhibit 5-2(D)[new] and renumber subsequent subsections accordingly.	Adds a new site design provision intended to improve the building performance of Albuquerque developments. See additional explanation in Memo from Associate Planning Director and DRB Chair and Exhibit 5-2(K) [new].
221	5-2(C)(1)	Add "Riparian Areas" to the list of sensitive lands in proper alphabetical order and renumber the subsequent sensitive lands as necessary.	Adds a new type of sensitive land to avoid. See related item to add a definition in Section 7-1 that defers to a map maintained by the City Parks and Recreation Department. See additional explanation in the Council Services memo related to requests by Open Space Advisory Board and Open Space Staff.
221	5-2(C)(3) [new]	Add a new subsection and renumber subsequent subsection accordingly: "Landscaping on lots abutting arroyos shall be per section 5-6(C)(4)."	Editorial cross reference to proposed regulation of the landscaping next to arroyos. See additional explanation in Memo from Council Services about requests from Open Space Advisory Board and Open Space Staff. See related change to Subsection 5-6(C).
229	5-2(J)(2)(b)	Add a new Subsection 2 and renumber subsequent subsections: <u>"Not be located within 50 feet of any steep slopes, escarpments, wetlands, or riparian areas in the Major Public Open Space, excluding any single-loaded street or landscaped buffer pursuant to the requirements of 5-2(J)(2)(a)(1)."</u>	Adds an additional buffer from sensitive lands on Major Public Open Space. See additional explanation in Memo from Council Services about requests from Open Space Advisory Board and Open Space Staff. See related change to add a definition of riparian area in Section 7-1.
249	5-5(B)(1)(e) [new]	Add a new subsection with the following: <u>"Construction of a new parking lot, including any off-street parking required by Table 5-5-1."</u>	Adds a trigger to meet parking requirements when a new parking lot is constructed, even when a building is not proposed.
254	Table 5-5-1	Hotel or motel Add to the citywide rule <u>"or 1 space per 2 beds, whichever is greater."</u> Add to UC-MS-PT: <u>"or 1 space per 4 beds, whichever is greater."</u>	Addresses what parking should be required at a version of a hotel such as a hostel, where lodging is per bed vs. per guest room.
257	Table 5-5-1	Outdoor Dining Area Revise from 5 to 3 spaces / 1,000 sq. ft. GFA outdoor seating space	Reduces parking requirements for outdoor dining to incentivize this use. See additional explanation in the Council Services memo for citywide text amendments.

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262	5-5(C)(8)(a)	Revise to read as follows: "Within the off-street parking requirements of Table 5-5-1 and Table 5-5-2, as adjusted by Section 14-16-5-5(C)(5) (Parking Reductions) – and not in addition to those requirements – accessible parking shall be provided for all parking areas as required by the federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and New Mexico Statutes Annotated, as amended, <u>except where parking is only provided in a residential driveway.</u> "	Requires ADA parking for all uses and only exempts parking provided via residential driveways.
265	5-5(F)(1)(a)5	Delete this provision. See related items proposing a new Subsection 14-16-5-5(B)(4) Allowed Vehicles to regulate where you can park different types of vehicles in different zone districts.	This regulation is proposed to be adjusted and move into a new subsection proposed by related items to move parking as uses from Table 4-2-1. See Exhibit 5-5.
266	5-5(F)(1)(a)11	Revise to read as follows: "Required parking spaces for uses in the Civic and Institutional, Commercial, and Industrial use categories may be located in a designated parking area on a lot within 330 feet in any direction of the <u>premises</u> served by such parking..."	Clarifies that the use may be on multiple lots within a premises.
273	Table 5-5-8	Restaurant Revise the minimum stacking spaces as follows: General: 6 --> 12 UC-MS: 4 --> 6	Increases the number of minimum stacking spaces for drive-throughs or drive-ups associated with a restaurant. See additional explanation in the Council Services memo for citywide text amendments.
274	5-5(I)(2)(c)	Replace text as follows: "Drive-through service windows shall be angled at least 45 degrees from parallel with any abutting lot line of a Residential zone district so that it does not directly face the residential lot."	Gives an enforceable measurement for existing regulation.
276	5-6(C)(1)	Add a new sentence as follows: " <u>Landscaping shall be maintained per the requirements of 5-13(B)(6).</u> "	Adds a cross-reference to the General Landscaping requirements to point to the Operations and Maintenance section of the IDO. See additional explanation in the Council Services memo for citywide text amendments.
279	5-6(C)(4)	Add a new Subsection (e) with text as follows, renumbering subsequent subsections accordingly: " <u>Landscaping abutting arroyos shall consist of plants as approved by the Official Albuquerque Plant Palette.</u> "	Adds a regulation of the type of plants that may be used to meet landscaping requirements for multi-family, mixed-use, or non-residential development. See additional explanation in Memo from Council Services about requests from Open Space Advisory Board and Open Space Staff. See related change to add a cross reference to this requirement from 5-2(C)(3).

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287	5-6(E)(3)	Replace "multi-family dwellings" with "multi-family development."	Applies the Edge Buffer requirement to uses in the Group Living category, such as nursing home, since the definition "multi-family development" includes uses in the Group Living category.
288	5-6(E)(4)	Turn existing language into a new (1) and then add a new (2) as follows: "Where multi-family development is adjacent to a lot with industrial development, a buffer shall be provided as specified for the relevant areas in Subsections (b) and (c) below."	Requires multi-family development to buffer itself from existing industrial development. This is sometimes referred to as "coming to the nuisance." Currently, the IDO only requires industrial development to provide a buffer when it goes in first next to non-industrial development. This additional requirement helps ensure environmental justice for future residents.
303	5-7(E)(1)(b)	Delete "stucco over" so that CMU blocks are allowed.	Exposed CMU blocks are limited per Subsection 1 facing a public street or City park or trail. In those locations, either stucco or a textured/decorative CMU block could be used to comply.
305	5-7(E)(3)	Revise as follows: "Any portions of a wall <u>over 3 feet</u> facing a public street..."	Limits this regulation to taller walls, where these additional design standards are more appropriate to incorporate.
311	5-8(D)(3)	Revise as follows: "...shall not exceed 200 foot lamberts <u>as measured from the property line facing the light source.</u> "	Clarifies that the measurement is to be taken facing the light source.
317	5-10(C)(1)	Revise to read as follows: "The building height shall not exceed the relevant heights shown in Table 5-10-1 or the maximum building height allowed by the zone district, whichever is less. The building heights in the table were determined based on the distance cardinally south from the northern property line and an angle plane of 32 degrees angle that allows 1 hour of Winter Solstice sunlight to hit at least 2 feet up on a southern-facing wall located 10 feet from the property line. Distances from the northern property line that were not whole numbers were rounded down."	Simplifies the regulation to track with the table versus requiring geometry for each application based on the angle plan. Resolves the conflict between the angle plane and the Table. The result also generally tracks better with established setback requirements, which are a complementary tool to ensure adequate solar access.
321	5-11(D)	Revise as shown in Exhibit - 5-11(D).	Proposes revised standards submitted by the DRB chair in response to several multi-family projects that have been submitted under the IDO. See related item for proposed changes to the use-specific standard in 4-3(B)(7). See additional explanation in the Memo from Planning Department Associate Director and DRB Chair.

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Page	Section	Change / Discussion	Explanation
322	5-11(E)	<p>Mixed-use and Non-residential Zone Districts</p> <p>Revise as follows:</p> <p>"All mixed-use and non-residential development located in any Mixed-use or Non-residential zone district, excluding MX-FB, NR-LM, NR-GM, NR-SU, and NR-PO, <u>and multi-family development in UC-MS-PT areas</u> shall comply with the standards in this Subsection 14-16-5-11(E). <u>Standalone parking structures and the above-ground portion of parking structures incorporated into a building with allowable primary and/or accessory uses</u> shall</p> <p>comply with the design standards in Subsection 14-16-5-5(G) (Parking Structure Design). <u>Multi-family development outside of UC-MS-PT areas shall comply with the standards in Subsection 14-16-5-11(D) (Multi-family Residential Development)...."</u></p>	Editorial changes related to proposed change to change multi-family building design standards in 5-11(D) and proposed change to definition of parking structure in 7-1.
327	5-11(G)	<p>Revise the text as follows:</p> <p>"<u>Above-ground</u> portions of buildings that contain parking structures shall meet..."</p>	Clarifies that these standards are not intended to apply below ground.
336	5-12(F)(2)(b)	<p>Joint Sign Premises</p> <p>Delete subsections (1) and (2).</p>	Allows joint sign premises in more locations to reduce clutter (one sign, multiple businesses). See additional explanation in the Council memo for citywide text amendments.
353	5-13(A)(4)	<p>Glare</p> <p>Delete this provision and revise to become a new 5-6(G)(5) Outdoor Activity with text as follows:</p> <p>"High-temperature processes (such as combustion or welding), shall be screened from view by an opaque decorative wall or fence at least 6 feet tall but not more than 8 feet tall that incorporates at least 1 of the primary materials and colors of the nearest wall of the primary building (but excluding exposed CMU block) or a vegetative screen planted along the full length of the area to be screened and at least 8 feet high at the time of planting."</p>	Replaces existing provision with an enforceable standard and moves the regulations to a more appropriate location in the IDO.
360	Table 6-1-1	<p>Vacation of Public Right-of-way - City Council</p> <p>Vacation of Public Right-of-way - DRB</p> <p>Add requirement for pre-application meeting.</p>	Adds a requirement for pre-application meeting, which matches current practice.



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373	6-4(C)(1)	Revise the first sentence to read: "... to all Neighborhood Associations whose boundaries include or are adjacent to the subject <u>no more than 90 days</u> before filing the application."	Limits how early notice can be sent, recognizing that proposed development may have changed in the intervening time or Neighborhood Association representatives may have changed in the intervening time. The full Neighborhood Meeting process is a minimum of 45 days, so this is intended to allow early coordination but sets a reasonable limit.
404	6-4(X)	Revise the heading of this Subsection to "Expiration or Repeal of Approvals." Revise Subsection 6-4(X)(2)(c) to read as follows: "The decision-making body that approved the original site plan <u>repeals</u> the site plan. <u>The decision-making body may specify an expiration date for the site plan as part of the repeal decision; otherwise, the hearing date at which the decision to repeal was made is to be considered the expiration date. For the purposes of this IDO, the repeal follows the Major Amendment procedures in Subsection 14-16-6-4(Y)(3).</u> "	Adds specificity for how expirations will be processed (i.e. as repeals through major amendment process).
442	6-6(H)(2)	Add a new subsection (a) and renumber subsequent subsections accordingly with text as follows: " <u>All applications in an HPO zone or on properties or in districts listed on the State Register of Cultural Properties or the National Register of Historic Places shall first be reviewed by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), and the Historic Preservation Planner shall send a recommendation to the ZEO.</u> "	Adds the same language about LC that is in Wall or Fence Permit - Minor and Variance - ZHE. See related item to add the same language to Variance - EPC.
444	6-6(I)(2)	Add a new Subsection (f) and renumber subsequent subsection accordingly with text as follows: " <u>The DRB may delegate authority to relevant City staff to determine technical review of compliance with conditions of approval, zoning standards, and technical standards.</u> "	Allows DRB to delegate authority to administrative approval for particular standards. This is particularly helpful for large projects that may come in with multiple phases, where not all details are known at the same level of detail for all portions of the site during the original approval.
445	6-6(I)(3)	Add a new Subsection (d) as follows: " <u>The Site Plan mitigates any significant adverse impacts on adjacent residential development or major public or private open space. Mitigation may be in the areas of wall height; access and driveway placement; landscape spacing, plant density, or alternative plantings.</u> "	Gives the DRB limited discretionary authority. See additional explanation in the Council Services memo for citywide text amendments.

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447	6-6(N)(2)	Add a new subsection (a) and renumber subsequent subsections accordingly with text as follows: <u>"All applications in an HPO zone or on properties or in districts listed on the State Register of Cultural Properties or the National Register of Historic Places shall first be reviewed by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), and the Historic Preservation Planner shall send a recommendation to the ZEO."</u>	Adds the same language about LC that is in Wall or Fence Permit - Minor and Variance - ZHE. See related item to add the same language to Wall or Fence Permit - Major.
454	6-6(L)(2)(g)4	Revise to read as follows: "When all conditions of approval are satisfied, the DRB shall accept and sign the revised Final Plat. <u>The applicant</u> may then record it with the Bernalillo County Clerk as soon as possible, but in no case more than 6 months from date of DRB signature."	Revises the language to match the time allowed for recording Minor Subdivisions and current practice that the applicant records the plat with the clerk.
469	6-7(C)(1)	Add a new Subsection (f) as follows: <u>"Amend the text of an HPO zone or any standard in this IDO that specifically applies to an HPO zone."</u>	Requires IDO provisions for HPOs to be reviewed by the Landmarks Commission, which will make a recommendation to City Council, the final decision-making body. This reverts to pre-IDO practice, where the LC reviewed changes to the H1 zone district and to provisions in the EDO SDP. Note that Historic Standards and Guidelines are still reviewed and decided by the LC per 6-6(E).
471	6-7(D)(1)(a)	Revise as follows: <u>"Applications to create or amend an HPO zone boundary, the text of an HPO zone, or any standard in this IDO that specifically applies to an HPO zone, which are processed pursuant to Subsection 14-16-6-7(C)."</u>	Editorial change related to proposal to send changes to HPO zone text to Landmarks Commission per 6-7(C)(1).
473	6-7(E)(1)(a)	Revise as follows: <u>"Applications to create or amend an HPO zone boundary, the text of an HPO zone, or any standard in this IDO that specifically applies to an HPO zone, which are processed pursuant to Subsection 14-16-6-7(C)."</u>	Editorial change related to proposal to send changes to HPO zone text to Landmarks Commission per 6-7(C)(1).
495	6-9(B)	Add a new subsection with the following text: <u>"Removing or defacing any posted sign required for public notice after it is posted until the required duration of the sign posting is complete."</u>	Adds prohibition for tampering with sign posted for required notice.
499	6-9(C)(5)	Revise as shown in Exhibit - 6-9(C)(5) Civil Enforcement.	Civil enforcement is coordinated through the City Clerk's hearing officers. The City Clerk is trying to eliminate overlapping/conflicting procedures in multiple ordinances and instead referring to the Independent Hearing Office Ordinance (ROA 1994 Part 2-7-8). See Exhibit - C-9(C)(5).

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505	7-1	Accessory Structure Delete swimming pools. Add a new sentence as follows: <u>"Above-ground swimming pools are not considered accessory structures for the purposes of this IDO."</u>	See related item clarifying that in-ground swimming pools may encroach up to 5 feet in a required setback. Above-ground swimming pools are not regulated by the zoning code.
509	7-1	Building Add to second sentence the following: "...including, but not limited to, a porch, breezeway, or carport."	Provides specificity about what counts as a building if under a common roof.
510	7-1	Building Frontage Types / Arcade. Revise to say "...attached colonnade <u>or overhang structure</u> to create a covered passageway."	Broadens the definition to include structures that create an arcade without columns.
512	7-1	Cannabis Definitions Cannabis [new] Add a new definition as follows: <u>"As defined in NMSA 1978 § 7-34-4-7. For the purposes of this IDO, hemp is not regulated as cannabis. See also <i>Hemp</i>."</u>	Adds a definition for a term used in the IDO. Definition defers to the state's regulations.
512	7-1	Cannabis Definitions Cannabis-derived product [new] Add a new definition as follows: <u>"A product, other than cannabis itself, that contains or is derived from cannabis, as regulated by NMSA 1978 § 7-34-4-7. See also <i>Hemp</i>."</u> Throughout the IDO, replace "cannabis-infused" with "cannabis-derived" wherever it appears.	Adds a definition for a new term proposed to be added to the IDO. See related item for new Cannabis definition. Definition defers to the state's regulations.
512	7-1	Cannabis Definitions Hemp Add a new definition as follows: <u>"As defined by NMSA 1978 § 20-10-2-7." For the purposes of this IDO, hemp is not regulated as cannabis. See also <i>Cannabis</i>."</u>	Adds a definition for a new term proposed to be added to the IDO. See related item for new Cannabis definition. Definition defers to the state's regulations. Hemp is used in a wide variety of products (rope, clothing, etc.). This definition makes clear that hemp products would not be regulated as cannabis retail in the IDO.

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512	7-1	<p>Calendar Days</p> <p>Revise to add a new second sentence to read as follows:</p> <p><u>"Where this IDO refers to a period of multiple months or a period of one or more years, the final day of the period would fall on the corresponding date of the month in the future (i.e. if the period starts on May 18, a 3 month period would end on August 18; a 1-year period would end on May 18 of the following year.)"</u></p>	Clarifies how to measure calendar days to match existing practice.
517	7-1	<p>Development Definitions</p> <p>Infill Development</p> <p>Revise as follows:</p> <p>"An area of platted or unplatted land that includes no more than 20 acres of land <del>that has water and sewer service</del> and where at least 75 percent of the parcels adjacent to the proposed development have been developed and contain existing primary buildings."</p>	Revised for consistency with MTP/MRMPO definition. The City uses MTP/MRMPO for planning, policy, and analysis, so this change helps coordination efforts. Provides further distinction from what might be called "greenfield development" of undeveloped sites, typically at the edge of the City versus infill, which is tied to the Centers/Corridors vision and policy intent.
520	7-1	<p>Dwelling Definitions</p> <p>Dwelling, Cluster Development</p> <p>Add a new second sentence as follows:</p> <p><u>"A cluster development does not increase the overall density of a development but rather allow dwellings to be grouped or clustered on smaller lots."</u></p>	Makes clear that cluster development does not increase the overall density of the development compared to a traditional subdivision development form. See additional explanation in the Council Services memo for citywide text amendment.
523	7-1	<p>Fairgrounds</p> <p>Revise definition as follows:</p> <p>"An area developed for the purpose of holding fairs, circuses, or exhibitions."</p>	There are related uses that can but do not need to take place on fairgrounds. See related items to revise use-specific standards for "circus" and "fair, festival, or theatrical performance" in Subsection 4-3.
525	7-1	<p>Glare</p> <p>Delete definition. See other proposed item to revise the only place where glare is used in the IDO that would eliminate the use of this term.</p>	See related item for proposed change to delete Subsection 5-13(A)(4) and move to a new Subsection 5-6(G)(5) Outdoor Activity, with revised language.
531	7-1	<p>Lot line</p> <p>Front lot</p> <p>Revise to add a final sentence with text as follows:</p> <p><u>"For the purposes of determining setback requirements on an interior lot that does not abut a street, the lot is not considered to have a front lot line. In that case, all lot lines would be considered side lot lines."</u></p>	Clarifies how to treat lot lines when there is no front lot line. This situation happens in shopping centers, where there are often multiple lots, some of which are in the middle with no street frontage. In those cases, there is no need for a front setback different from the other lot lines.

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531	7-1	<p>Lot line Rear Lot Revise the second sentence to read as follows: "In the case of a lot that comes to a point at the rear, the rear lot line is established by connecting two points that are 10 feet from the rear point, measured along the side lot lines." Add an illustration of this measurement.</p>	Changes how to establish a rear lot line that returns to pre-IDO practice.
538	7-1	<p>Mobile Food Truck Add a new sentence as follows: <u>"Other sales or services may be allowed as specified elsewhere in this IDO."</u></p>	City Parks & Recreation staff has requested that additional sales and services (e.g. a mobile "skate shop" or "bike repair service") be allowed at City parks via what the IDO calls a food truck. See related change for the use-specific standard 4-3(F)(11)(i) for food trucks that would allow this exception.
541	7-1	<p>Open Space Definitions Common Open Space Revise the first sentence as follows: "The area of undeveloped land <u>and/or existing site features</u> within a cluster development that is set aside for the <u>preservation</u>, use and enjoyment by the owners and occupants of the dwellings in the development and includes <u>historic buildings or structures, sensitive lands, hazard prone areas</u>, agriculture, landscaping, <del>on-site ponding</del>, or outdoor recreation uses."</p>	Removes on-site ponding as an area that can be considered Common Open Space. Adds the preservation of existing site features, including historic buildings, sensitive lands, and hazard prone areas. See additional explanation in the Council Services memo for citywide text amendment.
543	7-1 [new]	<p>Outdoor Display [new] Add a new definition as follows: <u>"The display of retail goods outside but on the same property as the primary establishment. For the purposes of light vehicle sales and rental, outdoor inventory is considered to be outdoor display and not outdoor vehicle storage."</u></p>	Adds a defined term for outdoor display, which is regulated in the Old Town HPO and as a component of Light vehicle sales that is different from Outdoor vehicle storage.
544	7-1	<p>Parking Definitions Garage Revise text to read as follows: "A <u>single-story</u> structure or part of a <u>building in a low-density residential development</u> designed to accommodate motor vehicle parking spaces that are partially or completely enclosed. ...."</p>	Revises the definition of garage to distinguish it from parking structures, which are related to building height bonuses.

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Page	Section	Change / Discussion	Explanation
544	7-1 [new]	<p>Parking Definitions  Carport [new]  Add a new definition as follows:  <u>"A roofed structure for vehicles that is not enclosed on at least 2 sides. For the purposes of this IDO, carports are subject to building height maximums in the underlying zone district but are allowed to be in required setbacks pursuant to Table 5-1-4."</u></p>	Adds a definition for a term used in the IDO that clarifies how carports are treated in terms of height limits and setbacks.
544	7-1 [new]	<p>Parking Definitions  Front-access Garage [new]  Add a new definition as follows:  <u>"A garage in which the garage door is angled less than 45 degrees away from the front lot line (i.e. typically the street that the primary residence faces). See also <i>Side-access Garage</i> and <i>Rear-access Garage</i>."</u></p>	Adds a definition for a term used in the IDO that is enforceable and distinguishable from side-access and rear-access garages. See related items that add definitions for those types of garages.
544	7-1 [new]	<p>Parking Definitions  Rear-access Garage [new]  Add a new definition as follows:  <u>"A garage accessed from the rear lot line. See also <i>Front-accessed Garage</i> and <i>Rear-accessed Garage</i>."</u></p>	Adds a definition for a term used in the IDO that is enforceable and distinguishable from side-access and front-access garages. See related items that add definitions for those types of garages.
544	7-1 [new]	<p>Parking Definitions  Side-access Garage [new]  Add a new definition as follows:  <u>"A garage in which the garage door is angled at least 45 degrees away from the street that the primary residence faces. The access to this garage may be from the front lot line (i.e. typically the street that the primary residence faces) or a side lot line (i.e. from an abutting street in the case of a corner lot). See also <i>Front-accessed Garage</i> and <i>Rear-accessed Garage</i>."</u></p>	Adds a definition for a term used in the IDO that is enforceable and distinguishable from rear-access and front-access garages. See related items that add definitions for those types of garages.

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
545	7-1	<p>Parking Definitions  Parking Structure  Revise the first two sentences to read as follows:  "A <u>multi-story</u> structure or part of a <u>multi-story building</u> designed to accommodate motor vehicle parking spaces that are partially or completely enclosed, including but not limited to underground or podium parking, associated with Multi-family, Mixed-use, and/or Non-residential development. ..."</p>	<p>Revises the definition of parking structure to distinguish it from garages. Parking structures are related to building height bonuses.</p>
547	7-1	<p>Porch  Revise second sentence as follows:  "<u>To be considered a porch, and not just part of the building, the porch façade facing a street must not be more than 50 percent enclosed (except for removable screens, screen doors, storm sashes, wrought iron security fencing, or awnings).</u>"</p>	<p>The definition of building includes anything within the footprint of a common roof, which could include a porch. See related item to clarify that porches can be in a setback, but only if it meets the definition of a porch and not just a building. This revision tries to clarify these overlapping definitions.</p>
548	7-1	<p>Public Hearing  Delete the phrase "based on policy in addition to regulations."</p>	<p>See related item to provide limited discretion to DRB. If that item is adopted, DRB's decisions will be based only on the limited discretion granted by the IDO, not on policy. See additional explanation in the Council Services memo for citywide text amendment.</p>
550	7-1	<p>Seasonal Outdoor Sales  Delete "or indoor."</p>	<p>Eliminates a contradiction of outdoor sales and general retail, which is indoor sales. If the sales happen under a common roof, then the definition of building would say that those sales are happening indoor and be allowed as general retail.</p>
551	7-1 [new]	<p>Sensitive Lands  Riparian Area [new]  Add a new definition with text as follows:  "<u>Aquatic ecosystems and the transitional ecosystems surrounding them, as shown on the map maintained by the City Parks and Recreation Department. The transitional riparian ecosystem is characterized by distinctive vegetative communities and soils that are affected by the presence of surface and groundwater, and provides critical habitat, including for endangered species and migratory birds.</u>"</p>	<p>Adds a definition for a proposed type of sensitive land to avoid. See related item to add riparian areas to the list of sensitive lands in 5-2(C)(1). See additional explanation in the Council Services memo related to requests by Open Space Advisory Board and Open Space Staff.</p>

## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
559	7-1	Structure Add a new second sentence with the following text: <u>"Swimming pools are considered structures, whether above-ground or in-ground."</u>	Swimming pools are described elsewhere in the IDO as accessory structures. See related item with revision to Table 5-1-4 about where in-ground swimming pools can be in required setbacks.
564	7-1	Vehicle Definitions Non-commercial vehicle Delete term.	See related items that replace this term in the IDO with parking of light vehicles vs. heavy vehicles in a new Subsection 5-5(F). See Exhibit 5-5. Light vehicle and heavy vehicle are defined separately.
565	7-1	Vehicle Definitions Heavy Vehicle Delete "vehicles." Add a new second sentence as follows: <u>"This use does not include any vehicle that meets a definition for a distinct vehicle in this IDO, including but not limited to Recreational Vehicle."</u>	Eliminates overlap in definitions.
569	7-1	Yard Definitions Front Yard Add new sentence as follows: <u>"If there is no primary building on the lot, the part of a lot within the minimum setback in the zone district on the side of the lot where the property will be addressed."</u>	Clarification needed for wall/fence height limits, which are tied to front yard vs. other parts of the yard, when no building is provided (and therefore no "front yard" defined).



## 2020 IDO Annual Update - Citywide Text Amendments

EPC Hearing January 21, 2021

Page	Section	Change / Discussion	Explanation
Multiple	Multiple	Food Truck Court [new] In Table 4-2-1, add a new primary use in the Outdoor Recreation and Entertainment category: Food Truck Court, with use-specific standards in Subsection 4-3 and parking requirements in Table 5-5-1 as proposed in the Council memo for citywide text amendments.	Adds new use that allows food trucks to be the primary, i.e. only, use on a site. Currently, the mobile food truck use is only accessory. See additional explanation and proposed content in the Council Services memo for citywide text amendments.
Multiple	Multiple	Campgrounds and RV Remove references to Campground and RV Parks Use from Subsection 2-5(E)(2). Revise Table 4-2-1 Allowable Uses and associated use-specific standard to make this use permissive in MX-L and MX-M zones. Delete the P in the NR-SU zone district. Add the following text to Subsection 4-3(D)(13): " <u>Campgrounds and RV Parks constructed prior to the effective date of this IDO are allowed as a permissive primary use.</u> "	Allow the Campground and RV Park use to be done permissively in the MX-L and MX-M zones, rather than in a Non Residential Sensitive Use (NR-SU) zone. Avoids making existing campgrounds and RV Parks nonconforming by allowing them as a permissive primary use in the use-specific standard. See additional explanation in the Council Services memo for citywide text amendments.
Multiple	Multiple	Public Meeting Delete definition for term "Public Meeting." Strike all references to Public Meetings in the IDO and replace with the phrase "Public Hearing". Revise text editorially as needed.	See related item to provide limited discretion to DRB. If that item is adopted, all DRB meetings will be hearings, and there will be no need for the current distinction in the IDO. See additional explanation in the Council Services memo for citywide text amendments.
All	All	Make any necessary clerical corrections to the document, including fixing typos, numbering, and cross references.	Covers general clerical corrections.
All	All	Make any necessary editorial changes to the document, including minor text additions, revisions for clarity (without changing substantive content), adding cross references, reorganizing content for better clarity and consistency throughout, revisions to graphic content for clarity, and updating tables of contents.	Covers general editorial corrections.

## Amendment to 4-3(B)(7)(a)

On page 154 of the IDO, revise as follows:

### 4-3(B)(7) Dwelling, Multi-family

4-3(B)(7)(a) In addition to meeting all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening), this use shall meet the following landscape standards:

1. Except in DT-UC-MS-PT areas, this use shall provide, somewhere on the lot, at least 1 tree per ground floor dwelling unit, and at least 1 tree per second floor dwelling unit; no additional trees are required for additional dwelling units on the third or higher floors. ~~2.~~ At least 50 percent of the trees required ~~by Subsection 1 above~~ shall be deciduous canopy-style shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.
2. In DT-UC-MS-PT areas, only ground floor dwelling units are used to calculate the required street trees.
3. Except in DT-UC-PT-MS areas, 25 percent of the net lot area shall contain landscaping; playground area may count up to 10 percent of net lot landscaping. Tree canopies and ground-level plants shall cover a minimum of 75 percent of the total landscaped area and the maximum a tree canopy shall count toward this requirement is 600 square feet.
4. Except in DT-UC-PT-MS areas, cool season grasses are restricted to 20 percent of the landscape area. Warm season grasses may cover up to an additional 70 percent of the landscape area.

4-3(B)(7)(b) Except in DT-UC-PT-MS areas, no more than 40 percent of required usable open space can be private to a household or occur on or under upper stories of the project buildings unless the site is located no more than 660 feet in any direction of an NR-PO zone district or Major Public Open Space.

On page 529 of the IDO, include the following new definitions, in Part 7-1, and create a new for "Landscaping" to include these terms:

Cool season grasses: Cool season grasses are grass types that grow exceptionally well between 65 and 80°F. These grasses are durable and require ample watering during high summer temperatures. Examples are Kentucky blue-grass, perennial ryegrass, and tall fescue.

Warm season grasses: Warm-season grasses are grasses that thrive when temperatures are over 75 degrees. These grasses are native and drought tolerant and have lower water requirements than cool season grasses. Examples are buffalo grass, blue grama, Indian rice grass, and sand dropseed grass.

Note: The text shown in black and underline shows proposed revisions to the IDO. The text shown in red and underlined has been revised from the original EPC submittal dated November 30, 2020.

Note: Acceptance of these proposed revisions will supersede the text proposed in the Citywide Text Amendments spreadsheet lines #1 and #2 on page 3 of 19.

## Exhibit 5-11(D)

### 5-11(D) MULTI-FAMILY RESIDENTIAL DEVELOPMENT

All multi-family residential development outside UC-MS-PT areas containing more than 25 dwelling units shall comply with all of the standards in this Subsection 14-16-5-11(D). Standalone parking structures and the above-ground portion of parking structures incorporated into a building with multi-family residential uses shall comply with the design standards in Subsection 14-16-5-11(D). Parking structures shall comply with the design standards in Subsection 14-16-5-5(G) (Parking Structure Design).

#### 5-11(D)(1) Building Entrances

Primary pedestrian entrances to each primary building shall be emphasized and provide weather protection through variations in the façade, porticos, roof variations, recesses or projections, or other integral building forms.

#### 5-11(D)(2) Façade Design

Façades shall be designed to provide a sense of human scale. Building façades shall meet all of the following requirements or provide justification that the intent of this section is achieved by an alternative design approach.

##### 5-11(D)(2)(a) Windows

A façade shall have windows as a prominent feature.

1. The ground floor of each street-facing façade shall contain a minimum of 20 percent of its surfaces in transparent ~~display~~ windows and doors.
- ~~2. Windows on the ground floor for portions of the building that are not residential dwellings, i.e., halls and common spaces, must have interior space visible to a depth of 2 feet from the façade.~~
3. Windows on the upper floors shall be recessed ~~or projected~~ not less than 2 inches and/or shall be surrounded by a window casing ~~or frame~~ not less than 2 inches wide, except for portions of the façade that are ~~storefront systems or curtain walls or for workforce housing developments.~~
4. Windows facing west shall use ~~sun-blocking heat mitigation~~ features.

##### 5-11(D)(2)(b) Articulation

Facades shall change in massing and form as specified below to visually break up the building. Each front and side façade shall meet all of the following requirements or provide justification that the intent of this section is achieved by an alternative design approach.

1. The façade shall have at least one recessed or projecting element of 2 feet in dimension for every 30 feet of facade length.
2. Each street-facing façade shall be designed with more than one building finish material or color.
3. Art, such as murals or sculpture, that is privately-owned or coordinated through the City Public Arts Program, may count toward requirements in 1 or 2 above.
4. Balcony massing, material, or color shall vary to create visual interest. Solid balconies shall not obscure the street-level view of required ~~glazing transparent windows and doors.~~
5. For projects that use 75 percent or more of the ground floor as parking, these standards apply to the stories above the parking level.

**5-11(D)(3) Roof Design**

Rooflines longer than 60 feet shall include at least one vertical or horizontal elevation change of at least 2 feet. Roofs with a pitch of less than 2:12 shall be screened by a parapet wall.

**5-11(D)(4) Garages and Carports**

5-11(D)(4)(a) Garages and carports shall not be located between any street-facing façade of any primary multi-family dwelling and an abutting street, but shall instead be internalized within building groups so as not to be directly visible from the street frontage.

5-11(D)(4)(b) Where the ground floor of the project is 75 percent or more of parking, vehicular ingress/egress to a parking garage at ground level shall include a planter.

Note: The text shown in black and underline shows proposed revisions to the IDO. The text shown in red and underlined/strike-through has been revised from the original EPC submittal dated November 30, 2020.

## **[New Subsection 5-2(D)]**

### **5-2(D) SITE DESIGN TO RESPOND TO CLIMATE AND GEOGRAPHIC FEATURES**

All multi-family residential development containing more than 25 dwelling units and all non-residential development, except industrial development, shall comply with all of the standards in this Subsection 14-16-5-2(D).

#### **5-2(D)(1) Climatic Responsiveness**

The site design process shall include a sun and shade analysis of daily and seasonal position of the sun. The site analysis shall be included with applications for Site Plan.

5-2(D)(1)(a) Building layout and window placement shall be evaluated to reduce summer heat and glare and to capture winter sun.

5-2(D)(1)(b) Living landscape elements shall be evaluated for placement in the most beneficial microclimates and/or to provide the best cooling conditions to mitigate heat gain.

#### **5-2(D)(2) Geographic Responsiveness**

5-2(D)(2)(a) The site design process shall include an analysis of the ability to capture views of prominent geographic features. The site analysis shall be included with applications for Site Plan.

5-2(D)(2)(b) The placement and orientation of buildings, windows, balconies, and patios shall be evaluated to capture available views of prominent geographical features, such as the Sandia mountains, the Bosque/Rio Grande, the Volcanoes/Northwest Escarpment.

Note: This entire section is a new proposed addition to the IDO. The text shown in red and underlined has been revised from the original EPC submittal dated November 30, 2020.

## **Exhibit – 5-5 Parking**

### **5-5(B) APPLICABILITY**

Unless specified elsewhere in this IDO, the requirements of this Section 14-16-5-5 shall apply to all uses and development in any zone district. No final development approval or building permit shall be issued unless the parking requirements of this section are met or modified in accordance with the applicable parking requirements of this IDO.

#### **5-5(B)(4) Allowed Vehicles**

The following vehicles are regulated and shall require compliance with the standards in this Section 14-16-5-5.

- 5-5(B)(4)(a) Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours: Allowed with the permission of the property owner on a premises with a primary non-residential use allowed by Table 4-2-1 in the MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM zone districts.
- 5-5(B)(4)(b) Parking of heavy vehicles for more than 2 hours: Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in the in the MX-L, MX-M, MX-H, or any Non-residential zone district.
- 5-5(B)(4)(c) Parking of light vehicles for more than 2 hours: Allowed with the permission of the property owner of a premises with a primary use allowed by Table 4-2-1 in any zone district.
- 5-5(B)(4)(d) Parking of recreational vehicle, boat, and/or recreational trailer for more than 2 hours:
  - 1. Allowed with the permission of the property owner of a premises with a primary residential use allowed by Table 4-2-1 in any Residential zone district or MX-T zone district.
  - 2. Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in any MX or NR zone district.
  - 3. The vehicle must be parked in 1 of the following areas:
    - a. Inside an enclosed structure.
    - b. Outside in a side or rear yard.
    - c. Outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.
  - 4. No part of the vehicle may extend over any public sidewalk or into any required clear sight triangle.
  - 5. A vehicle may be parked anywhere on the premises during active loading or unloading.
  - 6. No parked vehicle may be used for dwelling purposes, except one recreational vehicle may be used for dwelling purposes for a maximum of 14 days in any calendar year on any lot.
  - 7. Cooking is prohibited in any vehicle at any time.

8. Butane or propane fuel shall not be used in any vehicle at any time.
9. Use of electricity or propane fuel is allowed when necessary to prepare a recreational vehicle for use.
10. A vehicle may not be permanently connected to sewer lines, water lines, or electricity. A vehicle may be connected to electricity temporarily for charging batteries and other purposes if the receptacle and the connection from the recreational vehicle have been inspected and a permit issued by the City as meeting the adopted electrical code. The individual taking out the permit must call for an inspection of the electrical wiring when ready for inspection, and standard inspection fees will be charged.
11. The vehicle may not be used for storage of goods, materials, or equipment other than those items considered part of the unit or essential for its immediate use.



## Exhibit – Civil Enforcement

### 6-9(C)(5) Administrative Civil Enforcement

If the ZEO determines that a violation of the IDO has not been adequately cured within a reasonable time after an initial notice has been issued pursuant to Subsection 14-16-6-9(C)(2), the ZEO may pursue administrative civil enforcement pursuant to this Subsection 14-16-6-9(C)(5). Such administrative civil enforcement does not preclude any other enforcement action authorized by law.

#### 6-9(C)(5)(a) Notice of Administrative Civil Enforcement

If the ZEO chooses to pursue administrative civil enforcement, the ZEO shall prepare and serve a written notice that includes all of the following information:

1. The name and contact information of the individual(s) believed to be responsible for the violation.
2. The physical address or legal description of the location where the alleged violations have occurred or are occurring.
3. A description of the alleged violation(s), including citations to the IDO Sections believed to have been violated and the facts indicating that such Sections are being violated.
4. A description of the actions or penalties that are sought by the ZEO for the alleged violation(s).
5. A statement that the notice will be immediately filed with the City Office of Administrative Hearings within 3 business days and that a hearing on the matter will be scheduled between 15 and 45 calendar days after the office receives the notice.
6. The address, email, and telephone number to contact the ZEO or appropriate City department for additional information and for delivery of any responses to the allegations.

#### 6-9(C)(5)(b) Notice of Hearing

1. The City Office of Administrative Hearings shall schedule pursuant to the Independent Hearing Office Ordinance (ROA 1994 Part 2-7-8). ~~a hearing on all matters for which it has received a notice of administrative civil enforcement between 15 and 45 calendar days after the office receives the notice.~~
2. A notice of hearing may be served by any employee or agent of the City, including the ZEO or any sworn officer of the Albuquerque Police Department.
3. The notice of hearing shall be served to all individuals listed on the notice of administrative civil enforcement and the ZEO through any of the following means:
  - a. Personal service upon the person(s) or their attorney or duly authorized agent(s).
  - b. First class mail, return receipt requested.
  - c. Conspicuous posting within the frontage of the property where the alleged violation has occurred for a period of at least 30 days. It is unlawful for any person to remove or otherwise tamper with

this posting, and any removal or tampering of the notice is punishable pursuant to the criminal penalties of Part 1-1-99 of ROA 1994 (General Penalty).

4. The notice of hearing shall include all of the following information:
  - a. The date, time, and location of the hearing; the name of the hearing officer scheduled to preside of the matter; and contact information for the City Office of Administrative Hearings where individuals may request additional information.
  - b. A brief description of the nature and purpose of the hearing.
    - ~~Notification of the right to testify, present reasonable evidence, call and question witnesses, and have an attorney or duly authorized agent present.~~
    - ~~Notification of the right to respond to the allegations in writing before the hearing, which may include a limit on the scope, format, or length of the response, and any deadline by which the response must be filed.~~
    - ~~A statement that the alleged violator(s) or their attorney or duly authorized agent may meet with the ZEO prior to the hearing to attempt to resolve the alleged violations and avoid an enforcement hearing.~~

8-5. If a resolution is reached before a scheduled hearing, the ZEO shall request, as soon as possible, that the hearing be cancelled. The City Office of Administrative Hearings shall provide notice that the hearing has been cancelled to all individuals listed on the notice of administrative civil enforcement and any other parties to this matter by email or first class mail.

9-6. If the terms of the resolution are not met by the alleged violator(s) to the satisfaction of the ZEO, the ZEO may request that the City Office of Administrative Hearings reschedule and provide notice of the rescheduled hearing pursuant to the procedures above.

#### **6-9(C)(5)(c) Response to Notice of Administrative Civil Enforcement**

1. The alleged violator or their attorney or duly authorized agent may request to meet with the ZEO prior to the hearing to attempt to resolve the alleged violation(s) and avoid a hearing.
2. Once a hearing is scheduled, parties may submit a written response to the City Office of Administrative Hearings no less than 5 business days before the hearing. Any response submitted shall include proof that the response has also been provided to any other parties listed on the notice of administrative civil enforcement and the ZEO.

#### **6-9(C)(5)(d) Hearing**

1. The hearing shall be conducted pursuant to the provisions of the Independent Hearing Office Ordinance. See ROA §2-7-8-1 et. Seq.
- ~~1. All parties may present evidence and testimony, call witnesses, cross examine all witnesses, and be represented by and receive the advice of an attorney or duly authorized agent.~~
- ~~2. All individuals listed in the notice of administrative civil enforcement who are alleged to be violating or to have violated any provision of~~

~~this IDO shall be present at the hearing or represented by an attorney or duly authorized agent.~~

~~3-2.~~ If the hearing officer finds that a violation of the IDO occurred or is occurring, the hearing officer may issue a civil penalty against any individual(s) who was served notice of administrative civil enforcement pursuant to Subsection 14-16-6-9(D)(3)(b) above, regardless of the presence of that individual(s) at the hearing.

~~0. To reschedule, continue, or cancel the hearing, all of the following requirements shall be met:~~

~~-. A written request shall be filed with the City Office of Administrative Hearings.~~

~~-. The written request shall be served upon all parties no less than 7 business days before the scheduled date of the hearing.~~

~~-. The hearing officer finds good cause for, or all parties unanimously consent to, the rescheduling, continuation, or cancellation.~~

~~0. The hearing officer shall notify all parties in writing as to whether the request has been granted and, if continued or rescheduled, the date of the next hearing.~~

#### ~~6-9(C)(5)(j)~~ 6-9(C)(5)(e)

#### **Enforcement of Remedies and Penalties**

1. Within 15 calendar days after the hearing, the hearing officer shall send a written order of remedy or penalty to all parties by email, first class mail, or facsimile.
2. The order of remedy or penalty shall state the determination of the hearing officer regarding the alleged violations listed in the notice of administrative civil enforcement and shall contain findings of fact and conclusions of law.
3. If the hearing officer determines that no violation of this IDO is being or has been committed, the order of remedy or penalty shall state that the alleged violation is being dismissed
4. If the hearing officer determines that a violation of the IDO is being or has been committed, the order of remedy or penalty shall state the remedies or penalties to be imposed by the City. The remedies and penalties may include any of the following:
  - a. An order to cease and desist violations of this IDO.
  - b. An order to bring the property in question into compliance with the IDO.
  - c. An order to pay all of the City's costs for the associated enforcement action and administrative hearing.
  - d. An order to pay a civil fine not to exceed \$500 per violation per day.
5. Any party aggrieved by a final decision of the hearing officer may appeal the decision to the District Court within 30 days of the final order, pursuant to the New Mexico Rules of Civil Procedure.
6. The Planning Department shall monitor compliance with the order of remedy or penalty. If the Planning Department has reason to believe that any individual subject to the order is not complying with the

order, the Planning Department may take one or more of the following actions:

- a. Refer the matter to the City Attorney for the commencement of a civil action.
- b. Refer the matter to the City Attorney or the District Attorney for the commencement of criminal proceedings.
- c. Place a lien on the property in an amount equal to the outstanding fines ordered pursuant to this ordinance until the owner has fully complied with the order.
- d. Commence a supplemental enforcement action as otherwise provided by law, including but not limited to Part 1-1-99 of ROA 1994 (General Penalty).



## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Brennon Williams, Planning Department Director  
Mikaela Renz-Whitmore, Long Range Manager

**FROM:** Stephanie Yara, Director of Council Services

**SUBJECT:** IDO Annual Update 2020 – Application for Amendment to the IDO Text

**DATE:** November 24<sup>th</sup>, 2020

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Director Williams and Ms. Renz-Whitmore,

Please include the following Amendments to the IDO Text as part of the 2020 IDO Annual Update application materials to be submitted to the Environmental Planning Commission in November 2020.

\* Please note that the following sections and page numbers are from the November 2020 version of the IDO, please update the sections and page numbers if there are any discrepancies.

#### Purpose of the IDO

- **Topic:** Purpose of the IDO
- **IDO Page #:** 1
- **IDO Section:** 1-3
- **Change/ Discussion:** Add a new purpose statement labeled 1-3(L) as follows and renumber subsequent purpose statements as necessary:  
[1-3(L) Protect the abundant natural resources that characterize Albuquerque, including but not limited to Major Public Open Space, Sensitive Lands, the Rio Grande, and the waterways that lead to the river.]
- **Requesting Councilor(s):** Bassan
- **Explanation:** This amendment proposes to add an additional Purpose statement to the IDO related to the natural resources in Albuquerque. The IDO offers a multitude of protections for Major Public Open Space, Sensitive Lands, which include arroyos, acequias, and wetlands, as well as the Rio Grande river and the Bosque, and the waterways and water systems that lead to the river. This purpose statement reinforces the concept of these protections.

### Drive-throughs and drive-ups in the MX-L Zone

- **Topic:** Drive-throughs and drive-ups as an accessory use in the MX-L Zone
- **IDO Page #:** 147
- **IDO Section:** Table 4-2-1
- **Change/ Discussion:** Amend table 4-2-1 to make the use “Drive-through or drive-up facility” an accessory use in the MX-L zone
- **Requesting Councilor(s):** Jones and Peña
- **Explanation:** This amendment will make drive-throughs and drive-ups in the MX-L zone an accessory use. Currently the use is “CA” – conditional accessory – which requires a conditional use approval through the Zoning Hearing Examiner. During the COVID-19 pandemic the use of drive-throughs and drive-ups have been essential to certain businesses. Extending this accessory use to the MX-L zone without the need of a conditional use approval will make drive-throughs and drive-ups more accessible to property owners. Areas zoned MX-L were previously zoned C-1. In the C-1 zone of the old zone code a drive-through service window was either permissive (banks, loaning money, or pawn shops) or conditional (retail and restaurants) based on what use the drive-through was associated with.

### Cottage Development

- **Topic:** Cottage Development City-Wide
  - **IDO Page #:** 151
  - **IDO Section:** 4-3(B)(3)
  - **Change/ Discussion:** Amend section 4-3(B)(3)(b) of the IDO as follows:  
The minimum project size for a cottage development is [10,000 square feet] [as follows:  
1. General: ~~1 acre.~~  
2. In UC-MS-PT areas or within 1,320 feet (¼ mile) of UC-MS-PT areas: 10,000 square feet.]
  - **Requesting Councilor(s):** Peña
  - **Explanation:** This amendment proposes to reduce the minimum required lot size for cottage development to 10,000 square feet city-wide. The Cottage Development use allows for more flexibility in site design and layout. However, it would not change the formula for working out how many cottage units could be developed on a specific property, or the applicable zones where a cottage development could occur.
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- **Topic:** Cottage Development City-Wide – Conditional Use
  - **IDO Page #:** 151
  - **IDO Section:** 4-3(B)(3)
  - **Change/ Discussion:** Amend section 4-3(B)(3)(b) of the IDO as follows:  
The minimum project size for a cottage development is as follows:  
1. General: 1 acre.  
2. In UC-MS-PT areas or within 1,320 feet (¼ mile) of UC-MS-PT areas: 10,000 square feet.

[3. This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) if located on a lot outside of a UC-MS-PT area that is at least 10,000 square feet but no larger than 1 acre.]

- **Requesting Councilor(s):** Borrego
- **Explanation:** This amendment proposes to allow cottage development to occur on lots between 10,000 square feet and 1 acre on properties outside of UC-MS-PT areas with Conditional Use approval. The Cottage Development use allows for more flexibility in site design and layout. However, it would not change the formula for working out how many cottage units could be developed on a specific property, or the applicable zones where a cottage development could occur.  
**Note:** If the recommendation to make cottage development minimum lot sizes 10,000 square feet city-wide is passed, this amendment is not necessary, as the minimum lot size would be 10,000 square feet city-wide permissively.
- **Topic:** Cottage Development – Additional Areas
- **IDO Page #:** 151
- **IDO Section:** 4-3(B)(3)
- **Change/ Discussion:** Amend section 4-3(B)(3)(b) of the IDO as follows:  
The minimum project size for a cottage development is as follows:
  1. General: 1 acre.
  2. In UC-MS-PT[-AC-DT-EC] areas or within 1,320 feet (¼ mile) of UC-MS-PT[-AC-DT-EC] areas: 10,000 square feet.
- **Requesting Councilor(s):** Borrego
- **Explanation:** This amendment proposes to allow cottage development to occur on lots that are at least 10,000 square feet in additional centers and corridors. This will add Activity Centers, Downtown, and Employment Centers to the existing list of where cottage development can occur. The Cottage Development use allows for more flexibility in site design and layout. However, it would not change the formula for working out how many cottage units could be developed on a specific property, or the applicable zones where a cottage development could occur. **Note:** If the recommendation to make cottage development minimum lot sizes 10,000 square feet city-wide is passed, this amendment is not necessary, as the allowance for the listed centers and corridors will be covered by the city wide provision.

#### Community Residential Facilities

- **Topic:** Distance Separations and City Council District cap for Community Residential Facilities
- **IDO Page #:** 155
- **IDO Section:** 4-3(B)(8)
- **Change/ Discussion:** Remove the use-specific standards 4-3(B)(8)(c) and 4-3(B)(8)(d)
- **Requesting Councilor(s):** Davis
- **Explanation:** This amendment will remove two metrics associated with Community Residential Facilities (CRF): 1) the requirement that they be located no closer than 1,500 feet from another CRF and 2) the requirement that there be

no more than 30 CRFs per City Council District. Regulations for CRFs are dictated by the Federal Fair Housing Act that indicates no local municipality may place regulations that treat a protected class (as defined by FHA) any differently than any other residential use. Removal of these requirements will ensure that the City of Albuquerque is in compliance with FHA standards.

- **Topic:** Distance Separations and City Council District cap for Group Homes in relation to Community Residential Facilities
- **IDO Page #:** 155
- **IDO Section:** 4-3(B)(9)
- **Change/ Discussion:** Amend the use-specific standards 4-3(B)(9)(b) and 4-3(B)(9)(c) to remove references to Community Residential Facilities.
- **Requesting Councilor(s):** Davis
- **Explanation:** This amendment will remove the distances separation requirements between Group Homes and Community Residential Facilities (CRF). The distance separation requirements between Group Homes and other Group Homes will remain the same. Per the amendment that will remove distance separation requirements and City Council District caps for CRFs, the City will no longer track or have data on where CRFs will exist. In addition, a CRF that is five people or less is treated as a family per the definitions in the IDO and the Federal Fair Housing Act. For these reasons, it is impossible to know if a Group Home is within a certain distance to a CRF or not.

#### Light Vehicle Fueling Station

- **Topic:** Maximum Setback for Light Vehicle Fueling Station
- **IDO Page #:** 164
- **IDO Section:** 4-3(D)(17)(I)
- **Change/ Discussion:** Amend the use-specific standard as follows:  
In UC-AC-MS-PT-MT areas and the MX-H zone district, the fully enclosed portion of any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum front setback of 15 feet. A canopy attached to the building with a common roof [~~does not~~] [may] satisfy this standard. [The requirements of 5-1(D)(2) do not apply to this use.]
- **Requesting Councilor(s):** Jones
- **Explanation:** This amendment will allow for a gas station canopy to count towards the requirement that a building associated with a light vehicle fueling station be within 15 feet of the front property line. Additionally, this will exempt gas stations from the requirements of 5-1(D)(2), which require that 50% of the building be located within 15 feet of the front property lines in UC-MS-PT areas. These requirements as originally written do not conform with CPTED principles, which call for passive viewing of activity from the street. A gas station is unique in that the activity occurs not in the building but at the pumps. Therefore, good visibility of the pumps is important for reasons of safety.

#### Light Vehicle Sales and Rental Use

- **Topic:** Regulations of outdoor display for Light Vehicle Sales and Rental



- **IDO Page #:** 166
- **IDO Section:** 4-3(D)(19)
- **Change/ Discussion:** Amend the use-specific standard as follows:  
4-3(D)(19)(b) In [UC-MS-PT areas in] the MX-H zone district, outdoor display or storage of vehicles is prohibited.
- **Requesting Councilor(s):** Jones
- **Explanation:** This change to the use-specific standard for light vehicle sales and rental will allow for outdoor display in more areas that have MX-H zoning. If a property is zoned MX-H in a UC-MS-PT designated area, the prohibition of outdoor display will still exist. This will ensure that the urban centers and corridors continue to not have outdoor display or storage of vehicles.

#### Outdoor Dining

- **Topic:** Outdoor Dining Incentive
- **IDO Page #:** 257
- **IDO Section:** Table 5-5-1
- **Change/ Discussion:** Amend the parking requirements for the following uses as shown below:

Use	IDO Parking Requirement
Outdoor Dining Area	[5] [3] spaces / 1,000 sq. ft. GFA outdoor seating space UC-AC-MS-PT: No requirement

- **Requesting Councilor(s):** Sena, Peña
- **Explanation:** This proposed amendment to the parking requirements for outdoor dining areas will incentivize the development of more outdoor dining areas by allowing for reduced parking requirements. In response to the COVID-19 public health emergency City Council adopted a temporary outdoor dining ordinance (O-20-16) in June. This ordinance allowed for the creation of temporary outdoor dining areas for developed sites by reducing all parking by 25%. In the time since this bill was enacted, the importance and attractiveness of outdoor dining areas has become more apparent. This amendment seeks to incentivize outdoor dining areas by reducing the parking needs for outdoor dining areas.

#### Drive-through and Drive-Up Stacking

- **Topic:** Stacking Requirements for Drive-throughs and drive-ups
- **IDO Page #:** 273
- **IDO Section:** Table 5-5-8
- **Change/ Discussion:** Amend table 5-5-8 to make the minimum stacking spaces required for Restaurant activities as follows:  
General: [12] [6]  
UC-MS: [6] [4]
- **Requesting Councilor(s):** Sena
- **Explanation:** This amendment proposes to increase the number of minimum stacking spaces for drive-throughs or drive-ups associated with a restaurant. In

consultation with the transportation engineer in the Planning Department, it was determined that the minimum does not currently provide adequate on-site vehicle stacking. Many current applications provide at least twelve vehicle stacking spaces. The IDO already requires vehicle stacking spaces to be integrated into the site layout and that layout must be approved by the department transportation engineer: "Vehicle stacking spaces shall be integrated into the site layout and shall not interfere with site access points, access to parking or loading spaces or areas, or internal circulation aisles and shall comply with stacking space dimensions required by the DPM." During the COVID-19 public health emergency, drive-through and drive-up services have allowed restaurants and retailers to continue to offer their goods and services. This increased demand has shown a need for additional stacking requirements as we expect drive-through and drive-up popularity to continue into the future.

#### Maintenance of Landscaping

- **Topic:** Maintenance of Landscaping
- **IDO Page #:** 276
- **IDO Section:** 5-6(C)(1)
- **Change/ Discussion:** Amend section 5-6(C)(1) as follows:  
A landscape plan with designed landscaped areas shall be submitted as a part of all development applications where landscaping, buffering, or screening is required, unless the relevant decision-making body determines that compliance with the provisions of this Section 14-16-5-6 can be demonstrated without the use of a landscape plan. A landscape plan may be combined with other required application materials if compliance with this Section 14-16-5-6 can be demonstrated in the combined materials. [Landscaping shall be maintained per the requirements of 5-13(B)(6).]
- **Requesting Councilor(s):** Peña
- **Explanation:** This amendment will add a cross-reference to the General Landscaping requirements to point to the Operations and Maintenance section of the IDO. The Operations and Maintenance section regarding landscaping has clear requirements that any landscaping that was installed pursuant to a Site Plan or development approval must be maintained and replaced if necessary. Adding this cross-reference will help property owners be aware of the need to maintain all landscaping on their property as approved by the City.

#### Joint Premises Signs

- **Topic:** Joint Premises Signs
- **IDO Page #:** 336
- **IDO Section:** 5-12(F)(2)(b)
- **Change/ Discussion:** Strike 5-12(F)(2)(b)(1) and 5-12(F)(2)(b)(2)
- **Requesting Councilor(s):** Jones
- **Explanation:** The intent behind the original regulation is to limit sign clutter, and therefore allow either individual signs or joint premise signs but not both, and Table 5-12-2 states that you can have either one free-standing sign per premise or a joint premise sign. Joint premise signs generally reduce clutter (one sign, multiple businesses), so they should be encouraged where possible. As written

the frontage requirements for joint premise signs have the unintended consequence of not allowing joint-premise signs on large properties. Striking the street frontage requirements allows joint-premise signs in all instances. The requirement to have a minimum 100 feet of frontage for individual signs remains so that in areas of town where there are a number of smaller premises, on abutting lots, they are required to do a Joint Premises Sign.

#### Development Review Board

- **Topic:** Development Review Board Review and Decision Criteria
  - **IDO Page #:** 445
  - **IDO Section:** 6-6(I)(3)
  - **Change/ Discussion:** Add a new subsection (d) as follows:  
[(d) The Site Plan mitigates any significant adverse impacts on adjacent residential development or major public or private open space. Mitigation may be in the areas of wall height; access and driveway placement; landscape spacing, plant density, or alternative plantings.]
  - **Requesting Councilor(s):** Borrego
  - **Explanation:** The IDO gives the Planning Director, and his designees, some discretionary authority related to wall height; access and driveway placement; and landscape spacing, plant density or alternative plantings. The Planning Director is Chair of the Development Review Board (DRB) or the Director can appoint a designee. If the Development Review Board identifies significant adverse impacts on adjacent residential or major public or private open space, this provision gives the DRB authority to identify mitigations that are within the scope listed, i.e, wall height; access and driveway placement; landscaping spacing, density, or alternative plantings.  
The DRB operates under the requirements of a quasi-judicial process to review site plans and, therefore, can work within the limited discretion outlined in the proposed review criterion. The DRB notice of meeting and meetings are conducted under the requirements of the Open Meetings Act. The DRB follows due process requirements, such as swearing in speakers for site plan cases and allowing applicant and public speakers the opportunity for cross examination. The DRB members refrain from ex-parte communication and, when communication outside of the DRB meeting is deemed necessary to advance review of the site plan, the DRB members disclose that communication in writing to the record of the case.  
This additional review and decision criteria for Site Plan - DRB will allow the DRB, in a limited capacity, to request that a site plan include additional features to mitigate potential adverse impact on the surrounding community. This will require the DRB to conduct their hearings quasi-judicially.
- 
- **Topic:** Development Review Board References to Public Meetings
  - **IDO Page #:** Multiple
  - **IDO Section:** Multiple
  - **Change/ Discussion:** Strike all references to Public Meetings in the IDO and replace with the phrase “Public Hearing”.

- **Requesting Councilor(s):** Borrego
- **Explanation:** Per the changes requested to the DRB Review and Decision criteria, where the DRB is conducting quasi-judicial hearings the DRB will only be conducting public hearings and not public meetings. All references to public meetings in the IDO are in reference to the DRB and therefor are not necessary.
- **Topic:** Public Hearing Definition
- **IDO Page #:** 548
- **IDO Section:** 7-1
- **Change/ Discussion:** Amend the definition for Public Hearing as follows:  
Public Hearing A formal meeting open to the public in which the decision-making body makes a discretionary decision [~~based on policy in addition to regulations~~].
- **Requesting Councilor(s):** Borrego
- **Explanation:** Per the changes requested to DRB operations and the removal of the phrase “public meetings” in the IDO, the definition of a public hearing needs to encompass the discretionary decision making of all boards, some of which consider policy, others which consider policy and regulations. The review and decision criteria associated with each decision control the decision-making authority for each board and each type of decision.

#### Cluster Development

- **Topic:** Cluster Development Definition
- **IDO Page #:** 520
- **IDO Section:** 7-1
- **Change/ Discussion:** Amend the definition of “Dwelling, Cluster Development” as follows:  
A development type that concentrates single-family or two-family detached dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. [A cluster development does not increase the overall density of a development but rather allow dwellings to be grouped or clustered on smaller lots.] The intent of cluster development is to create an innovative development pattern that is sensitive to natural features and topography and creates more area for open space, recreation, and social interaction. See also *Open Space, Common*.
- **Requesting Councilor(s):** Borrego & Sena
- **Explanation:** This amendment proposes to amend the definition of a Cluster Development to make clear that choosing to utilize the cluster development use over a traditional subdivision development form does not increase the overall density of the development but rather allows dwellings to be grouped or clustered on smaller lots.

#### Common Open Space Definition

- **Topic:** Common Open Space Definition
- **IDO Page #:** 541
- **IDO Section:** 7-1

- **Change/ Discussion:** Revise the definition for Common Open Space as follows:  
**Common Open Space** The area of undeveloped land [and/or existing site features] within a cluster development that is set aside for the [preservation,] use and enjoyment by the owners and occupants of the dwellings in the development and includes [historic buildings or structures, Sensitive Lands, hazard prone areas,] agriculture, landscaping, [on-site ponding,] or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. For the purposes of the common open space calculation in cluster development, parks do not count as common open space. See also *Dwelling Definitions for Dwelling, Cluster Development*.
- **Requesting Councilor(s):** Borrego, Sena
- **Explanation:** This revised definition of Common Open Space removes on-site ponding as an area that can be considered for Common Open Space. Common Open Space is only required when developing as Cluster Development. On-site ponding areas often have an AMAFCA or City of Albuquerque easement associated with them and may not always be preserved in a form that can be enjoyed by the residents of a cluster development. In addition, the definition is revised to clarify that the Common Open Space can include existing site features that are desired to be preserved.

#### Food Truck Courts

- **Topic:** Food Truck Court Use
- **IDO Page #:** Multiple
- **IDO Section:** Multiple
- **Change/ Discussion:**
- Page 145, Table 4-2-1 - Add a new use in the use subsection for “Outdoor Recreation and Entertainment” called “Mobile Food Truck Court”. Make the use conditional in the following zones: MX-T and NR-GM and permissive in the following zones: MX-L, MX-M, MX-H, NR-C, NR-BP and NR-LM.
- Create a new use-specific standard 4-3(D)(31) titled Mobile Food Truck Court with the following provisions:  
**4-3(D)(31) Mobile Food Truck Court**  
4-3(D)(31)(a) For purposes of this Subsection 14-16-4-3(F)(11), “operation” of a mobile food truck includes any activity involved with food preparation or sales.  
4-3(D)(31)(b) The mobile food truck court operator must provide trash receptacles.  
4-3(D)(31)(c) Mobile food trucks shall comply with all applicable City, State, and federal requirements, including but not limited to Part 9-6-5 of ROA 1994 (Health, Safety & Sanitation Code) and Part 9-9-4 of ROA 1994 (General Noise).  
4-3(D)(31)(d) The mobile food truck and any associated tables, chairs, displays, umbrellas, or the like, do not physically occupy or obstruct access to any parking stalls necessary to meet the minimum parking requirements for any on-premises land uses, unless the mobile food truck is operating outside of the business hours of on-premises uses.  
4-3(D)(31)(e) The mobile food truck and any associated tables, chairs, displays, umbrellas, or the like, do not obstruct any designated ingress or egress from the property, or any designated drive aisle.

4-3(D)(31)(f) This use is located on a permeable or impermeable paved surface. Ingress and egress areas shall be paved with an impermeable surface for a minimum of 20 feet.

4-4(D)(31)(g) The use of generators is prohibited.

- Page 255, Table 5-5-1 - Under the subsection for Outdoor Recreation and Entertainment category, add a new line that reads as follows:

Use	Parking Requirement
Mobile Food Truck Court	5 or more food trucks on-site: 2 parking spaces per food truck.

- **Requesting Councilor(s):** Davis
- **Explanation:** This amendment proposes to add a new use to the IDO called “Mobile Food Truck Court”. At present, Mobile Food Trucks are an accessory use in the IDO and therefore cannot be the only use on a site. Adding Mobile Food Truck Court allows for food trucks to be the primary, i.e. only, use on a site. In light of the COVID-19 public health emergency, mobile food trucks have been a popular alternative to indoor dining. Creating a new use for Mobile Food Truck Courts will allow further opportunities for mobile food vendors to have a space to offer their goods and services to the public.

#### Campgrounds and RV Parks

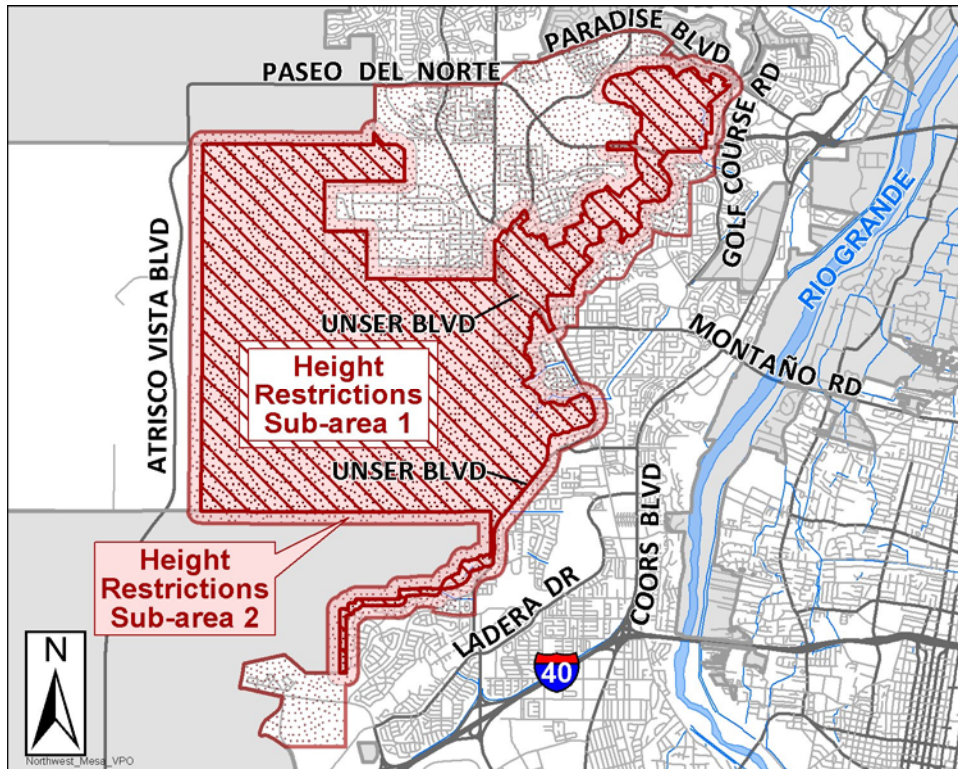
- **Topic:** Campground and RV Parks Use
- **IDO Page #:** Multiple
- **IDO Section:** Multiple
- **Change/ Discussion:** Amend the Use Table line for Campgrounds and RV Parks to make the use permissive in the MX-L and MX-M zones. Remove the “P” for this use from the NR-SU zone category and remove references to Campground and RV Parks Use from Section 2-5(E)(2). Add the following text to Section 4-3(D)(13), page 162, [Campgrounds and RV Parks constructed prior to the effective date of this IDO are allowed as a permissive primary use.]
- **Requesting Councilor(s):** Gibson
- **Explanation:** The purpose of this amendment is to allow the Campground and RV Park use to be done permissively in the MX-L and MX-M zones, rather than in a Non Residential Sensitive Use (NR-SU) zone. In response to the COVID-19 public health emergency there has been an increase in RV camping as people seek a safe way to vacation outside of their home. Albuquerque and New Mexico’s mild climate have long made the area a popular destination for RV “snowbirds”. Allowing this use in more zones will allow the City to adapt to that increased need. The use-specific standards already have buffering and screening requirements along the edge of the property in addition to extra screening (a six-foot wall) if the development is proposed adjacent to a residential zone district.

**Exhibit A to the**  
**Memo for the IDO Annual Update 2020 –**  
**Application for Amendment to the IDO Text – Small Area**

**Northwest Mesa Escarpment – View Protection Overlay (VPO-2)**

**Actions:**

1. Create a new Height Sub-area 2 within VPO-2 that is within 660 feet of the existing Height Sub-area. This area shall not include the Volcano Heights Urban Center. The existing VPO-2 Height Sub-area shall be referenced as VPO-2 Height Restrictions Sub-area 1.



2. Revise the VPO-2 boundary to include any areas where the proposed VPO-2 Height Restrictions Sub-area 2 is outside of the existing VPO-2 boundaries.
3. Revise Subsection 3-4(N)(4) Volcano Mesa – CPO-13 to read as follows:  
“Standards in this Subsection 14-16-3-4(N)(4) apply only outside of the sub-areas indicated in Subsection 14-16-3-6(E)(2) as the Northwest Mesa VPO-2 Height Restrictions Sub-area 1 and Sub-area 2.
4. Move existing content in 3-6(E)(3) to a new subsection (a) with heading VPO-2 Subarea 1 and create a new subsection (b) VPO-2 Subarea 2 as follows:  
Structure height shall not exceed 30 feet, as measured from natural grade, or the maximum height of the underlying zone district, whichever is lower.
5. Create a new subsection 3-4(L)(5)(c) Landscaping as follows and renumber subsequent subsections accordingly:

“Within VPO-2 Subarea 1 and 2, a minimum of 25 percent of the net lot area of each multi-family, mixed-use, or non-residential development shall contain landscaping.”

6. Add the VPO-2 Height Restriction Sub-areas 1 and 2 to the MPOS Use Specific Standards:

- Car Wash

4-3(D)(15)(b) Within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Subareas 1 or 2, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(15)(c) Notwithstanding Subsection (a) above, this use is prohibited adjacent to Major Public Open Space.

- Heavy Vehicle Sales, Rental, Fueling, and Repair

4-3(D)(16)(h) This use is prohibited within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2.

- Light Vehicle Fueling

4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2.

- Light Vehicle Repair

4-3(D)(18)(e) This use is prohibited within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2.

- Light Manufacturing

4-3(E)(2)(f) Within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

- Heavy Manufacturing

4-3(E)(3)(e) This use is prohibited in the following locations:

1. Within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2.
2. Within 660 feet of a lot containing a religious institution or elementary, middle, or high school.
3. Within 1,000 feet of a lot containing a residential use other than an accessory dwelling unit used as a caretakers dwelling for a non-residential property.

- Natural Resource Extraction

4-3(E)(4)(d) This use is prohibited in the following locations:

1. Within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2.
2. Within 1,000 feet of a lot containing a religious institution; elementary, middle, or high school; or residential use other than an accessory dwelling unit used as a caretakers dwelling for a non-residential property.

- Solid Waste Convenience Center

4-3(E)(12) Solid Waste Convenience Center This use is prohibited within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 and 2.

- Waste Transfer Center



4-3(E)(14) Waste and/or Recycling Transfer Station This use is prohibited within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2.

- Warehousing

4-3(E)(16) Warehousing Within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

- Wholesaling and Distribution Center

4-3(E)(17)(b) Within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

- Drive-through or drive-up Facility

4-3(F)(4)(c) Within 330 feet of Major Public Open Space or within VPO-2 Height Restrictions Sub-areas 1 or 2, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(F)(4)(d) Notwithstanding Subsection (a) above, this use is prohibited adjacent to Major Public Open Space.



## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Brennon Williams, Planning Department Director  
Mikaela Renz-Whitmore, Long Range Manager

**FROM:** Stephanie Yara, Director of Council Services

**SUBJECT:** IDO Annual Update 2020 – Application for Amendment to the IDO Text – Amendment requests from the Open Space Advisory Board and Open Space Staff

**DATE:** November 23<sup>rd</sup>, 2020

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Director Williams and Ms. Renz-Whitmore,

In October 2020, the Open Space Advisory Board voted to recommend three changes to the IDO. Those changes are outlined as follows, with associated recommended changes to be included in the 2020 Annual Update labeled as “actions”. City Council planning staff attended the OSAB meeting and worked with the OSAB IDO review sub-committee and for this reason council staff are facilitating the communication to the Planning Department on behalf of the OSAB on this matter. Please include the following Amendments to the IDO Text as a part of the November 2020 submittal application to the Environmental Planning Commission.

#### **Recommendation 1**

The board recommends that staff should investigate the feasibility of including the Open Space Division of the Park and Recreation Department in all early notifications of development actions adjacent to major public open space. *Motion carried unanimously, 6-0*

#### **Action 1 – No IDO Amendment Required**

This request will be addressed administratively by the Planning Department and does not require an amendment to the IDO. Planning Department staff will invite Parks & Recreation and Open Space Division (P&R/OSD) staff to all Pre-Application Review Team Meetings (PRT). P&R/OSD staff will review each PRT request that they receive and will attend these meetings or provide comments if the development is near, or has an implication for parks and open space properties in the City.

**Explanation 1:** This administrative action will allow P&R/OSD staff to communicate with developers at the very first stage of the development process and will allow for early discussions about the potential impact the development may have on parks and open space before an application is even submitted to the City. OSD staff will be able to communicate with the Open Space Advisory Board any PRTs they attend so the board may be aware of development occurring near Major Public Open Space.

## **Recommendation 2**

The board recommends that landscaping on lots to the arroyos shall consist solely of vegetation listed on the official Albuquerque Plant Palette as modified by Open Space Division. *Motion carried unanimously, 6-0*

## **Action 2 – Amendment to IDO recommended**

Amend the IDO as follows to add a new subsection (e):

[Section 5-6(C)(4) Landscaping abutting arroyos shall consist of plants as approved by the Official Albuquerque Plant Palette.

5-2(C)(3) Landscaping abutting arroyos shall be per section 5-6(C)(4)]

**Explanation 2:** This amendment proposes to regulate what types of landscaping are appropriate to be planted abutting arroyos. The IDO defines an arroyo as:

*“A watercourse that conducts an intermittent or ephemeral flow, providing primary drainage for an area of land, or a watercourse that would be expected to flow in excess of 1,000 cubic feet per second as the result of a 100-year storm event, as determined by the City Hydrologist.”*

The Open Space Advisory Board and Open Space staff have expressed concern that seeds of invasive species that are planted next to arroyos across the city end up being carried downstream to the Bosque. These seeds take root and then require substantial amounts of funding, staff time, and volunteer time to remove. Regulating the types of vegetation that can be planted near an arroyo will help curb the amount of invasive species that end up sprouting in the Bosque. The proposed amendment will apply where landscaping is required in the IDO, i.e. in multi-family, mixed use, and non-residential development. Separately from this IDO action the OSAB has expressed interest in further refining the Albuquerque Plant Palette to identify plant species that are explicitly appropriate to be planted near Major Public Open Space and arroyos.

## **Recommendation 3:**

The board recommends to add to Subsection 5-2(C)(5) - Development adjacent to steep slopes, escarpments, wetlands and riparian areas shall provide a landscape buffer with a minimum of 50 feet as approved by the Open Space Superintendent consistent with the guidelines incorporated in the facility plan for Major Public Open Space. Landscaping shall consist solely of vegetation listed on the official Albuquerque Plant Palette as modified by Open Space Division; seconded by Tasia Young. *Motion carried unanimously, 6-0*

### Action 3 – Amendment to IDO recommended

Amend the IDO as follows:

1. Add “[Riparian Areas]” to the list of sensitive lands in 5-2(C)(1) in proper alphabetical order and renumber the subsequent sensitive lands as necessary
2. In section 7-1, add a definition of Riparian Areas as follows:  
[Riparian Areas Aquatic ecosystems and the transitional ecosystems surrounding them, as shown on the map maintained by the City Parks and Recreation Department. The transitional riparian ecosystem is characterized by distinctive vegetative communities and soils that are affected by the presence of surface and groundwater, and provides critical habitat, including for endangered species and migratory birds.]
3. In section 5-2(J)(2)(b), add the following text and renumber subsequent text as necessary:  
[5-2(J)(2)(b)(1) Not be located within 50 feet of any steep slopes, escarpments, wetlands, or riparian areas in the Major Public Open Space, excluding any single-loaded street or landscaped buffer per the requirements of 5-2(J)(2)(a)(1).]

**Explanation 3:** These amendments further refine the Sensitive Lands section of the IDO. First, a new type of sensitive land will be added to the list – riparian areas. Include map of Riparian Areas as provided by Open Space Staff. The Open Space Advisory Board and Open Space staff have recommended that the IDO formally identify these places as sensitive lands and offer further protections for them. These areas will be mapped by Open Space staff to be included in the IDO to ensure that a property owner with a riparian area will know exactly if their property is adjacent to or contains a riparian area and subject to additional regulations. If a property contains a riparian area as defined they will need to conduct a Sensitive Lands analysis per 5-2(C) Avoidance of Sensitive Lands.

Next, additional buffering of 50 feet will be required for properties that are five acres or greater, adjacent to Major Public Open Space (MPOS), that contains a steep slope, escarpment, wetland, or riparian area. This additional buffering will help protect not only the sensitive land but the private property as well. There are examples in Albuquerque of development that has occurred very close to these listed sensitive lands that have experienced erosion and drainage issues that have caused property damage and, in some cases, have had to be rectified by the City of Albuquerque using public dollars. It's appropriate to make this provision only applicable to properties greater than 5 acres adjacent to MPOS as these larger sites will be readily able to accommodate a 50-foot buffer. If the City were to make this regulation applicable to all properties regardless of size, there is a chance that the regulation would result in making the lot undevelopable as a smaller lot may not have adequate acreage to accommodate the buffer. This buffer is in addition to any single-loaded street or landscaped buffer that may be required by 5-

2(J)(2)(a)(1), resulting in a total of 95 feet if combined with the landscaped buffer or a total of 86 feet if combined with a single-loaded street.

**TO: Brennon Williams, Planning Department Director**  
**Mikaela Renz-Whitmore, Long Range Manager**

**FROM: Jolene Wolfley, Planning Department Associate Director**  
**and DRB Chair**

**SUBJECT: IDO Annual Update 2020 – Substitute Submittal for**  
**Amendment to the IDO Text (5-2, 5-11, and 4-3)**

**DATE: January 8, 2020**

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Director Williams and Ms. Renz-Whitmore,

Please accept the following substitute submittal for Amendments to the IDO Text (affecting 5-2, 5-11, and 4-3) as part of the 2020 IDO Annual Update application.

Since the application was submitted in November, the amendments have been reviewed and vetted with focus groups and stakeholders including:

- Architects and Landscape Architects
- Developers of market rate and affordable housing
- Apartment owners and managers of affordable housing
- Affordable housing advocacy groups
- Neighborhood coalition leaders

Changes have been made to the text of the amendments to reflect the additional knowledge and experience that these groups offered.

Site Design and Climatic/Geographic Responsiveness

- **Topic:** Site Design
- **IDO Page #:** 230
- **IDO Section:** New Section 5-2(D) (re-letter accordingly)
- **Change/ Discussion:** Add a new provision to Section 5-2 on Site Design
- **Requestor:** Planning Department
- A. **Explanation:** The purpose of this amendment is to add an additional site design provision—climatic and geographic responsiveness--that seeks to improve the building performance of Albuquerque developments. This amendment is based on guidance from a focus group of local architects (Bill Sabatini, Jonathan Siegel, Baker Morrow, and Doug Heller). Albuquerque has compelling environmental forces—the daily and seasonal position of the sun and dramatic views to the Sandia mountains and other physical features--that should guide building layout and site design. The climatic responsive design approach is consistent with the American Institute for Architects 2030 Commitment for Building Performance and other national and global initiatives. When design responds to Albuquerque's unique environmental context, the design quality will

rise to provide us architecture with a strong sense of place and identity.

The first requirement would be for a **sun and shade analysis** to reduce summer heat/glare and to capture winter sun. This computer modeled analysis is standard practice for architects.

The second requirement is to analyze the site's potential to **capture views** of the Sandia mountains, Bosque/Rio Grande, and Volcanoes/Northwest Escarpment in placement and orientation of buildings, windows, balconies, and patios. The view capture evaluation would ask all architects—local or out-of-state—to evaluate the ability to capture significant views available on that specific site.

These requirements apply to all multi-family residential development greater than 25 units and non-residential development, except industrial development. Low density residential development is exempt from these requirements.

The IDO amendment to add a new Section 5-2 on climatic and geographic responsiveness has been introduced and reviewed with **focus groups** and individual stakeholders in meetings with architects, landscape architects, affordable housing developers and advocates, other multi-family developers, and neighborhood representatives. The feedback so far has been positive. Architects appreciate the flexible approach that seeks to inspire good design, while respecting the creative design process guided by an architect. Developers of multifamily projects want to build buildings that are designed well, contribute positively to the community, and have lower operating costs over time.

The following provides additional detail on the benefits of this Amendment.

1. **Climate responsiveness** helps create sustainable buildings for both market rate and affordable housing. The points below include excerpts from the AIA, Building Performance Handbook, part of the 2030 Challenge.  
[https://architecture2030.org/2030\\_challenges/2030-challenge/](https://architecture2030.org/2030_challenges/2030-challenge/)
  - a. Buildings account for 39% of annual account global Greenhouse Gas Emissions.
  - b. An apartment building has a lifespan of about 60 years and a commercial structure lifespan is 75 years. The user of a building built today will likely change over time.
  - c. During a brief period in the design of a building, an architect makes decisions that affect the lifetime energy use of the building.
  - d. There are design decisions possible in early design that could optimize energy use, but would be difficult and expensive to make later in the design process.
  - e. Massing and orientation are critically important to energy performance. They affect the ability to utilize passive solar energy and they impact heating, cooling, lighting, and natural ventilation.
  - f. A climate-responsive building in Albuquerque would be responsive to both our hot summers and cold winters.

- g. Albuquerque is moving forward with energy efficient building envelopes through the new Energy Code (2018 IECC). An advancement for sustainability is to partner an efficient building envelope with the building orientation and layouts that are proposed in this IDO Amendment (a new Section 5-2).
2. **Geographic responsive building design** takes an additional step forward in the design process to respond to the dramatic views available with Albuquerque's unique topography. This approach creates buildings unique to Albuquerque.
    - a. The most prominent landforms are the Sandia mountains, the Volcanos/Northwest Escarpment, and the Bosque/Rio Grande.
    - b. Sites may have the ability to capture views in windows, patios, and balconies.
  3. A design derived when **both climate and geography** are prominent forces results in unique architecture whose characteristics are varied by virtue of the Albuquerque's particular features. The resulting design is indigenous and timeless.
    - a. When design responds to Albuquerque's unique environmental context, design quality will rise to provide architecture with a strong sense of place and identity.
    - b. One neighborhood leader understood this idea in a meeting by referencing Page 7-1 of the Comprehensive Plan which is a quote by renowned architect Bucky Fuller:
 

“When I’m working on a problem, I never think about beauty. I think only how to solve the problem. But when I have finished, if the solution is not beautiful, I know it is wrong.”
    - c. This approach has been introduced to stakeholders. There is consensus that this approach is the most productive way to review building ‘design’ because it would advance the physical form of the City in a way that promotes Albuquerque’s sustainability.
  4. Any changes to design requirements need to be measured against their **effect on housing affordability**—which is a critical need in Albuquerque. The literature indicates that affordable housing is advanced when building performance is improved. Interiors often are more livable with natural light. The long term operating costs to heat and cool the building are also improved. The Albuquerque developers, owners, and architects of affordable housing showed support for this new direction for Albuquerque design,
  5. The importance of the design approach of climatic and geographic responsiveness is to make things happen at the **earliest stage of design**. For this reason, staff and professionals plan to create an Albuquerque Design Book with photos of real projects that utilize the climatic and geographic responsive design approaches. The Design Book would be available on the City’s website and would be promoted during Planning Review Team Meetings and Sketch Plat Reviews with the Development Review Board—long



before actual design submittals are made. The IDO amendment requires the architect and landscape architect for the project submit documentation of the sun and shade analysis and provide certification that a standard list of design considerations had been ‘evaluated’ in producing the site design, building layout and design. The approach is structured this way based on the understanding that not all projects can achieve the highest order of climatic and geographic responsiveness as there are a myriad of variables affecting a project’s design.

Accompanying climatic and geographic responsiveness approach to design would be a condensed set of design criteria to focus just on the essence of what **multi-family building design** should include for suburban Albuquerque areas. Past work identifying design regulations in urban areas UC-MS-PT would remain in the IDO. The amendments affecting multi-family design standards follow.

#### Multi-family Building Design and Use Specific Standards

- **Topic:** Multi-family Residential Buildings
- **IDO Page #:** 154; 321-322
- **IDO Section:** 5-11(D) and 4-3(B)(7)
- **Change/ Discussion:** Amend the Building Design Standards (Section 5-11-(D)) and Use Specific Standards (Section 4-3 (B)(7))
- **Requestor:** Planning Department
- **Explanation:** The purpose of this amendment is to provide the essential design elements—coupled with the climatic and geographic responsive design—for a multi-family building outside the urban UC-MS-PT areas. The standards would be consistent for multi-family regardless of being in a residential (R-ML and R-MH) or Mixed Use zone district. The revised standards identify the desire that both market rate affordable housing is designed well for the typical 60-year life of the building. Rather than offer a menu of options, these standards require the essential elements that provide large buildings that are at a human scale and that will add to the aesthetic quality of existing neighborhoods.

These design standards were developed by staff working with an Architects Focus group (Bill Sabatini, Jonathan Siegel, Baker Morrow, and Doug Heller). Then the standards were vetted with developers (market rate and affordable), apartment associations, affordable housing advocacy groups, architects and landscape architects. Adjustments to the requirements were made so that no requirements would be barriers to the production of public or private affordable housing.

It is important to remember that these standards apply to multi-family developments outside of the UC-MS-PT areas; UC-MS-PT would retain the standards now in the IDO.

Modifications to Multi-family Design Building and Landscaping standards are a good companion to the climatic and geographic responsive design approach. They move in the direction of outlining what is most necessary to make a building relatable at a human scale through:

- articulation that provides movement and rhythm
- well placed windows
- heat mitigation for western facing facades
- increased landscape requirements for high density residential
- identifying that most usable open space be for the community of residents and be at ground level to improve the quality of live for those residents

The following adjustments were made to the original submittal to remove or adjust requirements affecting the feasibility of affordable multi-family housing. Please note that the articulation requirements of 5-11 were reviewed and found to be in line with requirements of the New Mexico Mortgage Finance Authority. Some of these important elements are:

- Allow windows in workforce housing to be flush with the façade. This allows the use of standard windows easily available at a good price point. And it allows the installation to be successful for long term weather protection of the stucco as all laborers can successfully install them.
- Increasing net lot landscaping for the benefit of people who are living in a denser environment while allowing playgrounds (a common component of affordable housing) to ‘count’ toward that increase. Please note that community gardens—desired in affordable projects--already ‘count’ toward required landscaping.
- Identifying the value of trees as the most important plant for affordable housing projects. Maintaining the value of trees in counting toward live vegetation requirements, while also keeping trees from being overcounted. This is done by making no tree count more than 600 square feet in the requirement that 75% of the landscape be living.

## Barkhurst, Kathryn Carrie

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**From:** webmaster=cabq.gov@mailgun.org on behalf of webmaster@cabq.gov  
**Sent:** Wednesday, November 11, 2020 9:17 AM  
**To:** Barkhurst, Kathryn Carrie  
**Cc:** Office of Neighborhood Coordination  
**Subject:** Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Other (please specify in field below)

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

The request is for an Amendment to IDO Text - Citywide, which goes to the EPC and then City Council

Contact Name

Carrie Barkhurst

Telephone Number

505-924-3879

Email Address

kcbarkhurst@cabq.gov

Company Name

City of Albuquerque

Company Address

600 2nd St NW

City

Albuquerque

State

NM

ZIP

87102-2265

Legal description of the subject site for this project:

IDO text amendment, citywide

Physical address of subject site:

Citywide

Subject site cross streets:

Citywide

Other subject site identifiers:

Citywide

This site is located on the following zone atlas page:

Citywide

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

## Barkhurst, Kathryn Carrie

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**From:** Carmona, Dalaina L.  
**Sent:** Thursday, November 12, 2020 11:11 AM  
**To:** Barkhurst, Kathryn Carrie  
**Subject:** IDO text amendment, citywide Public Notice Inquiry

Dear Applicant,

Please find the neighborhood contact information listed below.

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Citizens Information Committee of Martineztown	Kristi	Houde	kris042898@live.com
Historic Old Town Property Owners Association	Kathy	Hiatt	historicoldtown@gmail.com
Montecito West Community Association Incorporated	Glenn	Tegtmeyer	glenn@tegtmeyer.us
Montecito West Community Association Incorporated	Brandy	Hetherington	bhetherington@aamnm.co
The Manors at Mirehaven Community Association Incorporated	Brandy	Hetherington	bhetherington@aamnm.co
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La Luz Del Sol Landowners Association	Melanie	McLaughlin	melanie@bluedoorhomes.r
Eagle Springs Homeowners Association Incorporated	Melanie	McLaughlin	melanie@bluedoorhomes.r
Eagle Ridge Homeowners Association	Melanie	McLaughlin	melanie@bluedoorhomes.r
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Acropolis Condominium Association Incorporated	Melanie	McLaughlin	melanie@bluedoorhomes.r
Chimney Ridge Homeowners Incorporation	Melanie	McLaughlin	melanie@bluedoorhomes.r
Rococo Association	Melanie	McLaughlin	melanie@bluedoorhomes.r
Lafayette Place Condominium Association Incorporated	Melanie	McLaughlin	melanie@bluedoorhomes.r
Vista Del Rey Condo Association	Melanie	McLaughlin	melanie@bluedoorhomes.r
Terracita HOA	Melanie	McLaughlin	melanie@bluedoorhomes.r
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North Wyoming NA	Nanci	Carriveau	nancic613@hotmail.com
Vista Del Rey Condo Association	Samantha	Anderson	sam@bluedoorhomes.net

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Menaul Village Incorporated	Samantha	Anderson	sam@bluedoorhomes.net
La Luz Del Sol Landowners Association	Samantha	Anderson	sam@bluedoorhomes.net
Eagle Springs Homeowners Association Incorporated	Samantha	Anderson	sam@bluedoorhomes.net
Eagle Ridge Homeowners Association	Samantha	Anderson	sam@bluedoorhomes.net
Carlisle Square Condominiums Homeowners Association Incorporated	Samantha	Anderson	sam@bluedoorhomes.net
Acropolis Condominium Association Incorporated	Samantha	Anderson	sam@bluedoorhomes.net
Chimney Ridge Homeowners Incorporation	Samantha	Anderson	sam@bluedoorhomes.net
Rococo Association	Samantha	Anderson	sam@bluedoorhomes.net
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San Blas HOA	Heidi	Marchand	heidimarchan@gmail.com
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You will need to e-mail each of the listed contacts and let them know that you are applying for a permit for your project. You can use this online link to find template language if you're not sure what information you need to include in your e-mail. <https://www.cabq.gov/planning/urban-design-development/public-notice>

If your permit application or project requires a neighborhood meeting, you can click on this link to find template language to use in your e-mail notification: <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If you have questions about what type of notification is required for your particular project, please click on the link below to see a table of different types of projects and what notification is required for each: <http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf>

Once you have e-mailed the contact individuals in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your permit application and submit it to the Planning Department for approval. **PLEASE NOTE:** The ONC does not have any jurisdiction over any other aspect of your permit application beyond the neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, or project plans, so we encourage you to contact

the Planning Department at: 505-924-3860 or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

If your permit or project requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

Thanks,



*Dalaina L. Carmona*

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505-768-3334

[dlcarmona@cabq.gov](mailto:dlcarmona@cabq.gov) or [ONC@cabq.gov](mailto:ONC@cabq.gov)

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



Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

Thanks,



*Dalaina L. Carmona*

Senior Administrative Assistant  
Office of Neighborhood Coordination  
Council Services Department  
1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor  
Albuquerque, NM 87102  
505-768-3334

[dlcarmona@cabq.gov](mailto:dlcarmona@cabq.gov) or [ONC@cabq.gov](mailto:ONC@cabq.gov)

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**From:** webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov  
**Sent:** Wednesday, November 11, 2020 9:17 AM  
**To:** Barkhurst, Kathryn Carrie <kcbarkhurst@cabq.gov>  
**Cc:** Office of Neighborhood Coordination <onc@cabq.gov>  
**Subject:** Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Other (please specify in field below)

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

The request is for an Amendment to IDO Text - Citywide, which goes to the EPC and then City Council

Contact Name

Carrie Barkhurst

Telephone Number

505-924-3879

Email Address

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

Company Name

City of Albuquerque

Company Address

600 2nd St NW

City

Albuquerque

State

NM

ZIP

87102-2265

Legal description of the subject site for this project:

IDO text amendment, citywide

Physical address of subject site:

Citywide

Subject site cross streets:

Citywide

Other subject site identifiers:

Citywide

This site is located on the following zone atlas page:

Citywide

=====

This message has been analyzed by Deep Discovery Email Inspector.

November 30, 2020

Authorized Representative  
City of Albuquerque Recognized Neighborhood Association  
Re: Application Submittal for Amendment to IDO Text - Citywide



Dear Neighborhood Association Representative,

The Integrated Development Ordinance (IDO) was adopted three years ago and became effective in May 2018. The first annual update became effective just weeks ago on November 2, 2020. As required in the IDO, but delayed due to COVID-19, the Planning Department will be submitting the second annual update to the Integrated Development Ordinance (IDO) to the Environmental Planning Commission (EPC) for review and recommendation to the City Council. Please see the last page for hearing details, how to learn more, and how to send comments.

## **Purpose**

The IDO is the regulatory tool to realize and implement the “Centers and Corridors” community vision set out in the Albuquerque-Bernalillo County Comprehensive Plan (“Comp Plan”) in a coordinated, citywide context where existing communities can benefit from appropriate new development, while being protected from potential adverse effects. The IDO regulations coordinate with the City’s Development Areas – Areas of Change and Consistency – that work together to direct growth to appropriate locations and ensure protections for low-density residential neighborhoods, parks, and Major Public Open Space. The IDO implements the Comp Plan through regulations tailored to each of the City’s designated Centers and Corridors. The IDO regulations are also coordinated with transportation and urban design policies in the updated Comp Plan, as well as updated technical standards for infrastructure in the Development Process Manual, which was updated as of June 2020.

In order for the City’s land use, zoning, and development regulations to stay up-to-date, the IDO built in an annual update process into the regulatory framework. This process was established to provide a regular cycle for discussion among residents, City staff, and decision-makers to consider any needed changes that were identified over the course of the year. Over the course of the two and a half years since the IDO has become effective, staff collected approximately 100 adjustments to language needed to improve the clarity and intended implementation of the adopted regulations. These clarifications and adjustments were requested by neighbors, developers, and staff and are compiled into a table of “Proposed Citywide Amendments.” Each proposed change provides the page and section of the adopted IDO that would be modified, the text that is proposed to change, along with an explanation of the purpose or intent of the change. This document is the main body of the application for Amendments to IDO Text - Citywide.

You can review and/or download the Proposed Amendments and review process online here:  
<https://abc-zone.com/ido-annual-update-2020>

## Justification

These proposed amendments to the IDO text are consistent with the Annual Update process described in IDO Subsection 6-3(D). The Planning Department has compiled the recommendations, performed analyses of the proposed changes, and is now submitting the proposed amendments for EPC's review and recommendation at a public hearing. These proposed amendments to the IDO text meets all of the Review and Decision Criteria in IDO Subsection 6-7(D)(3).

These proposed Text Amendments to the IDO are also consistent with Comprehensive Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review. The City Council Amendments, in particular, are consistent with adopted policies to protect and enhance the quality of the City's unique neighborhoods and commercial districts. These amendments further the following applicable goals and policies of the ABC Comprehensive Plan and protect the public health, safety, and welfare.

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

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

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

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

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## Participation Details

To learn more about the proposed edits and amendments, join us at one of the following events:

Annual Update Open House: **Thursday, December 17th, 2020, 11:30 am – 1:30 pm** on Zoom

Zoom link: <https://cabq.zoom.us/j/96025086410>

To dial in by phone: (346) 248-7799, Meeting ID: 960 2508 6410

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**Thursday January 21, 2021, 8:30 am** on Zoom:

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Send **written comments for the record** to the Environmental Planning Commission by via:

email: Chair Dan Serrano  
c/o Planning Department  
[abcto@cabq.gov](mailto:abcto@cabq.gov)

regular mail: Chair Dan Serrano  
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600 Second Street NW, Third Floor  
Albuquerque NM 87102

- To be included in the staff report for EPC consideration, send comments by **9 am on Monday, January 11<sup>th</sup>**.
- To be included in the packet for EPC consideration, send comments by **9 am on Tuesday, January 19<sup>th</sup>**.

Please contact the ABC-Z team if you have any questions:

Mikaela Renz-Whitmore  
Long Range Planning Manager  
505.924.3932  
[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)

Long Range  
Planning Team  
505.924.3860  
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The project team would like to thank those of you who have been involved so far and encourage the rest of you to participate in the Annual Update process to help improve the IDO and ensure that it provides adequate regulatory guidance and protection for our community.

Sincerely,



Mikaela Renz-Whitmore  
Long Range Planning Manager  
Planning Department, City of Albuquerque



Mr. Shahab Biazar  
City Engineer  
Planning Department  
City of Albuquerque  
600 2<sup>nd</sup> St. NW  
Albuquerque, NM 87102

Re. May 2019 EPC Submittal – Public Mailed Notice Certification  
Amendment to Integrated Development Ordinance (IDO) Map – Phase 2 Zoning Conversions  
(Batch 2)

Dear Mr. Biazar,

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

I, Geraldine Delgado, do hereby certify and attest that I delivered 20,419 letters to the City of Albuquerque's mail room for first class stamping and delivery to the U.S. Post Office on November 30, 2020. Of these, 20,409 letters were to property owners within or within 100 feet of the small area for which a zoning regulation is proposed to change, as required by IDO Subsection 14-16-6-4(K)(3)(d). An additional 10 letters were addressed to Neighborhood Association representatives without email addresses on file with the Office of Neighborhood Coordination for both the city-wide request and the small area request as required by IDO Subsection 14-16-6-4(K)(3)(b) and as shown on the attached exhibits.

Sincerely,

Geraldine Delgado  
Administrative Assistant  
Planning Department  
600 2nd Street NW, Third Floor  
Albuquerque NM 87102

\*

Received by Larry D. English Date 11-25-2020

DFAS/Purchasing/Office Services (mail room)

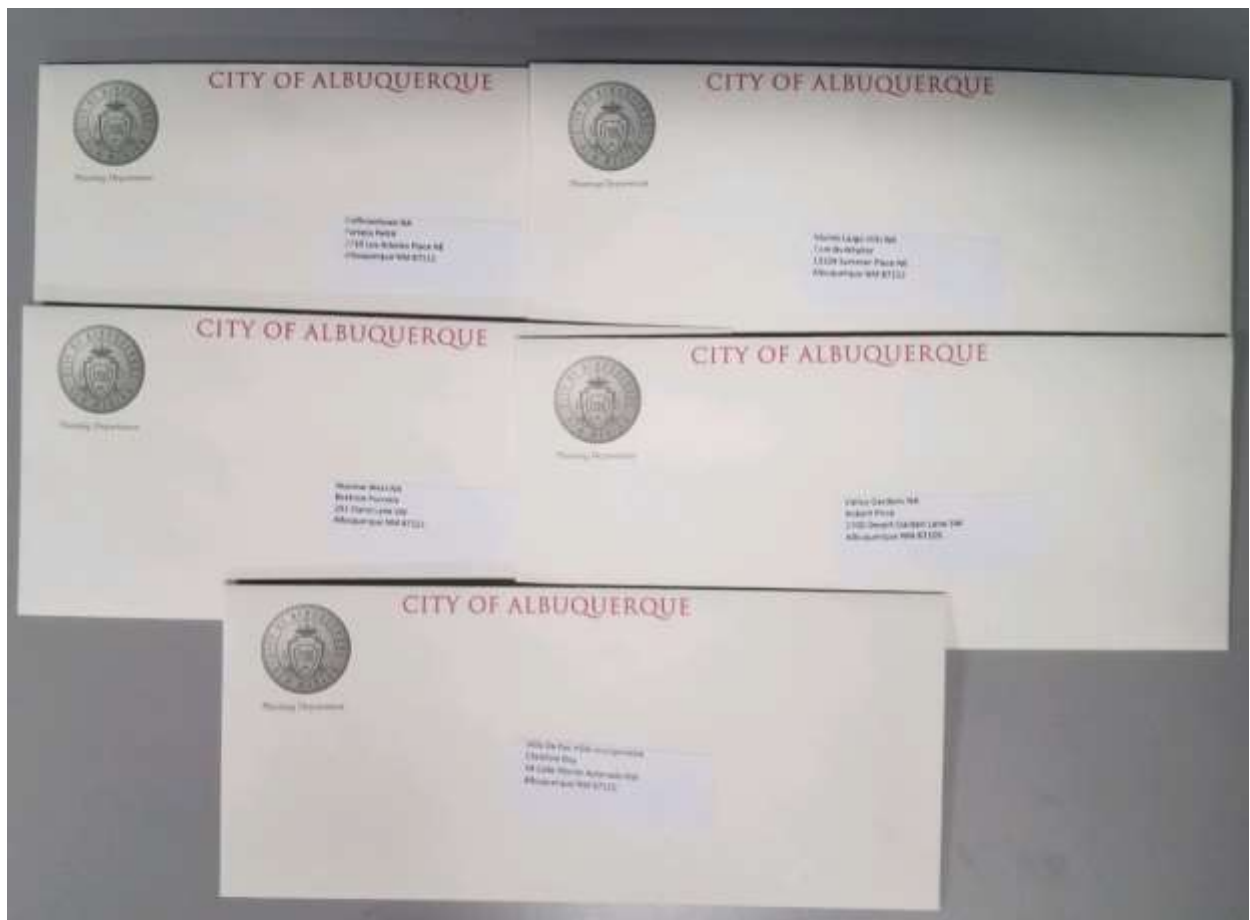
## Citywide and Small Area Notice Letters

Association Name	First Name	Last Name	Address Line 1	Address Line 2	City	State	Zip
Citizens Information Committee of Martineztown	Frank	Martinez	501 Edith Boulevard NE		Albuquerque	NM	87102
Citizens Information Committee of Martineztown	Richard	Martinez	501 Edith Boulevard NE		Albuquerque	NM	87102
Aliso Nob Hill HOA Incorporated	Associa Canyon Gate		8500 Jefferson Street NE	Suite B	Albuquerque	NM	87113
Nob Hill NA	Gary	Eyster	316 Amherst Drive NE		Albuquerque	NM	87106
The Estates at Mirehaven Community Association Incorporated	Julie	Karl	9100 Del Webb Lane NW		Albuquerque	NM	87120
The Manors at Mirehaven Community Association Incorporated	Jody	Roman	8212 Louisiana Boulevard NE	Suite C	Albuquerque	NM	87113
Historic Old Town Property Owners Association	Jim	Hoffsis	2012 South Plaza Street NW		Albuquerque	NM	87104
Winrock South NA	John	Kinney	7110 Constitution Avenue NE		Albuquerque	NM	87110
Winrock South NA	Virginia	Kinney	7110 Constitution Avenue NE		Albuquerque	NM	87110

## Citywide Notice Letters

Association Name	First Name	Last Name	Address Line 1	City	State	Zip
Hoffmantown NA	Pamela	Pettit	2710 Los Arboles Place NE	Albuquerque	NM	87112
Villa De Paz HOA Incorporated	Christine	Roy	54 Calle Monte Aplanado NW	Albuquerque	NM	87120
Valley Gardens NA	Robert	Price	2700 Desert Garden Lane SW	Albuquerque	NM	87105
Monte Largo Hills NA	Tom	Burkhalter	13104 Summer Place NE	Albuquerque	NM	87112
Skyview West NA	Beatrice	Purcella	201 Claire Lane SW	Albuquerque	NM	87121





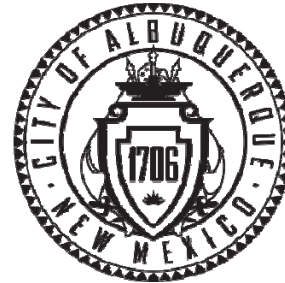
## **Barkhurst, Kathryn Carrie**

---

**From:** Barkhurst, Kathryn Carrie on behalf of City of Albuquerque Planning Department  
**Sent:** Friday, November 27, 2020 4:23 PM  
**To:** City of Albuquerque Planning Department  
**Subject:** IDO Application - Amendment to IDO Text - Citywide  
**Attachments:** IDO Application - Amendment to IDO Text - Citywide.pdf

November 30, 2020

Authorized Representative  
City of Albuquerque Recognized Neighborhood Association  
Re: Application Submittal for Amendment to IDO Text - Citywide



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Mikaela Renz-Whitmore  
Long Range Planning Manager  
505.924.3932  
[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)

Long Range  
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505.924.3860  
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Sincerely,



Mikaela Renz-Whitmore  
Long Range Planning Manager  
Planning Department, City of Albuquerque

## Barkhurst, Kathryn Carrie

---

**From:** Barkhurst, Kathryn Carrie on behalf of City of Albuquerque Planning Department  
**Sent:** Friday, November 27, 2020 4:25 PM  
**To:** City of Albuquerque Planning Department  
**Cc:** 'theboard@nobhill-nm.com'; 'theboard@nobhill-nm.com'; 'albqnwna@msn.com'; 'albqnwna@msn.com'; 'jgallegoswccdg@gmail.com'; 'jgallegoswccdg@gmail.com'; 'sect.dist4@gmail.com'; 'silverhillabq@gmail.com'; 'sarellano@hoamco.com'; 'sarellano@hoamco.com'; 'westgate9901@gmail.com'; 'westgate9901@gmail.com'; 'info@srmna.org'; 'info@srmna.org'; 'sect.dist4@gmail.com'; 'summitparkna@gmail.com'; 'summitparkna@gmail.com'; 'westparkna@gmail.com'; 'westparkna@gmail.com'; 'associations@corderandcompany.com'; 'news@alvaradoneighborhood.com'; 'sanblashomeownersassociation@yahoo.com'; 'sanblashomeownersassociation@yahoo.com'; 'apna87110@gmail.com'; 'cuna@comcast.net'; 'thecourtyardsabq@gmail.com'; 'wscona0@gmail.com'; 'wscona0@gmail.com'; 'victoryhillsabq@gmail.com'; 'tuscanylandscape@me.com'; 'westmesaneighborhoodassociation@groups.google.com'; 'valle.prado.na@gmail.com'; 'valle.prado.na@gmail.com'; 'thecourtyardsabq@gmail.com'; 'mirehaven55@gmail.com'; 'mirehaven55@gmail.com'; 'dhc@zianet.com'; 'dhc@zianet.com'; 'dhc@zianet.com'; 'jvilla@associatedasset.com'; 'wvcondos@comcast.net'; 'adonneighborhood@gmail.com'; 'adonneighborhood@gmail.com'; 'gedison@hoamco.com'; 'eastgatewaycoalition@gmail.com'; 'eastgatewaycoalition@gmail.com'; 'eklein@hoamco.com'; 'naacamail@gmail.com'; 'naacamail@gmail.com'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'dmarquez@cgres.com'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'apna87110@gmail.com'; 'jetbac@aol.com'; 'info@tresvolcanesna.org'; 'info@tresvolcanesna.org'; 'chavezanitaandemilio@msn.com'; 'chavezanitaandemilio@msn.com'; 'dmarquez@cgres.com'; 'ecnainabq@gmail.com'; 'laluzlandowners@azulstar.com'; 'board@riooste.com'; 'board@riooste.com'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'info@uhanm.org'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'info@uhanm.org'; 'conchaspark@gmail.com'; 'conchaspark@gmail.com'; 'jo.pino04@comcast.net'; 'jo.pino04@comcast.net'; 'ecnainabq@gmail.com'; 'srock692@comcast.net'; 'laluzlandowners@azulstar.com'; 'palomaspark@gmail.com'; 'palomaspark@gmail.com'; 'eakraf@gmail.com'; 'eakraf@gmail.com'; 'westmesaneighborhoodassociation@groups.google.com'; 'silverhillabq@gmail.com'; 'gedison@hoamco.com'; 'gedison@hoamco.com'; 'gedison@hoamco.com'; 'gedison@hoamco.com'; 'jpseaborn@gmail.com'; 'jpseaborn@gmail.com'; 'jetbac@aol.com'; 'mossmanneighborhoodassociation@gmail.com'; 'mossmanneighborhoodassociation@gmail.com'; 'llna01@comcast.net'; 'llna01@comcast.net'; 'parkwaypoint@yahoo.com'; 'parkwaypoint@yahoo.com'; 'lnjalopez@msn.com'; 'lnjalopez@msn.com'; 'sbmartineztown@gmail.com'; 'quigley.park@gmail.com'; 'quigley.park@gmail.com'; 'erpvaabq@gmail.com'; 'erpvaabq@gmail.com'; 'cgres@cgres.com'; 'jvilla@associatedasset.com'; 'gedison@hoamco.com'; 'gedison@hoamco.com'; 'rinconadapoint@aol.com'; 'rinconadapoint@aol.com'; 'tuscanylandscape@me.com'; 'vistadelnorte@me.com'; 'vistadelnorte@me.com'; 'alturapark@gmail.com'; 'cgres@cgres.com'; 'cgres@cgres.com'; 'villadevillagio@gmail.com'; 'raynoldsneighborhood@gmail.com'; 'raynoldsneighborhood@gmail.com'; 'panaabq@gmail.com'; 'panaabq@gmail.com'; 'gedison@hoamco.com'; 'jpate@molzencorbin.com'; 'jpate@molzencorbin.com'; 'info@osograndena.org'; 'info@osograndena.org'; 'phcassoc@gmail.com'; 'phcassoc@gmail.com'; 'info@hhna.us'; 'info@hhna.us'; 'campus.neighborhood.assoc@gmail.com'; 'campus.neighborhood.assoc@gmail.com'; 'alturapark@gmail.com'; 'laderawestna@comcast.net'; 'laderawestna@comcast.net'; 'dhc@zianet.com'; 'clna87111@gmail.com'; 'clna87111@gmail.com'; 'josefree@yahoo.com'; 'josefree@yahoo.com'; 'victoryhillsabq@gmail.com'; 'bhetherington@aamnm.com'; 'bhetherington@aamnm.com'; 'bhetherington@aamnm.com'; 'near.neighborhood@gmail.com'; 'near.neighborhood@gmail.com'; 'hbanahighland@gmail.com';

**Cc:** 'hbanahighland@gmail.com'; 'president@comanchefoothills.org'; 'president@comanchefoothills.org'; 'president@trna.org'; 'phnapresident@gmail.com'; 'phnapresident@gmail.com'; 'crestviewneighbors@outlook.com'; 'crestviewneighbors@outlook.com'; 'andersonhillssna@gmail.com'; 'andersonhillssna@gmail.com'; 'johnb.robertna@comcast.net'; 'johnb.robertna@comcast.net'; 'info@abqlaana.org'; 'info@abqlaana.org'; 'bhetherington@aamnm.com'; 'historicoldtown@gmail.com'; 'historicoldtown@gmail.com'; 'lasterrazasna@yahoo.com'; 'lasterrazasna@yahoo.com'; 'andyapple62@gmail.com'; 'andyapple62@gmail.com'; 'sjnase@gmail.com'; 'sjnase@gmail.com'; 'cuna@comcast.net'; 'lepope@msn.com'; 'lepope@msn.com'; 'vineyardestates.na@gmail.com'; 'vineyardestates.na@gmail.com'; 'srock692@comcast.net'; 'mtpnassociation@gmail.com'; 'mtpnassociation@gmail.com'; 'hear.president@gmail.com'; 'hear.president@gmail.com'; 'abqsbn@gmail.com'; 'abqsbn@gmail.com'; 'happygranny8@q.com'; 'mail@lospoblanosna.com'; 'mail@lospoblanosna.com'; 'highdesertmanager@hoamco.com'; 'highdesertmanager@hoamco.com'; 'yalevillage@comcast.net'; 'yalevillage@comcast.net'; 'bhaskins1@aol.com'; 'bhaskins1@aol.com'; 'president@trna.org'; 'cicm-na@comcast.net'; 'landry54@msn.com'; 'landry54@msn.com'; 'happygranny8@q.com'; 'westoldtownna@gmail.com'; 'westoldtownna@gmail.com'; 'riograndegardens@gmail.com'; 'sneestateshoa@yahoo.com'; 'sneestateshoa@yahoo.com'; 'siesta2na.pres@gmail.com'; 'siesta2na.pres@gmail.com'; 'mtbsh@comcast.net'; 'mtbsh@comcast.net'; 'verrityg@yahoo.com'; 'verrityg@yahoo.com'; 'ajcohousing@gmail.com'; 'ajcohousing@gmail.com'; 'board@abqrsna.com'; 'board@abqrsna.com'; 'sfvna2014@gmail.com'; 'sfvna2014@gmail.com'; 'nvcabq@gmail.com'; 'nvcabq@gmail.com'; 'ggnaabq@gmail.com'; 'eawalth@comcast.net'; 'ggnaabq@gmail.com'; 'WLCNA@yahoo.com'; 'WLCNA@yahoo.com'; 'eawalth@comcast.net'; 'barelasna@gmail.com'; 'barelasna@gmail.com'; 'abqfairwest@gmail.com'; 'eharvey871@aol.com'; 'eharvey871@aol.com'; 'hcnalalert@gmail.com'; 'hcnalalert@gmail.com'; 'nearnorthvalleyna@gmail.com'; 'antelope.run@comcast.net'; 'antelope.run@comcast.net'; 'wbna87120@gmail.com'; 'wbna87120@gmail.com'; 'pcotterellmsna@gmail.com'; 'nearnorthvalleyna@gmail.com'; 'abqfairwest@gmail.com'; 'rpclar1@comcast.net'; 'rpclar1@comcast.net'; 'northcampusna@gmail.com'; 'northcampusna@gmail.com'; 'qna.abq@gmail.com'; 'vdb87105@gmail.com'; 'vdb87105@gmail.com'; 'losduraneshneighborhood@gmail.com'; 'losduraneshneighborhood@gmail.com'; 'milehineighborhood@gmail.com'; 'milehineighborhood@gmail.com'; 'netherwoodpark@gmail.com'; 'netherwoodpark@gmail.com'; 'avalon3a@yahoo.com'; 'avalon3a@yahoo.com'; 'abqsana@gmail.com'; 'wellsparkna@gmail.com'; 'wellsparkna@gmail.com'; 'rejones7@msn.com'; 'rejones7@msn.com'; 'pmeyer@sentrymgt.com'; 'abqsana@gmail.com'; 'laurelwoodna@gmail.com'; 'laurelwoodna@gmail.com'; 'lamesaintinternationaldistrict@gmail.com'; 'lamesaintinternationaldistrict@gmail.com'; 'news@alvaradoneighborhood.com'; 'annapresident505@gmail.com'; 'annapresident505@gmail.com'; 'associations@corderandcompany.com'; 'president@onateneighborhood.org'; 'president@onateneighborhood.org'; 'board@bananm.org'; 'board@bananm.org'; 'estatesattanoan@aol.com'; 'estatesattanoan@aol.com'; 'sbmartineztown@gmail.com'; 'anvanews@aol.com'; 'anvanews@aol.com'; 'pmeyer@sentrymgt.com'; 'riograndegardens@gmail.com'; 'jkarl@aamnm.com'; 'jkarl@aamnm.com'; 'jlosmo@comcast.net'; 'jlosmo@comcast.net'

**Subject:** FW: IDO Application - Amendment to IDO Text - Citywide

**Attachments:** IDO Application - Amendment to IDO Text - Citywide.pdf

Resend of notice to the Neighborhood Association general email.

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**From:** Barkhurst, Kathryn Carrie **On Behalf Of** City of Albuquerque Planning Department  
**Sent:** Friday, November 27, 2020 4:23 PM  
**To:** City of Albuquerque Planning Department <abcto@cabq.gov>  
**Subject:** IDO Application - Amendment to IDO Text - Citywide

November 30, 2020



Authorized Representative  
City of Albuquerque Recognized Neighborhood Association  
Re: Application Submittal for Amendment to IDO Text - Citywide

Dear Neighborhood Association Representative,

The Integrated Development Ordinance (IDO) was adopted three years ago and became effective in May 2018. The first annual update became effective just weeks ago on November 2, 2020. As required in the IDO, but delayed due to COVID-19, the Planning Department will be submitting the second annual update to the Integrated Development Ordinance (IDO) to the Environmental Planning Commission (EPC) for review and recommendation to the City Council. Please see the last page for hearing details, how to learn more, and how to send comments.

## **Purpose**

The IDO is the regulatory tool to realize and implement the “Centers and Corridors” community vision set out in the Albuquerque-Bernalillo County Comprehensive Plan (“Comp Plan”) in a coordinated, citywide context where existing communities can benefit from appropriate new development, while being protected from potential adverse effects. The IDO regulations coordinate with the City’s Development Areas – Areas of Change and Consistency – that work together to direct growth to appropriate locations and ensure protections for low-density residential neighborhoods, parks, and Major Public Open Space. The IDO implements the Comp Plan through regulations tailored to each of the City’s designated Centers and Corridors. The IDO regulations are also coordinated with transportation and urban design policies in the updated Comp Plan, as well as updated technical standards for infrastructure in the Development Process Manual, which was updated as of June 2020.

In order for the City’s land use, zoning, and development regulations to stay up-to-date, the IDO built in an annual update process into the regulatory framework. This process was established to provide a regular cycle for discussion among residents, City staff, and decision-makers to consider any needed changes that were identified over the course of the year. Over the course of the two and a half years since the IDO has become effective, staff collected approximately 100 adjustments to language needed to improve the clarity and intended implementation of the adopted regulations. These clarifications and adjustments were requested by neighbors, developers, and staff and are compiled into a table of “Proposed Citywide Amendments.” Each proposed change provides the page and section of the adopted IDO that would be modified, the text that is proposed to change, along with an explanation of the purpose or intent of the change. This document is the main body of the application for Amendments to IDO Text - Citywide.

You can review and/or download the Proposed Amendments and review process online here:

<https://abc-zone.com/ido-annual-update-2020>

## **Justification**

These proposed amendments to the IDO text are consistent with the Annual Update process described in IDO Subsection 6-3(D). The Planning Department has compiled the recommendations, performed analyses of the proposed changes, and is now submitting the proposed amendments for EPC’s review and recommendation at a public hearing. These proposed amendments to the IDO text meets all of the Review and Decision Criteria in IDO Subsection 6-7(D)(3).

These proposed Text Amendments to the IDO are also consistent with Comprehensive Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review. The City Council Amendments, in particular, are consistent with adopted policies to protect and enhance the quality of the City's unique neighborhoods and commercial districts. These amendments further the following applicable goals and policies of the ABC Comprehensive Plan and protect the public health, safety, and welfare.

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

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

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

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

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

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

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

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

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

## Participation Details

To learn more about the proposed edits and amendments, join us at one of the following events:

Annual Update Open House: **Thursday, December 17th, 2020, 11:30 am – 1:30 pm** on Zoom

Zoom link: <https://cabq.zoom.us/j/96025086410>

To dial in by phone: (346) 248-7799, Meeting ID: 960 2508 6410

Come and listen or give **verbal comments** at the first **Environmental Planning Commission** hearing:

**Thursday January 21, 2021, 8:30 am** on Zoom:



Zoom link: <https://cabq.zoom.us/j/96997162697>

To dial in by phone: (346) 248-7799, Meeting ID: 969 9716 2697

Send **written comments for the record** to the Environmental Planning Commission by via:

email: Chair Dan Serrano  
c/o Planning Department  
[abcto@cabq.gov](mailto:abcto@cabq.gov)

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

- To be included in the staff report for EPC consideration, send comments by **9 am on Monday, January 11<sup>th</sup>**.
- To be included in the packet for EPC consideration, send comments by **9 am on Tuesday, January 19<sup>th</sup>**.

Please contact the ABC-Z team if you have any questions:

Mikaela Renz-Whitmore  
Long Range Planning Manager  
505.924.3932  
[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)

Long Range  
Planning Team  
505.924.3860  
[abcto@cabq.gov](mailto:abcto@cabq.gov)

The project team would like to thank those of you who have been involved so far and encourage the rest of you to participate in the Annual Update process to help improve the IDO and ensure that it provides adequate regulatory guidance and protection for our community.

Sincerely,



Mikaela Renz-Whitmore  
Long Range Planning Manager  
Planning Department, City of Albuquerque

PUBLIC COMMENTS



## **PNM Comments for the 2020 IDO Annual Update**

### **Environmental Planning Commission**

#### **Project #2018-001843**

PNM provides the following comments and recommended amendments to the Integrated Development Ordinance (IDO) text for the 2020 Annual Update that relate to and address Electric Utility and Electric Facility uses and the City-adopted, Rank 2 *Facility Plan: Electric System Transmission and Generation* ("Facility Plan"). These changes are intended to clarify the status of such uses, the unique status of the City Council-adopted Facility Plan, and to ensure the continued safe and reliable provision of electric service within the City of Albuquerque jurisdiction and metropolitan area.

These amendments will provide better IDO/Facility Plan consistency and predictability for applicants, City staff, and decision-makers. These proposed amendments are consistent with the spirit and intent of the ABC Comp Plan, will apply city-wide, and will promote public health, safety, and welfare, per the criteria of IDO Section 6-7 (D)(3).

Our modern society, including the economy, transportation systems, social interaction, technology, and all aspects of health, safety, and general welfare are dependent on electricity. These proposed amendments are directly related to, consistent with, and support the spirit and intent of the ABC Comp Plan as outlined in its guiding principles of:

- **Strong Neighborhoods:** Safe and reliable electric service is part of the necessary infrastructure for housing of all types, desirable neighborhoods, community facilities and services. As neighborhoods grow, develop, and redevelop, electric service infrastructure capacity must be maintained, upgraded, and enhanced to keep up with increased demands.
- **Mobility:** Traffic signals, streetlights, and increasingly vehicles of all types (cars, busses, trucks, motorcycles, bicycles, and scooters) are powered by electric energy. The equitable distribution of health and social services throughout Albuquerque's communities rely on the reliable provision of electric energy.
- **Economic Vitality:** Modern electric utility systems support existing businesses and attracts new employers. Human services, educational programs, and workforce training all rely on electric energy.
- **Equity:** A good distribution of electric facilities, including substations and electric lines, throughout the city is necessary to service the population equitably. Electricity is generally affordable and available to all residents, communities, and community facilities via PNM's interconnected grid system.

- **Sustainability:** In 2019, PNM set the earliest goal of any U.S. investor-owned utility to achieve a 100% emissions-free generation portfolio by 2040 (aligning to surpass the goals of the Paris Climate Agreement). Sustainable electric energy production, transmission, and distribution is enhanced by efficient development patterns and energy conservation.
- **Community Health:** Fire and police protection, health and social care, and education all rely on safe and reliable electric service to support the physical and mental health of the community. Community facilities and their programs that support diverse groups and opportunities for social interaction all rely on electric energy. Electricity is a key component in the provision of convenient access to healthy food, parks, and a wide range of amenities and services in all neighborhoods for all residents.

Because electric power is ubiquitous and touches all aspects of land use, services, and transportation, several individual Goals and Policies from most chapters of the ABC Comp Plan are applicable to the proposed IDO amendments for and related to electric facilities. Directly applicable Comp Plan Goals and Policies from Chapter 12 include:

Goal 12.1, Policy 12.1.1, Policy 12.1.6, Policy 12.1.7

Goal 12.4, Policy 12.4.1, Policy 12.4.5

PNM is obligated to meet future customer needs for electric service, provide system reliability, and operate safe facilities. New system facilities, including electric lines and substations, will need to be constructed to meet existing and future demands for electric service, replace aged infrastructure, and to enhance safety and reliability in the coming years. The following IDO text amendments provide for consistency with the Facility Plan, safety enhancements for new development and redevelopment, and predictability for our growing city and its electric energy needs.

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## **PNM Amendment 1**

### **Amendment to 1-7(A)(3):**

#### **1-7 COMPLIANCE REQUIRED**

##### **1-7(A) GENERAL**

- 1-7(A)(3) Other City regulations or State or federal laws may apply [+, such as the National Electrical Safety Code (NESC)+], even if the IDO is silent on these other applicable laws or regulations. Violations of these other applicable laws or regulations are not considered violations of this IDO.

#### **Analysis**

ABC Comp Plan-designated Centers and Corridors are growing, developing, and redeveloping with more dense and intense multi-family housing and mixed-use projects. As is expected in these areas, building heights are taller and setbacks are decreased to implement the more urban development and building

form policies of the Comp Plan. But, as demonstrated by some recent developments along the 4<sup>th</sup> Street Main Street Corridor and elsewhere, allowing buildings to be too close to electric lines, poles, and structures is not safe for construction crews, building residents, or PNM maintenance and repair crews. Proper clearances for construction, maintenance, and other needed access must be balanced with the increased heights and decreased setbacks desired in more urban areas.

The National Electrical Safety Code (NESC) is required by New Mexico state law, but its standards are often applied inconsistently or are considered too late in the design and development review processes. The above proposed language provides a “heads-up” for Planning staff and Applicants for much, but not all development. In situations where development is proposed in close proximity to existing electric lines, poles, and structures, early coordination, review, and guidance from the public electric utility company will make for a safer and more sustainable built environment.

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## **PNM Amendment 2**

### **New 1-8(E):**

#### **1-8 RELATIONSHIP TO OTHER REGULATIONS**

[+ **1-8(E)** If any regulation in this IDO conflicts with any applicable regulations, standards, or processes of the City-adopted Rank 2 Facility Plan: Electric System Transmission & Generation (Facility Plan), the provisions in the Facility Plan shall prevail. +]

#### **Analysis**

The above new verbiage is to clarify that status of the *Facility Plan: Electric System Transmission and Generation* (Facility Plan), which is much more than a policy document, as Rank 2 Plans are described in Section 6-3 (B). This existing Facility Plan contains regulatory standards and processes that reflect and implement the policy guidance of the Rank 1 ABC Comp Plan (IDO Purpose Sections 1-3(A), 1-3(B), 1-3(C), 1-3(D), 1-3(E), 1-3(F), 1-3(G), 1-3(H), 1-3(I), 1-3(J)).

Adopted and updated consistently since the 1980s, well before the adoption and effective date of the IDO, this Facility Plan was not rescinded nor was it incorporated into the Rank 1 ABC Comp Plan like other Rank 2 Plans. Its subject matter is specific to the electric system and its standards and processes are different than, but not incongruent with IDO standards and processes.

Being regulatory in nature, this Rank 2 Facility Plan, being City-wide, should have its status and implementation made predictable and consistent. This will help the City and the local electric utility company be more responsive to increased electric energy demands as the city grows and changes.

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## **PNM Amendment 3**

### **Amendment to 4-3(E)(8)(c):**

#### **4-3(E)(8) Electric Utility**

4-3(E)(8)(a) All uses and facilities shall be subject to those terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended.

4-3(E)(8)(b) Where this use includes geothermal or solar energy generation, the provisions of Subsections 14-16-4-3(E)(9) or 14-16-4-3(E)(10) apply.

4-3(E)(8)(c) Electric Generation Facilities, as identified in the Facility Plan for Electric System Transmission and Generation, are of a larger scale and more industrial in nature. This facility type is only allowed [+ as a primary use +] in the NR-GM zone district [+ except for solar energy generation and battery storage facilities, which can be primary uses in the NR- BP, NR-LM, and NR-GM zone districts +].

[+4-3(E)(8)(d) Solar Energy Generation, back-up generators, and battery storage are accessory uses in all zone districts where Electric utility is allowed. +]

#### **Analysis**

The city's economy is diversifying with new light industrial uses that require more electricity from PNM's grid. ABC Comp Plan-designated Centers and Corridors are growing, developing, and redeveloping with more dense and intense uses, including but not limited to multi-family housing and mixed-use projects. New single-family residential subdivisions continue to develop on the City's westside and in Mesa del Sol and existing neighborhoods are seeing infill and redevelopment projects as allowed by the IDO.

Additionally, electric vehicles are quickly gaining market share of all new vehicles being sold (10% by 2025 and 58% by 2040\*) and the energy to power them will need to be provided. PNM recognizes that electrification of the transportation sector will be key to reducing emissions and meeting overall goals. New Mexico's largest electric provider has drafted and submitted a plan to accommodate and incentivize electric vehicle use (<https://apnews.com/article/technology-utilities-albuquerque-new-mexico-electric-vehicles-e61cb922bab22cf1472eb6c1cd2faa21>).

The electric load demand on PNM's system is growing and will continue to increase markedly, requiring expanded opportunities for renewable electricity generation beyond the limited amount of available NR-GM zoned properties. Although most of the sources for renewable energy will be from areas outside of the city, the option to generate and then store such renewable energy in battery facilities within the city should be available as the needs arise. The NR-LM and NR-BP zone districts are appropriate to allow the necessary scale and intensity for larger electric facilities such as renewable generation and battery storage.

\*BloombergNEF <https://about.bnef.com/electric-vehicle-outlook/>

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## **PNM Amendment 4**

### **Amendment to 6-3(B):**

#### **6-3(B)**

#### **RANK 2 FACILITY PLANS**

Facility Plans provide policy guidance on a particular topic citywide to relevant implementing departments. They normally cover only one type of natural resource (such as Major Public Open Space) or one type of public facility or utility (such as electricity transmission). These plans are required to be consistent with the ABC Comp Plan, as amended, and to identify how they relate to its vision, goals, and policies. In case of conflict, policies in the ABC Comp Plan, as amended, shall prevail. [+The Facility Plan: Electric System Transmission and Generation contains standards and processes that prevail over normally applicable IDO regulations (see also Section 14-16-1-8(E). +]

#### **Analysis**

The above new verbiage is intended, in conjunction with a new 1-8(E), to clarify that the status of the adopted Rank 2 Facility Plan: Electric System Transmission and Generation, as different than a policy document, and distinct from other Facility Plans that are described in Section 6-3 (B). The Facility Plan: Electric System Transmission and Generation contains regulatory standards and processes that reflect and implement the policy guidance of the Rank 1 ABC Comp Plan. Being regulatory in nature, this Rank 2 Facility Plan, being City-wide, should have status and implementation that is predictable and consistent.

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PNM greatly appreciates the opportunity to provide these comments and proposed text amendments as part of the 2020 IDO Annual Update process. Please feel free to contact me with any questions about the proposed text amendments.

Thank you,

Russell Brito, Land Use & Permitting Administrator

Projects and Program Management

PNM, 2401 Aztec Rd NE, MS-Z200, Albuquerque, NM 87107

505.241.2798 Office

[Russell.Brito@pnm.com](mailto:Russell.Brito@pnm.com)

January 10, 2021

Dear Director Williams:

My name is Eleanor Walther and I am president of the Rio Grande Boulevard Neighborhood Association. We have been reviewing proposed changes to the IDO and we would like to share some comments.

In general, we do not have any specific objections to the changes regarding Outdoor Dining and Drive through and Drive-up Stacking Parking. However, we question changes being made that are being proposed because of the COVID pandemic. While behavior has changed during the pandemic, no one knows if these changes will persist after the pandemic. Thus, we think that changes should only be made if they make sense for the long term. COVID should not be the justification.

We do have concerns about all three proposed Council amendments regarding Cottage development. The North Valley has many lots that are a quarter acre. We think that allowing Cottage development on lots between 10,000 sf and one acre will change the character of the valley. Other areas of the city typically have smaller lots. So, this change would have a much smaller impact on those areas. The second amendment calls for making this development a conditional use throughout the city. We know that the argument is that through the conditional use process neighborhood associations would be able to have input. We feel this would put an enormous burden on neighborhood associations. We already track DRB applications, EPC applications, OSAB meetings, and IDO proposed changes. We will also be involved in community planning areas, so our plate is full already. The third Cottage development proposal expands the areas where these 10000sf to acre lots can have Cottage development to Activity Centers, Downtown, and Employment Centers. The 2019 updates to the IDO expanded Cottage development to the 10000sf to acre lots for UC-MS-PT areas. This process was just completed in the Fall of 2020. We feel that the City should see how this change works out before expanding Cottage development to other areas. We are not aware of any property that has submitted plans for these smaller lots. Waiting to implement the expansion to other areas will allow neighbors to see how these new Cottage developments are implemented and how the design affects adjacent properties. Presently, it is very hard for to visualize how these properties will be developed.

Thank you for your consideration.



Eleanor Walther

President, Rio Grande Boulevard Neighborhood Association

January 5, 2021

Re: Proposed 2021 IDO Amendments

Ms. Kathryn Carrie Barkhurst

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

Senior Planner

City of Albuquerque – Planning Department

600 2<sup>nd</sup> St NW, 3<sup>rd</sup> Floor

Albuquerque, NM 87102

Dear Ms. Barkhurst, Planning Department Staff, and City Council Staff:

Titan Development has reviewed the 2021 IDO Updates that will be heard by the Environmental Planning Commission on January 21<sup>st</sup>, 2021 and have summarized our comments and concerns below.

1. Exhibit 5.2 (D) – Site Design to Respond to Climate and Geographic Features
  - a. Although our team understands that intent of this regulation, there are significant concerns with both Climatic and Geographic Responsiveness. Additionally, I am involved with the focus group organized by Ms. Jolene Wolfley discussing these amendments. These changes conflict with many aspects of the IDO and it will be impossible to design buildings under all of these regulations.
    - i. Climatic Responsiveness
      1. This regulation is incredibly vague and subjective, and could result in impacts to density, site design, and ultimately feasibility of a project. Additionally, it conflicts with Geographic Responsiveness section in that buildings could be located to maximize solar, but therefore they are not maximizing views, etc. The entire section needs to be removed.
    - ii. Geographic Responsiveness
      1. This regulation should be removed. It is always in the owner's best interest to develop a site and promote views, as that is the best way to achieve premium value on a property. In reality, it is impossible to design every building and unit with maximum visibility to geographic features. As a developer of multi-family projects, it is our primary concern to take advantage of these attributes and we don't think the planning department needs to have oversight here.
2. Exhibit 5-11 (D) –I am involved with the focus group with Ms. Wolfley to discuss the proposed regulations outlined in this Exhibit. We have concerns with how they are currently proposed, but are working through these issues and hope to have them addressed through these meetings.
3. Text Amendments
  - a. Page 445 – DRB Discretionary Authority
    - i. DRB is a technical board and should not be allowed to have discretionary authority over any aspect of the project. The intent of this board is to follow the technical regulations and ensure the project meets the zoning code and DPM. The Environmental Planning Commission is intended to have

discretionary authority over a project. This Amendment should absolutely be considered for removal and goes against the intent of the City's entitlement process. While the scope of the regulation is limited, we are gravely concerned with more discretionary items being added to the DRB authority over time and empowering the DRB even further. In our opinion, having the DRB have the ultimate authority on design related issues at their discretion is extremely problematic and confuses the whole entitlement process.

We appreciate all of the hard work you and your team have put into these annual updates, and look forward to working alongside you to a result that is mutually beneficial to all parties involved in this process. We are still in the process of understanding many of the Amendments proposed for the EPC meeting on January 21<sup>st</sup>, and will submit an additional letter or address them at EPC if there are concerns with any other Amendments. Please contact me at [jrogers@titan-development.com](mailto:jrogers@titan-development.com) or (505) 998-0163 with any questions.

Thank you,

A handwritten signature in black ink, appearing to read 'JR', followed by a long horizontal flourish.

Josh Rogers  
Vice President of Development

Cc: Mikaela Renz-Whitmore, Planning Department  
Petra Morris, City Council  
Shanna Schultz, City Council

**Renz-Whitmore, Mikaela J.**

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**From:** Lee Gamelsky <lee@lganm.com>  
**Sent:** Thursday, December 26, 2019 1:14 PM  
**To:** Brito, Russell D.; Renz-Whitmore, Mikaela J.  
**Cc:** Nitish Suvarna; Isaac Benton; Lee Gamelsky  
**Subject:** Suggested Edits for the IDO  
**Attachments:** AIA COTE LETTER ADDRESSING THE IDO.pdf

Hi Russell and Mikaela,

Please see the attached letter of suggested edits for the IDO that I prepared for the AIA ABQ Chapter COTE ( committee on the environment ) .

Please feel free to contact me if you have any questions , comments , suggestions and or if you want to meet to discuss. I am available for further discussions and / or edits. Hopefully , the issues I raise can be incorporated into the next round of IDO edits.

Thank you very much and have a wonderful new year. !

Lee Gamelsky AIA, LEED AP BD + C  
Lee Gamelsky Architects P.C.  
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This message has been analyzed by Deep Discovery Email Inspector.

# AIA Albuquerque

12 December 2019

Mr. Russell Brito  
Ms. Mikaela Renz-Whitmore  
City of Albuquerque  
Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

RE: IDO Revisions to Promote Energy Efficiency and High Performance Buildings.

Dear Mr. Brito and Ms. Renz-Whitmore;

The AIA Albuquerque Committee on the Environment (AIA ABQ COTE) advocates design practices that integrate built and natural systems, and enhance the design quality and environment and energy performance of our built environment.

The AIA ABQ COTE reviewed the Integrated Development Ordinance (IDO) and we have identified areas which affect the energy performance of buildings. The majority of our comments relate to the Required Percentages of Clear Glazing in windows and doors which face onto the Public Right of Way (regardless of the orientation of the glazing).

Building envelope performance is generally referenced as R-value. Per the 2015 IECC, the minimum required R-value for our climate zone is approximately 20.5 for walls, depending upon the type of construction. A high performance window is generally not better than R=3.5. Thus, a well insulated wall is going to perform at least 580% better than a high performance window, which is usually not 'clear' glazing as required by the IDO, but tinted of some type.

The Requirement for clear glazing of a certain percentage of the façade wall facing a public street is spelled out in 5 CPO (Character Protection Overlay) Zones (CPO Zones: 3, 4, 8, 11, 12) and is required for Multi-Family Residential Development (14-16-5-11(D) (2) p. 291), and Urban Centers, Activity Centers, Main Street and Premium Transit Areas (5-11 (E) (2) (b) p. 293).

These requirements are excessive and they do not take into consideration the orientation of the glazing. We know north facing glazing contributes to excessive energy loss in the winter. Unprotected (without any shading) south facing glazing will create enormous heat energy gain and contribute greatly to the building cooling load during the summer months. Late afternoon hot summer sun which is in the west, and early morning summer sun in the east also create enormous cooling loads in buildings when not properly addressed. Furthermore, in designing a passive solar home, the percentage of glazing in a south facing façade generally does not need to exceed 15% of the façade area. Thus, the required glazing percentages of a façade ranging from (20-60%) is excessive.

The American Institute of Architects

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We understand the importance to create visual connections between the streetscape and the buildings, however the percentage of glazing requirements should be modified due to glazing orientation, the incorporation of shading devices and appurtenances, and the floor level relative to the public street level on which the building faces.

The following recommendations are provided to begin a dialog to change the IDO requirements. Due to the complexity of the issue these recommendations may need to be further defined and elaborated on.

1. General Requirements
  - A. The required percentage of glazing should only be required for the ground floor facades facing the public street.
2. Glazing Orientation: The following minimum glazing percentages are provided per the orientation. We believe retail and hospitality uses will provide a higher glazing percentage as part of good design and that higher glazing percentages are not required to be spelled out in the IDO.

A. North Facing =	8%
B. South Facing =	12.5%
C. West Facing =	10%
D. East Facing =	10%

We look forward to meeting with you to discuss these issues.

Sincerely,



Lee Gamelsky AIA, LEED AP BD+C

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Rahim Kassam  
Nob Hill NBRHD, LLC  
Albuquerque, NM

Carrie Barkhurst - kcbarkhurst@cabq.gov  
City of Albuquerque Planning Department - abcto@cabq.gov

Cc: Jim Strozier & Michael Vos, Consensus Planning  
Cc: Jim Clark, Masterworks Architects

Dear Carrie Barkhurst & The Planning Department,

I'm writing in regard to the proposed IDO amendment:

**3-4(l)(5)(b) Façade Design**

The following articulation standards apply to all properties within the sub-area of Nob Hill/Highland – CPO-8 mapped below.

**Effective IDO Text**

4. On streets that intersect Central Avenue, each ground floor street-facing façade within 150 feet of or to the first alley or street from Central Avenue, whichever occurs first, shall do all of the following:
  - a. Have at least 1 entrance within 40 feet of Central Avenue.
  - b. Be built to function as or appear as storefronts or **urban residential building frontage type**.

I believe that this change to allow urban residential building frontage types instead of storefronts is a step in the right direction. However, the percentage of glazing required in urban areas needs to be addressed. Although I am writing this in response to the amendment in Nob Hill, I feel that this should apply wherever there is a minimum glazing requirement in the UC-MS-PT areas.

The following Exhibit 5-11(D) shows the proposed amendment for multifamily glazing outside of UC-MS-PT areas:

## Exhibit 5-11(D)

### 5-11(D) MULTI-FAMILY RESIDENTIAL DEVELOPMENT

All multi-family residential development outside UC-MS-PT areas containing more than 25 dwelling units shall comply with all of the standards in this Subsection 14-16-5-11(D).

Standalone parking structures and the above-ground portion of parking structures incorporated into a building with multi-family residential uses shall comply with the design standards in Subsection 14-16-5-5(G) (Parking Structure Design).

#### 5-11(D)(1) Building Entrances

Primary pedestrian entrances to each primary building shall be emphasized and provide weather protection through variations in the façade, porticos, roof variations, recesses or projections, or other integral building forms.

#### 5-11(D)(2) Façade Design

Façades shall be designed to provide a sense of human scale. Building façades shall meet all of the following requirements or provide justification that the intent of this section is achieved by an alternative design approach.

##### 5-11(D)(2)(a) Windows

A façade shall have windows as a prominent feature.

1. The ground floor of each street-facing façade shall contain a minimum of 20 percent of its surfaces in transparent display windows and/or doors.
2. Windows on the ground floor for portions of the building that are not residential dwellings, i.e., halls and common spaces, must have interior space visible to a depth of 2 feet from the façade.
3. Windows on the upper floors shall be recessed not less than 2 inches and/or shall be surrounded by a window casing not less than 2 inches wide except for portions of the façade that are curtain walls.
4. Windows facing west shall use sun blocking features.

##### 5-11(D)(2)(b) Articulation

Facades shall change in massing and form as specified below to visually break up the building. Each front and side façade shall meet all of the following requirements or provide justification that the intent of this section is achieved by an alternative design approach.

1. The façade shall have at least one recessed or projecting element of 2 feet in dimension for every 30 feet of facade length.

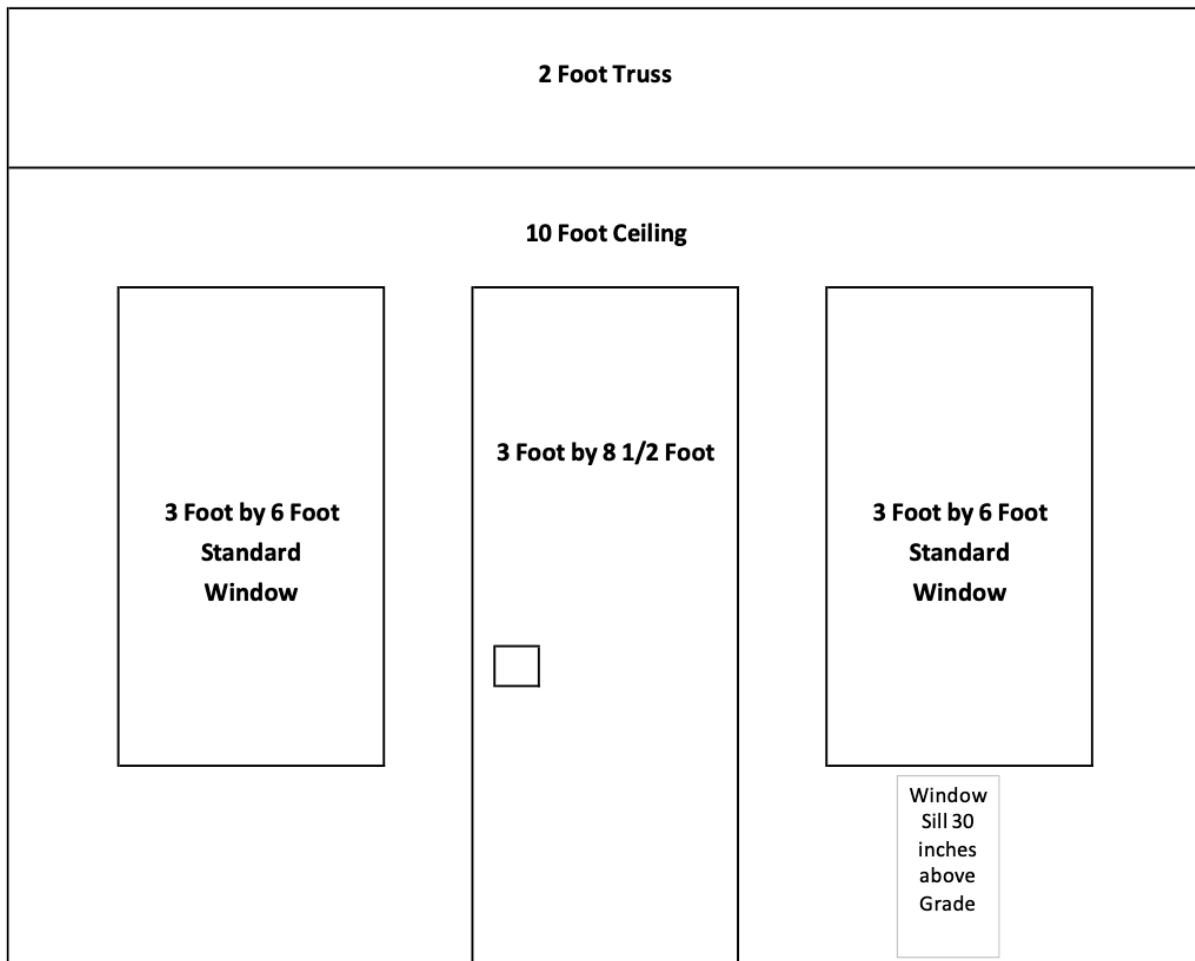


This amendment proposes a 20% glazing requirement in non-UC-MS-PT areas. I believe that the 20% glazing requirement should apply to residential developments of all sizes in UC-MS-PT areas that have minimum glazing requirements. Below are some commonsense reasons why:

For example, in the Nob Hill Overlay Section of the IDO, the glazing requirement states that the ground floor “contain a minimum of 60 percent of its surfaces in clear, transparent windows and/or doors, as measured to include the first 12 feet of building height above the sidewalk, with the lower edge of windowsills no higher than 30 inches above the finished floor.”

The following two diagrams represent actual residential townhomes under development:

This first diagram shows what a 20% ground floor residential glazing requirement would look like. This residential unit is 13.5 feet wide. It has a 10-foot ceiling and a 2-foot truss for a total of 12 feet on the ground floor. The windowsill begins 30 inches above the finished floor. The windows are of an urban residential character in that they are twice as tall as they are wide.



## Residential Glazing at 20% Requirement

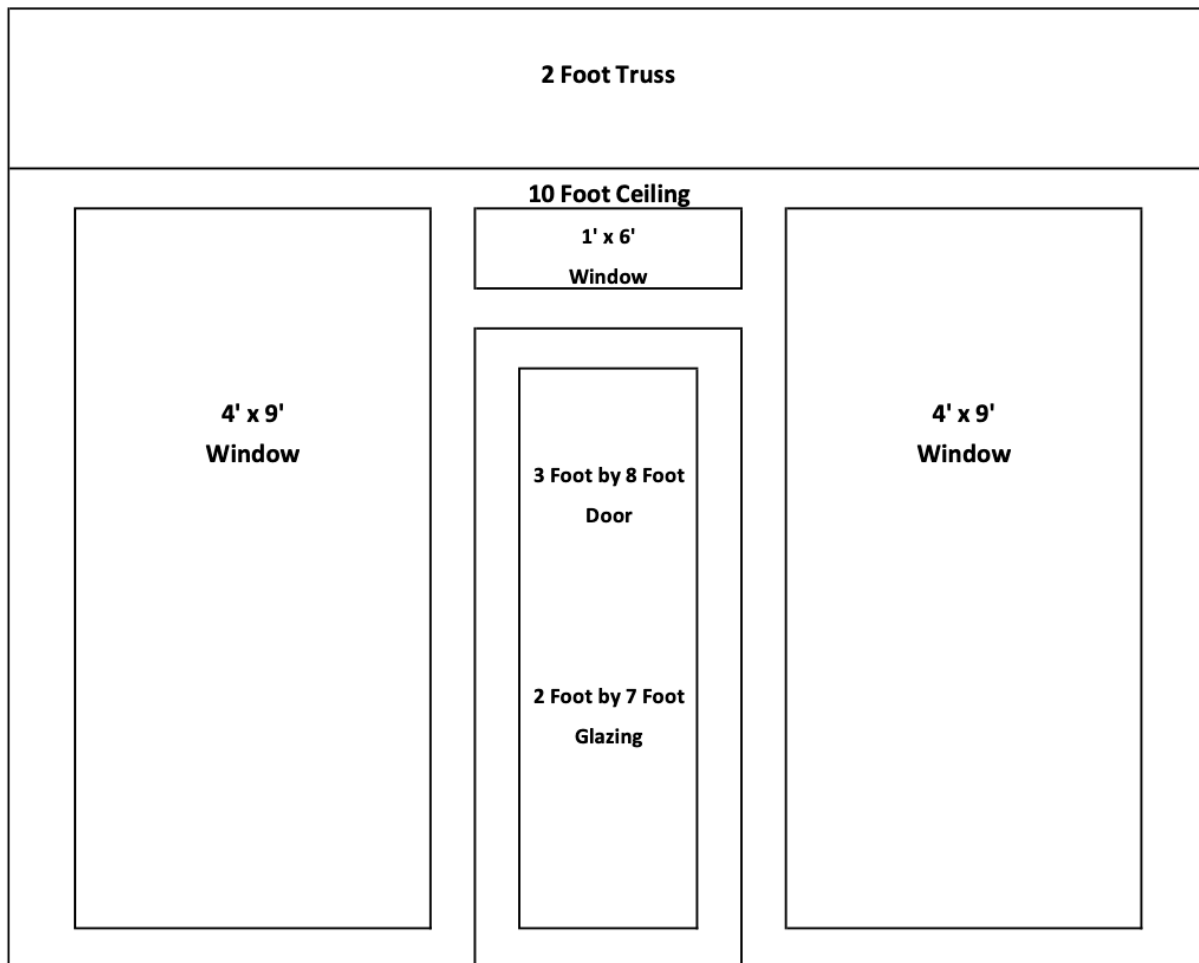
13.5' Width x 12' Height = 162 Sqft Front

32 Sqft Required Glazing

18 sqft + 18 sqft = 36 Sqft Glazing as Shown

Even for this relatively narrow unit, the two large windows shown on the ground floor provide ample light, eyes on the street, an attractive design, and some privacy and safety.

In contrast, here is an example of a 60% residential glazing requirement on the ground floor:



## **Residential Glazing at 60% Requirement**

**13.5' Width x 12' Height = 162 Sqft Front**

**97.2 Sqft Required Glazing**

**36 Sqft + 36 Sqft + 6 Sqft + 14 Sqft = 92 Sqft Glazing as Shown**

Even with glazing throughout the ground floor frontage and a glass front door, only 56.7% of the front is effectively glazed. This also only leaves 6-9 inches of border around clear areas, scarcely enough for structural support.

This type of frontage in an urban area would be undesirable because of security and privacy concerns. Urban residences are closer to major streets than residential developments but still have higher glazing requirements. How many individuals would want to live in a home with this much exposure?

In urban parts of Albuquerque, you can see the consequence of having too much glazing on buildings. Here is an example of one of the many storefront windows which were destroyed and then had to be boarded up. Six months later, many of the buildings are still boarded up. Even without civil unrest, crime and vandalism on large windows is an ongoing concern.



Albuquerque Journal – July 2020

Similarly, some buildings including the Kimo Theater (which is owned by the City of Albuquerque) chose to stop repairing repeatedly broken windows. Instead, they put metal roll down gates over the windows which is not desirable and aesthetically unpleasing. Unlike a business, residences can't just be closed; they are occupied at night when safety is even more important.



Kimo Theater in Downtown with metal gates over windows

When onerous glazing requirements are pushed onto residential buildings, you often see false storefronts added to meet these requirements. This “Disneyfication” of buildings is inauthentic and does not provide eyes on the street nor business activities on the ground floor.

Some may feel that glazing requirements help promote mixed use development. In the right areas, mixed use development could be beneficial. However, especially for the smaller lot sizes, that is not the case. All developments are based on need and have to be financially feasible. Mixed use developments require additional parking, structural support, waste management, etc. They are much harder to finance and bring up the cost of the included residential units.

Homes are in short supply and occupancy levels in Albuquerque continue to remain high. New residential units are also essential because they make overall housing costs more affordable. When new units are built, downward pressure is applied to older units which helps with affordability and homelessness issues. In contrast, commercial and retail buildings remain unoccupied and that trend is expected to accelerate. Constructing empty storefronts make areas appear even more deserted. In contrast, urban residential developments such as townhomes could include ground floor uses such as the now essential home office as well as home-based businesses.

For the reasons above, I am asking the Planning Department and the City of Albuquerque to consider requiring residential buildings in the UC-MS-PT areas where minimum glazing requirements apply to institute a minimum 20% glazing requirement on the ground floor. This would certainly be a way to balance the safety and security of residences with the need for appealing urban spaces.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rahim Kassam', followed by a period.

Rahim Kassam  
Managing Partner  
Nob Hill NBRHD, LLC



## Temporary (Election) Signage

### General Discussion

#### A. Temporary (Election) Signage Allowed Under the Integrated Development Ordinance (IDO) (14-16-5-12(I) –

1. Temporary (Election) Signage is allowed for placement on private property, subject to the Standards below:

##### 14-16-5-12(I) TEMPORARY SIGNS 5-12(I)(1) Standards

Temporary signs may be erected without obtaining a sign permit, provided that they comply with the standards in Table 5-12-6. They shall not count toward any maximum number of signs or sign area allowed on a property (getting clarification from City).

Table 5-12-6: Temporary Sign Standards	
Topic	Standard
Number, maximum	4 / premises
Size, maximum <sup>[1]</sup>	16 sq. ft.
Height, maximum <sup>[1]</sup>	4 ft. above the top of the highest wall on the lot where the sign is placed. 8 ft. if no walls exist on the lot where the sign is placed.
Illumination	Not allowed.
Location	Not allowed on the wall of a residential building or accessory structure. Not allowed in common areas, such as homeowners association areas and easements, unless approved by the owner of the common area, or in the public right-of-way.
[1] Maximum size and height apply to the total sign area that may be used for up to 4 signs.	

2. Temporary (Election) Signage is allowed sixty days before an election; it must be removed by ten days after the election.

See below subsection of IDO 14-16:

5-12(I)(2)(c) One (1) temporary sign may be displayed for up to 60 consecutive days prior to and 10 consecutive days after an election.

#### B. Unauthorized Temporary (Election) Signage Placement -

1. Temporary (Election) Signage cannot be placed in a street median at any time. Removal of any unauthorized placement of signage will be done by the Department of Municipal Development (DMD)-Solid Waste, per Abram Sanchez, Assistant Superintendent.
2. If Temporary (Election) Signage is placed on private property without the property owner's authorization, the owner can remove the signage and discard it per Diego Gonzales, Planning

## Temporary (Election) Signage

Department, Code Enforcement. *(NOTE: Property owners sometimes do not realize their property extends to the street drainage area.)*

See below subsection of IDO 14-16:

### 5-12(E)(2) Location

No sign or part of a sign shall be located on any property without the consent of the owner, holder, lessee, agent, trustee, or other party controlling the use of such property.

#### C. Timeline To Notify Property Owner of an Ordinance Violation, per Diego Gonzales CABQ Planning Code Enforcement –

1. Upon Code Enforcement Department's receipt of a complaint from a non-property owner of a Temporary (Election) sign's unauthorized placement, the following schedule of events will take place:
  - a. About one week after receiving the initial complaint, Code Enforcement will notify the property owner of the complaint,
  - b. The property will have two weeks to respond to the complaint and, if applicable, to remove the signage,
  - c. If no response to the two-weeks notification is received by Code Enforcement, another notice will be sent that, and another two weeks will be allowed before a criminal complaint will be issued to the property owner,
  - d. More time passes such that the Temporary (Election) sign has been in place for at least five (5) weeks now.

## Observations and Recommendations

1.

The IDO 14-16-5-12(I)(2)(c) reads: One (1) temporary sign may be displayed for up to 60 consecutive days prior to and 10 consecutive days after an election.

Because **Table 5-12-6: Temporary Sign Standards** indicates a maximum of 4/premises, the following wording change is recommend:

- a. The IDO 14-16-5-12 (i)(2)(c) be amended to read:

Each temporary sign, in compliance with **Table 5-12-6: Temporary Sign Standards**, may be displayed for up to 60 consecutive days prior to and 10 consecutive days after an election.

2.



## Temporary (Election) Signage

More than four (4) temporary signs are being placed on some private property around Albuquerque thus exceeding IDO **Table 5-12-6: Temporary Sign Standards**. Sampled specific locations are: 1) 5328 Thomas Place NE, 2) 5620 Amistad Rd NE, and 3) 9628 Paseo Del Rey NE visited by Mike Griffin October 14, 2020.

According to Diego Gonzales, CABQ Planning Code Enforcement, these specific properties are not in compliance with the Temporary Sign Standards; however, when Mike Griffin contacted the property owners, they had no knowledge of the standards nor had they authorized anyone to place the signs on their property.

Because of identifying these Temporary Sign non-compliance conditions and because there are more likely many other property owners in the same situation, the following wording additions are recommended to be added to the Temporary Sign Standards:

- b. Any person (s) seeking to place a Temporary Sign on a non-owned private property **MUST** first obtain written authorization from the property-owner, including full name, address, date authorized, and telephone number with area-code. The named person/entity or designee appearing on the sign **MUST** maintain, for one (1) year, the written authorization form (s) for all Temporary Signs placed on non-owned private property.
- c. Ensure, at the time of authorized sign placement, that no more than four (4) Temporary Signs have been placed on the private property in accordance with IDO **Table 5-12-6: Temporary Sign Standards**.
- d. Property owners may remove any unauthorized Temporary Sign(s) at any time and discard them accordingly.
- e. All persons/entities seeking elected office or advocating for a proposition/amendment/etc. in any City of Albuquerque, Bernalillo County, New Mexico State or U.S. Federal office intending to place a Temporary (Election) sign **MUST** acknowledge in writing that the **Temporary Sign Standards** has been read and compliance with the standards will be maintained throughout the election period. Such written acknowledgment will be provided to the CABQ Planning Department Code Enforcement Department and a copy maintained by the person/entity (or the appointed representative) seeking elected office or advocating for a proposition/amendment/etc.

3.

Temporary signs are attached to the chain-link fencing on the Bear Canyon Arroyo on Eubank St. NE. Mike Griffin photographed them on October 14, 2020. It is questionable whether the Bear Canyon Arroyo is on private property versus City property. However, if the arroyos are City property, are Temporary Signs authorized to be placed there? If not authorized, then the following wording is recommended to be added to **Table 5-12-6: Temporary Sign Standards**:

- f. Temporary Signs are not to be placed on or affixed to fencing, poles or any other material around arroyos, drainage ditches, or waterway barricades or other City properties.

## Temporary (Election) Signage

4.

Temporary signs are placed all around election polling places during an election period. More than likely, these signs are not authorized by any property-owner, and the person (s) placing them is unaware of the City ordinance pertaining to Temporary (Election) signs. Though a candidate/entity may be aware of the City ordinance, there appears to be a lack of communication to the sign-placer that Temporary (Election) signs cannot be placed anywhere except on authorized private property. Therefore, the following wording is recommended to be added to **Table 5-12-6: Temporary Sign Standards**:

- g. Temporary signs are not authorized to be placed within one-thousand feet (1,000) of a polling location unless the Temporary sign's placement has been approved by the private property owner.

5.

It appears, from discussion with the Code Enforcement Department, the burden of removal of unauthorized Temporary (Election) signs rests with the private property owner and not the City. However, in the circumstance where more than four (4) Temporary (election) Signs appear on a property, perhaps City Code Enforcement personnel could take immediate action to remove all of the signs because there is a prima facie of the ordinance violation. Therefore, the following wording is recommended to be added to **Table 5-12-6: Temporary Sign Standards**:

- h. Code Enforcement authorized personnel will, without notification to the private property owner, immediately remove all Temporary (Election) Signs when there are more than four (4) signs on the property, due to the ordinance violation for the number of signs limited on a single private property. The signs will be carted off and properly disposed.

6.

It appears there is no monetary fine for violation of the City ordinance on unauthorized placement of a Temporary (Election) sign (s). Absence of such monetary fine (s) seems to contribute to the inadvertent or intentional abuse of such City ordinance. Though the City Code Enforcement Department is responsible to investigate a complaint of an illegally placed Temporary (Election) sign, it may take a significant time to completely resolve a complaint. Such time-line may consume the entire sixty-day (60) allowed period that Temporary (Election) sign (s) may remain in place. Consequently, to encourage regular compliance with the Temporary (Election) sign ordinance, the following wording is recommended to be added to **Table 5-12-6: Temporary Sign Standards**:

- (i) A fine of \$100 will be assessed to the appropriate party/entity for each unauthorized City Ordinance Temporary (Election) Sign violation. All fines are payable within two (2) weeks of the assessment at the City Treasurer's Office. Failure to pay the fine (s) will result in further disciplinary action deemed appropriate.