

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.

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 4th 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.

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.

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/>

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.

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

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

Senior Planner

City of Albuquerque – Planning Department

600 2nd St NW, 3rd 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 21st, 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 21st, 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 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.

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
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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 2nd 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

AIA Albuquerque
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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,



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Rahim Kassam
Nob Hill NBRHD, LLC
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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

Facades shall be designed to provide a sense of human scale. Building facades 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.

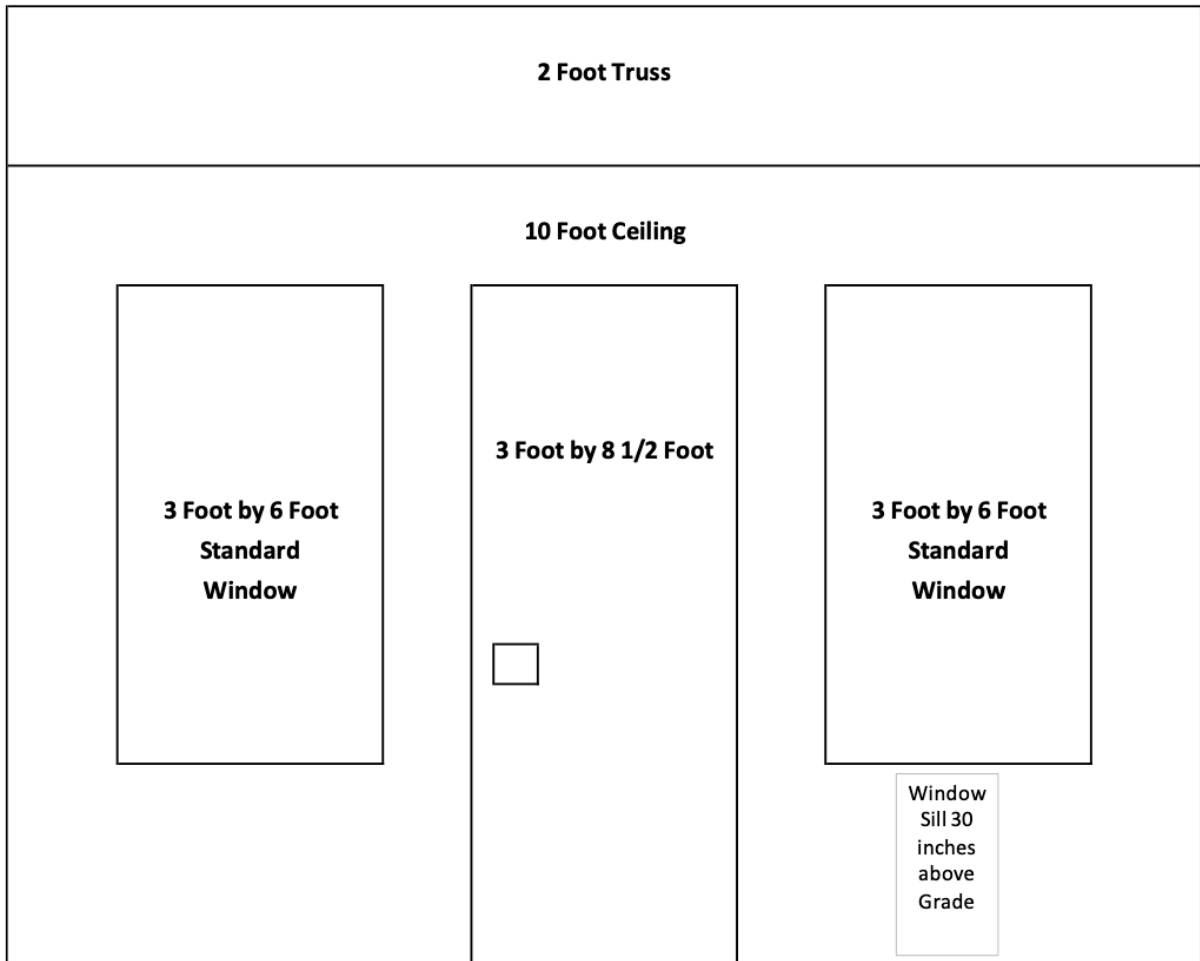
1. The façade shall have at least one recessed or projecting element of 2 feet in dimension for every 30 feet of facade length.

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

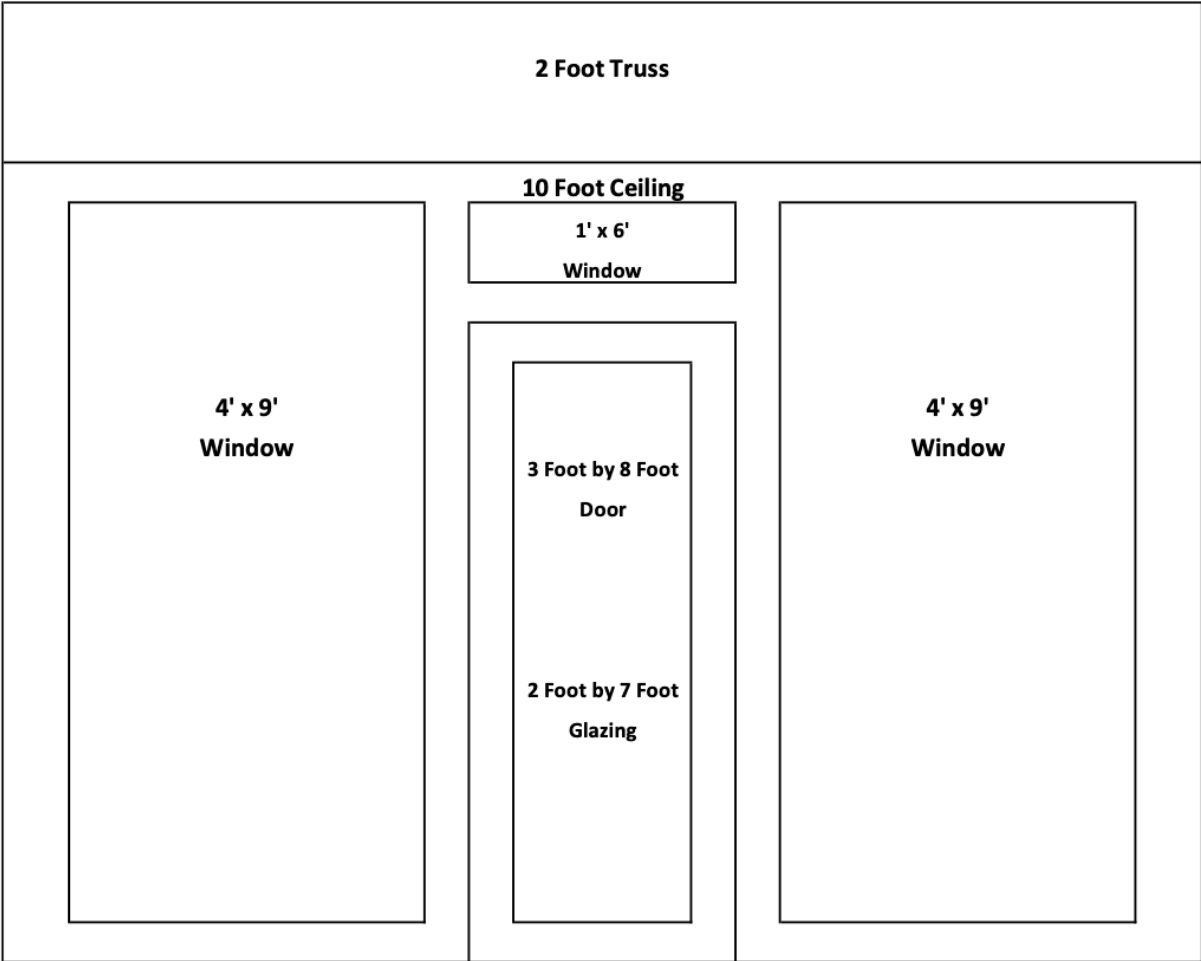
13.5' Width x 12' Height = 162 Sqft Front

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

$13.5' \text{ Width} \times 12' \text{ Height} = 162 \text{ Sqft Front}$

$97.2 \text{ Sqft Required Glazing}$

$36 \text{ Sqft} + 36 \text{ Sqft} + 6 \text{ Sqft} + 14 \text{ Sqft} = 92 \text{ Sqft Glazing as Shown}$

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', with a stylized flourish at the end.

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 ^[1]	16 sq. ft.
Height, maximum ^[1]	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.