

COMMENTS

COMMENTS

received after January 19, 2021 and
provided to the EPC with the February 18, 2021 Staff Report

Barkhurst, Kathryn Carrie

From: Bolen, Rebecca A. on behalf of City of Albuquerque Planning Department
Sent: Tuesday, February 2, 2021 12:23 PM
To: Lehner, Catalina L.; Barkhurst, Kathryn Carrie
Subject: FW: Comments on the upcoming IDO annual update
Attachments: Reducing nonconformity in a MRA 2018.pdf

Forwarding because it says it's a comment on the IDO update, although it appears to be about a single property. 1/4

From: Sylvia Brunner <sylvia.brunner@gmail.com>
Sent: Tuesday, February 2, 2021 12:02 PM
To: City of Albuquerque Planning Department <abcto@cabq.gov>
Cc: Morris, Petra <pmorris@cabq.gov>; Diana Dorn-Jones <ddj5050@att.net>; Gordon Jarrell <gordonjarrell@gmail.com>
Subject: Fwd: Comments on the upcoming IDO annual update

Hello Timothy,

I'd just like to add some comments about the IDO to be included in the public comments section your office requested, and is based on interactions and experience we've had with the Planning Department and the IDO over the years. Comments are based on our particular experiences as relates to 725 Edith SE.

1) Non-conforming use:

In previous conversations with Petra Morris, we were informed that "...non-conforming use and non-conforming structure regulations both require [a] property to be vacant for 24 consecutive months before they are required to come into compliance."

This, on its face, sounds logical.

We were then informed that everytime a builder/homeowner is granted a new building permit, the 24 month period of grace is re-started regardless whether or not the property has been vacant for over a 24 month period. From a previous discussion with Petra: "Code Enforcement also stated that the Building Permit associated with the site [725 Edith SE] has expired and that the property owner needs to resubmit. I asked when the non-conformity expires and they explained that the clock started on April 2019. This is when the last building permit was issued, and as this is the last known activity on the site, that is when the 24 months begins. If the building permit is renewed the 24 month clock starts again."

The huge and obvious flaw in this is that the building, zoned "R-1C, Single Family" has been vacant prior to 2 Dec 2018, when the building was completely gutted by the new owners (under Permit BP-2018-40481 which, incidentally, was supposed to be for "Minor Alteration/Repair". Fig. 1).



Building Permit BP-2018-40481 (Expired)

Status: Expired

Application Date: Nov 2, 2018

Issue Date: Nov 2, 2018

Completed Date: Aug 20, 2020

Expiration Date: May 2, 2019

Description: Residential - Single Family - Minor Alteration/Repair

Details

Inspections

The second permit (BP-2019-13549; Fig 2) was for "Commercial - Other - Alterations" was applied for but not issued and, from this end, might have been an attempt at some sort of band-aid legal cover for work the investment company had already undertaken under the "minor alterations" permit they had in place initially. In any case, no work on the property was undertaken during the second permit period at all, and the permit status now says "Completed" and "Expired". The property remains untouched and still as gutted as it was back in December 2018.



Building Permit BP-2019-13549 (Expired)

Status: Expired

Application Date: Apr 9, 2019

Issue Date:

Completed Date: Aug 20, 2020

Expiration Date:

Description: Commercial - Other - Alterations

Details

Inspections

Remedy: Planning Dept. needs to follow up on building work being completed in non-compliance situations to ensure the IDO is followed. Renewing a 24 month extension of legal non-compliance each time a homeowner decides to renew a permit without having Planning check to see if, in fact, work IS being undertaken, thus calling the building "occupied" under the intent of the IDO, is a loophole you could drive a Mack truck through. Twenty-four months of vacancy = twenty-four months of vacancy, not extending said 24-months indefinitely.

2) Community input:

Our experience with having the Planning Department take on board Community wishes for our neighborhood has not been great. Again, in our example (725 Edith SE), the voices of the community regarding that residence to remain a single family dwelling fell through a number of even bigger loopholes in the IDO (see attached report; petition will be sent in a separate email):

The entire 700 block of Edith Blvd SE is currently zoned as "R-1C, Single-Family detached (Large Lot)", according to the IDO zoning conversion map (2018). §14-16-2-3(B)(1) of the IDO states that: "The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area." The established character of the 700 block of Edith Blvd SE (including the original pre-extension architecture of 725 Edith SE) is one of single-family detached homes, and has been for over a century. If the intent of §14-16-6-6-8 of the IDO is to reduce or eliminate nonconformities that do not meet their regulatory standards of the IDO, and the intent of §14-16-2-3(B)(1) of the IDO is to reinforce the established character of an existing neighborhood, then eliminating the nonconforming use for 725 Edith should prevail.

The issue of the Single-Family vs Multi-Family status, we were told, was based on "kitchens" rather than "residents". This is not only confusing, but smacks of being misleading, providing another big fat loophole to get around the intent of the IDO.

When all this was brought to the Planning department, the community's wishes were not considered.

Remedy: *In areas where community members are explicitly concerned about particular property development sites in their neighborhoods, and have petitioned the City, the Planning Department should hold a public meeting with all stakeholders to discuss the contentious issues. Further, for areas zoned as Single Family Residential, Planning needs to either base its legal non-conforming status on actual Families, as the IDO implies, or change its terminology to "kitchens" which is currently nowhere described as being the item that decides if a building is single or multi-family with regards to the 24-month grandfathering of legal non-compliance.*

Sincerely,
Sylvia Brunner

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Sylvia Brunner, PhD
Research Associate, New Mexico Museum of Natural History and Science
Research Associate, Portland State University

Ph: (505) 506-2148
Email: sbrunner@pdx.edu
sylvia.brunner@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

From: [Bolen, Rebecca A.](#), on behalf of [City of Albuquerque Planning Department](#)
To: [Lehner, Catalina L.](#); [Barkhurst, Kathryn Carrie](#)
Subject: FW: Attachment from previous email re. input about the IDO (1 of 3)
Date: Tuesday, February 02, 2021 12:23:20 PM
Attachments: [image001.png](#)
[image002.png](#)

2/4

From: Sylvia Brunner <sylvia.brunner@gmail.com>
Sent: Tuesday, February 2, 2021 12:09 PM
To: City of Albuquerque Planning Department <abcto@cabq.gov>
Cc: Morris, Petra <pmorris@cabq.gov>; Diana Dorn-Jones <ddj5050@att.net>; Gordon Jarrell <gordonjarrell@gmail.com>
Subject: Attachment from previous email re. input about the IDO (1 of 3)

Neighborhood petition, 2018.

Petition to NOT renew "legal nonconformity" status of 725 Edith Blvd SE

We, the undersigned, strongly object to the renewal of "legal nonconformity" status of 725 Edith SE. As of May 2018, the 700 block of Edith SE is zoned R-1 (single family residences). 725 Edith SE should not be an exception to this zoning. It should not be zoned as a multi-family dwelling.

The original character and architecture of the 700 block of Edith Blvd SE was, for over 100 years, Single-Family detached residential dwellings on large lots. 725 Edith SE was originally a single-storey home before additions were built in the 1920s. The house has been **used as a single-family residence since 1989** and, in keeping with the intent of the Integrated Development Ordinance IDO (2018), should comply with the current zoned land use status of R-1C (Single-Family Detached on a large lot). The South Broadway Neighborhood has fought hard to return our neighborhood to a family oriented one. Multi-family apartments do not serve the mission statement of our neighborhood nor the new zoning IDO plan for the city.

Español: Nosotros, los abajo firmantes, nos oponemos firmemente a la renovación del estado de "no conformidad legal" de 725 Edith SE. A partir de mayo de 2018, el bloque 700 de Edith SE se divide en zonas R-1 (residencias para una sola familia). 725 Edith SE no debería ser una excepción a esta zonificación. No se debe zonificar como una vivienda multifamiliar.

El carácter original y la arquitectura de la cuadra 700 de Edith Blvd SE fueron, durante más de 100 años, viviendas unifamiliares aisladas en lotes grandes. 725 Edith SE era originalmente una casa de un solo piso antes de que las adiciones se construyeran en la década de 1920. La casa ha sido utilizada como residencia unifamiliar desde 1989 y, de conformidad con la intención de la Ordenanza de Desarrollo Integral IDO (2018), debe cumplir con el estado de uso de la tierra zonificada actual de R-1C (Unifamiliar separada en una gran lote). El vecindario de South Broadway ha luchado mucho para que nuestro vecindario vuelva a ser uno orientado a la familia. Los apartamentos multifamiliares no cumplen la declaración de misión de nuestro vecindario ni el nuevo plan de zonificación IDO para la ciudad.

Name	Address	Signature	Date
Eliza F. Tobias	717 Edith Blvd. SE Albuquerque, NM 87102		9/29/2018
JANITA JENKINS	725 Edith Blvd SE Albuquerque, NM 87102		9/30/2018
Barbara Gray	713 Edith Blvd SE Albuquerque, NM 87102		9-30-2018
Denise Ellis	416 Santa Fe SE. AIB, NM 87102		9-30-2018
Roger Padilla	1461 Edith NE AIB, NM 87102		9-30-2018
MARIA GONZALES	815 Edith Blvd SE AB NM 87102		9-30-2018
Jessica Padilla	815 Edith Blvd SE AB NM 87102		9/30/2018
JULIANA HAN	136 ARBO ST SE		10/1/19

(Petition to NOT renew "legal nonconformity" status of 725 Edith Blvd SE)

Clyde Gonzalez	815 EDITH AVE SE Albuquerque 87102	Clyde Gonzalez	9-30-2018
Miguel Zavala	414 Santa Fe Ave SE	Miguel Zavala	7-30-2018
Dorealy G. Ortega	624 Edith S.E.	Dorealy G. Ortega	10/1/18
Emma H	410 Santa Fe Ave SE	Emma H	10-1-18
Guillermo Nolasco	410 Santa Fe Ave SE	Guillermo Nolasco	10-1-18
Jose C. Rodriguez	801 Edith SE Blvd.	Jose C. Rodriguez	10-1-18
Gregory Martinez	615 Santa Fe Ave SE	Gregory Martinez	10/1/18
Samuel S. Pardo	615 Santa Fe Ave SE Albuquerque 87102	Samuel S. Pardo	10/1/18
Michael A. Davis	625 Santa Fe SE 87102	Michael A. Davis	10-1-18
Jose Pardo	816 Edith Blvd SE	Jose Pardo	10-1-18
Guillermo Martinez	817 Edith Blvd SE	Guillermo Martinez	10-1-18
Cathy Hasea	1223 Edith S.E.	Cathy Hasea	10-1-18
Sam Pardo	1222 Edith	Sam Pardo	10-1-18
Jose Macias	1214 Edith	Jose Macias	10-1-18
Jose Macias	1214 Edith	Jose Macias	10-1-18
Jose Macias	1218 Edith	Jose Macias	10-1-18
Jose Macias	1218 Edith	Jose Macias	10-1-18

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Sylvia Brunner, PhD

Research Associate, New Mexico Museum of Natural History and Science

Research Associate, Portland State University

Ph: (505) 506-2148

Email: sbrunner@pdx.edu

sylvia.brunner@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

From: [Bolen, Rebecca A.](#), on behalf of [City of Albuquerque Planning Department](#)
To: [Lehner, Catalina L.](#); [Barkhurst, Kathryn Carrie](#); [Morris, Petra](#)
Subject: FW: Attachment from previous email re. input about the IDO (3 of 3)
Date: Tuesday, February 02, 2021 12:24:34 PM
Attachments: [image003.png](#)
[image004.png](#)

4/4 it doesn't look like Petra was included on this one, so I've added her.

From: Sylvia Brunner <sylvia.brunner@gmail.com>
Sent: Tuesday, February 2, 2021 12:15 PM
To: City of Albuquerque Planning Department <abcto@cabq.gov>
Cc: Diana Dorn-Jones <ddj5050@att.net>; Gordon Jarrell <gordonjarrell@gmail.com>
Subject: Attachment from previous email re. input about the IDO (3 of 3)

Petition, cont.

(Petition to NOT renew "legal nonconformity" status of 123 Edith Ave SE)

<u>Lidia Archuleta</u>	<u>700 Edith SE. Alb. NM 87102</u>	<u>10-4-18</u>	
<u>Veronica Nolan</u>	<u>700 Edith SE Alb. NM 87102</u>	<u>10-4-18</u>	<u>Veronica Nolan</u>
<u>Sylvia Brunner</u>	<u>737 Edith Blvd SE, ABQ 87102</u>	<u>10/4/18</u>	
<u>Gordon Jarrell</u>	<u>737 Edith SE</u>	<u>10/4/18</u>	<u>Gordon Jarrell</u>
<u>Nancy Samaniego</u>	<u>614 Santa Fe SE</u>	<u>10-6-18</u>	<u>Nancy</u>
<u>George Samaniego</u>	<u>614 Santa Fe SE</u>	<u>10-6-18</u>	<u>George</u>
<u>Cristina Espinoza</u>	<u>1310 Edith SE</u>	<u>10-6-18</u>	<u>Cristina</u>
<u>FRANCISSA SAINTEVAUX</u>	<u>701 SANTA FE AVE. S.E. 87102</u>	<u>10/6/18</u>	<u>Francissa</u>
<u>David Chenay</u>	<u>7816 Santa Fe Ave. SE</u>	<u>10/6/18</u>	<u>David</u>
<u>Phyllis Romero</u>	<u>710 SANTA FE AVE. SE</u>	<u>10/6/2018</u>	<u>Phyllis</u>
<u>Rita Sainchez</u>	<u>712 Santa Fe Ave SE</u>	<u>10-6-18</u>	<u>Rita</u>
<u>Opie Olson</u>	<u>704 Santa Fe SE</u>	<u>10-6-18</u>	<u>Opie</u>
<u>Laura Marquez</u>	<u>724 Walter ST SE</u>	<u>10/6/18</u>	<u>Laura</u>
<u>Alvaro Siquerra</u>	<u>724 Walter ST SE</u>	<u>10/6/18</u>	<u>Alvaro</u>
<u>Jessie Jones</u>	<u>722 Walter ST SE</u>	<u>10/6/18</u>	<u>Jessie</u>
<u>Francisco Fierro</u>	<u>635 Arco St. SE</u>	<u>10/5/2018</u>	<u>Francisco</u>

(Petition to NOT renew "legal nonconformity" status of 725 Edith Blvd SE)

Aisha Bradford	652 arn se AIB NM 87102	10-6-18	Aisha Bradford
Aaron L. Saptors	628 Arno St SE AIB NM 87102	10-6-18	A. Saptors
Joline Quintana	491 Edith Blvd SE ABQ NM 87102	10/6/18	J. Quintana
Adam Hartnett	707 Edith SE 87102	11/6/18	Adam Hartnett
Jill Logan	901 Edith Blvd SE ABQ NM 87102	10-6-18	Jill Logan
Rox Garcia	903 Edith Blvd SE ABQ NM 87102	10-6-18	Rox Garcia
Luz Amadoriz	91 Edith Blvd SE, ABQ, NM	87102-10/6/18	Luz Amadoriz
Edwin Avila	915 Edith Blvd SE ABQ NM	87102	Edwin Avila
Jeff HARTZER	1005 Edith SE ABQ NM	87102	Jeff HARTZER
Jana Dunthorne	1021 Edith S.E.	87102	Jana Dunthorne
Rafael Garcia	515 Pacific SE	10-6-18	Rafael Garcia
Maria Cepeda	812 Arno SE	87102 10-6-18	Maria Cepeda
Jose Andres Torres	814 Arno SE	764-8146 10-6-18	Jose Andres Torres
Antonio Enri	102 - B-12 Arno SE		Antonio Enri

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Sylvia Brunner, PhD
 Research Associate, New Mexico Museum of Natural History and Science
 Research Associate, Portland State University

Ph: (505) 506-2148
 Email: sbrunner@pdx.edu
sylvia.brunner@gmail.com

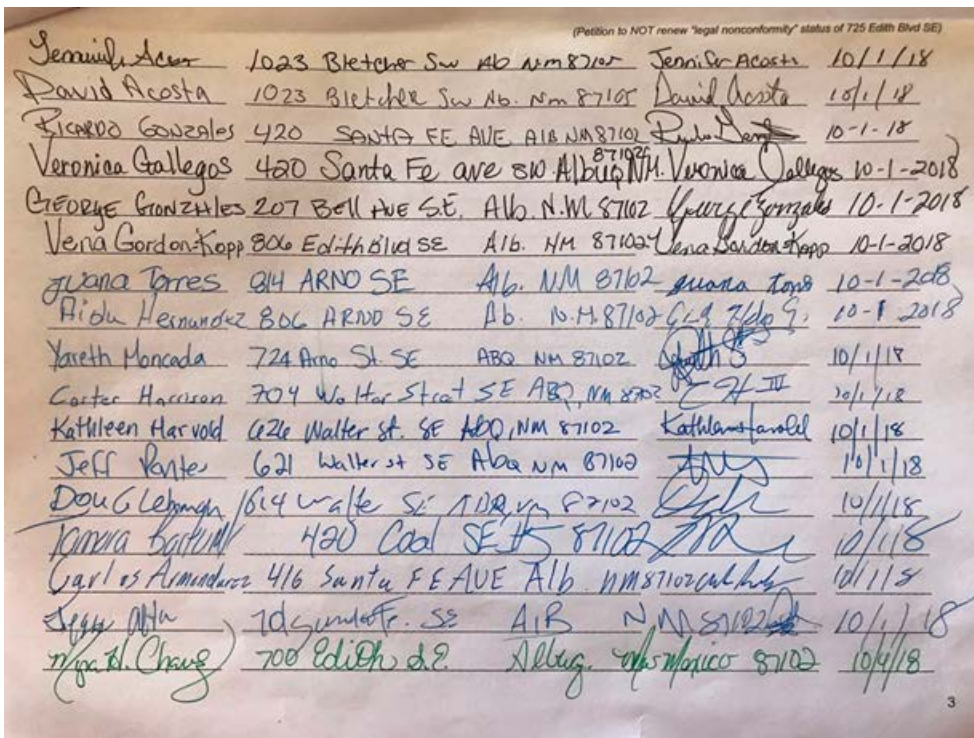
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 This message has been analyzed by Deep Discovery Email Inspector.

From: [Bolen, Rebecca A.](#), on behalf of [City of Albuquerque Planning Department](#)
To: [Lehner, Catalina L.](#); [Barkhurst, Kathryn Carrie](#)
Subject: FW: Attachment from previous email re. input about the IDO (2 of 3)
Date: Tuesday, February 02, 2021 12:23:29 PM
Attachments: [image001.png](#)

3/4

From: Sylvia Brunner <sylvia.brunner@gmail.com>
Sent: Tuesday, February 2, 2021 12:12 PM
To: City of Albuquerque Planning Department <abcto@cabq.gov>
Cc: Morris, Petra <pmorris@cabq.gov>; Diana Dorn-Jones <ddj5050@att.net>; Gordon Jarrell <gordon.jarrell@gmail.com>
Subject: Attachment from previous email re. input about the IDO (2 of 3)

Petition, cont.



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Sylvia Brunner, PhD
Research Associate, New Mexico Museum of Natural History and Science
Research Associate, Portland State University

Ph: (505) 506-2148

Report to Albuquerque City Council - District 2
P.O. Box 1293, Albuquerque NM 87103

**Reducing nonconformity in a Metropolitan Redevelopment Area -
eliminating “nonconforming use” status for a property in the South
Broadway Neighborhood.**

Prepared by Sylvia Brunner, PhD
737 Edith Blvd SE, Albuquerque NM 878102
(sylvia.brunner@gmail.com)

October 2018

Reducing nonconformity in a Metropolitan Redevelopment Area

The City of Albuquerque deemed the South Broadway Neighborhood as being within a Metropolitan Redevelopment Area, localities considered distressed neighborhoods as defined in New Mexico Statutes 3-60A-4 (New Mexico Statutes 2016). This document argues our position for eliminating nonconforming use of a property in the South Broadway Neighborhood, namely 725 Edith Blvd SE, to secure the integrity, intent and 'livability' of the neighborhood in which the property is located.

Neighborhood improvements on the 700 block of Edith Blvd SE, since 1985

The South Broadway Neighborhoods Sector Development Plan (1986), published a map describing the level of deterioration of properties in the South Broadway neighborhood. On the 700 block of Edith Blvd SE, almost all of the houses were considered to be in an extreme state of deterioration, and only two properties were classed as meeting Code (Fig. 1).



(Fig. 1: Degree of housing deterioration in the Eugene Field Neighborhood in 1985, showing nearly all houses on the 700 block to be in a state of extreme deterioration. From: The South Broadway Neighborhoods Sector Development Plan, 1986).

Since that 1985 map was drawn, the community has worked hard to overcome the many obstacles that face distressed neighborhoods, and today most of the houses on the block are stabilized, up to code and tenanted by owner-occupiers who enjoy living in the community. Below are four examples of homes on the 700 block of Edith SE that have been restored and brought up to code:



(Above left: 737 Edith SE; Above right: 717 Edith SE).



(Above left: 715 Edith SE; Above right: 713 Edith SE).

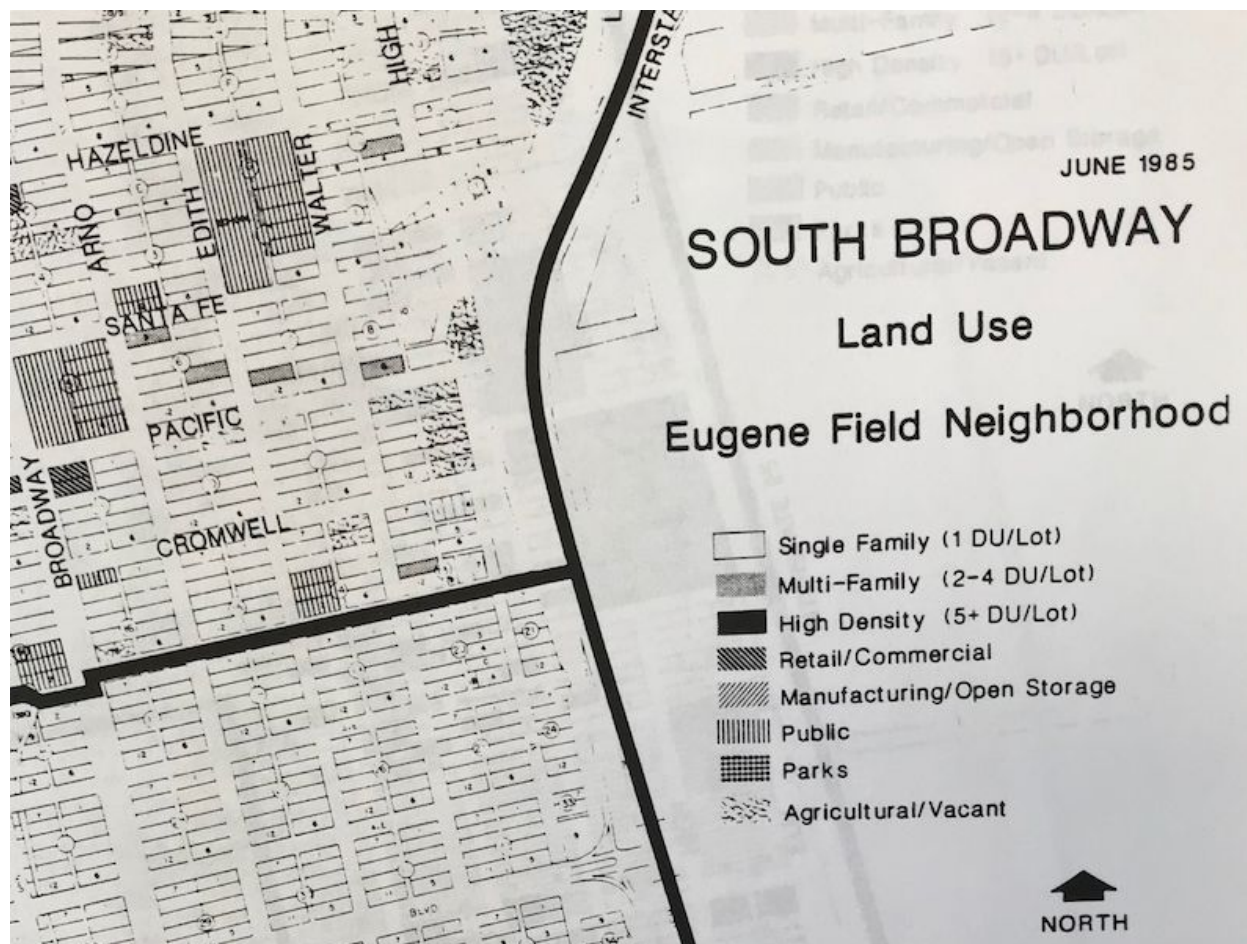
Over the last decade or so, part of the recovery of the neighborhood has come from the purchasing of “slumlord” properties by investors who restored the buildings and then sold them to single-family owner-occupiers. The reduction in significant numbers of rental properties tenanted by transient residents - and replaced by owner-occupiers - has been a major driver (particularly on this block) for improving the safety, resiliency and wellbeing of the neighborhood. In instances of at least two properties (715 and 717 Edith Blvd SE), these actions resulted in the routing out of chronic “drug houses” from the block.

There is still work to do in our community but we now have a solid foundation upon which to stabilize this part of the South Broadway Neighborhood, bringing it forward into a vibrant and safe place to live.

Original character of the residential neighborhood on the 700 block of Edith SE

The original architecture on the 700 block of Edith SE comprised single-family dwellings (Appendix 1); modest houses built for working families, mostly people employed by the Santa Fe Railway and associated businesses. Today, single-family dwellings still surround the 700 block in each direction, with the nearest purpose-built multi-family dwellings located on the corner of Coal Ave and Edith Blvd SE.

Map 48 in the South Broadway Neighborhoods Sector Development Plan (1986) shows the land use for 700 block of Edith Blvd SE as Single Family “1 DU/Lot” (Fig. 3).



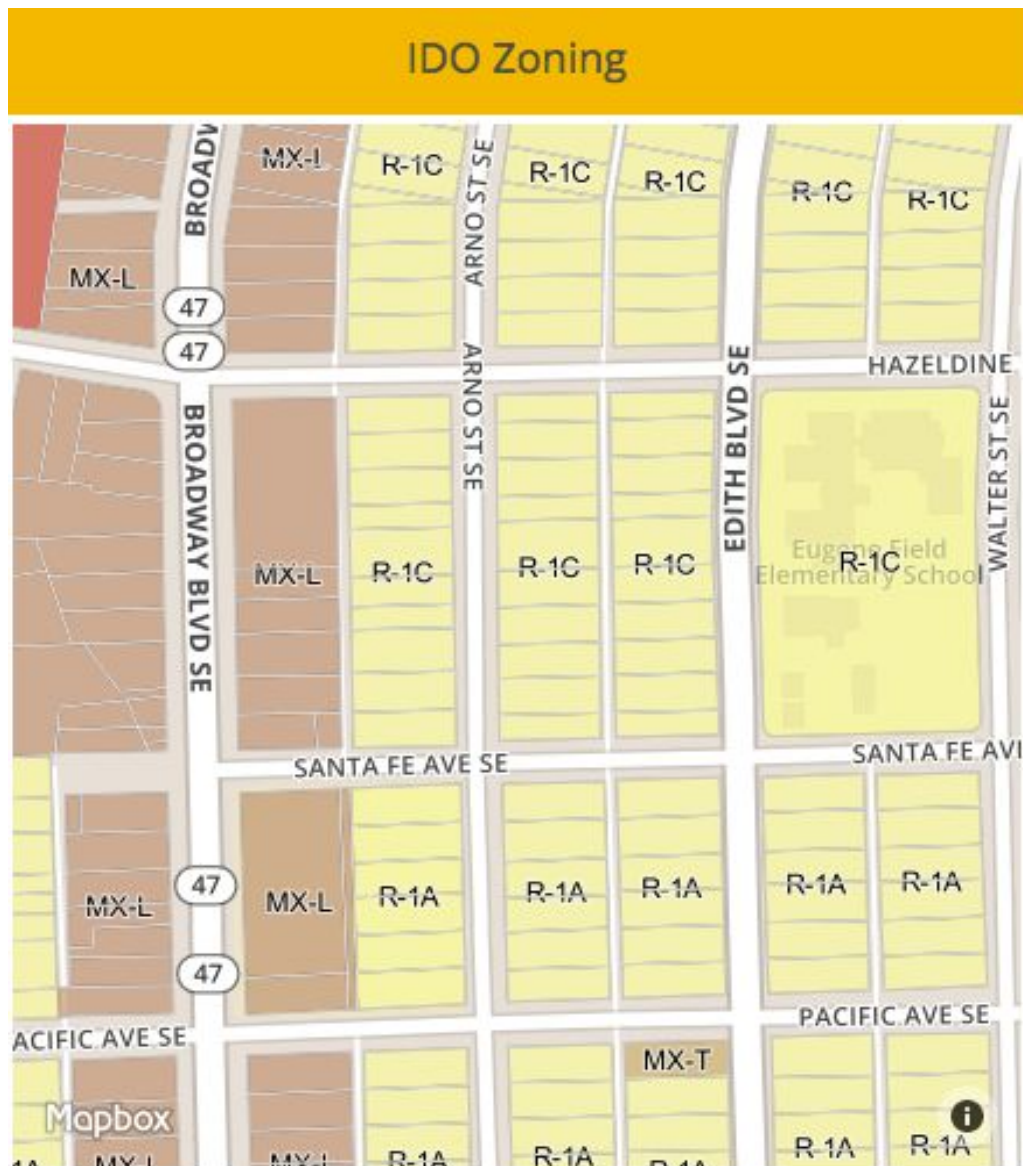
(Fig. 3. Map 48: Land use for the 700 block of Edith Blvd SE, showing the 700 block of Edith SE and surrounds as Single Family. From: South Broadway Neighborhoods Sector Development Plan, 1986).

The South Broadway Neighborhoods Sector Development Plan proposed (and then adopted) a rezoning of those Edith Blvd SE blocks from Single Family to Mixed-Family residential, “SU-2”.

In 2018, the Integrated Development Ordinance (IDO) for the City of Albuquerque returned the zoning of the 700 block of Edith Blvd SE as R-1C “Residential (large lot), single-family, detached” (Fig 4). The current designation of 725 Edith SE includes a “legal non-compliance” exception as a multi-family

dwelling; it does not conform to the original character of the neighborhood, nor does it conform to the current R-1 zoning of the single-family detached homes among which it is located.

Utilities for 725 Edith SE are, and always were, centralized; there has never been more than one gas meter (*Pers. comm.* via email - *Customer Service Representative*, New Mexico Gas Company, September 7, 2018), one electricity meter (*Pers. comm.* via email - *Customer Service Representative*, PNM, September 18, 2018) and one water meter (*Pers. comm.* via email - Glenn DeGuzman, Review and Permitting, Bernalillo County, September 7, 2018). Further, 725 Edith SE had only one original kitchen; the others were additions made during or after the 1920s extension and remodel and prior to permitting rules.



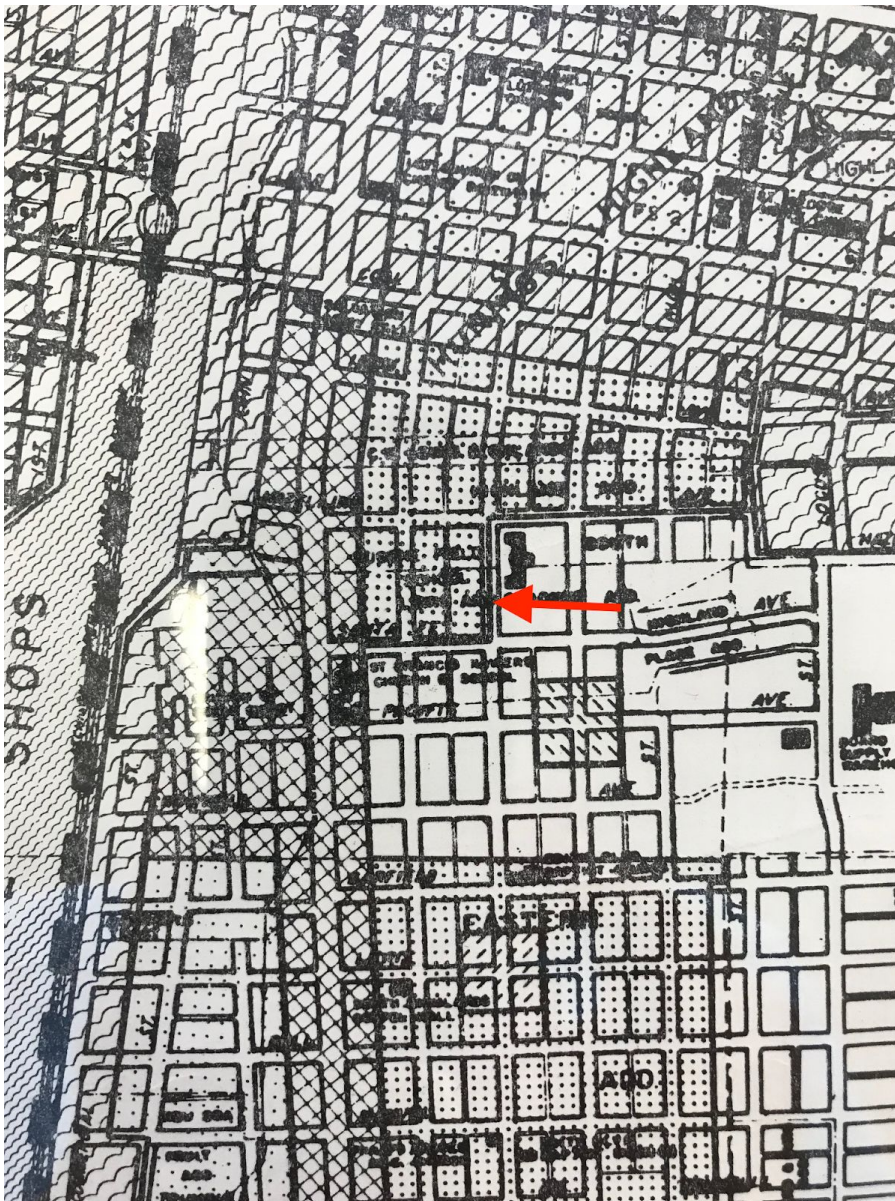
(Fig. 4. Current IDO zoning for the 700 block of Edith Blvd SE. From: <https://abc-zone.com/>).

Timeline of single-family residency and zoning at 725 Edith Blvd SE

1908: 725 Edith Blvd SE appears on the Sanborn map as a single family detached residence (Appendix 1).

1920s: Prior to official zoning regulations, the single family house received extensions and remodeling, and was used variously as a convalescent home and rental units (see “Nonconformities” below).

1959: The first zoning code was developed for the City of Albuquerque. The entire 700 Block of Edith Blvd SE was zoned as Single Family Residential on a large lot “R-3” (Fig 5), despite the previous extensions and remodel to 725.



(Fig. 5. Map 8 of the City of Albuquerque Zone Map, 1959, showing the 700 block of Edith Blvd SE as Single Family Residential on a large lot “R-3”. From: Comp. Zoning Ordinance 1493).

1971: The Booker family¹ moved into 725 Edith SE as tenants; the property was ***still zoned as Single Family Residential***.

1982: The structure was purchased by Mr. Robert Booker (Real estate contract document number 1982066640, Bernco.gov database) and he housed immediate and extended family, plus some renters. At this time 725 Edith Blvd SE was ***still zoned as Single Family***.

1985: Land use zoning of 725 Edith SE was as Single Family (1DU/lot) (South Broadway Neighborhoods Sector Development Plan, 1986 - map 48).

1986: The South Broadway Neighborhoods Sector Development Plan was published in 1986, in which a proposed zoning of "Mixed Family Residential" appears for the 700 block of Edith SE for the first time in its more than 100-year history. Map 9 of the newly-amended Plan proposed zoning changes from Single Family to Mixed-Family residential, "SU-2" for the 700 block of Edith Blvd SE.

1989: Mrs. Aleane Booker (Mr. Robert Booker's wife) passed away and Mr. Robert Booker ceased rentals and ***restricted occupancy to immediate family***. Residents included:

- Robert Booker
- JC Booker (Robt.'s son)
- Johnny Booker (Robt.'s son)
- Billy Booker (Robt.'s son)
- Danny Booker (JC's son)
- Debra Booker (Robt.'s granddaughter)
- Debra's two children Malik and Sante Bakker
- Quincy Booker (JC's son) resided at 725 Edith SE intermittently

2007: Mr. Billy Booker moved out.

2008: Mr. Robert Booker passed away.

2009: The house was inherited by Mr. JC Booker (Quitclaim deed record number 2009100486, Bernco.gov database). Nobody was paying rent at this time, though some of Mr. Johnny Booker's disability payments helped Mr. JC Booker cover utilities.

2011: Debra Booker and her children moved out of 725 Edith, leaving Messrs. JC, Danny and Johnny Booker as the sole residents.

2011-2017: Only two of the then five units were lived in by immediate family, the other three were vacated and remained that way (Note: the current listing agent removed the entry doors of the three upper units and is now calling it one unit). Mr. Johnny Booker slept and bathed in an upstairs unit but did not have a kitchen.

2017: Mr. Johnny Booker passed away in July. Messrs. JC and Danny Booker vacated the property in December.

¹ The timeline of single-family residence of the Booker family at 725 Edith Blvd SE was related to Dr. Brunner by Mr. JC Booker on September 11, 2018 (Appendix 2).

Nonconformities

§14-16-6-8 of the IDO relates to regulating nonconformities in land uses, buildings, lots, signs and site features. These regulations, as stated in the IDO, are “intended to **reduce or eliminate** over time any nonconformity that does not meet the regulatory standards of the IDO and/or the goals of the ABC Comp Plan, as amended, and that creates adverse impacts on the surrounding area or the city” (ABC Comp Plan 2018; IDO 2018).

Despite beginning life as a single-family home circa. 1908, and surrounded by like structures, 725 Edith Blvd SE received extensions and remodelling into a five unit apartment complex in the early 1920s. The dwelling was used as a convalescent home and, later, as multi-family rentals (Fig 6).

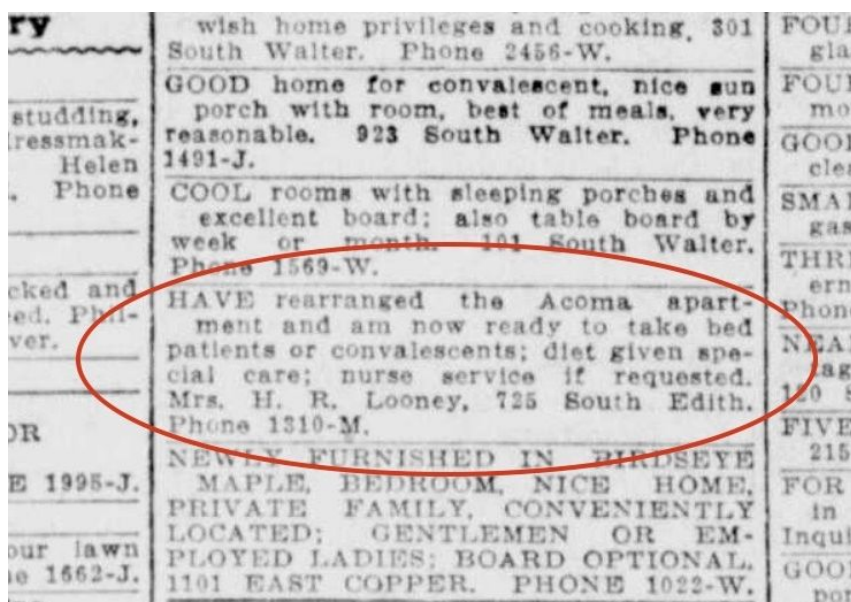


Fig. 6. Excerpt from the Albuquerque Journal (1926), showing 725 Edith Blvd SE as a convalescent home.

Zoning for the 700 block of Edith SE was changed from single-family to multi-family in 1986, at which time the multi-family status was conditional, assuming the property owner applied for a “conditional use” for the dwelling (thereby complying with the new zoning of multi-family status); this would include paying a fee and attending a hearing (South Broadway Neighborhood Sector Development Plan 1986). This was not done by the Booker family for 725 Edith SE, and the zoning has since reverted to one of single-family detached in May 2018 with the adoption of the new IDO (IDO 2018). The property should therefore be considered “non-conforming”.

Since 1989, 725 Edith Blvd SE was tenanted by an owner-occupying single family and remained that way until foreclosure forced the family to vacate in 2017. From the IDO (2018), §14-16-8(C)(2)(a) states that:

“...when a **nonconforming use** of land or a structure is discontinued for a period of 24 consecutive months, any later use shall only be an allowable use as indicated in Table 4-2-1 for the zone district in which the property is located”.

In the case of 725 Edith Blvd SE, the “nonconforming use” is as a multi-family dwelling (Bernalillo County database 2018). Since the property was used as a single-family residence by immediate family as far

back as 1989, it exceeds the 24-month period of “**discontinued nonconforming use**” by almost three decades.

The entire 700 block of Edith Blvd SE is currently zoned as “R-1C, Single-Family detached (Large Lot)”, according to the IDO zoning conversion map (2018). §14-16-2-3(B)(1) of the IDO states that:

“The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment **reinforce the established character of the existing neighborhood**. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area.”

The established character of the 700 block of Edith Blvd SE (including the original pre-extension architecture of 725 Edith SE) is one of single-family detached homes, and has been for over a century. If the intent of §14-16-6-6-8 of the IDO is to reduce or eliminate nonconformities that do not meet the regulatory standards of the IDO, and the intent of §14-16-2-3(B)(1) of the IDO is to reinforce the established character of an existing neighborhood, then eliminating the nonconforming use for 725 Edith should prevail.

Potential adverse impacts of continuing “legal non-compliance” of non-conforming use

Provisions under §14-16-6-8 of the IDO are also intended to reduce or eliminate

“...any nonconformity that **creates adverse impacts on the surrounding area** or the city.” (IDO 2018).

A multi-unit dwelling directly across the street from the entrance to Eugene Field Elementary School poses a significant safety threat to children who attend the school and parents who accompany them daily. Particularly, extra traffic congestion contributed by vehicles from up to four families renting the units would significantly aggravate an already-concerning situation - severe traffic congestion at least twice a day (sometimes three times), directly in front of 725 Edith Blvd SE. In recent months, the school has found it necessary to use a second entrance for drop-off and pick-up of students due to the traffic congestion along Edith Blvd SE. The addition of several vehicles from up to four families to this part of the street will increase traffic hazards and congestion substantially.

The house at 725 Edith Blvd SE, now in an extensively dilapidated state (Appendix 3), is being listed as a three-unit apartment complex with a starting bid of \$60,000. The condition of the house, and its low price, has attracted a number of potential absentee landlord or slumlord bidders. The potential for the return of a ‘slumlord’-run complex tenanted by transient residents directly in front of Eugene Field Elementary is a concern to parents, teachers and permanent residents alike.

If the intent of §14-16-6-8 of IDO (2018) is to reduce or eliminate nonconformities that create adverse impacts on the surrounding area, then eliminating the nonconforming use for 725 Edith should prevail.

Relationships to other regulations within the IDO

§14-16-1-8(A) of the IDO states that:

“If two or more of the regulations in this IDO conflict with each other, ***the more restrictive provision shall prevail***, unless specified otherwise, except that when the provisions of an Overlay zone conflict with any other regulation in this IDO, the provisions of the Overlay zone shall prevail regardless of whether the Overlay zone provisions are less or more restrictive than the other regulations.”

Several regulations in the IDO might conflict with a particular provision, namely §14-16-6-8-(D)(1), on continuing the “legal nonconformity” status of 725 Edith Blvd SE. This provision states that:

“Unless specified otherwise in this Section §14-16-6-8, a nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, ***until the structure is vacant for 24 consecutive months***, or until another provision of this Section 14-16-6-8 requires the termination of the use.”

In the case of 725 Edith Blvd SE, the following provisions in the IDO may conflict with the above regulation:

a) §14-16-6-8(C)(2)(a): “when a ***nonconforming use*** of land or a structure is discontinued for a period of 24 consecutive months, any later use shall only be an allowable use as indicated in Table 4-2-1 for the zone district in which the property is located”.

In this case, considering the discontinued “nonconforming use” of the 725 Edith SE structure (single-family use of the house for nearly three decades) would be more restrictive than merely considering the vacating of the structure, regardless of use, for more than 24 months as described in §14-16-6-8-(D)(1). Therefore, following the intent of §14-16-1-8(A) of the IDO would require §14-16-6-8(C)(2)(a) to prevail and to consider the “discontinuation of non-conforming use” to have reached and exceeded the 24-month threshold.

b) §14-16-2-3(B)(1) of the IDO states that: “The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment ***reinforce the established character of the existing neighborhood***. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area.”

Following the intent of §14-16-1-8(A), the more restrictive action would be to follow §14-16-2-3(B)(1) rather than §14-16-6-8-(D)(1), and return and reinforce the established character of this old existing neighborhood of single-family detached dwellings by not renewing the legal non-compliance of 725 Edith SE and returning the house to single-family detached status.

If a zoning enforcement officer for the City of Albuquerque Planning Department chooses to interpret §14-16-6-8(C)(2)(a) as simply *occupying* a “legally non-compliant” structure regardless of the context - in the case of 725 Edith Blvd SE, multi-family (nonconformity) vs. single-family (R-1 conformity and Booker single-family residency since 1989) - then §14-16-2-3(B)(1) (reinforce the established character of an existing neighborhood) should take priority, as it is the more restrictive provision.

c) § 14-6-3-4(B)(5) of the IDO states that: “A structure **or portion thereof** which has been nonconforming as to use, including a status established building, and which hereafter becomes vacant and remains vacant or is not used **for a continuous period of one year or more** is not to be occupied thereafter except by a conforming use as specified in the regulations of the zone in which such structure is located. Neither the intention of the owner nor that of anybody else to use such a structure or part thereof for any nonconforming use, nor the fact that said structure or part thereof may have been used by a makeshift or pretended nonconforming use shall be taken into consideration in interpreting and construing the word “vacant” as used in this division.”

In the case of 725 Edith SE, **a majority portion** of the dwelling has been vacant and unused since 2011, exceeding the one year period required in the provision above. The current conforming use for the 700 block of Edith SE is zoned as “R-1C” (single family detached on a large lot). Following the intent of §14-16-1-8(A), the more restrictive action would be to follow § 14-6-3-4(B)(5), in which 725 Edith would comply with the current zoning. As this regulation is the most restrictive of the three examples above, it should be the one applied if the direction of the IDO is to be upheld.

Further, with regard to “status established” building approval, § 14-16-4-13(A)(2) of the IDO requires the following:

“An affidavit shall accompany each application for review of premises seeking **status established** building approval for any structure to be used for residential purposes. That affidavit shall state that the property owner asserts that the structure **is suitable and safe for human habitation.**”

A “status established” approval of 725 Edith SE should not be provided, given the significantly degraded condition of 725 Edith SE; it is currently unsuitable and unsafe for human habitation (Appendix 3).

Neighborhood sentiment

Neighbors living near 725 Edith SE are vehemently opposed to renewing the property’s “legal non-conformance” status (Appendix 4), particularly those residents who had lived in the neighborhood during the 1970s and -80s, when crime was rampant in the area. Residents feel that this neighborhood should remain a family-oriented one of single-family detached homes, a sentiment reflected in the current IDO which zoned the 700 block of Edith SE as “R-1C” (single-family detached residences on large lots). The Principal of Eugene Field Elementary School shares these concerns and has signed the petition outlined in Appendix 4.

Summary

This document outlines a case to reduce nonconformity in a neighborhood within a Metropolitan Redevelopment Area, and focuses on the dwelling at 725 Edith Blvd SE. The original architecture of the 700 block of Edith SE comprised modest, single-family detached homes on large lots. The character of the block remains so, with the exception of 725 which was remodeled and extended in the 1920s into a multi-unit dwelling, and is currently considered “legally non-conforming”. The Booker family used the house as a single-family dwelling since 1989, until foreclosure forced the remaining family members to vacate in 2017. The property is now owned by Fannie Mae.

The intent of §14-16-6-8 of the IDO is to reduce or eliminate over time any nonconformity that does not meet the regulatory standards of the IDO and/or the goals of the ABC Comprehensive Plan and that creates adverse impacts on the surrounding area or the city. Since the property owner of 725 Edith SE did not apply for a “conditional use” status as a multi-family dwelling between 1986 and 2018 (when the property was zoned “SU-2”), an action which required payment of a fee followed by a hearing, 725 should be considered nonconforming and the current “R1-C” zoning status should prevail. The property is also in a significantly substandard condition that is not safe for human habitation; this would disqualify it as a “status established” building.

A number of provisions in the 2018 IDO show that the land use of 725 Edith SE should *not* be granted “legal nonconformity” status, the most restrictive being §14-6-3-4(B)(5), “A structure ***or portion thereof*** which has been nonconforming as to use, including a status established building, and which hereafter becomes vacant and ***remains vacant or is not used for a continuous period of one year or more*** is not to be occupied thereafter except by a conforming use as specified in the regulations of the zone in which such structure is located”. This is the more restrictive of the nonconformity provisions relevant to 725 Edith SE and, following §14-16-1-8(A) of the IDO, is the one that should prevail.

Finally, residents living in the neighborhood are strongly opposed to granting legal nonconformity status as a multi-family dwelling to the property, as are the Principal of Eugene Field Elementary School (directly opposite 725 Edith SE), the South Broadway Neighborhood Association and the United South Broadway Corporation. We all consider the current IDO zoning of single-family detached homes as paramount to the incremental improvement, safety and resiliency of this part of the South Broadway neighborhood and feel it is an essential ingredient to moving the neighborhood out of its current “distressed” status and into the vibrant community it is now becoming.

References

ABC Comp Plan (2018). ABC to Z: Improving Place from Planning to Zoning. (<https://abc-zone.com/>).

Bernalillo County Database (2018).

(<http://assessor.bernco.gov/public.access/search/commonsearch.aspx?mode=address>)

IDO (2018). Integrated Development Ordinance. City of Albuquerque Code of Ordinances. Chapter 14 – Zoning, Planning, and Building. Article 16

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

IDO Zoning Conversion Map (2018) (<https://abc-zone.com/ido-zoning-conversion-map>)

New Mexico Statutes (2016).

(https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_Mexico_statutes_chapter_3_article_60a)

South Broadway Neighborhoods Sector Development Plan (1986). City of Albuquerque Planning Department/Redevelopment Division.

List of appendices

Appendix 1: 1908 Sanborn map, showing the 700 block of Edith SE (second block, upper left) and surrounds as single-family detached dwellings.

Appendix 2: Timeline of single-family residency by the Booker family at 725 Edith Blvd SE.

Appendix 3: Substandard condition of 725 Edith Blvd SE.

Appendix 4: Petition to NOT renew “legal nonconformity” status of 725 Edith Blvd SE.

Appendix 1. 1908 Sanborn map, showing the 700 block of Edith SE (second block, upper left) and surrounds as single-family detached dwellings.



Appendix 2. Timeline of single-family residency by the Booker family at 725 Edith Blvd SE.

Timeline of Booker family residence at 725 Edith Blvd SE

1971: The Booker family moved into 725 Edith SE as tenants.

1982: 725 Edith SE was purchased by Mr. Robert Booker (Real estate contract document number 1982066640, Bernco.gov database) and he housed immediate and extended family, plus some renters.

1989: Mrs. Aleane Booker (Mr. Robert Booker's wife) passed away and Mr. Robert Booker ceased rentals and restricted occupancy to family. Residents included:

Robert Booker
 JC Booker (Robt.'s son)
 Johnny Booker (Robt.'s son)
 Billy Booker (Robt.'s son)
 Danny Booker (JC's son)
 Debra Booker (Robt.'s granddaughter)
 Debra's two children Malik and Sante Bakker
 Quincy Booker (JC's son), resided at 725 Edith SE intermittently

2007: Mr. Billy Booker moved out.

2008: February: Mr. Robert Booker passed away.


2009: The house was inherited by Mr. JC Booker (Quitclaim deed record number 2009100486, Bernco.gov database). Nobody was paying rent at this time, though some of Mr. Johnny Booker's disability payments helped Mr. JC Booker cover utilities.

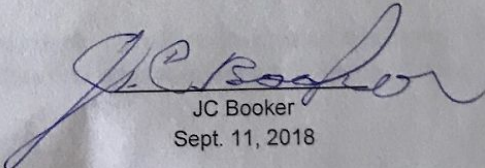
2011: Debra Booker and her children moved out of 725 Edith, leaving Messrs. JC, Danny and Johnny Booker as the sole residents.

2011-2017: Only two of the then five units were lived in by immediate family, the other three were vacated and remained that way (Note: the current listing agent removed the entry doors of the three upper units and is now calling it one unit).

2017: Mr. Johnny Booker passed away in July. Messrs. JC and Danny Booker vacated the property in December.

Timeline was prepared by Dr. Sylvia Brunner, as related to her by Mr. JC Booker.


 Sylvia Brunner
 Sept. 11, 2018


 JC Booker
 Sept. 11, 2018

Comments to City of Albuquerque

Regarding: Support for proposed change to Mobile Food Truck: 201 4-3(F)(11)(i)

SUBMITTED BY:

Susan Gautsch

Free-to-Roam eBiking / Owner • hello@freetoroamebiking.com • 505.393.4888 (*launching Spring 2021*)
Helping people electrify their ride, modernize their mobility, propel their people and expand their world through ebiking.

Mark Altamirano - Bici-Fixx / Owner • mark@bici-fixx.com • 505.900.1511

Mobile Bike Repair and Service in Albuquerque, NM

REQUEST:

We ask for decision-makers' to support proposed change to Mobile Food Truck: 201 4-3(F)(11)(i):

1. To include the sentence: "Other sales or services may be allowed as approved by the City Parks and Recreation Director."
2. To also include an additional sentence "Other mobile businesses may be allowed to provide sales and services on private property with the property owners' agreement."

JUSTIFICATIONS:

1. **Bike Boom is Here to Stay:** Covid-19 pandemic created a huge exercise boom across the US with bikes at the center. The NPD Group that tracks data across thousands of US bike shops suggests [cycling's newfound popular will likely endure causing an extended high-demand for both bike sales and service](#) based on three key trends:
 - People first discovering and those returning to cycling during the pandemic are reporting enormous and continued enthusiasm based on multiple benefits such as: physical and mental health, family, friend and community-based activity with natural social-distancing.
 - A constantly growing adoption of biking for everyday transportation as an alternative to crowded public transportation, their total cost of car ownership and/or the environmental impact of their carbon footprint.
 - Organizations are increasingly providing employee wellness incentives especially around cycling (bike-to-work programs, bike purchase subsidies, etc.)

KEY CONCLUSION: *Albuquerque very much needs more opportunities for bike sales and service providers to meet the inevitable high-demand come early Spring 2021 -- especially in city parks and open spaces where both workers and customers can easily social-distance and stay safe.*

2. **Shared Values & Adjacent Market Segments:** Across the entire bike industry and especially in Albuquerque and New Mexico at large, there exists a shared and widely-known core value focused on accessibility, community and collaboration. Local bike shops are known to be gathering places and information sources for cyclists of all ages, abilities and goals. They also are known to collaborate with each other as much, if not more than they compete. Additionally, informal collaboration and formal partnerships are especially prevalent in Albuquerque between our brick-and-mortar shops and mobile repair shops – largely because they serve adjacent and rarely overlapping market segments when it comes to repairs:
- **Brick-and-Mortar Shops** more often service newer, better maintained and frequently used bikes. Customers who seek repairs to their older, less-used bikes (a.k.a. “garage projects”) are generally referred to a mobile bike repair shop.
 - **Mobile Bike Repair Shops** more often service customers who either do not have the time/energy to transport their own bike to/from a brick-and-mortar shop, or they are not able without owning a suitable truck or bike rack. Also increasingly, less-abled riders with bulky/heavy adult tricycles, cargo bikes and/or e-bikes equipped with a heavy electric drive system, bulky frame and multiple attached accessories.

KEY CONCLUSION: *While opening more areas for mobile businesses to operate may precipitate an expanded competitive bike/biking landscape in Albuquerque, the old adage “Culture eats strategy for breakfast” will undoubtedly prevail as the existing players strengthen their focus on accessibility, community, collaboration and strategic partnerships.*

3. **Complementary Industries Create Commercial Symbiosis** (a.k.a. [Porter’s 6th Force](#)): Commercial symbiosis is often created when two or more complementary businesses are able to create value for customers than each would be able to do on their own. Such symbiosis has grown substantially across the US especially during the pandemic and with bikes. Examples include bike rental/share and tour operators partnering with local [hotels, bed&breakfast and Airbnb’s](#); [restaurants/cafes](#); [yoga, fitness trainers/instructors](#); and [local artists](#).

KEY CONCLUSION: *Enabling brick-and-mortar businesses to strategically share their private property space for collaborative and complementary sales and service offerings will provide a tremendous opportunity for all small and local businesses to rebuild and grow in our continued and/or post-pandemic economy.*

Thank you for your consideration.
Susan Gautsch & Mark Altamirano

January 19th, 2021

Comments regarding Common Open Space:

Thank you for trying to address important issues that will help protect Albuquerque's unique natural features as well as the residents who will be living nearby. Cluster development is a good design tool that if applied appropriately will provide the necessary separation and buffer protection for residents as well as sensitive lands.

My Proposed Changes:

Common Open Space Definition

• **Topic:** Common Open Space Definition • **IDO Page #:** 541 • **IDO Section:** 7-1: (My edits are in red)

□ **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. **Common space shall be located adjacent to sensitive lands and hazard prone areas, for the protection of the residents and the protection of natural resources.** 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.

My Explanation: In the 2018 and 2020 IDO, common open space did not include sensitive lands nor hazard prone zones in the common open space definition. (See Below)

The reason we suggested removing on-site ponding, is because hazard zones, such as arroyos and detention ponds, are being misinterpreted as on-site ponding. The proposed amendment removes on-site ponding which is good, to avoid this confusion. But the amendment now mentions sensitive lands and hazard prone areas, which should not be included in the 30% Common Open Space calculation for Cluster development. Sensitive lands include hazard prone areas such as: arroyos, wetlands, which are floodways, or flood fringe areas. Sensitive lands also includes steep slopes & escarpments that have drainage and erosion issues which are hazard prone as well, and large stands of mature trees in the Bosque which are fire prone. The west side residents have experienced these hazards over the years. Hazard prone lands are not suitable for development. They are not a fair

exchange to be used as common open space in exchange for smaller lots. Since Cluster development requires 30 % Common open space in exchange for doing small lots, the common open space should be used as buffers adjacent to hazard prone or sensitive areas to protect the residents from these hazards. Again.... both sensitive lands and hazard prone areas should be removed from this proposed amendment.

The benefits of cluster and common open space is that they can solve a lot of problems for developments adjacent to wildlife preserves and hazard prone/sensitive areas by providing the buffer protection; and be an open space amenity that the residents can enjoy.

Thank you,
Rene' Horvath

Below are the first 2 Common Open Space definitions for Cluster development.

Comparing the different Common Open Space definitions:

IDO May 2018

Open Space Definitions

Common Open Space: Revised & Updated Through **May 2018**, City of Albuquerque, Page 479

The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes 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. See also *Dwelling, Cluster Development*.

IDO November 2020

Open Space Definitions

Common Open Space: Revised & Updated Through **November 2020**, City of Albuquerque, Page 541

The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes 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*.

I Highlighted the IDO change in yellow to show the changes made from 2018 to 2020.

Renz-Whitmore, Mikaela J.

From: Peggy Neff <peggyd333@yahoo.com>
Sent: Wednesday, January 20, 2021 7:39 PM
To: City of Albuquerque Planning Department
Cc: Dan Regan; Athena Christodoulou; Rene' Horvath; Michael Pridham; Emillio, Dawn Marie; Bassan, Brook; KAREN BAEHR; Joe Valles; Elizabeth Kay Haley; Kathy Adams; Loretta Naranjo Lopez
Subject: Community Comments regarding 2020 IDO proposed amendments for Drive Thru's and Drive Ups in MX-L districts
Attachments: Drive Thurs and Drive Ups.docx

To Whom It May Concern,

Please see the attached letter as part of our community concerns regarding proposed amendments addressing Drive-thurs and Drive-ups.

We urge a no vote on the proposed amendment regarding making Drive-Thru's and Drive-Up's a permissible use in any zone at this time until full public deliberations can be facilitated.

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Peggy Neff <peggyd333@yahoo.com>
Sent: Thursday, January 21, 2021 8:37 AM
To: City of Albuquerque Planning Department
Cc: Dan Regan; Athena Christodoulou; Rene' Horvath; Michael Pridham; Bassan, Brook; Emillio, Dawn Marie; Loretta Naranjo Lopez; Elizabeth Kay Haley; Jim Griffie; KAREN BAEHR; Steve Wentworth; Joe Valles; Kathy Adams; Peggy Norton; Dr. Susan Chaudoir; Bramlett, Kenneth E.; Erica Vasquez; Robyn Romero; Bill Pnm; John Ingram; anitabeach2@yahoo.com; Patrick Oconnell; Sue Flint; Carol Ambabo; WILLA PILAR; Marty S.; Judie Pellegrino; avanaman@comcast.net; CZ; Larry Caudill; Ellen Duweki; Faisal Nabulsi; Jim Souter; Scotti Romberg; Marshall Hoover; JASON YOUNG; gregory.l.lawrence@usps.com; Michael Young; Dorothy Woodward; James Brooks; Wolfley, Jolene; Schultz, Shanna M.; Morris, Petra; Larry & Celine Seebinger; Planning Development Review Services
Subject: Comments for EPC 1-21-21
Attachments: Comments for EPC and Spreadsheet with Community Comments.docx; IDO Amendments 2020 Comments and Suggested Amendments 1-18-2021 PN.xlsx

To Whom It May Concern,

Please see the attached copy of comments intended for today's EPC meeting and a spreadsheet of community comments that was submitted to Council Staff on the 18th.

We urge a deferral on the Planning Departments IDO 2020 amendments.

Kind regards,

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Peggy Neff <peggyd333@yahoo.com>
Sent: Wednesday, January 20, 2021 4:43 PM
To: City of Albuquerque Planning Department
Cc: Schultz, Shanna M.; Dan Regan; Athena Christodoulou; Rene' Horvath; Emillio, Dawn Marie; Bassan, Brook; Joe Valles; Planning Development Review Services
Subject: Cottage Development Amendments Comments - Peggy Neff
Attachments: Cottage Development Community Comments.docx

To Whom It May Concern,

Please see attached as part of community concerns regarding proposed amendments regarding Cottage Developments.

We urge a no vote on passing any amendments regarding Cottage Developments forward at this time until full deliberations can be facilitated.

Peggy Neff

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Peggy Neff <peggyd333@yahoo.com>
Sent: Wednesday, January 20, 2021 8:01 PM
To: City of Albuquerque Planning Department
Cc: Dan Regan; Athena Christodoulou; Rene' Horvath; Michael Pridham; Bassan, Brook; Emillio, Dawn Marie; Loretta Naranjo Lopez; Elizabeth Kay Haley; Peggy Norton; Schultz, Shanna M.
Subject: IDO Amendment Proposed to extend the definition of Food Trucks
Attachments: Food Trucks.docx

To Whom It May Concern,

Please see the attached letter as part of our community concerns regarding proposed amendment addressing extending the definition of Food Truck for Parks and Rec.

We urge a no vote on the proposed amendment.

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903

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This message has been analyzed by Deep Discovery Email Inspector.

Renz-Whitmore, Mikaela J.

From: Peggy Neff <peggyd333@yahoo.com>
Sent: Wednesday, January 20, 2021 8:26 PM
To: City of Albuquerque Planning Department
Cc: Dan Regan; Athena Christodoulou; Rene' Horvath; Michael Pridham; Emillio, Dawn Marie; Bassan, Brook; Elizabeth Kay Haley; Joe Valles; Bramlett, Kenneth E.; Schultz, Shanna M.; Kathy Adams; KAREN BAEHR; Loretta Naranjo Lopez; Peggy Norton; Morris, Petra
Subject: 2020 Proposed IDO Amendments - Swimming Pools
Attachments: Swimming Pools.docx

To Whom It May Concern,

Please see the attached letter as part of our community concerns regarding proposed amendments addressing Swimming Pools.

We urge a no vote on the proposed amendments unless requisite fencing regulations are in place.

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903

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This message has been analyzed by Deep Discovery Email Inspector.

EPC Chair, EPC members, colleagues, guests, thank you for allowing me to participate and bring my trepidations to you all. I'm glad to be able to have the chance to address several issues today. However, I am calling for a deferral of any actions on the IDO amendments as presented to you.

I'm going to turn my video off now to represent the many folks who do not have the same privilege that I have in being able to attend this meeting. I am the last president on record for the WLCNA, I have attempted to contact the members of the Summit Park NA where I am now resident, I have participated in discussions with NA representatives around the city on these amendments, so I'd like to take a little more than 2 minutes to make my appeal. This morning I sent a copy of these comments attached to a spread sheet that was sent to council services staff on the 18th but doesn't appear to have made it into you all under the 48 hour set of comments.

At the end of the 2020, over the holiday and sporadically over the past two weeks, I've been able to piece together some thoughts and ideas on the matters at hand. I've submitted comments concerning changes to Community Residential Facilities, Sensitive Lands, Cottage Development, Drive Thru's, Swimming Pools, Food Truck Sales, Design Standards for Walls, DRB Discretionary Authority expansion, Infill Development, Vehicle Sales and more. I still would like to submit comments regarding Multi-Family Dwellings, Cannabis Retail, PD zones, the NARO and at least 15 other issues that were covered under the 2019 IDO amendments that were not brought back into community dialog for this round of amendments.

This morning, I have yet another comment to forward regarding Open Space calculations for cluster developments. Many of the comments we had are reflected on the spreadsheet simply using the word 'Accept'. But many of the comments are negative in nature and reflect a degree of contempt that has unfortunately become a norm in regard to accessing Planning Department amendments that continue to liberalize zones and uses, expand the Planning Department's authorities and self-supervision roles and further disregard what used to be in place for protecting communities under sector plans.

Today, I'm asking that you defer discussions on the proposed IDO 2020 amendments. Defer until which time you can ensure that full public debate and discussions can be attended to – or at least attempted.

There are zero urgent matters in front of you that are associated with these amendments. Our Governor's instructions are very clear – we must avoid, at this time in the pandemic, bringing any issues to law, unless there exists a significant urgency.

It is my opinion that closed door meetings brought these amendments to you today. It is my observation that persons in positions of conflict of interest brought these amendments to you today. It is my experience that confusion and personal profit brought these amendments to you today.

Please send these amendments back to the Planning Department. Call for a revision in the process of amending the IDO. Call for full vetting and more robust dialog with members of the public and the city council on conflicting amendments so that clear comprehensive amendments are placed in front of you. Of course, this body must rule on conflicting amendments, but how can you do this when they are primarily confusing. Call for source summaries. Call for explanations and justifications as to why citywide amendments, that would not have been allowed under multiple sector plans, are being allowed to make it to your table today without community concerns being summarized for you.

As I understand it, you all have had a couple of in-depth briefings regarding these amendments. I did attempt to attend one of them, without success. I was not aware of the second. We, the dwindling public advocates for good planning are very troubled about the directions that the Planning Department has taken over the last several years. We are distressed and exhausted and yet not able to raise our voices to sound the alarm.

In regard to these amendments, and those from 2019, and those that haven't yet been addressed that are imperative for good planning, I've submitted a wide variety of letters, spreadsheets and random comments. There is no one in the city to whom we, the vanishing concerned, can turn to who will provide the necessary skills to assist in a full and adequate review and drafting of our concerns. There is very little oversight of the planning department. You serve that role today. Neighbors have called for independent oversight for the planning department for years. Please add your voice to this call.

To give you some insight into our situations, in attempts to review these amendments, I asked my councilor for help, she sent me to council staff. Council staff provided one session, basically re-reading the amendments to a few of us and telling us who to contact on their behalf if we wanted to discuss things further. I contacted the planning department and was told that I can submit whatever concerns I have to you all.

Needless to say, the process can be improved.

Defer these amendments and affect positive change. Ask the planning department to establish a method by which neighborhoods can be digitally educated and polled regarding all new amendments for the IDO. This is not a new idea, but it gives the planning department a new approach to attending to the newly established purpose of the IDO, 3-1(B) – the protecting of communities. So, you have my comments, I doubt they will make any change. I pass on the responsibility now, abdicating my duty as a concerned citizen. But I have hope. The EPC and be a strong guiding body to help restructure the necessary oversight for the Planning Department, you can light the torch.

Like President Trump said – “Good Luck”. Like President Biden said “Rebuild, reconcile and recover... there is always light.” You decide which way to go, continue to clean up the Planning Department's mess or require them to strive for good order.

From: [Peggy Neff](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Dan Rogers](#); [Athena Christopoulos](#); [Gene Novak](#); [Michael Probst](#); [Susan Brooks](#); [Emilio Davila](#); [Dawn Martin](#); [Loretha Narango Lopez](#); [Elizabeth Kay Halsey](#); [Jim Goffner](#); [KAREN BAEHR](#); [Steve Winkelman](#); [Joe Valles](#); [Kathy Adams](#); [Dorsey Norton](#); [Dr. Susan Chaudler](#); [Bamlett, Kenneth E](#); [Edna Vasquez](#); [Robert Romero](#); [Bill Dunn](#); [John Ingram](#); [ashabehn@albuquerque.com](#); [Patricia Oconnor](#); [Sue Elmer](#); [Laral Archibald](#); [VIGILIA PLAZA](#); [Helen S](#); [Julie Dellegrippe](#); [susan@albuquerque.com](#); [Liz Kelly](#); [Linda Smith](#); [Ellen Dwyer](#); [Paula Lohr](#); [Jim Seiler](#); [Scott Rombauer](#); [Marshall Hoover](#); [KAREN VICKER](#); [gregory.limmer@albuquerque.com](#); [Michael Young](#); [Dorothy Woodhouse](#); [James Brooks](#); [Tiffany](#); [Julie](#); [Schultz](#); [Shana M](#); [Morris, Peter](#); [Larry & Celine Seebinger](#); [Planning Development Review Services](#)
Subject: Comments for EPC 1-21-21
Date: Thursday, January 21, 2021 8:37:23 AM
Attachments: [Comments for EPC and Spreadsheet with Community Comments.docx](#)
[IDO Amendments 2020 Comments and Suggested Amendments 1-18-2021 PH.xlsx](#)

To Whom It May Concern,

Please see the attached copy of comments intended for today's EPC meeting and a spreadsheet of community comments that was submitted to Council Staff on the 18th.

We urge a deferral on the Planning Departments IDO 2020 amendments.

Kind regards,

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903
=====

This message has been analyzed by Deep Discovery Email Inspector.

2020 IDO Annual Update - Citywide Text Amendments
Suggested Amendments to the Amendments with Revisions/Reviews

Page	Section	Change / Discussion	Explanation	Suggested Accept, Reject, Amend	Rational and Notes
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.	Accept	
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).	Accept	
147	Table 4-2-1	"Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours" "Parking of non-commercial vehicles" "Parking of recreational vehicle, boat, and/or recreational trailer" 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. 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. Move content in Subsection 4-3(F)(15)(d) to Subsection 5-13(A).	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.	Accept	
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.	Reject	Neighborhood Commercial would not have allowed this in the majority of sector plans, should remain conditional so to preserve community voice/perspective
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.	Accept	
147	Table 4-3-1	On page 147, revise "Dwelling unit, temporary" to "Dwelling, temporary." Revise the term wherever else it appears in the IDO, including in the Use-specific Standard.	Eliminates the requirement for temporary dwellings to have a kitchen. Dwelling unit definition hinges on the presence of a kitchen.	Accept	

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151	4-3(B)(3)(b)	Dwelling, Cottage Development Revise text to read as follows: "The minimum project size for a cottage development is 10,000 square feet."	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.	Reject	This use would not have been allowed the majority of sector plans, should remain conditional so to preserve community voice/perspective. The amendment provides a compromise.
151	4-3(B)(3)(b)	Dwelling, Cottage Development Revise to add a new subsection with text as follows: "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."	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.	Amend to add "in areas of change" after "...Approval"	Provides understanding of the nature of this amendment to address increased densities in Areas of Change
151	4-3(B)(3)(b)2	Dwelling, Cottage Development Revise text to read as follows: "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."	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.	Reject	This use would not have been allowed the majority of sector plans, should remain conditional so to preserve community voice/perspective. The amendment provides a compromise.
154	4-3(B)(7)(a)	Dwelling, Multi-family Revise as follows: "...this use shall meet the following landscape standards: 1. Except in DT-UC-MS-TP areas, this use shall provide, somewhere on the lot, at least 1 tree..." Move text from 2 to be part a second sentence in Subsection 1. Re-number Subsection 3 accordingly. Add a new Subsection 3 and 4 with text as follows: "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." 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."	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.	Accept	
154	4-3(B)(7)(b) [new]	Dwelling, Multi-family Add a new Subsection with text as follows and renumber subsequent subsections accordingly: "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."	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.	Accept	

2020 IDO Annual Update - Citywide Text Amendments
Suggested Amendments to the Amendments with Revisions/Reviews

Page	Section	Change / Discussion	Explanation	Suggested Accept, Reject, Amend	Rational and Notes
155	4-3(B)(8)	Community Residential Facility, Small or Large Delete subsections (c) and (d).	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.	Reject or Amend	<p>Amend to add "Where multiple Community Residential Facility sites exist and an additional site(s) is (are) proposed within 1,500 ft of the existing two or more sites, there exists the likelihood that the creation of a new Community Residential Facility(s) will change the nature of the area where the sites exist from residential to commercial. In this case, an analysis will be completed by the planning department in collaboration with the NA and agent of the proposed new Community Residential Facility to ascertain if the zoned area is correct for this increase of commercial density. The analysis will include projected increases in parking needs, institutional activity, policing, medical and emergency services and other measurable commercial activities as appropriate."</p> <p>This allows for good order if the current owner of the Community Residential Facilities is maintaining the neighborhood/residential nature of their sites and provides a way for NA's to voice their concerns when they are not.</p>
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.	Accept with proposed amendment regarding commercial v/s residential nature of multiple clustered Community Residential Facilities	See above notes
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.	Accept	
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.	Accept	
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.	Accept	

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Page	Section	Change / Discussion	Explanation	Suggested Accept, Reject, Amend	Rational and Notes
166	4-3(D)(19)	Light Vehicle Sales and Rental Revise text as follows: " In <u>UC-MS-PT areas</u> in 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.	Reject	The current text protects residential communities adjacent to or abutting MX-H zones, including PD zones. Ref. 1-3(D) The purpose of this IDO is to protect all communities. If this regulation is removed, a companion regulation needs to be drafted to make this use-specific standard mandatory at sites in MX-H zones that that are adjacent to or abutting residential and PD zones.
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.	Accept	Special note: Cannabis ordinances need to be revised to align with liquor retail ordinances to improve consistency in the treatment of similar commercial activities.
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.	Accept	
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.	Accept	Special note: Cannabis ordinances need to be revised to align with liquor retail ordinances to improve consistency in the treatment of similar commercial activities.

2020 IDO Annual Update - Citywide Text Amendments
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Page	Section	Change / Discussion	Explanation	Suggested Accept, Reject, Amend	Rational and Notes
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.	Accept	Special note: Cannabis ordinances need to be revised to align with liquor retail ordinances to improve consistency in the treatment of similar commercial activities.
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.	Accept	
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.	Reject	Needs further clarification of processes and systems regarding various types of sales and revenue procedures. Also 4-3(F)(11)(a) needs to be revised if this is accepted.
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.	Accept	
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.	Accept	
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.	Accept	
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.	Accept	

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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.	Reject or Amend (see Notes)	Reject until revision can address requisite fencing around outdoor swimming pools. Special Note: Amend all 9 references to swimming pools to address requisite fencing requirements for outdoor swimming pools.
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.	Amend to include "and Corridors" after "...Areas"	This clarifies that both the streams, tributaries and creeks to the river are also sensitive lands and protected.
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).	Accept	
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].	Accept	
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.	Amend "50" to "100"	Albuquerque needs to meet, or exceed, the minimum national standard! A simple review of standard sensitive land buffers across the US (Colorado, Arizona, Missouri, Connecticut etc.) indicates that the basic standard is between 100ft and 300ft. Previous sector plans were at 100ft.
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.	Accept	
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.	Accept	
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.	Accept	

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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.	Accept	
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.	Accept	
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.	Accept	
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.	Accept	
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.	Accept	
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.	Accept	
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).	Accept	
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.	Accept	
288	5-6(E)(4)	Turn existing language into a new (1) and then add a new (2) as follows: " <u>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.</u> "	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.	Accept	
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.	Accept	

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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.	Reject or Amend (see Notes)	Simplifying this design standard for residential sites may be appropriate, but this standard as written is appropriate for all wall designs in Mixed-use, NR-C, NR-BP, NR-LM, and NR-GM zones. We are suggesting to leave this as written and add an additional line at 5-7(E)(3): "3 ft. and lower walls in residential areas are exempt from these design standards."
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.	Accept	
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.	Accept	
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.	Accept	
322	5-11(E)	Mixed-use and Non-residential Zone Districts Revise as follows: "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 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> ..."	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.	Accept	
327	5-11(G)	Revise the text as follows: " <u>Above-ground</u> portions of buildings that contain parking structures shall meet..."	Clarifies that these standards are not intended to apply below ground.	Accept	
336	5-12(F)(2)(b)	Joint Sign Premises Delete subsections (1) and (2).	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.	Accept	

2020 IDO Annual Update - Citywide Text Amendments
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Page	Section	Change / Discussion	Explanation	Suggested Accept, Reject, Amend	Rational and Notes
353	5-13(A)(4)	Glare Delete this provision and revise to become a new 5-6(G)(5) Outdoor Activity with text as follows: "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."	Replaces existing provision with an enforceable standard and moves the regulations to a more appropriate location in the IDO.	Accept	
360	Table 6-1-1	Vacation of Public Right-of-way - City Council Vacation of Public Right-of-way - DRB Add requirement for pre-application meeting.	Adds a requirement for pre-application meeting, which matches current practice.	Accept	Additional note: under footnote 5 this needs to be limited to platting for non-residential, non - PD zones.
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.	Accept	
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. The decision-making body may specify an expiration date <u>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).	Accept	
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 ZEQ.</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.	Accept	
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.	Reject	Shouldn't there be some sort of notification that goes out to NA's and concerned parties regarding this delegation of authorities? At the minimum a requirement that this delegation of authorities be minuted should be incorporated in this process.

2020 IDO Annual Update - Citywide Text Amendments
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Page	Section	Change / Discussion	Explanation	Suggested Accept, Reject, Amend	Rational and Notes
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.	Reject or Amend (see Notes)	Amend to insert ", PD zones, " after "...residential development..." to ensure that communities in PD's are afforded these same protections.
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.	Accept	
454	6-6(L)(2)(g)4	Revise to read as follows: <u>"When all conditions of approval are satisfied, the DRB shall accept and sign the revised Final Plat. The applicant 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."</u>	Revises the language to match the time allowed for recording Minor Subdivisions and current practice that the applicant records the plat with the clerk.	Accept	
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).	Accept	
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).	Accept	
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).	Accept	
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.	Accept	
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).	Accept	
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.	Reject or Amend (see Notes)	Reject until revision can address requisite fencing around outdoor swimming pools. Special Note: Amend all 9 references to swimming pools to address requisite fencing requirements for outdoor swimming pools.

2020 IDO Annual Update - Citywide Text Amendments
Suggested Amendments to the Amendments with Revisions/Reviews

Page	Section	Change / Discussion	Explanation	Suggested Accept, Reject, Amend	Rational and Notes
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.	Accept	
510	7-1	Building Frontage Types / Arcade. Revise to say "...attached colonnade or overhang structure to create a covered passageway."	Broadens the definition to include structures that create an arcade without columns.	Accept	
512	7-1	Cannabis Definitions Cannabis [new] Add a new definition as follows: "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> ."	Adds a definition for a term used in the IDO. Definition defers to the state's regulations.	Accept	
512	7-1	Cannabis Definitions Cannabis-derived product [new] Add a new definition as follows: "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> ." 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.	Accept	
512	7-1	Cannabis Definitions Hemp Add a new definition as follows: "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> ."	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.	Accept	
512	7-1	Calendar Days Revise to add a new second sentence to read as follows: "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.)"	Clarifies how to measure calendar days to match existing practice.	Accept	
517	7-1	Development Definitions Infill Development Revise as follows: "An area of platted or unplatted land that includes no more than 20 acres of land that has water and sewer service and where at least 75 percent of the parcels adjacent to the proposed development have been developed and contain existing primary buildings."	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.	Reject or Amend	Amend to insert "vacant" after the words "An area of". In order to protect communities in PD zones and insure that PD zones are not considered for Infill Development plans.
520	7-1	Dwelling Definitions Dwelling, Cluster Development Add a new second sentence as follows: "A cluster development does not increase the overall density of a development but rather allow dwellings to be grouped or clustered on smaller lots."	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.	Accept	
523	7-1	Fairgrounds Revise definition as follows: "An area developed for the purpose of holding fairs, circuses, or exhibitions."	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.	Accept	

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525	7-1	Glare 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.	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.	Reject and Review for additional circumstances where the term glare is used in the IDO	Review - The term Glare is used in multiple instances throughout the IDO-2019-Effective-2020-11-02 version on the city's website.
531	7-1	Lot line Front lot Revise to add a final sentence with text as follows: "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. <u>In that case, all lot lines would be considered side lot lines.</u> "	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.	Accept	
531	7-1	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.	Changes how to establish a rear lot line that returns to pre-IDO practice.	Accept	
538	7-1	Mobile Food Truck Add a new sentence as follows: <u>"Other sales or services may be allowed as specified elsewhere in this IDO."</u>	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.	Reject	This needs to be more fully addressed, see above note regarding sales and services from Food Trucks.
541	7-1	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, <u>on-site ponding</u> , or outdoor recreation uses."	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.	Reject or Amend (reference 1-3(D))	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. Common space shall be located adjacent to sensitive lands and hazard prone areas, for the protection of the residents and the protection of natural resources. 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.
543	7-1 [new]	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>	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.	Accept	

2020 IDO Annual Update - Citywide Text Amendments
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544	7-1	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."	Revises the definition of garage to distinguish it from parking structures, which are related to building height bonuses.	Accept	
544	7-1 [new]	Parking Definitions Carport [new] Add a new definition as follows: "A <u>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> "	Adds a definition for a term used in the IDO that clarifies how carports are treated in terms of height limits and setbacks.	Accept	
544	7-1 [new]	Parking Definitions Front-access Garage [new] Add a new definition as follows: "A <u>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 Side-access Garage and Rear-access Garage.</u> "	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.	Accept	
544	7-1 [new]	Parking Definitions Rear-access Garage [new] Add a new definition as follows: "A <u>garage accessed from the rear lot line. See also Front-accessed Garage and Rear-accessed Garage.</u> "	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.	Accept	
544	7-1 [new]	Parking Definitions Side-access Garage [new] Add a new definition as follows: "A <u>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 Front-accessed Garage and Rear-accessed Garage.</u> "	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.	Accept	
545	7-1	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."	Revises the definition of parking structure to distinguish it from garages. Parking structures are related to building height bonuses.	Accept	
547	7-1	Porch Revise second sentence as follows: "To be considered a porch, and not just part of the building, the porch <u>facade facing a street</u> must not be more than 50 percent enclosed (except for removable screens, screen doors, storm sashes, <u>wrought iron security fencing</u> , or awnings)."	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.	Accept	

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548	7-1	Public Hearing Delete the phrase "based on policy in addition to regulations."	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.	Accept	
550	7-1	Seasonal Outdoor Sales Delete "or indoor."	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.	Accept	
551	7-1 [new]	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>	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.	Amend	Amend to include Riparian Corridors: Riparian corridors include human-created reservoirs, wildlife ponds, wetlands, and waterholes connected to or associated with natural water features. In addition, those areas not associated with natural water features, but support riparian flora or fauna, will have a riparian corridor designation.
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.	Reject or Amend (see Notes)	Reject until revision can address requisite fencing around outdoor swimming pools. Special Note: Amend all 9 references to swimming pools to address requisite fencing requirements for outdoor swimming pools.
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.	Accept	
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.	Accept	
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).	Accept	
All	All	Make any necessary clerical corrections to the document, including fixing typos, numbering, and cross references.	Covers general clerical corrections.	Accept	

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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.	Accept	
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.	Accept	
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.	Accept	
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.	Accept	Note the abbreviation in table 6-1-1 for Meetings, Mtgs needs to be changed to Hearings, Hrngs?

From: [Peggy Neff](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Dan Rogers](#); [Athena Christopoulos](#); [Gene Novak](#); [Michael Probst](#); [Susan Brooks](#); [Emilio Davila](#); [Dawn Martin](#); [Loretha Narango Lopez](#); [Elizabeth Kay Haley](#); [Jim Giffner](#); [KAREN BAEHR](#); [Steve Winkelman](#); [Joe Valles](#); [Kathy Adams](#); [Drew Norton](#); [Dr. Susan Chauder](#); [Bamlett, Kenneth E](#); [Edna Vasquez](#); [Robert Romero](#); [Bill Dunn](#); [John Ingram](#); [ashabek@albuquerque.com](#); [Patricia Oconnor](#); [Sue Elmer](#); [Lana Furbush](#); [VIOLETA HERRERA](#); [Helen S. Jolly](#); [Dileepini Sivasubramanian](#); [sue@albuquerque.com](#); [Liz Kelly](#); [Linda Smith](#); [Ellen Dwyer](#); [Paula Lohr](#); [Jim Seiler](#); [Scott Rombauer](#); [Marshall Hoover](#); [KAREN VICKER](#); [gregory.limmer@albuquerque.com](#); [Michael Young](#); [Dorothy Woodhouse](#); [James Brooks](#); [Tiffany](#); [Julian](#); [Schultz](#); [Shana M. Morris](#); [Debra](#); [Larry & Celine Seebinger](#); [Planning Development Review Services](#)
Subject: Comments for EPC 1-21-21
Date: Thursday, January 21, 2021 8:37:23 AM
Attachments: [Comments for EPC and Spreadsheet with Community Comments.docx](#)
[IDO Amendments 2020 Comments and Suggested Amendments 1-18-2021 PH.xlsx](#)

To Whom It May Concern,

Please see the attached copy of comments intended for today's EPC meeting and a spreadsheet of community comments that was submitted to Council Staff on the 18th.

We urge a deferral on the Planning Departments IDO 2020 amendments.

Kind regards,

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903

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This message has been analyzed by Deep Discovery Email Inspector.

Barkhurst, Kathryn Carrie

From: Dan Regan <dlreganabq@gmail.com>
Sent: Wednesday, January 20, 2021 2:57 PM
To: Barkhurst, Kathryn Carrie
Cc: Dan Regan; 'Jim Griffie'; 'Peggy Neff'; Mildred Griffie; 'Dr Michael Pridham'; Jim Harvey; Roberta Tarin; Susan Timmerman
Subject: MF IDO Amendments before the EPC on 1/21/21
Attachments: MemoonMFDesignandClimaticResponseAmendmentsSubstituteJan.08.21.pdf; Exhibit-5-2(D)[new]-Climatic&GeographicResponsivenessJan08.21.pdf; Exhibit-5-11(D)-Multi-familyBuildingDesignJan08.21.pdf; Exhibit4-3(B)(7)-MultifamilyJan08.21.docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

External

EPC Chair & Members,

The attached recommendations for additions & changes to the ongoing revision of the IDO do two unique things:

- They draw & spring from some of our more experienced architects, landscape architects, developers of market rate and affordable housing, apartment owners and managers of affordable housing, affordable housing advocacy groups & neighborhood coalition leaders....no small feat in itself!
- They GROUND the IDO's design rules & regs into our actual environment & climate in a most effective way.....especially when drought & heat seem to be on the upswing for the foreseeable future. Anchoring the regs in this manner would be a natural extension of the import of Aldo Leopold's quote which opens up Section 10 of the Comprehensive Plan, e.g., "That the land is a community is the basic concept of ecology, but that the land is to be loved and respected is an extension of ethics." Acknowledging and adapting to the particulars of our lived environment is a part of "respecting" the land we call our home.

I was one of the NA & Coalition leaders that Ms. Jolene Wolfley brought into the development process for the attached recommended changes. I strongly recommend that they all become part of the EPC Approved changes that get forwarded, in due time, to the City Council.

Thank you for your attention to all of the above and best of luck with the long hours of review ahead with this year's revision process.

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

=====

This message has been analyzed by Deep Discovery Email Inspector.



TIERRA WEST, LLC

February 2, 2021

Ms. Catalina Lehner, Senior Planner
City of Albuquerque Planning Department
600 2nd St NW
Albuquerque, NM 87102

RE: Project #: 2018-001843
Case #: RZ-2020-00046
Amendments to the Integrated Development Ordinance (IDO) Text for the 2020 Annual IDO Update
Part 14-16-4: 4-3(C)(5)

Dear Ms. Lehner,

We are writing to request that Planning, in the 2020 Annual IDO Update, considers to remove a section of Part 14-16-4: 4-3(C)(5) which is a specific use standard for Hospitals in the MX-M Zone district. In the current IDO (2019) on page 155, Subsection 4-3(C)(5) reads: "In the MX-M zone district, this use is limited to no more than 20 overnight beds and may not include ambulance transportation to or from the facility."

We are requesting Planning considers revising the statement to allow ambulance transport to and from hospital facilities in the MX-M zone, while preserving the 20 overnight bed maximum restrictions.

We request the use standard be updated to read as follows:

4-3(C)(5): "In the MX-M zone district, this use is limited to no more than 20 overnight beds"
(striking the balance of the language on the ambulance transport restriction.)

Currently as the language is written, the preclusion of ambulatory services in a hospital's operation eliminates all ability for any registered hospital to operate or offer care in the MX-M zone. We believe this was not the intent but an oversight in the language which effectively results in prohibiting any hospital in an MX-M zone, regardless of size.

The retention of the 20 overnight bed maximum will keep in place a requirement that limits the size of these facilities and will not lead to or allow the large medical compounds and campuses that people typically think of such as UNMH or Lovelace Downtown to be developed in MX-M zones.

Small 20 bed max hospital facilities that would be permitted to operate are unlikely to receive regular ambulance traffic that requires a "lights and siren call". Rather the significant majority of ambulance traffic that is related to these facilities are inter-facility transports, in which the lights and siren of the ambulance are not required nor used during patient transfer. It's important to note all hospitals, even those with less than 20 overnight beds, still require some level of ambulatory transportation for their patients, which is why we're requesting the language be updated.

Also please note the restriction of ambulance transportation in MX-M is not extended to Medical Clinics which is the zoning/use designation under which an Emergency Room operates. Currently there are a number of existing ER's throughout our City in MX-M zoned parcels of land; it is either these facilities or one of the larger regional facilities that handles "lights and siren" calls.

This change shall further a number of major goals and visions of the Comprehensive Plan, including:

5571 Midway Park Pl. NE
Albuquerque, NM 87109
(505) 858-3100 fax (505) 858-1118
tierrawestllc.com

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

Response: The amendment will further the Neighborhoods policy (4.1.4) by allowing hospital projects that protect stable, thriving residential neighborhoods and enhance their attractiveness by permitting key health facilities that offer fundamental care and services to the surrounding neighborhoods. To maintain the long-term health and vitality of our neighborhoods, medical facilities are a key component and necessary within the neighborhoods to offer accessible care and services to local residents. The proposed changes to section 4-3(C)(5) will enable local accessible services that ensures the long-term health and vitality of our neighborhoods.

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: The amendment will allow for small hospital uses to be permitted in the MX-M zoning along Corridors as these areas are typically zoned MX-M and can support the scale of 20 overnight bed max hospital facilities. The proposed changes to section 4-3(C)(5) will allow growth in established Corridors at appropriate scale.

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

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

Response: The amendment will create healthy and sustainable communities as the change will allow small hospital uses to be located in MX-M zone areas that are conveniently accessible from the surrounding neighborhoods. The amendment shall permit small hospital uses that are now within walking and biking distance of neighborhoods and promotes good access for all residents seeking medical services offered by the small hospitals facilities. Currently the IDO prohibits small hospital facilities which means to access similar services our community must visit the select number of large medical compounds and campuses that are located sparingly across the our City. Accessing these large facilities is difficult for many residents, this amendment will enable significantly more local facilities within walking and biking distance of the neighborhoods and much improved access for residents.

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

Response: The amendment will support additional growth in established areas with existing infrastructure and public facilities as small 20 overnight bed max hospital facilities can now be permissive in MX-M zone areas and redevelop existing facilities in order to provide health facilities. Most of the MX-M zone areas are accessible by established public transport services.

Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

Response: The amendment will enable growth in areas that are already developed and discourage growth on the perimeter of our City where infrastructure and public facilities are not available.

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: The proposed amendment will safeguard land uses that are objectionable to immediate neighbors but may be useful to society are still located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area. The creation of MX-M zone areas in 2017 with the IDO buffer and setback provisions results in multiple protections for immediate neighbors that may have concerns with the development of small 20 overnight bed max hospital facilities. The amendment enables new small hospital facilities that can be accessed by all member of our community and allows them be distributed equitably across our City. With the existing IDO conditions there are only a small number of zoned areas (specifically MX-H) that permit hospital facilities with ambulatory transportation. By amending section 4-3(C)(5) it will allow these hospital uses to be fairly and rightly distributed evenly across our City.

We believe this is one of the most urgent and pressing topics that can be addressed in this IDO update. The current situation both locally and nationwide from a required healthcare perspective bears little resemblance or commonality with the time in which this line of the IDO was adopted. Per the NMDOH the state has had over 9,500 hospitalizations due to COVID with 806 currently hospitalized (12/30/2020). In a KOAT news article dated November 30th 2020 our hospitals nearly reached ICU capacity with only 16 beds remaining, with the main hub hospitals at 110% to 120% capacity at that time. UNMH and Presbyterian have had to bring in over 450 traveling nurses to accommodate the healthcare needs of COVID patients.

We believe the proposed change to section 4-3(C)(5) to allow ambulance transportation will go a long way in ensuring that the land use planning policies of the City are better aligned to help both Albuquerque and the State manage the Covid-19 pandemic, while also helping to ensure there is enough healthcare capacity should a similar event in the future unfold.

Long term and post pandemic we also believe that allowing these types of facilities to operate throughout our City facilitates and furthers a number of major goals and visions of the Comprehensive Plan as listed above. The amendment will allow for the equitable distribution of health care facilities throughout the City. It will allow the City to continue to grow in a connected and walkable environment, with first-rate health care options increased improving access to all members of our community.

I ask for Planning Staff to consider this request and take action to support the amendment during the annual IDO update.

Sincerely,



Ronald R. Bohannon, P.E

JN: 2020084
RRB/rs/ye

Barkhurst, Kathryn Carrie

From: Dr. Joe L. Valles <joevalles@aol.com>
Sent: Wednesday, January 20, 2021 3:39 PM
To: Barkhurst, Kathryn Carrie
Subject: BCC: Proposed IDO Amendments (attachment)
Attachments: Proposed IDO Amendments - EPC.docx

Follow Up Flag: Follow up
Flag Status: Flagged

External

January 20, 2021

Environmental Planning Commission

C/O Carrie Barkhurst

Re: Proposed IDO Amendments

Greetings,

On Thursday January 21, the EPC will begin consideration of a hefty batch of Proposed Amendments to the Integrated Development Ordinance (IDO). These amendments deserve the utmost careful consideration. As significant stakeholders in land use issues - and decisions - we hold that it's important the EPC applies the highest standards toward *high quality development* of this city.

Several dedicated people from throughout the City are engaged in review of this multitude of proposed amendments. It remains an enormous ongoing - and as yet - an incomplete task. We remain unsure how the EPC aims to tackle this load of amendments.

But for one example, there is city wide concern regarding IDO loopholes that allow the building of huge high-rise/high-density apartment buildings near established residential areas - and thereby detrimentally impacting city residents' views, privacy and enjoyment of their property. Both the Administration and the City Council must recognize the loopholes exist in the IDO allowing this abuse of intent. The city - *in the best public interest* - has an obligation to close those loopholes.

Without a clear vision for Albuquerque, unenforced and arbitrary rules in the IDO neither create new design nor ensure a high-quality built environment. The IDO promise was "*to ensure a high-quality built environment for nearby property owners and neighbors.*" Though growth and more intense development is generally intended to be directed to Areas of Change and not in near proximity to established residential areas (Areas of Consistency) - high-rise monstrosities continue to be built throughout the city. *Not only are they an infringement on residents' quality of life - but these out of place structures contribute to the 'ugly-fication of Albuquerque.'*

The goal of the Comp Plan for both Areas of Change and Area of Consistency; is to have development be consistent in *scale and character* with the surrounding area - and take into consideration area constraints as well as preserving and protecting significant community assets and resources that characterize our city - such as Albuquerque's beautiful views and historical/cultural/natural character/major open space/sensitive lands and waterways.

Many of the Sector Plans removed by the IDO accomplished many of those goals. If the IDO can't meaningfully protect neighborhoods , sensitive lands, and valuable cultural assets – it is clear that the IDO is seriously flawed and requires serious correction.

Therefore, we urge the EPC - in the strongest of terms - to meaningfully address the wayward direction the IDO is taking the City of Albuquerque and its residents.

Respectfully submitted,

Dr. Joe L. Valles, President: GHNA

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

January 22, 2021

To: **Brennon Williams**, City of ABQ Planning Department Director
From: Lynne Andersen, President, NAIOP Commercial Real Estate Development Association

NAIOP Commercial Real Estate Development Association is strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are our concerns about this proposed amendment.

1. The Development Review Board or DRB is a technical board, made up of City technical staff and was established as an efficient way to have all technical staff who **review applications for compliance with City regulations** at the review meeting(s) with the project applicant.
2. The City Council, with bill R-2019-035, addressed this issue and changed the IDO to make it clear that **the DRB was not a discretionary body but a technical review board to ensure that the IDO and DPM regulations are being followed.**
3. The City Council noted that **IF** the DRB is considered a discretionary body and subject to quasi-judicial standards, it will make things more difficult for applicants, neighbors, and DRB members themselves if they cannot communicate with people outside of DRB meetings.
4. This amendment would turn the DRB into another discretionary body, similar to the EPC.
5. Different from the EPC, however, the DRB members are all City staff and not unpaid citizens appointed by the Mayor and approved by the City Council.
6. **The IDO created a level playing field for all projects and purposely directed most project reviews to the DRB rather than the EPC unless a zone change or a variance is required.**
7. If the DRB becomes a mini-EPC, then this level playing field does not exist.
8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states **“Provide for the efficient administration of City land use and development regulations.”**

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Phil Casaus

Brycon Construction

Doug Clark

Jaynes Corporation

Chris Clepper

Nusenda Credit Union

Crystal Conine

WaFd Bank

Michelle Franks

Studio Southwest Architects

Benjamin Gardner

Dekker|Perich|Sabatini

Ryan Garcia

Wells Fargo

Kristi Gibbs

Old Republic Title Company

Hannah Feil Greenhood

Dekker|Perich|Sabatini

Jennifer Greenwood

Stewart Title Company

Adam Harper

OE Energy

Irwin Harms

Sun Vista Enterprises

Mary Homan

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Jordan Herrington

Bank of Albuquerque

Matt Look

Garrett Development Corporation

Bobbi Kay Nelson

Nelson & Company CPA LLC

Mike Pattengale

ZYDECO 66

Brian Patterson

Titan Development Company

Kevin Patton

Pulte Group

Garrett Price

Price Land & Development

Debora Ramirez

Rodey Law Firm

Brandon Remley

REDW

Julie Rowey

PNM

Darin Sand

Goodman Real Estate

David Shaffer

AIC General Contractors

David Silverman

Geltmore LLC

Jim Smith

CBRE

Karl Smith

Pavilion Construction

Ray Smith

Klinger Constructors

Brent Spendlove

Enterprise Bank

Bruce Stidworthy

Bohannon Huston

Jeff Stuve

C&S Real Estate & Development LLC

Angela Williamson

Modulus Architects



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9. This issue is of real concern to both NAIOP and the development industry at-large in that **this amendment essentially eliminates predictability** from the development process.

Sincerely

A handwritten signature in dark ink, appearing to read "Lynne Andersen".

Lynne Andersen, NAIOP President

CC:

Jolene Wolfley, City of ABQ Associate Planning Dept. Director

James Aranda, City of ABQ Deputy Planning Dept. Director

Mikaela Renz-Whitmore, City of ABQ Planning Dept. Long Range Manager,
Urban Design & Development Division

Carrie Barkhurst, City of ABQ Planning Dept. Senior Planner

Catalina Lehner, City of ABQ Planning Dept. Senior Planner

Petra Morris, City of ABQ Council Services Planning Manager

Shanna Schultz, City of ABQ Council Services Policy Manager

Cynthia Borrego, City of Albuquerque City Councilor, District 5

From: Bob Arguelles <bobarguelles505@aol.com>
Sent: Monday, February 01, 2021 11:29 AM
To: Williams, Brennon; Borrego, Cynthia D.
Cc: Wolfley, Jolene; Aranda, James M.; Renz-Whitmore, Mikaela J.; Barkhurst, Kathryn Carrie; Lehner, Catalina L.; Morris, Petra; Schultz, Shanna M.
Subject: Councilwoman Cynthia Borrego's Proposal to Amend Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria.

External

Dear Mr. Williams and Ms. Borrego,

I am strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are concerns about this proposed amendment.

1. The Development Review Board or DRB is a technical board, made up of City technical staff and was established as an efficient way to have all technical staff who review applications for compliance with City regulations at the review meeting(s) with the project applicant.
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8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states “Provide for the efficient administration of City land use and development regulations.”.
9. This issue is of real concern to both NAIOP and the development industry at-large in that this amendment essentially eliminates predictability from the development process.

Thank you in advance for you consideration on this matter:

Bob Arguelles

Associate Broker

Metro Commercial Realty, Inc.

8232 Louisiana Blvd. NE, Ste. C

Albuquerque, NM 87113

C: 505.263.7063

O: 505.858.1444

F: 505.858.1448

E: bobarguelles@gmail.com

NMREC License No. 16851



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

To: **Brennon Williams**, City of ABQ Planning Department Director
From: Concerned Commercial Real Estate Broker

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From: Dountas, Jim @ Albuquerque <Jim.Dountas@cbre.com>
Sent: Monday, February 01, 2021 11:24 AM
To: Williams, Brennon
Cc: jowlfley@cabq.gov; Aranda, James M.; Renz-Whitmore, Mikaela J.; Barkhurst, Kathryn Carrie; Lehner, Catalina L.; Morris, Petra; Schultz, Shanna M.; Borrego, Cynthia D.
Subject: Amendment to Section 6-6(1)(3) of the Development Review Board - Review and Decision Criteria

Importance: High

External

To: **Brennon Williams**, City of ABQ Planning Department
Director From: Concerned Commercial Real Estate Broker

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Jim P. Dountas | First Vice President
Investment Properties
CBRE | Capital Markets
6100 Uptown Blvd. NE, Ste. 300 | Albuquerque, NM 87110
T +1 505 837 4955 | F +1 505 837 4994 | C +1 505 228 5771
jim.dountas@cbre.com | www.cbre.com

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A handwritten signature in black ink, appearing to read 'D Fite', with a stylized flourish at the end.

David Fite, Vice President

8016 Pennsylvania Circle
Albuquerque, NM 87110

January 22, 2021

To: **Brennon Williams**, City of ABQ Planning Department Director
From: Lynne Andersen, President, NAIOP Commercial Real Estate Development Association

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Old Republic Title Company

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Jennifer Greenwood
Stewart Title Company

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Sun Vista Enterprises

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Nelson & Company CPA LLC

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ZYDECO 66

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Pulte Group

Garrett Price
Price Land & Development

Debora Ramirez
Rodey Law Firm

Brandon Remley
REDW

Julie Rowey
PNM

Darin Sand
Goodman Real Estate

David Shaffer
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David Silverman
Geltmore LLC

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CBRE

Karl Smith
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Ray Smith
Klinger Constructors

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Mikaela Renz-Whitmore, City of ABQ Planning Dept. Long Range Manager,
Urban Design & Development Division

Carrie Barkhurst, City of ABQ Planning Dept. Senior Planner

Catalina Lehner, City of ABQ Planning Dept. Senior Planner

Petra Morris, City of ABQ Council Services Planning Manager

Shanna Schultz, City of ABQ Council Services Policy Manager

Cynthia Borrego, City of Albuquerque City Councilor, District 5



John A. Garcia
4100 Wolcott N.E., suite B
Albuquerque. N.M. 87109
January 21,2021

Dear Mr. Williams,

The Home Builders Association of Central New Mexico opposes proposed changes to the Development Review Board (DRB), amendment 6-6(1)(3) to the Review and Decision criteria. The purpose of the DRB was meant to streamline efficiency by allowing technical staff to review projects all at one time allowing for technical review and ensuring compliance with the Integrated Development Ordinance (IDO) and other regulatory compliance issues.

The City Council addressed this issue stating that the DRB was not a discretionary body but in fact, a technical review board. The DRB is a board made up of city technical staff and not citizens or third-party arbiters. This amendment would in fact make the DRB a discretionary body, now subject to quasi-judicial standards. This would make communication and process difficult.

The Environment Planning Commission (EPC) is responsible for project reviews, having authority to decide on projects along with city council. This amendment would create additional discretionary powers for city staff that do not currently exist for reasons of objectivity and balance, allowing for EPC and City Council approval.

This amendment goes against the principles of the IDO that states; "to provide for the efficient administration of city land use and development." For us, it stifles the development process and does not allow for objectivity or equity in the process. Allowing this change, would only create unpredictability for the private sector and complete subjective power to city staff. There are already provisions in place in the IDO for protections for neighborhoods and the pre-application process already allows for meetings and reviews with city staff prior to finalizing any proposed site plan.

This amendment goes against the intention of the IDO; the Home Builders Association of Central New Mexico does not support this amendment and respectfully asks that you do not accept or approve this amendment.

Sincerely,

John Garcia

Executive Vice President Home Builders Association of Central New Mexico

Cc Albuquerque City Councilors

JAG

THE TRUSTED RESOURCE...

4100 Wolcott Ave NE, Ste. B, Albuquerque, NM 87109

P 344.3294 HBACNM.com

From: [Danae Fernandez](#)
To: [Williams, Brennon](#)
Cc: [Wolfley, Jolene](#); [Aranda, James M.](#); [Renz-Whitmore, Mikaela J.](#); [Barkhurst, Kathryn Carrie](#); [Lehner, Catalina L.](#); [Morris, Petra](#); [Schultz, Shanna M.](#)
Subject: IDO Changes
Date: Wednesday, January 27, 2021 1:40:07 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

External

To: **Brennon Williams**, City of ABQ Planning Department Director

I am strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are concerns about this proposed amendment.

1. The Development Review Board or DRB is a technical board, made up of City technical staff, established as an efficient way to have all technical staff who **review applications for compliance with City regulations** at the review meeting(s) with the project applicant.
2. The City Council, with Bill R-2019-035, addressed this issue and changed the IDO to make it clear that **the DRB was not a discretionary body but a technical review board to ensure that the IDO and DPM regulations are being followed.**
3. The City Council noted that **IF** the DRB is considered a discretionary body and subject to quasi-judicial standards, it will make things more difficult for applicants, neighbors, and DRB members themselves if they cannot communicate with people outside of DRB meetings.
4. This amendment would turn the DRB into another discretionary body, similar to the EPC.
5. Different from the EPC, however, the DRB members are all City staff and not unpaid citizens appointed by the Mayor and approved by the City Council.
6. **The IDO created a level playing field for all projects and purposely directed most project reviews to the DRB** rather than the EPC unless a zone change or a variance is required.
7. If the DRB becomes a mini-EPC, then this level playing field does not exist.
8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states **“Provide for the efficient administration of City land use and development regulations.”**
9. This issue is of real concern to both NAIOP and the development industry at-large because **this amendment essentially eliminates predictability** from the development process.

Respectfully,

Danaë Fernandez

Advisor

Danae@gotSPACEUSA.com

NAI Maestas & Ward

6801 Jefferson NE Suite 200

Albuquerque, NM 87109 USA

gotSPACEUSA.com

Direct +1 505 338 9873

Mobile +1 505 604 8766

Main +1 505 878 0001

Fax +1 505 878 0002

Broker's Transaction Coordinator:

Tim May

timothy@gotSPACEUSA.com

NAI Maestas & Ward



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

From: [Steve Coe](#)
To: [Wolfley, Jolene](#); [Aranda, James M.](#); [Renz-Whitmore, Mikaela J.](#); [Barkhurst, Kathryn Carrie](#); [Lehner, Catalina L.](#); [Morris, Petra](#); [Schultz, Shanna M.](#); [Borrego, Cynthia D.](#)
Subject: IDO Changes
Date: Monday, February 01, 2021 11:18:45 AM

External

To: **Brennon Williams**, City of ABQ Planning Department Director

I am strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are concerns about this proposed amendment.

1. The Development Review Board or DRB is a technical board, made up of City technical staff, established as an efficient way to have all technical staff who **review applications for compliance with City regulations** at the review meeting(s) with the project applicant.
2. The City Council, with Bill R-2019-035, addressed this issue and changed the IDO to make it clear that **the DRB was not a discretionary body but a technical review board to ensure that the IDO and DPM regulations are being followed.**
3. The City Council noted that **IF** the DRB is considered a discretionary body and subject to quasi-judicial standards, it will make things more difficult for applicants, neighbors, and DRB members themselves if they cannot communicate with people outside of DRB meetings.
4. This amendment would turn the DRB into another discretionary body, similar to the EPC.
5. Different from the EPC, however, the DRB members are all City staff and not unpaid citizens appointed by the Mayor and approved by the City Council.
6. **The IDO created a level playing field for all projects and purposely directed most project reviews to the DRB** rather than the EPC unless a zone change or a variance is required.
7. If the DRB becomes a mini-EPC, then this level playing field does not exist.
8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states **“Provide for the efficient administration of City land use and development regulations.”.**
9. This issue is of real concern to both NAIOP and the development industry at-large because **this amendment essentially eliminates predictability** from the development process.

Steven Coe
Coe Properties Inc.

Coe and Peterson, LLC

=====

This message has been analyzed by Deep Discovery Email Inspector.

From: [Olson, Erik @ Albuquerque](#)
To: [Williams, Brennan](#)
Cc: [Wolfley, Jolene](#); [Aranda, James M.](#); [Renz-Whitmore, Mikaela J.](#); [Barkhurst, Kathryn Carrie](#); [Lehner, Catalina L.](#); [Morris, Petra](#); [Schultz, Shanna M.](#); [Borrego, Cynthia D.](#)
Subject: IDO potential Change
Date: Wednesday, January 27, 2021 2:00:19 PM

External

Dear Brennan,

I am strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are concerns about this proposed amendment.

The Development Review Board or DRB is a technical board, made up of City technical staff, established as an efficient way to have all technical staff who review applications for compliance with City regulations at the review meeting(s) with the project applicant. The City Council, with Bill R-2019-035, addressed this issue and changed the IDO to make it clear that the DRB was not a discretionary body but a technical review board to ensure that the IDO and DPM regulations are being followed.

Moreover, the City Council noted that IF the DRB is considered a discretionary body and subject to quasi-judicial standards, it will make things more difficult for applicants, neighbors, and DRB members themselves if they cannot communicate with people outside of DRB meetings.

My fear is that this amendment would turn the DRB into another discretionary body, similar to the EPC.

The IDO was created to have a level playing field for all projects and purposely directed most project reviews to the DRB rather than the EPC unless a zone change or a variance is required and if the DRB becomes a mini-EPC, then this level playing field does not exist.

Finally, one of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states “Provide for the efficient administration of City land use and development regulations.”.

Sincerely,

Investment Properties | Multifamily

CBRE | Capital Markets

6100 Uptown Boulevard NE, Suite 300 | Albuquerque, NM 87110

T 505.837.4941 | F 505.837.4994 | C 505.463.7708

erik.olson@cbre.com | www.cbre.com/erik.olson

-

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

From: [Derek O. Mitchell](#)
To: [Williams, Brennon](#)
Cc: [Wolfley, Jolene](#); [Aranda, James M.](#); [Renz-Whitmore, Mikaela J.](#); [Barkhurst, Kathryn Carrie](#); [Lehner, Catalina L.](#); [Morris, Petra](#); [Schultz, Shanna M.](#); [Borrego, Cynthia D.](#)
Subject: IDO
Date: Monday, February 01, 2021 11:13:32 AM
Attachments: [image001.png](#)

External

Brennon Williams, City of ABQ Planning Department Director:

I am strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are concerns about this proposed amendment.

1. The Development Review Board or DRB is a technical board, made up of City technical staff, established as an efficient way to have all technical staff who **review applications for compliance with City regulations** at the review meeting(s) with the project applicant.
2. The City Council, with Bill R-2019-035, addressed this issue and changed the IDO to make it clear that **the DRB was not a discretionary body but a technical review board to ensure that the IDO and DPM regulations are being followed.**
3. The City Council noted that **IF** the DRB is considered a discretionary body and subject to quasi-judicial standards, it will make things more difficult for applicants, neighbors, and DRB members themselves if they cannot communicate with people outside of DRB meetings.
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5. Different from the EPC, however, the DRB members are all City staff and not unpaid citizens appointed by the Mayor and approved by the City Council.
6. **The IDO created a level playing field for all projects and purposely directed most project reviews to the DRB** rather than the EPC unless a zone change or a variance is required.
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8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states **“Provide for the efficient administration of City land use and development regulations.”**
9. This issue is of real concern to both NAIOP and the development industry at-large because **this amendment essentially eliminates predictability** from the development

process.

Derek O. Mitchell
Roger Cox & Associates Real Estate Brokerage, LLC
1717 Louisiana Blvd. NE, Suite 111
Albuquerque, NM 87110
(505) 268-2800 Office
(505) 254-2305 Direct
(505) 353-2055 Mobile
(505) 260-2179 Fax
[Email: derek@roger-cox.com](mailto:derek@roger-cox.com)



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

To: **Brennon Williams**, City of ABQ Planning Department Director
From: Concerned Commercial Real Estate Broker

I am strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are concerns about this proposed amendment.

1. The Development Review Board or DRB is a technical board, made up of City technical staff and was established as an efficient way to have all technical staff who **review applications for compliance with City regulations** at the review meeting(s) with the project applicant.
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8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states **“Provide for the efficient administration of City land use and development regulations.”**.
9. This issue is of real concern to both NAIOP and the development industry at-large in that **this amendment essentially eliminates predictability** from the development process.

Barkhurst, Kathryn Carrie

From: Mike Leach <mdl@swcp.com>
Sent: Monday, February 1, 2021 3:55 PM
To: bwilliams@cabq.gov; Aranda, James M.; Renz-Whitmore, Mikaela J.; kcbarkurst@cabq.gov; Lehner, Catalina L.; Morris, Petra; Schultz, Shanna M.
Cc: Borrego, Cynthia D.
Subject: IDO/DRB
Attachments: Letter-of-Concern.pdf

External

I have attached our association letter regarding changes to the DRB. I was one of the supporters of the IDO from CARNM who was involved with getting behind it for approval. The whole IDO is getting to a point where it is becoming worse then what we had before with over lapping Sector Plans. The purpose of the IDO was all parties could now have rules we all lived by versus arbitrary decisions. I have to say that I am very much disappointed with the whole outcome of the IDO. If I had known what it has become our association and the overall business community would not have supported the IDO.

Thank you for your time in considering our opinion.

Mike Leach, SIOR

SYCAMORE ASSOCIATES LLC

Industrial & Commercial Real Estate

Michael D. Leach, Licensed NM Real Estate Broker, License 7070

Mailing address:

PO Box 90608

Albuquerque, NM 87199-0608

Physical address:

8300-D Jefferson NE

Albuquerque NM 87113-1734

Phone - 505.345-5075 Fax - 505.345-5059

E-mail - mdl@sycamore-associates.com



This email has been checked for viruses by Avast antivirus software.

www.avast.com

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

To: **Brennon Williams**, City of ABQ Planning Department Director
From: Concerned Commercial Real Estate Broker

I am strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are concerns about this proposed amendment.

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2. The City Council, with bill R-2019-035, addressed this issue and changed the IDO to make it clear that **the DRB was not a discretionary body but a technical review board to ensure that the IDO and DPM regulations are being followed.**
3. The City Council noted that **IF** the DRB is considered a discretionary body and subject to quasi-judicial standards, it will make things more difficult for applicants, neighbors, and DRB members themselves if they cannot communicate with people outside of DRB meetings.
4. This amendment would turn the DRB into another discretionary body, similar to the EPC.
5. Different from the EPC, however, the DRB members are all City staff and not unpaid citizens appointed by the Mayor and approved by the City Council.
6. **The IDO created a level playing field for all projects and purposely directed most project reviews to the DRB** rather than the EPC unless a zone changes or a variance is required.
7. If the DRB becomes a mini-EPC, then this level playing field does not exist.
8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states **“Provide for the efficient administration of City land use and development regulations.”**.
9. This issue is of real concern to both NAIOP and the development industry at-large in that **this amendment essentially eliminates predictability** from the development process.



January 25, 2021

Dear Mr. Williams,

DR Horton opposes proposed changes to the Development Review Board (DVB), amendment 6-6(1)(3) to the Review and Decision criteria. The purpose of the DRB was meant to streamline efficiency by allowing technical staff to review projects all at one time allowing for technical review and ensuring compliance with the Integrated Development Ordinance (IDO) and other regulatory compliance issues.

The City Council addressed this issue stating that the DRB was not a discretionary body but in fact, a technical review board. The DRB is a board made up of city technical staff and not citizens or third-party arbiters. This amendment would in fact make the DRB a discretionary body, now subject to quasi-judicial standards. This would make communication and process difficult.

The Environment Planning Commission (EPC) is responsible for project reviews, having the authority to decide on projects along with the city council. This amendment would create additional discretionary powers for city staff that do not currently exist for reasons of objectivity and balance, allowing for EPC and City Council approval.

This amendment goes against the principles of the IDO that states; "to provide for the efficient administration of city land use and development." For us, it stifles the development process and does not allow for objectivity or equity in the process. Allowing this change, would only create unpredictability for the private sector and complete subjective power to the city staff. There are already provisions in place in the IDO for protections for neighborhoods and the pre-application process already allows for meetings and reviews with city staff prior to finalizing any proposed site plan.

This amendment goes against the intention of the IDO; DR Horton does not support this amendment and respectfully asks that you do not accept or approve this amendment.

Sincerely,

A handwritten signature in black ink that reads "Brent Lesley". The signature is stylized with a large, sweeping "B" and a long, horizontal stroke at the end.

Brent Lesley

Land Manager



January 25, 2021

Dear Mr. Williams,

DR Horton opposes proposed changes to the Development Review Board (DVB), amendment 6-6(1)(3) to the Review and Decision criteria. The purpose of the DRB was meant to streamline efficiency by allowing technical staff to review projects all at one time allowing for technical review and ensuring compliance with the Integrated Development Ordinance (IDO) and other regulatory compliance issues.

The City Council addressed this issue stating that the DRB was not a discretionary body but in fact, a technical review board. The DRB is a board made up of city technical staff and not citizens or third-party arbiters. This amendment would in fact make the DRB a discretionary body, now subject to quasi-judicial standards. This would make communication and process difficult.

The Environment Planning Commission (EPC) is responsible for project reviews, having the authority to decide on projects along with the city council. This amendment would create additional discretionary powers for city staff that do not currently exist for reasons of objectivity and balance, allowing for EPC and City Council approval.

This amendment goes against the principles of the IDO that states; "to provide for the efficient administration of city land use and development." For us, it stifles the development process and does not allow for objectivity or equity in the process. Allowing this change, would only create unpredictability for the private sector and complete subjective power to the city staff. There are already provisions in place in the IDO for protections for neighborhoods and the pre-application process already allows for meetings and reviews with city staff prior to finalizing any proposed site plan.

This amendment goes against the intention of the IDO; DR Horton does not support this amendment and respectfully asks that you do not accept or approve this amendment.

Sincerely,

A handwritten signature in black ink that reads "Brent Lesley". The signature is stylized with a large, sweeping "B" and a long, horizontal stroke at the end.

Brent Lesley

Land Manager

Barkhurst, Kathryn Carrie

From: Brian McCarthy <brian@abrazohomes.com>
Sent: Tuesday, January 26, 2021 5:38 PM
To: Williams, Brennan
Cc: lynne@naiopnm.org; John Gallegos; Wolfley, Jolene; Aranda, James M.; Renz-Whitmore, Mikaela J.; Barkhurst, Kathryn Carrie; Lehner, Catalina L.; Morris, Petra; Schultz, Shanna M.; Borrego, Cynthia D.
Subject: Proposed IDO change: DRB is a technical board

Follow Up Flag: Follow up
Flag Status: Flagged

External

Dear Mr. Williams, Councilor Borrego and esteemed staff,

I write you this email this evening to let you know that I am strongly opposed to the proposed amendment to the IDO which would make the DRB a quasi-judicial board.

The DRB - by design - is a technical review board and designed to provide applicants with tangible technical feedback and compliance guidelines for their projects. This process is designed to facilitate technical responses to ensure we get better projects that comply with the IDO and the DPM. This amendment would undeniably bring approved applications in the City of Albuquerque to a screeching halt - forcing our City's finest technical experts to swim through bureaucracy and compliance as they'll face countless hurdles related to the Open Meetings Act.

As a developer with an open application ('Overlook at Oxbow' - now approaching 3 years old, with almost \$500k invested and no approval), I can tell you that we don't have any more time, money or complexity to spare. I fear that this change would effectively kill development, re-development, in-fill development, economic development, and small businesses in our great city.

I am from here as are my wife and 5 children. I employ 35 employees at Abrazo Homes and 300+ when you factor in our subcontractors. We all love living here and hope that we can continue to put projects in front of us that add to the beautiful fabric of Albuquerque, while abiding to a set of clear and objective criteria. I humbly ask that the DRB remain a technical review board and I compliment the members of your staff who have competently and dutifully served in these roles.

Best Regards,

Brian

--

Brian McCarthy
Owner - Abrazo Homes
(505) 991-0252
www.abrazohomes.com

=====

This message has been analyzed by Deep Discovery Email Inspector.

January 22, 2021

To: **Brennon Williams**, City of ABQ Planning Department Director
From: Lynne Andersen, President, NAIOP Commercial Real Estate Development Association

NAIOP Commercial Real Estate Development Association is strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are our concerns about this proposed amendment.

1. The Development Review Board or DRB is a technical board, made up of City technical staff and was established as an efficient way to have all technical staff who **review applications for compliance with City regulations** at the review meeting(s) with the project applicant.
2. The City Council, with bill R-2019-035, addressed this issue and changed the IDO to make it clear that **the DRB was not a discretionary body but a technical review board to ensure that the IDO and DPM regulations are being followed.**
3. The City Council noted that **IF** the DRB is considered a discretionary body and subject to quasi-judicial standards, it will make things more difficult for applicants, neighbors, and DRB members themselves if they cannot communicate with people outside of DRB meetings.
4. This amendment would turn the DRB into another discretionary body, similar to the EPC.
5. Different from the EPC, however, the DRB members are all City staff and not unpaid citizens appointed by the Mayor and approved by the City Council.
6. **The IDO created a level playing field for all projects and purposely directed most project reviews to the DRB rather than the EPC unless a zone change or a variance is required.**
7. If the DRB becomes a mini-EPC, then this level playing field does not exist.
8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states **“Provide for the efficient administration of City land use and development regulations.”**

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Allen Sigmon RE Group

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Ryan Garcia
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Hannah Feil Greenhood
Dekker|Perich|Sabatini

Jennifer Greenwood
Stewart Title Company

Adam Harper
OE Energy

Irwin Harms
Sun Vista Enterprises

Mary Homan
NM Gas Company

Jordan Herrington
Bank of Albuquerque

Matt Look
Garrett Development Corporation

Bobbi Kay Nelson
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Brian Patterson
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Darin Sand
Goodman Real Estate

David Shaffer
AIC General Contractors

David Silverman
Geltmore LLC

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Karl Smith
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Enterprise Bank

Bruce Stidworthy
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C&S Real Estate & Development LLC

Angela Williamson
Modulus Architects



COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION

NEW MEXICO CHAPTER

9. This issue is of real concern to both NAIOP and the development industry at-large in that **this amendment essentially eliminates predictability** from the development process.

Sincerely

A handwritten signature in dark ink, appearing to read "Lynne Andersen".

Lynne Andersen, NAIOP President

CC:

Jolene Wolfley, City of ABQ Associate Planning Dept. Director

James Aranda, City of ABQ Deputy Planning Dept. Director

Mikaela Renz-Whitmore, City of ABQ Planning Dept. Long Range Manager,
Urban Design & Development Division

Carrie Barkhurst, City of ABQ Planning Dept. Senior Planner

Catalina Lehner, City of ABQ Planning Dept. Senior Planner

Petra Morris, City of ABQ Council Services Planning Manager

Shanna Schultz, City of ABQ Council Services Policy Manager

Cynthia Borrego, City of Albuquerque City Councilor, District 5

January 27, 2021

Re: Proposed 2021 IDO Amendments – Development Review Board Review and Decision Criteria

Brennon Williams
Planning Director
City of Albuquerque – Planning Department
600 2nd St NW, 3rd Floor
Albuquerque, NM 87102

Dear Mr. Williams, Planning Department Staff, and City Council Staff:

The purpose of this letter is to summarize our concerns related to the proposed Amendment to the Review and Decision Criteria by the DRB. The Text Amendment on Page 445 states the following:

“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; landscaping spacing, plant density, or alternative plantings.” This Amendment 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.

For the following reasons, this Amendment should be removed from consideration:

1. 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.
2. The intent of the IDO is to bring more projects straight to the Development Review Board if the subject project did not require a zone change or variance. This allows for a smoother and more standard entitlement process.
3. The intent of the IDO is not only to regulate use, but to provide design standards for development that protect the City and neighborhoods from errant development practices. The DRB does not need to have authority on these matters, as the IDO already covers these standards.
4. Allowing for discretionary input by the Development Review Board will continue to snowball through the upcoming years and will ultimately allow for full discretionary authority by a technical board. This directly goes against the intent of the IDO and is simply moving backwards.

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.

Thank you,



Josh Rogers

CC: Carrie Barkhurst, City of Albuquerque
Jolene Wolfley, City of Albuquerque
Mikaela Renz-Whitmore, City of Albuquerque
James Aranda, City of Albuquerque
Petra Morris, City of Albuquerque
Shanna Schultz, City of Albuquerque
Councilor Cynthia Borrego, City of Albuquerque

Barkhurst, Kathryn Carrie

From: Bob Prewitt <prewitt@swcp.com>
Sent: Wednesday, February 3, 2021 2:56 PM
To: Williams, Brennon; Barkhurst, Kathryn Carrie
Subject: IDO amendment regarding DRB

External

I am in the residential development business and have developed several communities in our City. I want to let you know that I think turning the DRB into another EPC is a bad idea. The DRB is a good idea: it puts all the City technical staff together with applicants in a forum where all technical items regarding an application can be reviewed for compliance. Discretionary decisions and quasi-judicial processes are handled by the EPC, an appointed commission who members are not City employees. The staff's job is to make sure EPC decisions and city codes are properly reflected in an applicants development plans.

Bob Prewitt
(505) 345-2694 Albuquerque office
(505) 388-2902 Los Lunas office
(505) 604-5844 Cell

=====

This message has been analyzed by Deep Discovery Email Inspector.

From: [Joe Azar](#)
To: [Williams, Brennan](#); [Borrego, Cynthia D.](#)
Cc: jwolfley@cabq.gov; [Aranda, James M.](#); [Renz-Whitmore, Mikaela J.](#); [Barkhurst, Kathryn Carrie](#); [Lehner, Catalina L.](#); [Schultz, Shanna M.](#); [Morris, Petra](#)
Subject: Real Estate Developer and Commercial Realtor
Date: Wednesday, January 27, 2021 6:29:32 PM

External

To: **Brennon Williams**, City of ABQ Planning Department Director

Mr. Brennan,

Developing real estate in Albuquerque is already difficult enough. I am building eight luxury townhomes on the NE corner of Fourth St. and Sandia Rd. and it took me over a year and 7 variances to get my project approved; even though it had unanimous neighborhood approval.

I am strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are concerns about this proposed amendment.

1. The Development Review Board or DRB is a technical board, made up of City technical staff, established as an efficient way to have all technical staff who **review applications for compliance with City regulations** at the review meeting(s) with the project applicant.
2. The City Council, with Bill R-2019-035, addressed this issue and changed the IDO to make it clear that **the DRB was not a discretionary body but a technical review board to ensure that the IDO and DPM regulations are being followed.**
3. The City Council noted that **IF** the DRB is considered a discretionary body and subject to quasi-judicial standards, it will make things more difficult for applicants, neighbors, and DRB members themselves if they cannot communicate with people outside of DRB meetings.
4. This amendment would turn the DRB into another discretionary body, similar to the EPC.
5. Different from the EPC, however, the DRB members are all City staff and not unpaid citizens appointed by the Mayor and approved by the City Council.
6. **The IDO created a level playing field for all projects and purposely directed most project reviews to the DRB** rather than the EPC unless a zone change or a variance is required.
7. If the DRB becomes a mini-EPC, then this level playing field does not exist.
8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H)

states **"Provide for the efficient administration of City land use and development regulations."**

9. This issue is of real concern to both NAIOP and the development industry at-large because **this amendment essentially eliminates predictability** from the development process.

Thanks, Joe

Joseph Azar, [CCIM](#)
Metro Commercial Realty
8232 Louisiana Blvd. NE, Suite C
Albuquerque, NM 87113
505-858-1444 Office
505-980-1950 Cell
505-858-1448 Fax
joe@mcrnm.com

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

Barkhurst, Kathryn Carrie

From: STEPHANIE worthington <fullservicerealty@comcast.net>
Sent: Monday, February 1, 2021 11:41 AM
To: Wolfley, Jolene; Aranda, James M.; Renz-Whitmore, Mikaela J.; Barkhurst, Kathryn Carrie; Lehner, Catalina L.; Morris, Petra
Subject: Changes to IDO review

External

The last thing Albuquerque needs is changes to the IDO and the addition of lengthy review processes. They open the door to both political interference, and to fraud and cronyism.

You made a set of rules. Stick by them. If there are problems, amend the rules. But don't add layers of uncertainty. That's what the IDO was supposed to prevent.

best regards

Victor Wuamett

Oasis Productions LLC

505 301-7542

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This message has been analyzed by Deep Discovery Email Inspector.

Barkhurst, Kathryn Carrie

From: Kevin Yearout <kyearout@yearout.com>
Sent: Tuesday, January 26, 2021 12:46 PM
To: Williams, Brennon
Cc: Wolfley, Jolene; Aranda, James M.; Renz-Whitmore, Mikaela J.; Barkhurst, Kathryn Carrie; Lehner, Catalina L.; Morris, Petra; Schultz, Shanna M.; Borrego, Cynthia D.; Phil Campagna; Kevin Yearout
Subject: Yearout Mechanical Concerns and Opposition to the amendment to Section 6-6(1)(3) of the DRB

Follow Up Flag: Follow up
Flag Status: Flagged

External

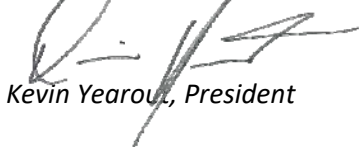
Dear Mr. Williams:

Yearout Mechanical, LLC is strongly opposed to the amendment to Section 6-6(1)(3) of the Development Review Board (DRB) - Review and Decision Criteria. Below are our concerns about this proposed amendment.

1. The Development Review Board or DRB is a technical board, made up of City technical staff and was established as an efficient way to have all technical staff who **review applications for compliance with City regulations** at the review meeting(s) with the project applicant.
2. The City Council, with bill R-2019-035, addressed this issue and changed the IDO to make it clear that **the DRB was not a discretionary body but a technical review board to ensure that the IDO and DPM regulations are being followed.**
3. The City Council noted that **IF** the DRB is considered a discretionary body and subject to quasi-judicial standards, it will make things more difficult for applicants, neighbors, and DRB members themselves if they cannot communicate with people outside of DRB meetings.
4. This amendment would turn the DRB into another discretionary body, similar to the EPC.
5. Different from the EPC, however, the DRB members are all City staff and not unpaid citizens appointed by the Mayor and approved by the City Council.
6. **The IDO created a level playing field for all projects and purposely directed most project reviews to the DRB rather than the EPC unless a zone change or a variance is required.**
7. If the DRB becomes a mini-EPC, then this level playing field does not exist.
8. One of the purpose statements in the IDO seems to be particularly relevant – 1-3(H) states **“Provide for the efficient administration of City land use and development regulations.”.**
9. This issue is of real concern to Yearout and the development industry at-large in that **this amendment essentially eliminates predictability** from the development process.

Sincerely,

Yearout Mechanical, LLC



Kevin Yearout, President

CC:

Jolene Wolfley, City of ABQ Associate Planning Dept. Director

James Aranda, City of ABQ Deputy Planning Dept. Director

Mikaela Renz-Whitmore, City of ABQ Planning Dept. Long Range Manager, Urban Design & Development Division

Carrie Barkhurst, City of ABQ Planning Dept. Senior Planner

Catalina Lehner, City of ABQ Planning Dept. Senior Planner

Petra Morris, City of ABQ Council Services Planning Manager
Shanna Schultz, City of ABQ Council Services Policy Manager
Cynthia Borrego, City of Albuquerque City Councilor, District 5

Kevin Yearout
President
Yearout Mechanical, LLC
8501 Washington St. NE
Albuquerque, New Mexico 87113
505.884.0994

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

COMMENTS

received prior to January 19, 2021

and provided to the EPC for the January 21, 2021 Hearing



PNM 48-hour Responses to Staff Comments

2020 IDO Annual Update

Environmental Planning Commission

Project #2018-001843

In response to the January 21, 2021 Staff report:

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.

Response

Because the National Electrical Safety Code (NESC) is required by New Mexico state law, PNM wants to ensure that Planning staff and Applicants are aware of its applicability in situations where development is proposed in close proximity to existing electric lines, poles, and structures.

Either through reference in the IDO and/or via updated administrative checklists, early coordination, review, and input from the public electric utility company will make for a safer and more sustainable built environment. But, having the reference codified in the IDO ensures that it is not “missed” or “overlooked” as Administrations and Planning staff change and turn over.

PNM Amendments 2 and 4

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. +]

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). +]

Response

PNM originally suggested language in January 5, 2021 agency comments for a new 1-8(E) that generally referenced “a City-adopted Rank 2 Facility Plan” instead of just the Facility Plan: Electric System Transmission & Generation (Facility Plan), in order to accommodate any other Rank 2 Facility Plan that may have regulatory standards and processes. In a follow-up meeting, Planning staff expressed concern that the originally suggested language was too broad, and that PNM should narrow the requested reference to just the Facility Plan: Electric System Transmission & Generation (Facility Plan). PNM made the requested adjustments in its agency comments that are in the record.

As stated in PNM’s agency comments, the City Council did not rescind nor incorporate this Facility Plan 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. But, as mentioned in the Planning staff report, the language of IDO Section 1-8(D) now requires the Zoning Enforcement Officer (ZEO) to determine on a case-by-case basis which conflicting provision(s) is/are more restrictive.

For example, this Facility Plan includes landscape design standards for substations with some that are more restrictive and some that are less restrictive than what is in IDO Section 5-6, such as the requirement for shade trees in locations where they can conflict with electric power lines and poles and potentially providing an unnecessary security risk by becoming a way for trespassers to scale a tall perimeter wall. This also becomes an issue for enforcement purposes where the ZEO will have to provide a determination about each standard’s relative restrictiveness for documentation on a landscape plan that could be confusing for Code Enforcement staff.

Even when this Facility Plan is updated in the very near future on its ten-year cycle, there may be a conflict between its updated standards and the IDO, which goes through an annual update every year. The ZEO may then have to constantly make determinations/redeterminations about the relative restrictiveness of conflicting regulations. This is counter to and not consistent with IDO Purpose sections 1-3(B), 1-3(C), and 1-3(H).

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 greatly appreciates the opportunity to provide these 48-hour comments 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



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

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
Lee Gamelsky Architects P.C.
2412 Miles Rd. SE
Albuquerque, NM 87106
505.842.8865
lee@lganm.com
www.lganm.com

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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
PO Box 12962 Alb., NM 87195
300 Adams St. SE
Albuquerque, NM 87102

(505) 242 9800

www.aiaabq.org

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

505.842.8865

lee@lganm.com

Nitish Suvarna AIA, NCARB, LEED AP BD+C

505.830.0203

nsuvarna@dm-architects.com

The American Institute of Architects

AIA Albuquerque
PO Box 12962 Alb., NM 87195
300 Adams St. SE
Albuquerque, NM BTIOB T

(505) 242 9800

www.aiaabq.org

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.

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

Façades 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.

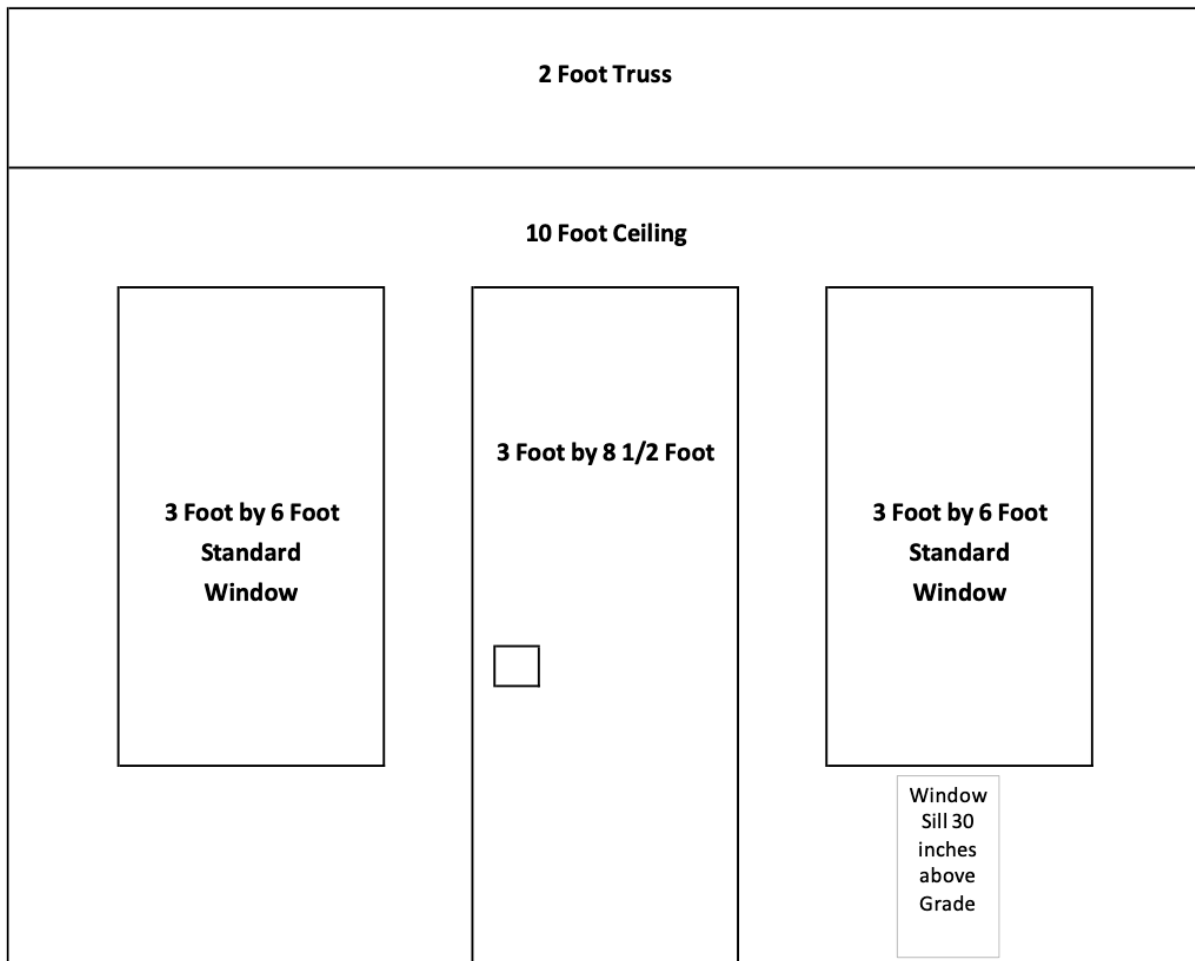
1. The façade shall have at least one recessed or projecting element of 2 feet in dimension for every 30 feet of facade length.

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

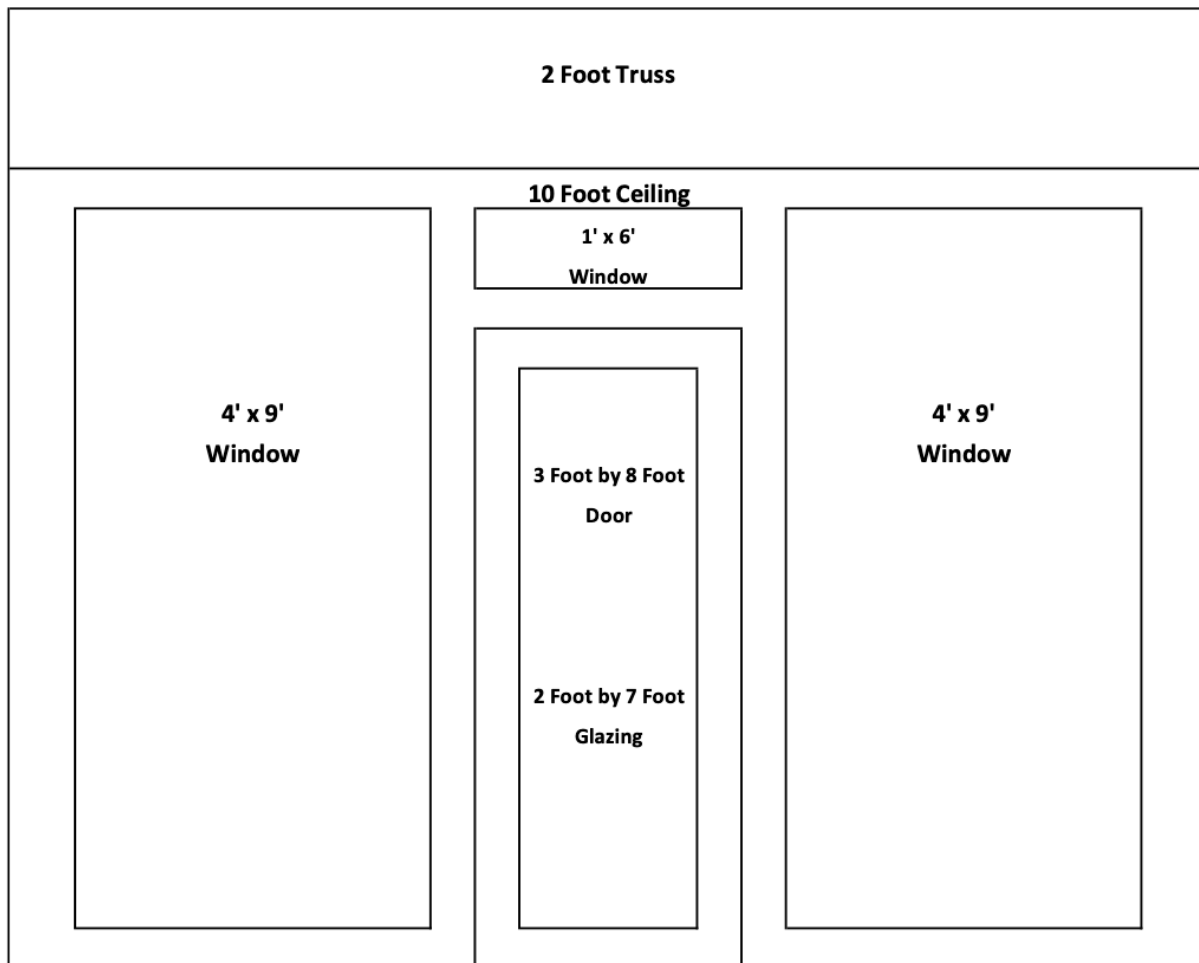
13.5' Width x 12' Height = 162 Sqft Front

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', with a stylized flourish at the end.

Rahim Kassam
Managing Partner
Nob Hill NBRHD, LLC

Barkhurst, Kathryn Carrie

From: Renz-Whitmore, Mikaela J.
Sent: Tuesday, January 19, 2021 4:29 PM
To: Barkhurst, Kathryn Carrie
Subject: FW: Community Residential Facilities per Council District

Follow Up Flag: Follow up
Flag Status: Flagged

Please add this to the EPC record.

Thanks,



MIKAELA RENZ-WHITMORE

(she/hers)

o 505.924.3932

e mrenz@cabq.gov

From: Peggy Neff <peggyd333@yahoo.com>
Sent: Monday, January 18, 2021 4:26 PM
To: Schultz, Shanna M. <smschultz@cabq.gov>
Cc: Erica Vasquez <ericamvas@gmail.com>; Dan Regan <dlreganabq@gmail.com>; Rene' Horvath <aboard111@gmail.com>; Athena Christodoulou <athenaachris1@gmail.com>; Michael Pridham <michael@drpridham.com>; Loretta Naranjo Lopez <lnjalopez@msn.com>; Emillio, Dawn Marie <dawnmarie@cabq.gov>; Bassan, Brook <bbassan@cabq.gov>; Elizabeth Kay Haley <ekhaley@comcast.net>; Robyn Romero <pingpong053@gmail.com>; Marty S. <martyssturgis@gmail.com>; avanaman@comcast.net; mscottc87111@yahoo.com; Bill Pnm <ebpp.outbound@pnmresources.com>; anitabeach2@yahoo.com; Patrick Oconnell <partnerwithcourtenay@gmail.com>; John Ingram <ingram1ja@gmail.com>; Kathy Adams <kadamscairo@yahoo.com>; KAREN BAEHR <klbaehr@msn.com>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Subject: Re: Community Residential Facilities per Council District

External

Hi Shanna,

Thanks for the follow up regarding Community Residential Facilities and appropriate amendments to the current ordinances governing such.

This one got a bit of dialog going between my neighbors. We would like to accept the proposed amendments, but we would like to see an additional amendment be added back into the section to help protect residential areas.

The background on this includes a situation of poor management at a few Community Residential Facilities in WLCNA. We had identified 7 (7 of the 16 in District 4 in our NA!) within a two mile radius. An additional site was proposed - a fourth site across from already established multiple Community Residential sites that sit side by side at the end of a street, around the corner from known drug dealers in a mobile home community.. We had had numerous, documented, transgressions by the site management and we protested the establishment of a new site nearby.

We were successful, but we learned quite a bit regarding the issues of discrimination and shared knowledge of these mostly worthy operations. However if it were not for this limitation regarding the distancing of these sites from one another, we likely would not have been able to use any arguments to oppose the creation of a fourth site. So getting rid of this protection for neighborhoods resonates for our community.

We would like you all to consider an additional amendment to this type of site permit in residential areas that doesn't focus on the nature of the resident, but the commercial aspect of the operations. We believe that if run well, a neighborhood prospers from these facilities embedded across our areas. However, when they are co-located in multiple numbers there are problems that can occur in the management these commercial endeavors. Giving the neighborhood the opportunity to voice their concerns and echo any standing problems of mismanagement that are documented at the sites, prior to the approval of an additional site in close proximity to where several sites already exist, will help protect neighborhoods.

What we witnessed was that the commercial nature of the sites weakened the capacity to be good neighbors. Between the sites, staffing was compromised as those responsible would be given oversight for multiple sites (an impossible task), necessary parking was increased along the residential streets, more policing was necessary as oversight was compromised for profits, on sight medical and emergency services were much more frequent than in a normal residential setting.

It occurred to us in dialog about how to best forward the need to protect communities from these businesses was that an analysis could be required for proposed sites that are near to existing facilities. This would be to determine if this grouping of homes presents a basic abuse to the residential nature of our community - fundamentally changing the context of a residential area to a commercial area. So, we have drafted an amendment, we know it needs work, but it approaches the need to continue to protect communities with any amendments that are put forward. Please send your feedback.

Ref: Page 155, 4-3(B)(8) after deleting subsections (c) and (d) add back a new subsection (c) and

Amend to add "Where multiple Community Residential Facility sites exist and an additional site(s) is (are) proposed within 1,500 ft of the existing two or more sites, there exists the likelihood that the creation of a new Community Residential Facility(s) will fundamentally change the nature of the area where the sites exist from residential to commercial. In this case, an analysis will be completed by the planning department in collaboration with the NA and agent of the proposed new Community Residential Facility to ascertain if the zoned area is correct for this increase of commercial density. The analysis will include projected increases in parking needs, institutional activity, policing, medical and emergency services and other measurable commercial activities as appropriate."

Looking forward to hearing your recommended next steps on this one.

Kind regards,

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903

On Tuesday, January 5, 2021, 08:48:13 AM MST, Schultz, Shanna M. <smschultz@cabq.gov> wrote:

Hi Peggy,

During our meeting a couple of weeks back you asked for how many Community Residential Facilities (CRFs) are in each Council District. I reached out to the Planning Department and got that information for you. Here's what they provided me:

Council District	CRFs
1	6
2	8
3	1
4	0
5	7
6	16
7	23
8	12
9	10

If you have further questions about these particular numbers, please reach out to Angelo Metzgar, the Code Compliance Manager who oversees the division in the Planning Department responsible for tracking this data - ametzgar@cabq.gov. If you have further questions about the Council amendment related to CRFs, please reach out to me or Petra.

Thank you,
Shanna



Shanna Schultz, MPA, MCRP
Council Senior Planner
Albuquerque City Council
505.768.3185
smschultz@cabq.gov

=====

This message has been analyzed by Deep Discovery Email Inspector.

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 line extending to the right.

Josh Rogers
Vice President of Development

Cc: Mikaela Renz-Whitmore, Planning Department
Petra Morris, City Council
Shanna Schultz, City Council

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