



**Environmental
Planning
Commission**

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

Staff Report

Applicant City of Albuquerque Planning Department

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

Location City-wide

Staff Recommendation

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

Staff Planners

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Summary of Analysis

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

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

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

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

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I. INTRODUCTION

Background

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

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

Request

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

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

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

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

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

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

Applicability

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

Environmental Planning Commission (EPC) Role

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

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

Charter of the City of Albuquerque

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

Article I, Incorporation and Powers

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

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

Article IX, Environmental Protection

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

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

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

Article XVII, Planning

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

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

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

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

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

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

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

Chapter 4: Community Identity

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

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

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

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

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

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

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

Chapter 5: Land Use

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 7: Urban Design

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 8: Economic Development

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

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

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

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

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

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

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

Chapter 9: Housing

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

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

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

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

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

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

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

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

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

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

Chapter 11: Heritage Conservation

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

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

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

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

IV. KEY ISSUES & DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit - Subsection 14-16-5-5 Parking

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Memo – Open Space Advisory Board/Open Space Staff – November 23, 2021

Subsection 14-16-5-6(C)(4) and Subsection 14-16-5-2(C)(3)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 8.2.1 Local Business: Emphasize local business development.

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

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

The amendment conflicts with the following Comprehensive Plan policies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed amendment conflicts with the following Comprehensive Plan policies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment furthers the following Comprehensive Plan policies:

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

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

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

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

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

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

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

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

The amendment conflicts with the following Comprehensive Plan policies:

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

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

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

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

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

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

The amendment furthers the following Comprehensive Plan policies:

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

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

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

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

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

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

The amendment conflicts with the following Comprehensive Plan policies:

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

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

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

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

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

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

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

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

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

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

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

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

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

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

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

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

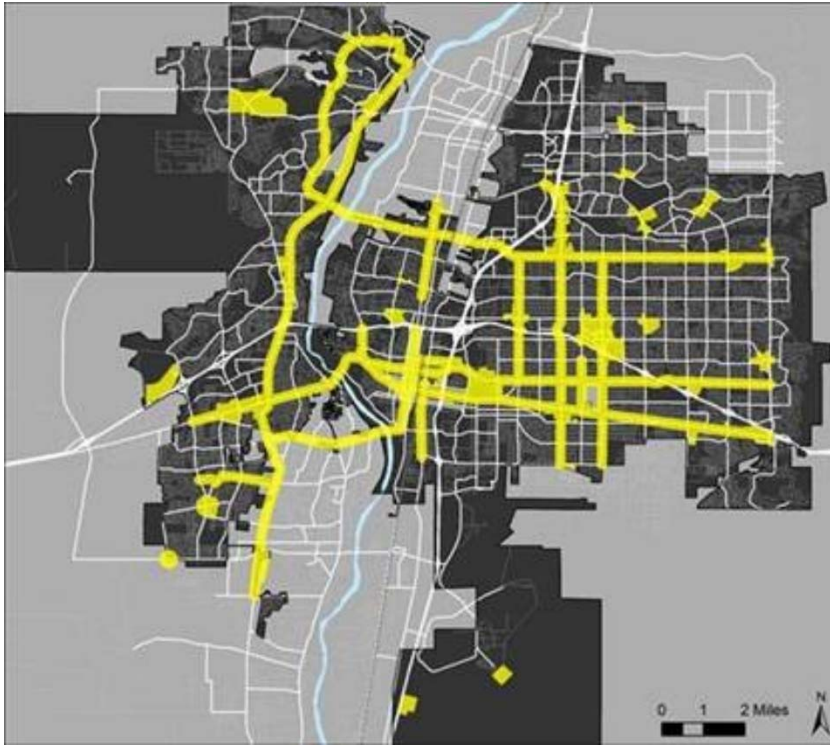


Figure 1: UC-AC-MS-PT-MT areas + MX-H properties

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 5-5-1 Off-street Parking Requirements – Outdoor Dining Incentives

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 8.2.1 Local Business: Emphasize local business development.

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

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

The amendment conflicts with the following Comprehensive Plan policies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Changes Proposed Since Application Submittal

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

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

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

V. PUBLIC OUTREACH

Meetings and Presentations

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

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

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

VI. NOTICE

Required Notice for the EPC Hearing

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

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

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

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

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

Additional Notice Provided

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

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

VII. AGENCY & NEIGHBORHOOD COMMENTS

Reviewing Agencies

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

PNM

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

1. 1-7(A) GENERAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NM Department of Health (NMDOH)

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

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

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

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

Cannabis-infused Products Manufacturing

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

ABQ Ride

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

Planning Department

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

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

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

Neighborhood/Public

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5-11 - Window glazing

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

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

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

Transparent Window or Door

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

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

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

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

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

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

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

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

Section 5-12, Temporary Signs

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

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

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

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

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

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

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

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

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

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

VIII. CONCLUSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Article IX, Environmental Protection. The proposed City-wide text amendments to the IDO will help ensure that land is developed and used properly and that environmental features and natural resources will be better protected and preserved. The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote improved quality of life. Commissions, Boards, and Committees will have updated and clarified regulations to help facilitate effective administration of City policy in this area.

C. Article XVII, Planning. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts (Section I). Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development, and will help with the enforcement and administration of land use plans (Section II).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The following Exhibits shall be replaced with the new versions attached to this staff report:
 - A. Exhibit 5-2(D) – Climatic & Geographic Responsiveness
 - B. Exhibit 5-11(D) – Multi-family Building Design

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

 - B. Use-specific standard 4-3(E)(8) Electric Utility
 - 4-3(E)(8)(a) All uses and facilities shall be subject to those terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended.
 - 4-3(E)(8)(b) Where this use includes geothermal or solar energy generation, the provisions of Subsections 14-16-4-3(E)(9) or 14-16-4-3(E)(10) apply.
 - 4-3(E)(8)(c) Electric Generation Facilities, as identified in the Facility Plan for Electric System Transmission and Generation, are of a larger scale and more industrial in nature. This facility type is only allowed [+, as a primary use +]in the NR-GM zone district [+, except for solar energy generation and battery storage facilities, which can be primary uses in the NR- BP, NR-LM, and NR- GM zone districts+].
 - [+4-3(E)(8)(d) Solar Energy Generation, back-up generators, and battery storage are accessory uses in all zone districts where electric utility is allowed. +]
-

KCBarkhurst

Catalina Lehner
Senior Planner, Current Planning

Carrie Barkhurst
Senior Planner, Long Range Planning

Notice of Decision cc list:

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

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

CITY ENGINEER

Transportation Development

No comments.

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER: none

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- no comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No adverse comments to zone change.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

No adverse impacts.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

Please see attached memo dated 1-14-2021