

## Barkhurst, Kathryn Carrie

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**From:** Peggy Neff <peggyd333@yahoo.com>  
**Sent:** Tuesday, February 16, 2021 8:22 AM  
**To:** City of Albuquerque Planning Department  
**Cc:** Dan Regan; Rene' Horvath; Jim Griffee; Joe Valles; John Ingram; Athena Christodoulou; Michael Pridham; Emillio, Dawn Marie; Dr. Susan Chaudoir; CZ; Loretta Naranjo Lopez; Larry Caudill; Elizabeth Kay Haley; Bassan, Brook; Kathleen Adams; Erica Vasquez; KAREN BAEHR; Robyn Romero; Steve Wentworth; Bill Pnm; Peggy Norton; anitabeach2@yahoo.com; Patrick Oconnell; WILLA PILAR; Carol Ambabo; Sue Flint; avanaman@comcast.net; Judie Pellegrino; Ellen Duweki; JASON YOUNG; Wolfley, Jolene; Faisal Nabulsi; Marshall Hoover; Scott Campbell; Schultz, Shanna M.; Morris, Petra; Barkhurst, Kathryn Carrie  
**Subject:** Further Community Comments Regarding Proposed 2020 IDO Amendments  
**Attachments:** EPC Notes 2-16-21.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### External

To Whom It May Concern,

I hope my tone in this note is not too dismissive it is due to multiple frustrations with the IDO Amendment Process.

We, neighborhoods, sincerely question the pending increased density changes that are coming to our city. The only reference we can find in regard to increased population figures that is being used to drive increased density amendments is to a 2019 CBRE (realty) study. Please, if you have this, will you supply a link to this for us?

Data figures for increased populations in the city are very important for many of the proposed amendments that go against our previous sector plans. If there are any other studies regarding increased populations in the city, please forward. The only data I can refer to is a) an old reference to a UNM study from 2017 where population growth figures were -3% and in our own reviews of the current, previously unseen, increase of over 30% of current listed homes for sale.

Anyway, here are comments gathered from a few community discussions for the EPC to have for its record in regard to the 2020 Proposed IDO Amendments. Please advise if they need to be submitted to a different address. The City's EPC website is not clear in this matter.

Kind Regards,

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903

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2/16/2021

**REF: Citywide IDO Amendments 2020 and Additional Issues**

Dear EPC Commissioners,

While community members have initiated multiple conversations with city officials from council services and the planning department and we have seen some significant conditions forwarded to your board, we continue to be very frustrated and disappointed at the flawed process used in drafting, disseminating and discussing amendments to the IDO. We do however respect the work involved and look to you all for good guidance. Please consider our suggestions as summarized below.

**Page 541 Section 7-1: Common Open Space**

As argued by Council Staff, the idea that developers are the sole responsible party for preserving open space is absurd. We need to have a zoning code that is strong and reliable in protections of our open space. With this in mind, to allow sensitive lands to be used in calculations for Common Open Space in a cluster development is wrong. To remove the term Hazard Areas from this definition while allowing the term Sensitive Lands in this definition is like a smoke and mirrors performance – for the definition of Sensitive Lands includes Hazard Areas.

Please do not allow Sensitive Lands to be included in the calculations of Cluster Development's Common Open Space\*.

**Page 229 Section 5-2(J)(2)(b) Open Space Buffer**

NM House Bill 51 2021 is proposing a state wide Environmental Data Base. A common statewide Open Space Buffer will be addressed within this data base. It would be appropriate to delay any IDO amendment in this regard to allow for syncing city terms with the State's directions. Furthermore, adequate Open Space Buffers across national standards are 100' – 300', without road buffers included. The source regarding this amendment is not clear (this is part of the flawed IDO amendment process\*\* – that sources for the amendments are not clear to the public) and should be challenged. Protecting our Open Space needs to be an EPC priority.

Please consider either deferring or rejecting this amendment or amending it to read 100' feet instead of 50'.

**Page 517 Section 7-1 Infill Definition**

It is essential to know the source of this amendment in order to be clear as to whether or not the intention of this amendment is to assist developers to avoid impact fees that are associated with current or future developments that will take advantage of this change. Across the nation, Infill Development is set distinct from Redevelopment in that it is on vacant land. The MTP/MRMPO definition of Infill does not address the distinction of vacant land v/s developed land. The MTP/MRMPO's definition is simply: 1) Located within an established community or urban area; 2) In close proximity to or surrounded by existing development; 3) Served by road, water, and sewer infrastructure. The MTP/MRMPO definition does not make a clear distinction between vacant land and developed land. To refer to The MTP/MRMPO's definition in regard to

not distinguishing Infill as vacant land is a circular and illogical argument. Make the distinction, add the reference to 'Vacant' land, and the definition of Infill v/s redevelopment will be clear and we can move forward.

As noted in the above issue of defining Open Space Buffers, it would be advisable and practical to defer this amendment until a clear definition of Infill is ratified in a statewide data base.

Please amend the current amendment to insert "vacant" after the words "An area of " or defer this amendment until we have a clear definition of Infill from the statewide database.

**Page 218 Table 5-1-4 Swimming Pool**

**Page 505 Section 7-1** “ ”

**Page 559 Section 7-1** “ ”

A proposed addition of the text 'and requisite fencing' was submitted earlier in the amendment discussion process. This attends to the need to associate 'fencing' to the term 'swimming pool' as one description in order to avoid risk. The claim that the city's building code establishes this connection does not adequately cover the need to have this included within the IDO. In fact, we have not been able to establish that there is any reference to swimming pool fencing regarding setbacks in the city's building code at all. It appears that boundary fencing is adequate for swimming pool fencing, so this measure is even more applicable and we may need to revisit the city's building code to determine if swimming pool fencing is adequately addressed.

The insertion of the term 'requisite fencing' will provide a reference that otherwise would be missing from the IDO. This is a simple edit that will help to address essential fencing for swimming pools. Please consider adding this text to all references for 'Swimming Pool' in the IDO.

**Page 147 Table 4-2-1 Drive Thrus**

This amendment will produce a policy change will adversely affect Albuquerque home values. Over the past years, with our sector plans, communities across Albuquerque time and again voted for improved walkability. Increased numbers of drive thru's directly affect walking safety and contribute to low 'walk scores' on realty sites and keep Albuquerque a 'Car Dependent' city. Without full due process in this flawed IDO amendment method, to agree to this citywide liberalization of development restrictions, we put the city at risk for law suits and do a disservice to the communities who have lost their voice. It is unclear where this amendment came from and to use the pandemic to promote it is wrong.

Please do not allow this as permissible across the city in MX-L zones, allow for communities to voice their concerns and strengthen their role in visioning their communities by making this a conditional use.

**Page 151 4-3(B)(3)(b) Cottage Development**

**Page 151 4-3(B)(3)(b)2** “ ”

**Multiple Camp Grounds**

These amendments will produce a policy change that would not have been allowed under many sector plans across the city. To make Cottage Development and Camp Grounds permissive uses is to expand the flawed sector plan conversion process that was used to impose the IDO on our communities. This can and will lead to further law suits and litigation. Current court cases are addressing abuses of Due Process, Open Meetings and other transgressions by the Planning Department against Albuquerque communities. A prudent course would be to defer or add conditions as noted below. Additionally, it has not been made clear to neighborhoods what the source of these amendments are and to what end the amendments are attempting to address. Examples of cottage development are few and far between in Albuquerque and to promote it

citywide is simply poor planning. Using the pandemic to liberalize Camp Grounds without community consent is just wrong.

Please consider rejecting the two amendments regarding Cottage Developments that liberalize this use without conditions. And please, if you all determine to advance in regard to expanding Cottage Development plans, consider the amendment that restricts these developments to conditional uses and accept the condition proposed by staff after discussion with community members to add the text 'in areas of change'. Please consider rejection of making Camp Grounds a permissive use.

**Additional Issues:** Group Homes, Cluster Development, Cannabis, and the IDO Amendment Process

In addition to the above-mentioned specific issues, below are additional issues that merit your attention.

**Group Homes.**

While we respect the need to address these activities without prejudice and therefore agree to the current amendments, we request that a study be conducted into appropriate ways to evaluate the nature of clustering group homes in residential areas. Commercial enterprises allowed in residential areas that change the nature of the residential area need some sort of oversight. Please consider investigating this potentially devastating impact on neighborhoods.

**\*Cluster Development.**

Please consider the need to determine the maximum amount of Cluster Developments that can be submitted on one site plan. In this regard, also, we ask that an amendment be created to require a public park for every site plan that includes more than two Cluster Developments. Also, please again recognize that Cluster Development is new to the city and any arguments i.e. the basis for calculations of required Open Space for Cluster Developments, that are made, that imply that they have been fully vetted by the community or are in some way currently supported by the community are invalid. In fact, it is currently argued that the possibility of doing multiple clusters on one site is still in legal debate.

**Cannabis.**

Again, the issue of aligning the Cannabis industry and subsequent zoning rules needs to be revised. The Albuquerque, and all New Mexico for that matter, communities deserve adequate and common rules of order for industries such as alcohol and cannabis. To continue to treat these like industries with different zoning rules creates a muck.

**\*\*The IDO Amendment Process.**

The source of all IDO Amendments needs to be clear. The discussions need to be expanded. The issues are both slight and severe and deserve different methods for review. The potential for abuse is high. The actuality of oversight is low. Community is not adequately involved. Delegation of authority to the few does not make for good planning or community development. The current process puts the city at risk. Prior to disseminating annual IDO Amendments, the Office of Equity and Inclusion needs to vet the roster.

Thank you for the opportunity to place these concerns in front of you. I look forward to your comments and hope for the best.

Kind regards,

Peggy Neff  
WLCNA President