

PUBLIC COMMENTS

Barkhurst, Kathryn Carrie

From: John Ingram <ingram1ja@gmail.com>
Sent: Tuesday, February 16, 2021 11:02 AM
To: Peggy Neff
Cc: Dan Regan; Rene' Horvath; Jim Griffie; Joe Valles; Athena Christodoulou; Michael Pridham; Emilio, 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; ingram1ja@gmail.com
Subject: Re: Further Community Comments Regarding Proposed 2020 IDO Amendments

External

Dear Peggy,

Thanks for your hard work. Your work too often goes unrecognized, and under appreciated.

Your work is ignored by land speculators, over-developers, and their "friends" on ABQ city council.

There can no longer be any doubt: ABQ has a serious and self-destructive over-development problem. Why?

Because, the ABQ city council is over-represented by councilors who favor over-developers and land speculators.

A majority of these ABQ city councilors pass ordinances which fail to represent the interests of homeowners and young families who want to buy affordable homes.

ABQ Neighbors Oppose Over-Development is laying the groundwork NOW to elect city councilors, via the 2021 November election cycle, who will represent our interests.

Join us... <https://nextdoor.com/g/1dhc7k56z/>

John Adams Ingram
Nor Este Estates

On Feb 16, 2021, at 8:21 AM, Peggy Neff <peggyd333@yahoo.com> wrote:

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
<EPC Notes 2-16-21.pdf>

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

Barkhurst, Kathryn Carrie

From: Jeff Curry <jeff@jlgray.com>
Sent: Wednesday, February 17, 2021 4:59 PM
To: Barkhurst, Kathryn Carrie
Subject: Support for changes to IDO

Follow Up Flag: Follow up
Flag Status: Flagged

External

Ms. Barkhurst,

I just wanted to express my support for the changes being proposed to the Albuquerque Integrated Development Ordinance going before the Environmental Planning Commission tomorrow. My company develops affordable housing and appreciates the work that has gone into these changes to create a better long term housing environment in the city. I feel there is very little in the proposed changes that adversely affects the development of new housing, or the desire of developers to bring new housing into the city.

My thanks,

Jeff Curry



Jeff Curry
Director of Development
2407 W. Picacho Ave., Ste. A1
Las Cruces, NM 88007
575-642-6349 Mobile
575-525-1199 Office

The JL Gray Company is a unique organization firmly based on the principles of character, integrity, honesty, innovation and a commitment to excellence.



CONFIDENTIALITY NOTICE:

The information in this email message and any attachments are from the JL Gray Company, it may contain information that may be confidential and/or legally privileged. Unless you are the intended recipient (or are authorized by the intended recipient) please notify the sender by reply email and delete the message. Any disclosure, copying, distribution or use of this communication by someone other than the intended recipient is prohibited.

Thank you.



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

Barkhurst, Kathryn Carrie

From: Bolen, Rebecca A. on behalf of City of Albuquerque Planning Department
Sent: Wednesday, February 24, 2021 4:32 PM
To: Barkhurst, Kathryn Carrie; Lehner, Catalina L.
Subject: FW: REVERSAL OF POSITION - Proposed Amendment to the IDO pertaining to Campgrounds and RV Parks

Spoke too soon!

From: Morris, Petra
Sent: Wednesday, February 24, 2021 4:26 PM
To: City of Albuquerque Planning Department <abcto@cabq.gov>
Subject: Fwd: REVERSAL OF POSITION - Proposed Amendment to the IDO pertaining to Campgrounds and RV Parks

Sent from my iPhone

Begin forwarded message:

From: "Jones, Trudy" <trudyjones@cabq.gov>
Date: February 24, 2021 at 4:00:50 PM MST
To: "Morris, Petra" <pmorris@cabq.gov>
Subject: Fwd: REVERSAL OF POSITION - Proposed Amendment to the IDO pertaining to Campgrounds and RV Parks

Aziza Chavez
Policy Analyst-Trudy E. Jones
Albuquerque City Council District 8
Phone: (505) 768-3106
Email: azizachavez@cabq.gov
www.cabq.gov/council/councilors/district-8

Begin forwarded message:

From: "emeraldprops@aol.com" <emeraldprops@aol.com>
Date: February 24, 2021 at 3:52:08 PM MST
To: "Sena, Lan" <lsena@cabq.gov>, "Romero, Elaine T." <eromero@cabq.gov>, "Benton, Isaac" <ibenton@cabq.gov>, "Molina, Nathan A." <namolina@cabq.gov>, "Pena, Klarissa J." <kpena@cabq.gov>, "Hernandez, Rachael M." <rmhernandez@cabq.gov>, "Bassan, Brook" <bbassan@cabq.gov>, "Borrego, Cynthia D." <cynthiaborrego@cabq.gov>, "Vigil, Susan P." <susanvigil@cabq.gov>, "Davis, Pat" <patdavis@cabq.gov>, "Foran, Sean M." <seanforan@cabq.gov>, "Jones, Trudy" <trudyjones@cabq.gov>, "Chavez, Aziza" <azizachavez@cabq.gov>, "Harris, Don" <dharris@cabq.gov>, "Rummler, Laura W." <lrummler@cabq.gov>
Subject: REVERSAL OF POSITION - Proposed Amendment to the IDO pertaining to

Campgrounds and RV Parks

Reply-To: emeraldprops@aol.com

External

I did further research into the proposed amendment and gained a better understanding. I want to withdrawal the position I supported earlier.

I feel the proposal is too broad and could cause unregulated use in the neighborhoods it is intended to include. I feel a better approach is to limit such a proposal to a NRC and NR-SU zone categories.

Thank you,

Dan Rich

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

Barkhurst, Kathryn Carrie

From: Lehner, Catalina L.
Sent: Wednesday, February 24, 2021 11:13 AM
To: Barkhurst, Kathryn Carrie
Subject: FW: Support of Proposed Amendment to the IDO pertaining to Campgrounds and RV Parks
Attachments: Letter of Support_IDO Amendment Campgrounds and RV Parks.pdf

FYI

From: emeraldprops@aol.com [mailto:emeraldprops@aol.com]
Sent: Wednesday, February 24, 2021 11:12 AM
To: Lehner, Catalina L.
Subject: RE: Support of Proposed Amendment to the IDO pertaining to Campgrounds and RV Parks

External

Good morning Catalina,

Please see the attached regarding the above-referenced topic.

Also, could please let me know the deadline to submit comments regarding this proposal. I believe there are members of the community who are not aware of this amendment would like the opportunity to offer support.

Thank you

Dan Rich

=====

This message has been analyzed by Deep Discovery Email Inspector.

Dan Rich
2210 Vista Oriente NW
Albuquerque NM 87104
(505) 304-4516

2/24/2021


RE: Support of Proposed Amendment to the Integrated Development Ordinance pertaining to Campgrounds and RV Parks

Dear Ms. Lehner,,

I am in support of the proposed IDO Amendment to the use table line for Campgrounds and RV Parks to make permissive in the MX-L and MX-M zones.

I am the developer of Albuquerque RV and Boat Storage, and in the course of operating this business, I have been made increasingly aware of a growing trend in our culture: in addition to the growth in recreational RV travel, there is a significant increase in RV users who work as contracted skilled tradespeople or professionals, and travel to work locales where they require a safe and desirable location to reside in their RVs on a short-term basis. There is a great need for well-located, well maintained and secure locations of this type, especially sites which offer amenities and are in easy proximity to local vendors and services. This need has dramatically grown due to economic changes associated with the Covid-19 pandemic, as work and travel patterns have changed; experts predict that, even after the Covid-19 pandemic subsides, this trend will persist

I wish to emphasize two points that underscore the utility and importance of the proposed amendment. Firstly, Albuquerque's location at the intersection of two major interstate highways enhances the vitality of this amendment. Secondly, that the profound economic downturn that accompanied the pandemic lockdowns has weakened our state and national economy; by supporting travelers to Albuquerque, we strengthen local commerce; by providing short-stay RV opportunity to traveling workers, we support local businesses these travelers will rely upon, while ensuring that needed skills and services are made available to the local community.

Cordially,

Dan Rich

December 15, 2020

City Council and
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

re: Project #: 2018-001843 Case RZ-2020-00046
proposed Amendments to the IDO

Chairperson,

I write to support the proposed incremental changes to the IDO especially with respect to the revisions to multifamily development. To that end, I have participated in a series of discussions during the latter part of 2019 after I was approached Planning staff. Our discussions centered around the development and implementation strategy for design guidelines specific to multi-family development. Our goal was to make regulations that could be embraced by the public and the applicants so the City staff could effectively enforce them.

As a practicing architect in New Mexico for over 40 years, I believe design can only be evaluated and regulated with a design philosophy as a guide. The City of Albuquerque, when considering the implementation of standards for design, have a unique opportunity. The City can choose to dictate arbitrary aesthetic prescriptions, subject to interpretation and difficult to enforce, or create a system that reaches beyond just the look of a building to something more tangible and meaningful to the health and well being of its citizens. It can look to building performance. This would not only demonstrate leadership consistent with the AIA 2030 initiative to lower the carbon footprint of the built environment, it would also result in architecture that is unique to Albuquerque.

The most important function we can use here is a building's ability to function well in response to its surroundings and the unique environmental constraints and opportunities of its specific location. In Albuquerque, we are fortunate to have compelling environmental forces--the daily and seasonal position of the sun, the purity of light on most days, prevailing seasonal wind directions, and a very unique force, the dramatic views to the Sandias and other physical features. These are not subjective forces but tangible, physical properties that can be measured and documented. When we acknowledge and respond to these forces, design results that is unique to Albuquerque in its aesthetic expression and its function to provide us architecture with a strong sense of place and identity.

I support the proposed amendments in these areas and thank the City for its continued interest in citizen and professional input.

Respectfully,

A handwritten signature in black ink, appearing to read 'WSabatini', with a horizontal line extending to the right.

William Q. Sabatini, FAIA

February 10, 2021

Chairperson
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

re: Project #: 2018-001843 Case RZ-2020-00046
proposed Amendments to the IDO

Dear Chairperson,

I write to continue to support the incremental changes to the IDO especially with respect to the revisions to multifamily development are Sections 5-11(D) and 4-3 (B) and to the design approach Section 5-2 (D). I spoke briefly at your first hearing on this matter.

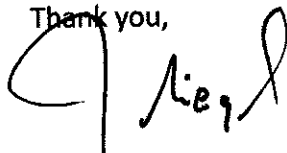
Planning staff approached me last summer, in a broad effort to understand parameters and impacts on design especially around multi-family development. Their overall concern was that some new development was of such different scale and so intrusive visually as to be perhaps overall harmful to the City. As a former EPC Commissioner and as a practicing Architect I helped review the concerns for practicality, clarity and enforceability.

Our goal was to not make any regulations burdensome to applicants, and in all cases to clarify and simplify. Our initial goals changed – a common occurrence! – and we focused on what key features might amplify the unique and outstanding characteristics of our area and our City in particular. We hope to avoid permitting the most bland or generic buildings, instead having new development be attuned to its local environment & settings. (*Environmental Planning Commission's name has a meaning!*).

We studied and compared our proposals with a number of other Cities' zoning. We brought in a variety of professionals to give rich, complicated cross-currents of advice. The results are distilled before you.

I support the proposed amendments in these areas and thank the City for its continued interest in citizen and professional input.

Thank you,

A handwritten signature in black ink, appearing to read 'J. Siegel', written over the printed name.

Jonathan Siegel, AIA
2726 Candelaria Rd NW
Albuquerque, NM 87107

AGENCY COMMENTS



Recommended Findings and Conditions – March 2021

2020 IDO Annual Update

Environmental Planning Commission

Project #2018-001843

PNM provides the following recommended Findings and Conditions for the EPC's consideration and use for the 2020 Annual Update to the Integrated Development Ordinance (IDO). They relate to and address Electric Utility and Electric Facility uses and the status of the City Council-adopted, Rank 2 *Facility Plan: Electric System Transmission and Generation* ("Facility Plan"). Please see PNM's **"Updated Comments for IDO 2020 Annual Update"** submitted on January 13, 2021, **"48-hour Comments for IDO 2020 Annual Update"** submitted on January 19, 2021, and **"48-hour Comments for IDO 2020 Annual Update Feb 2021"** submitted on February 16, 2021 for additional background information and supporting details.

The intents of these text amendments are to ensure safety and to clarify the land use regulations for utility-scale electric facilities, including substations, solar energy generation, and battery storage, as primary permissive uses. Back up generation (emergency generators) and individual home solar generation not utility-scale and are not regulated by the Facility Plan.

Recommended Findings

1. PNM has submitted four recommended text amendments to the IDO as part of the 2020 Annual Update that directly address: 1. emerging development trends; 2. existing, internal IDO inconsistencies; and 3. current trends of energy demands, including:
 - A. Safety clearances related to buildings abutting or encroaching on existing power lines.
 - B. The status of the City Council-adopted Rank 2 *Facility Plan: Electric System Transmission and Generation* ("Facility Plan").
 - C. Allowing for more renewable, utility-scale solar generation and battery storage as permissive primary uses in limited, appropriate locations within the City limits.
2. The Facility Plan in its current format was adopted in 1995 and then updated with the existing version in 2012 via City Council Enactment No. R-2012-023. The City Council's legislative findings clearly describe the Facility Plan's standards and review processes as separate and distinct from other development standards and processes.
3. The City Council's 2017 adoption of the IDO did not include rescission of the Facility Plan, but upon its enactment in 2018 the IDO's text related to prior approvals and Rank 2 Plans have created uncertainty about the status of the Facility Plan as a predictable regulatory document for use by decision-makers, the public, Planning staff, and electric utility providers.

4. The four recommended text changes to IDO Sections 1-7, 1-8, 4-3(E)(8), and 6-3(B) are the minimum necessary to clarify the status of Electric Utility and Electric Facility uses, the unique status of the Facility Plan, and to ensure the continued safe and reliable provision of electric service within the City of Albuquerque jurisdiction and the metropolitan area.
5. Amending the Facility Plan will not address existing, internal inconsistencies in the IDO. The Annual Update process is the appropriate mechanism to address existing, internal inconsistencies within the IDO. The intent of these text amendments is to clarify the land use regulations for utility-scale electric facilities.
6. PNM submitted initial comments and suggested text amendments for the Annual Update on January 5, 2021. Planning staff and PNM met on Wednesday January 13, 2021 to discuss and agree upon compromise language that Planning staff would be more comfortable with supporting. Based on Planning staff guidance, PNM provided updated language that day for review and inclusion in the EPC record.
7. At the January 21, 2021 hearing, the EPC:
 - A. Acknowledged Planning staff's support for two of the PNM amendments.
 - B. Directed Planning staff to work with PNM to address the two amendments that did receive Planning staff support.
8. The proposed text changes meet the review and decision criteria for **Amendment to IDO Text – Citywide** as follows:

6-7(D)(3) Review and Decision Criteria

An application for an Amendment to IDO Text – Citywide may be approved if it meets all of the following criteria:

- 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.
 - 6-7(D)(3)(b) The proposed amendment does not apply to only one lot or development project.
 - 6-7(D)(3)(c) The proposed amendment promotes public health, safety, and welfare.
- A. The four text changes to IDO Sections 1-7, 1-8, 4-3(E)(8), and 6-3(B) are consistent with the spirit and intent of the ABC Comp Plan and further a preponderance of applicable Goals and Policies as follows:

Guiding Principles

- **Strong Neighborhoods:** Safe and reliable electric service is part of the necessary infrastructure for housing of all types, desirable neighborhoods, community facilities and services. As neighborhoods grow, develop, and redevelop, electric service infrastructure capacity must be maintained, upgraded, and enhanced to keep up with increased demands.

- **Mobility:** Traffic signals, streetlights, and increasingly vehicles of all types (cars, busses, trucks, motorcycles, bicycles, and scooters) are powered by electric energy. The equitable distribution of health and social services throughout Albuquerque's communities rely on the reliable provision of electric energy.
- **Economic Vitality:** Modern electric utility systems support existing businesses and attracts new employers. Human services, educational programs, and workforce training all rely on electric energy.
- **Equity:** A good distribution of electric facilities, including substations and electric lines, throughout the city is necessary to service the population equitably. Electricity is generally affordable and available to all residents, communities, and community facilities via PNM's interconnected grid system.
- **Sustainability:** In 2019, PNM set the earliest goal of any U.S. investor-owned utility to achieve a 100% emissions-free generation portfolio by 2040 (aligning to surpass the goals of the Paris Climate Agreement). Sustainable electric energy production, transmission, and distribution is enhanced by efficient development patterns and energy conservation.
- **Community Health:** Fire and police protection, health and social care, and education all rely on safe and reliable electric service to support the physical and mental health of the community. Community facilities and their programs that support diverse groups and opportunities for social interaction all rely on electric energy. Electricity is a key component in the provision of convenient access to healthy food, parks, and a wide range of amenities and services in all neighborhoods for all residents.

ABC Comp Plan

Goal 5.7 – Implementation Processes

Policy 5.7.2 - Regulatory Alignment

Policy 5.7.6 - Development Services

These four text changes rectify and clarify existing, internal inconsistencies within the IDO that currently require restrictiveness determinations on a site-by-site and/or case-by-case basis by the ZEO and other Planning staff. The changes will clarify procedures and processes to effectively and equitably implement the Comp Plan via the Rank 2 Facility Plan. The changes will improve the connection between the Comp Plan, the Rank 2 Facility Plan, and the IDO by clarifying their relative and coordinated statuses to regulate Electric Utility primary uses. The changes will provide for transparent approval and permitting processes.

Policy 8.1.2 – Resilient Economy

The safe and reliable provision of electric service is key to economic development efforts that improve the quality of life for new and existing residents and to foster a robust, resilient, and diverse economy. Desirable economic diversity includes clean industry and technology-based businesses that rely on electric energy. Land use and procedural inconsistencies that require additional, unnecessary determinations and the lack of primary use allowances needed for sustainable energy delivery may hamper desired economic development efforts.

Goal 5.1 – Centers and Corridors

Policy 5.1.2 – Development Areas

The IDO implements this Goal and Policy via taller building heights and decreased setbacks in many IDO zone districts such as R-MH, MX-M, MX-H, and MX-FB with additional height bonuses in UC-MS-PT designated areas. This type of directed, more intense development may conflict with required clearances from existing power lines per the National Electrical Safety Code (NESC), which are required standards that have not been regularly used by architects and designers in Albuquerque in the past. But as demand for multi-family and mixed-use development increases, it is imperative that designers are made aware of and become familiar with the NESC so that required standards can be noted, addressed, and reflected in permit applications as early as possible in the design and review processes. This will help avoid unnecessary delays and costly “after-the-fact” enforcement actions while enhancing the City’s ability to maintain appropriate density and scale of development within these areas.

Goal 12.1 – Infrastructure

Policy 12.1.1 – Infrastructure Design

Policy 12.1.6 – Energy Systems

Policy 12.1.7 – Communication Systems

Electric power is ubiquitous and touches all aspects of land use, services, and transportation. The City Council-adopted Facility Plan is how the City plans, coordinates, and provides for efficient, safe, equitable, reliable, and environmentally sound electric infrastructure. The IDO, the NESC, and the Facility Plan’s design standards need to be coordinated to support existing communities and the Comp Plan’s vision to support future growth. Electric facilities and infrastructure support widespread and affordable access to high-quality communication systems with the flexibility for colocation of Wireless Telecommunications Facilities (WTFs).

Goal 12.4 - Coordination

Policy 12.4.1 - Collaborative Strategies

Policy 12.4.5 – Facility Plans

PNM is obligated to meet future customer needs for electric service, provide system reliability, and operate safe facilities. The City Council-adopted Facility Plan is how the City coordinates with electric service providers to leverage resources, maximize efficiencies, bridge service gaps, and provide added value. The proposed text amendments to clarify the relative statuses of the IDO, the NESC, and the Facility Plan is a collaborative strategy to meet changing demand over time for public infrastructure. The proposed text amendments allow the Facility Plan to be implemented as intended to benefit cross-agency and public-private coordination. New system facilities, including electric lines and substations, will need to be constructed to meet existing and future demands for electric service, replace aged infrastructure, and to enhance safety and reliability in the coming years.

- B. These proposed text amendments do not apply to only one lot or development project.
- C. The proposed text amendments promote public health, safety, and welfare because they are consistent with the preponderance of applicable Comp Plan Goals and policies.

9. PNM Amendment 1:

- 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.
- A. Taller building heights and decreased setbacks in many IDO zone districts implement CompPlan Centers and Corridors policies (Comp Plan Goal 5.1 and Policy 5.1.2).
 - B. Since the IDO's enactment, development projects were designed, submitted, or built without required safety clearances from existing power lines. The probability of future conflicts justifies a reference to the NESC to ensure awareness of these safety standards (Comp Plan Goal 5.7, Policies 5.7.1 & 5.7.2, Goal 12.1, Policies 12.1.1 & 12.1.6).
 - C. Unlike well-known safety codes adopted by the City Council, such as the Uniform Administrative Code, the NESC is required by State Law. This carefully worded reference to the NESC ("such as") will not negate the importance of any other safety code (Comp Plan Goal 12, Policies 12.4.1 & 12.4.5).
 - D. This legislative text amendment is appropriate because administrative checklists are regularly updated, and the City's administration can change every four years (Comp Plan Goal 5.7, Policies 5.7.2 & 5.7.6).
 - E. This text amendment decreases the need for enforcement and legal actions, which is a more efficient use of limited City staff and taxpayers' resources (Comp Plan Goal 5.7, Policies 5.7.2 & 5.7.6).

10. PNM Amendment 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. +]
- A. The City Council adopted the Rank 2 Facility Plan in 2012 as a regulatory document with specific design standards and development processes (Enactment No. R-2012-0023).
 - B. The City Council's adoption of the IDO in 2017 and its effective implementation in 2018 did not rescind the Facility Plan, as occurred with other Rank 2 Plans that were policy-based and integrated into the ABC CompPlan (Comp Plan Goal 5.7, Policies 5.7.2 & 5.7.6).
 - C. The Facility Plan is the only Rank 2 Plan that is City-wide, regulatory, and administered by the Planning Department (Comp Plan Goal 5.7, Policies 5.7.2 & 5.7.6).
 - D. This text amendment corresponds to and is cross-referenced by the proposed text amendment for IDO Section 6-3(B) to make clear the status of this Rank 2 Facility Plan as not a policy document.
 - E. Relying solely on the language of IDO Sections 1-8(D) and 1-10(A) may require the ZEO to make restrictiveness determinations on a site-by-site or case-by-case basis, which is not an efficient administration of City land use and development regulations (IDO Section 1-3(H)).
 - F. IDO Section 1-10(A) does not preserve the Facility Plan's review processes because all development "is exclusively subject to the procedures and decision criteria established in Part 14-16-6 (Administration and Enforcement)."

11. PNM Amendment 3:

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 and battery storage are accessory uses in all zone districts where Electric utility is allowed. +]

- A. Demand for safe and reliable electric service is growing as the city's economy diversifies, ABC CompPlan-designated Centers and Corridors change and mature, and new housing of all types develops in appropriate locations (Comp Plan Goal 5.1 and Policy 5.1.2).
- B. The electrification of the transportation system will markedly increase demand for electricity (Comp Plan Goal 12, Policies 12.4.1 & 12.4.5).
- C. Renewable energy sources will eventually provide the bulk of the city's energy demand but will need safe and accessible battery storage facilities as a primary use in more and varied locations beyond the NR-GM zone district (Comp Plan Goal 12, Policies 12.4.1 & 12.4.5).
- D. The intent of this text amendment is to clarify the land use regulations for utility-scale solar energy generation and battery storage as permissive primary uses (Comp Plan Goal 12.1, Policies 12.1.1 & 12.1.6, Goal 12, Policies 12.4.1 & 12.4.5).

12. PNM Amendment 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). +]

- A. The City Council adopted the Rank 2 Facility Plan in 2012 as a regulatory document with specific design standards and development processes (Enactment No. R-2012-0023).
- B. The Facility Plan does not provide policy guidance and is not implemented by a department but does regulate a citywide public utility (Comp Plan Goal 5.7, Policies 5.7.2 & 5.7.6).

- C. The Facility Plan contains regulatory standards and processes that are consistent with, reflect and implement the policy guidance of the Rank 1 ABC Comp Plan.
 - D. The City Council's adoption of the IDO in 2017 and its effective implementation in 2018 did not rescind the Facility Plan, as occurred with other Rank 2 Plans that were policy-based and integrated into the ABC CompPlan (Comp Plan Goal 5.7, Policies 5.7.2 & 5.7.6).
 - E. The Facility Plan is the only Rank 2 Plan that is City-wide, regulatory, and administered by the Planning Department (Comp Plan Goal 5.7, Policies 5.7.2 & 5.7.6).
 - F. This text amendment corresponds to and cross-references the proposed text amendment for IDO Section 1-8(E) to make clear the status of this Rank 2 Facility Plan as not a policy document.
 - G. Relying solely on the language of IDO Sections 1-8(D) and 1-10(A) may require the ZEO to make restrictiveness determinations on a site-by-site or case-by-case basis, which is not an efficient administration of City land use and development regulations (IDO Section 1-3(H)).
 - H. IDO Section 1-10(A) does not preserve the Facility Plan's review processes because all development "is exclusively subject to the procedures and decision criteria established in Part 14-16-6 (Administration and Enforcement)."
-

Recommended Conditions

1. Amend IDO Section 1-7(A)(3) as follows:

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.

2. Amend IDO Section 1-8 with a new 1-8(E) as follows:

[+ **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. +]

3. Amend IDO Section 4-3(E)(8) as follows:

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 and battery storage are accessory uses in all zone districts where Electric utility is allowed. +]

4. Amend IDO Section 6-3(B) as follows:

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). +]

Conclusion

PNM respectfully requests that the EPC send the four proposed text amendments to City Council with a recommendation of approval based on the complete analysis of the changes per IDO Review and Decision Criteria (14-16-6-7(D)(3)), realization of the Comp Plan's Guiding Principles and Vision, and the furtherance of applicable Comp Plan Goals and Policies.

Being regulatory in nature, this Rank 2 Facility Plan, being City-wide, should have its status and implementation made predictable and consistent.

These four text amendments will help the City and the local electric utility company be more responsive to increased electric energy demands as the city grows and changes.



IDO 2020 Annual Update

Environmental
Planning
Commission

18 February 2021





Safe & Reliable Electric Service

- Planning for Improved Resiliency
 - Expect the unexpected and plan for it
 - Modern grid system with back-up capacity
 - Every aspect of our society depends on reliable electric service
 - Water treatment and delivery
 - Heating and cooling
 - Communications

Safe & Reliable Electric Service

- Renewable Generation Sources
 - PNM committed to be emissions-free by 2040
 - New, weatherized wind & solar sources coming online every year
 - Large-scale battery storage will be key to renewable conversion

Safe & Reliable Electric Service

- Multi-family Multi-story Buildings
 - Increased demand for all types of housing
 - Rental vacancies incredibly low, especially for affordable housing options
 - CompPlan encourages and IDO entitles multi-family and mixed-use development along most Corridors
 - Most Corridors have existing power lines
 - Most designers are not aware of necessary safety clearances for buildings



Safe & Reliable Electric Service

- Electrification of the Transportation System
 - General Motors & Jaguar to manufacture electric vehicles exclusively by 2035 and 2025 respectively
 - Expect most automakers to follow suit
 - Charging stations will be ubiquitous, with many located in home garages
 - Tremendous increase in electric load demand
 - Large-scale battery storage will be important



Safe & Reliable Electric Service

- Predictable Processes
 - Maintain existing resiliency of NM electric grid
 - Accommodate steep increase in electric load demand due to growth and transportation changes
 - Rules, standards, and processes need to be clear and understandable for decision-makers, the public, and electric service providers
 - PNM's submitted IDO text amendments ensure predictability

January 2021

- PNM submits proposed text amendments
 - Sections 1-7, 1-8, 1-10, 4-3(E)(8), & 6-3(B)
 - Prior to EPC hearing, staff provided guidance for compromise language
- PNM revises text per Planning staff guidance prior to the January 21, 2021 EPC hearing
- January 21, 2021 staff report supports two of the four changes
- EPC directs staff to continue to work with PNM on further compromise language

February 2021

- Planning staff did not work with PNM on further compromise language
- Planning staff blindsided PNM with new analysis and completely reversed recommendation
- February 18, 2021 staff report now completely discounts January 2021 compromise language
- New Staff Condition 26
 - Based on selective excerpts of IDO regulatory language
 - Ignores existing, internal IDO inconsistencies that do not allow for a predictable review process

Unanswered Questions

- Why did Planning staff not follow the EPC's January direction to work with PNM on further compromise language?
- Does this new, reversed staff analysis reflect ZEO determinations about existing IDO inconsistencies?
- Is it now common practice for Planning staff to selectively cite only portions of applicable IDO regulations to support their analyses?

1/20/2021

To Whom It May Concern,

Reference Cottage Development Zoning IDO Amendments 2020

In an evaluation of the 2020 Proposed Amendments for the Planning Department's Integrated Development Ordinance IDO there are several proposed amendments that relate to Cottage Development that are very disconcerting to the average home owner in Albuquerque.

In December 2020, Community members gathered in an attempt to have discourse and dialog regarding these proposed amendments. Not much was learned in regard to the different aspects of the different proposals for Cottage Development nor in regard to examples of current designs that are prompting this type of change. Even though we tried to get clarity from the City Council staff and the Planning Department many of us remain confused.

In a rather sketchy review of the materials presented, it appears that this is being done to appease a few special developers who are seeking this type of development for their associates. The dropping of this Cottage Development across the city as permissible where it would not have been permissible under multiple sector plans, puts the city at further risk in that there are several law suits challenging the IDO and current plans that have been approved under it. Good governance would be to wait through these challenges to the IDO before moving forward in approving Cottage Development as permissible across the city.

Allowing this Cottage Development as permissible across the city only furthers the faulty translation process of sector plans that was used when the IDO was implemented. Allowing this Cottage Development as permissible across the city weakens the debate that the IDO abides with design and character directions established in the Albuquerque Bernalillo Comprehensive plan. Allowing this Cottage Development as permissible across the city without clear associated parking, building heights and open space requirements (as they are currently in debate and have not been addressed fully) adds to the confusion that is our Planning Department.

Furthermore, allowing this type of development to be advocated for primarily through the Planning Department and passed through legislation of a few, without full public knowledge and deliberations is a serious cause for concern. And, doing so puts the city at risk regarding Open Meetings regulations under a pandemic where our Governor has been very clear that only urgent matters should be allowed through to law at this point as complete involvement of the public cannot be guaranteed.

Please consider allowing Cottage Development only on ½-1 acre and only as conditional use.

Kind regards,

Peggy Neff

8305 Calle Soquella NE
Albuquerque, NM 87113

1/20/2021

To Whom It May Concern,

Reference: Drive-throughs and drive-ups as Accessory Use in MX-L zone districts

Reviewing the 2020 Proposed Amendments for the Planning Department's Integrated Development Ordinance IDO there is one amendment that speaks to increasing the opportunity for drive-throughs and drive-ups across the city.

Please stop this. These can remain conditional use without interfering or negating or in any way lessening our city's pandemic response. It is far better to have community voice than community hamburgers. As well, these types of permits need sincere oversight to maintain the integrity of our city's traffic needs.

Suggestions to propose to restaurants that need more drive-up facilities is to align with or create a delivery service, or get a Food Truck and go out to the community. Please don't destabilize our community and put us at risk as we get back to a new normal.

147	Table 4-2-1	Drive-throughs and drive-ups Revise to add an accessory use (A) in the MX-L zone district.	Changes the allowance for drive-thrus from CA to A in the MX-L zone. See additional explanation in the Council Services memo for citywide text amendments.
-----	-------------	---	--

Again, in a rather sketchy review of the materials presented, it appears that this is being done to appease a few special developers who are seeking this type of development for their associates. The creation of multiple drive-throughs and drive-ups throughout the city negates the long-term work that has been done to address walkability and promote pedestrian friendly streets.

In addition, this use would not have been permissible under multiple sector plans, and, like other amendments in front of you, puts the city at further risk in that there are several law suits challenging the IDO and current plans that have been approved under it. Good governance would be to wait through these challenges to the IDO before moving forward in approving Drive-thrus and Drive-ups as permissible across the city in MX-L zones.

Again, approving this type of amendment furthers the faulty translation process of sector plans that was used when the IDO was implemented, weakens the debate that the IDO abides with design and character directions established in the Albuquerque Bernalillo Comprehensive plan and adds to the confusion that is our Planning Department.

Furthermore, allowing this type of development to be advocated for primarily through the Planning Department and passed through legislation by a few, without full public knowledge and deliberation is a serious cause for concern. And, doing so puts the city at risk regarding Open Meetings regulations under a pandemic where our Governor has been very clear that only urgent matters should be allowed through to law at this point as complete involvement of the public cannot be guaranteed.

Please consider leaving Drive-ups and Drive-thrus as conditional, ensuring that communities can retain their unique characters.

Kind regards,

Peggy Neff

8305 Calle Soquella NE
Albuquerque, NM 87113

1/20/2021

To Whom It May Concern,

Reference: Drive-throughs and drive-ups as Accessory Use in MX-L zone districts

Reviewing the 2020 Proposed Amendments for the Planning Department's Integrated Development Ordinance IDO there are several amendments that I do not understand. One is the change to 4-3(F)(11)(i) making Mobile Food Trucks retail stops.

Without guidelines and clearly established administration processes for the city using Mobile Food Trucks for points of sale, I believe risk is created and the nature of a Food Truck is compromised.

This can be addressed better: who's Food Truck, which Food Trucks, on which Days, at which sites, with what charges for which items and services. If this is laid out, show the plan to the public and then legitimize the opportunity. Don't provide the opportunity and then try to regulate it.

At the very least a change in the definition of a Food Truck is mandatory.

This type of willy-nilly planning is troublesome. We tried to get an explanation of this but all we got was staff re-reading the note over for us. This type of public dissemination of information is also troublesome. Clearly, we could have missed something that would have been a better explanation, but due process was not comprehensive in this set of IDO amendments (nor in the last 2019 set of amendments).

Please stop this. Certainly, Parks and Rec can apply for vendor permit stipulating how and where the sales will be affected? And, at that point, the permit can be evaluated to determine if safety and commercial processes are in place and perhaps even review a plan for making the public aware. But to allow a use in a defined category that does not fit with the category is poor planning.

In a rather sketchy review of the amendments, it appears that this is being done to appease one city department that is seeking to skirt current regulations. Again, approving this type of amendment adds to the confusion that is our Planning Department.

Furthermore, allowing this type of development to be primarily advocated for by the Planning Department and passed through legislation by a few, without full public knowledge and deliberation is a serious cause for concern. And, doing so puts the city at risk regarding Open Meetings regulations under a pandemic where our Governor has been very clear that only urgent matters should be allowed through to law at this point as complete involvement of the public cannot be guaranteed.

Please consider leaving Food Trucks as Food Trucks.

Kind regards,

Peggy Neff

8305 Calle Soquella NE
Albuquerque, NM 87113

1/20/2021

To Whom It May Concern,

Reference: Proposed IDO Amendments regarding Swimming Pools

A quick review of the rather extensive list of IDO amendments was made with several community members and two staff from City Council services. This amendment was not discussed. Some of us are very concerned that there is no mention of requisite fencing for outdoor pools.

I lived in a Chicago suburb where the issue of regulating fencing for outdoor swimming pools was circumvented, much like what is going on here (developers and departments trying to drive through planning solutions without full considerations). A young boy jumped the inadequate fence and drowned.

Clearly, in our rough review of the amendments, we could have missed something that describes the regulations for fencing for outdoor swimming pools. Without a champion to address neighbors' concerns, either at the planning department or at the city council, who will take the time to work through issues, we remain an undereducated public on the verge of rage against the planning department and the city. It is near impossible to address the myriad of amendments without open multiple public hearings. This amendment process needs to be improved.

To propose setbacks and definitions for Swimming Pools without addressing fencing, these amendments fall into the risk category (like the drive-thru amendment, like the open space amendment and like the community residential facilities amendment.)

We look forward to hearing that this concern is already addressed or can be quickly addressed, but until then, we urge a no vote on all the Swimming Pool amendments. Again, approving this type of amendment adds to the confusion that is our Planning Department.

Kind regards,

Peggy Neff

8305 Calle Soquella NE
Albuquerque, NM 87113