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## OFFICIAL NOTIFICATION OF DECISION

March 5, 2021

City of Albuquerque  
Planning Department  
Urban Design & Development  
600 2<sup>nd</sup> St. NW, 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

### **Project #2018-001843**

RZ-2020-00046 – Amendment to the Integrated Development Ordinance (IDO) Text – City-wide for the 2020 Annual Update

### **LEGAL DESCRIPTION:**

The above action to amend the text of the Integrated Development Ordinance (IDO). This second annual update includes approximately 100 changes requested by neighbors, developers, staff, and Council Services. City-wide.

Staff Planners: Catalina Lehner and Carrie Barkhurst

On March 4, 2021 the Environmental Planning Commission (EPC) voted to forward a recommendation of Approval to the City Council regarding Project #2018-001843/RZ-2020-00046, City-wide Text Amendments to the IDO for the 2020 Annual Update, based on the following Findings and subject to the following Conditions for recommendation of Approval.

### FINDINGS:

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. The request was heard at the January 21, 2021 EPC hearing and was continued for a month to the February 18, 2021 EPC hearing. At the February 18, 2021 hearing, the request was not discussed and was continued to the March 4, 2021 special hearing.
3. 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).
4. 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.
5. 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.

6. 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.
7. 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 generally intended to promote economic growth and investment in the City, while protecting existing neighborhoods, sensitive lands, and Major Public Open Space, are also addressed.

8. 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 that can be addressed through conditions for recommendation of approval.

- 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.

9. 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).

10. The request *generally furthers* the following, applicable Comprehensive Plan Goals and Policies from Chapter 5-Land Use:

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, and would generally facilitate more compact development forms.

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 proposed 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 more predictable 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.

11. The request *generally furthers* the following, applicable Comprehensive Plan Goals and Policies from Chapter 7-Urban Design and Chapter 8-Economic Development:

- A. 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 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 amendment (IDO Section 14-16-1-3) would name this policy intent as a purpose of the IDO; changes proposed to 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.

- B. 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 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. One proposed amendment would provide an incentive for outdoor dining by reducing its parking requirement.

- C. 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.

- D. 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 help foster a range of interesting places with different development intensities and densities, which would generally help create places where business and talent can stay and thrive. For example, the proposed changes to Part 14-16-4 and Part 14-16-5 would expand housing options, improve design, and protect historic and natural environments.

- E. 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 fosters and supports a diverse economy. The proposed text amendments include changes to parking requirements for outdoor dining, clarification regarding cannabis products, and food truck courts that would encourage economic development efforts that could contribute to improved quality of life.

12. The request *generally furthers* the following, applicable Comprehensive Plan Goals and Policies from Chapter 9-Housing, and Chapter 11 - Heritage Conservation:

- A. 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 geography/topography and climate. The changes would encourage quality and innovation in new housing via a focus on long-term sustainability and quality throughout the City.

- B. 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.

- C. 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 the 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.

- D. 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 the distinct identity of communities and cultural landscapes. These protections would help minimize negative impacts to the natural environment, including riparian areas, arroyo slopes, and Major Public Open Space (MPOS).

13. 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, allowing Campgrounds and RV 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, enhance, or preserve existing residential areas. The EPC does not support this amendment.

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 restaurant in the MX-L zone removes the public's opportunity to provide input regarding a use that could affect them and their neighborhood. The EPC does not support this amendment.

- 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 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, limiting the prohibition on Light Vehicle Sales and Rental in the MX-H zone to only UC-MS-PT areas zoned MX-H 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 concepts.

- 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 are often near neighborhoods and/or abut single-family residential uses. The EPC does not support this amendment.

- 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 instances when the regulatory framework would begin to depart from aligning with Goals and policies. In some instances, the proposed text amendments would improve the connection between applicable Comprehensive Plan Goals and policies and the IDO, its implementation mechanism.

However, in other instances, the proposed amendments 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 IDO update process 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 requiring that proposed 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. The EPC does not support this amendment.

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 MPOS, in Centers & Corridors, or in Areas of Change/Consistency in use-specific standards (Part 4) and development standards (Part 5). The proposed changes for drive-through stacking requirements and building design standards 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 14-16-5-12(F)(2)(b), could function differently than intended and encourage a proliferation of signs and visual clutter that would adversely affect streetscapes.

14. 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. The EPC does not support this amendment. See proposed Condition 1-A.
15. 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. The EPC does not support this amendment. See proposed Condition 1-K.
16. 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.
17. 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.
18. 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.
19. 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.

20. The EPC held a study session regarding the proposed 2020 IDO amendments on January 14, 2020. This was a publicly-noticed meeting.
21. Since the January 21, 2021 EPC hearing, two additional amendments are proposed via a memo from the Planning Director, as follows:
  - A. Liquor retail would change from being a Permissive Primary use in the MX-H (Mixed-use – High Intensity) and NR-C (Non-residential – Commercial) zones. Liquor retail would be required to obtain a conditional use approval if it is the primary use and would be allowed permissively if accessory to a grocery store. This tracks with the 2019 IDO annual update amendment for the MX-M zone.
  - B. Nicotine retail would change from being a Permissive Primary use in the MX-M (Mixed-use – Medium Intensity), MX-H (Mixed-use – High Intensity) and NR-C (Non-residential – Commercial) zones. Nicotine retail would be required to obtain a conditional use approval if it is the primary use and would be allowed permissively if accessory to a grocery store. This tracks with the proposed 2020 IDO annual update amendment for liquor retail.
22. The proposed text amendment to allow Liquor Retail and Nicotine Retail permissively if accessory to a grocery store, and conditionally as a primary use specifically targets these 2 uses. Requiring all new liquor retail uses to go through a conditional use process could be considered burdensome from an industry perspective, as stated in hearings for the 2019 IDO annual update, since public City alcohol hearing officer hearings are already required at both the state and local levels. The EPC does not support these amendments.
23. Planning Department Staff continued working on revisions to Exhibit 14-16-5-2(D) Climatic Responsiveness, and Exhibit 14-16-5-11(D) Building Articulation, which are replaced with new versions dated 2/5/2021.
24. Since the first hearing, Councilor Borrego has requested to withdraw the proposed amendment to Site Plan – DRB Review and Decision Criteria, § 14-16-6-6(I)(3). However, the proposed amendment had already entered the EPC process and is a part of the record. It is not a stand-alone bill sponsored by a Councilor, and would not be removed at this stage when sponsorship and/or support is withdrawn. The proposed amendment does not have adequate policy backing or broad public support. The EPC recommends that the proposed amendment be removed from the application and not forwarded for consideration by the City Council as part of the proposed IDO Text Amendments – Citywide. This can be accomplished through a Condition for Recommendation of Approval.
25. As of this writing, Staff has received several comments. Some express support, others express opposition, and still others recommend changes. While there are comments in opposition to individual proposed edits and amendments, there is general support for the request as a whole.

26. Staff received written comments regarding the following: cottage development (support and opposition), the hospital Use-specific standards in the MX-M zone (support), climactic and geographic responsiveness (support and opposition), DRB's ability to mitigate adverse impacts (one support, but most opposition), mobile food trucks retail use (support and opposition), and sensitive lands (support).
27. PNM proposed four amendments intended to clarify the connection between the Electric System Facility Plan (2010-2020) and the IDO. The first change would specifically reference the National Electrical Safety Code. The second and fourth changes would elevate the standards and processes of the Electric System Facility Plan above the IDO regulations, and the third change would regulate three listed uses differently than they are defined in the Electric System Facility Plan and would provide more guidance about which zones and how (permissively or accessory) these uses should be allowed. Staff has considered the intent of the proposed amendments and prepared recommended conditions of approval that would implement them in a different manner than PNM suggested, but would clearly achieve the goals stated by PNM in its comment letters.
28. Additional concerns were expressed regarding the following, proposed amendments. The EPC recommends further analysis and discussion to determine if any other changes are needed to these amendments, or if they should be not approved in whole:
  - A. Multi-family building design amendments (5-11(D))
  - B. Food truck retail amendments (4-3(F)(11) & 7-1)
  - C. Sensitive lands amendments (1-3, 5-1(C), 5-2(D), 5-2(J) & 7-1)
  - D. Open Space Division amendments (5-2(C), 5-2(J), 5-6(C)(4) & 7-1)
  - E. Usable open space amendments (4-3(B)(7))
  - F. Solar protection amendments (5-10(C)(1))
  - G. Cannabis amendments (4-3(D)(34), 4-3(E)(2), 4-3(E)(3) & 7-1)
  - H. Swimming pool amendments (Table 5-1-4 & 7-1)
  - I. Existing buffer and transition requirements (misc.)
29. Staff's proposed Conditions for Recommendation of Approval address many of the issues raised in the comments. Staff aimed to accommodate most of the proposed amendments to the greatest extent possible and offer solutions without compromising core concepts of the Comprehensive Plan, such as Centers & Corridors, protection of sensitive lands, and protection of existing neighborhoods/Areas of Consistency.

CONDITIONS:

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. Regarding the Drive-through or drive-up facilities use, on page 147, Table 4-2-1. In the MX-L zone, drive-throughs shall remain a CA (conditional accessory) use and the public process associated with a conditional use hearing shall continue to be required.

- B. Regarding Cottage Development Use-specific Standards, on page 151, Subsection 14-16-4-3(B)(3)(b), revise as follows: 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 where it is allowed as a permissive use. The other two proposals for this section would be deleted.
- C. Regarding the Multi-family residential Use-specific Standards, on page 154, Subsection 14-16-4-3(B)(7)(a) and 14-16-4-3(B)(7)(b) [new], remove the proposed amendments and replace with the new “Exhibit 4-3 Multi-family Use-specific Standards” (updated February 2021).
- D. Regarding the Light vehicle sales and rental Use-specific Standards, on page 166, Subsection 4-3(D)(19), revise text as follows: “In the MX-H zone district in UC-~~AC~~-MS-PT-~~MT~~ areas, outdoor display or storage of vehicles is prohibited. Any outdoor display or storage of vehicles is prohibited within 25 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.” Revise Subsection 4-3(D)(19)(d) as follows: “~~In other zone districts~~ Where this use is allowed, ...”
- E. Regarding the Mobile food truck Use-specific Standards, on page 201, Subsection 4-3(F)(11)(i) revise Subsection 4-3(F)(11)(a) to add to the end “... unless specified otherwise.” Consider creating a new defined term and IDO use for Mobile vending and services vehicle to address and regulate this use as distinct and separate from a food truck use.
- F. Regarding the General Landscape Standards, on page 279, Subsection 14-16-5-6(C)(4), revise to read: “Landscaping abutting arroyos shall consist of native plants that are included on the Official Albuquerque Plant Palette.”
- G. Regarding the Sign Regulations, on page 336, Subsection 14-16-5-12(F)(2)(b), remove the proposed amendment to Subsection 2 so joint signs premises are required to have a combined street frontage of at least 100 feet.
- H. Regarding the Glare definition, on page 252, Subsection 14-16-7-1 remove the proposed amendment that would delete the defined term “Glare” so that the IDO term remains.
- I. Regarding the Open Space Definitions, on page 541, Open Space Definitions, “Common Open Space” Revise the first sentence as follows: “The area of undeveloped land and/or existing site features within a cluster development that is set aside for the preservation, use and enjoyment by the owners and occupants of the dwellings in the development and includes historic buildings or structures, sensitive lands, agriculture, landscaping, or outdoor recreation uses.” The City Council should continue to explore the Common Open Space definition amendments in relation to the Sensitive Lands Regulations, in particular arroyos, that require development to be avoided in those area.
- J. Multiple pages. The following shall be added to the proposed new Subsection 14-16-4-3(D)(31)(b): “The mobile food truck court operator must provide trash receptacles and hand-wash stations.” The City Council should continue to explore this language to clarify the requirement and to consider a requirement for restrooms.

- K. Multiple pages. Regarding the Campground and RV Park changes, remove the proposed amendment.
  - L. Regarding the DRB limited discretionary authority, on page 445 in Subsection 6-6(I)(3) and on page 548, in the definition for Public Hearing, remove the proposed amendments.
2. The following, additional items shall be added to the 2020 IDO Annual Update - Citywide Text Amendments:
- A. Regarding the Hospital Use-specific standards, on page 155, Subsection 4-3(C)(5), revise as follows: “In the MX-M zone district, this use is limited to no more than 20 overnight beds, and if located within 330 feet of any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).”
  - B. Regarding the proposed Mobile food truck court, 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.”
  - C. Regarding the Contextual Residential Standards, on page 212, Subsection 14-16-5-1(C)(2)(b) revise from “facing the same street” to read “fronting the same street” for consistency with other IDO language.
  - D. Regarding the Motorcycle parking standards, on page 263, Subsection 5-5(D), revise to read as follows: “In addition to parking spaces required by Table 5-5-1, at least the minimum number of off-street parking spaces for motorcycles, mopeds, and motor scooters listed in Table 5-5-4 shall be provided on the site except where off-street parking is only provided in a residential driveway or garage. ...”
  - E. Regarding PNM’s comments:
    - i. **NESC reference (PNM Amendment 1).** On pages 210, 215, and 216, in the Setbacks row of each Dimensional Standards Table, add a new footnote to read: “On lot lines that abut, are adjacent to, or contained within any property that has overhead PNM electric wires or PNM easements, greater setbacks may be required for compliance with the National Electrical Safety Code (NESC). Refer to the Public Service Company of New Mexico (PNM) Electric Service Guide for all structure clearance requirements.”
    - ii. **Status of Facility Plans (PNM Amendment 2 & 4).** Regarding the procedural requirements from the Electric System Facility Plan, revise to reflect the procedures from Table 1 and Table 2 of the Electric System Facility Plan as follows:
      - a) On page 425, Subsection 6-5(G) Site Plan – Administrative, revise 6-5(G)(1)(e)(2) to read as follows: “Any application for an electric utility that has gone through a public involvement process and approved by the DRB and/or EPC if required by any applicable site plan and/or condition of approval; changing the timing and/or preliminary location of any proposed project described in Section V of the Electric System Facility Plan; or development consisting of battery storage as a primary use on sites under 5 acres.” Add a new 6-5(G)(1)(e)(3) to read: “All solar energy generation

rooftop installations and ground-mounted installations on sites under 5 acres.” Add a new 6-5(G)(1)(e)(4) to read: “All wind energy generation rooftop installations and ground-mounted installations on sites under 2 acres.”

- b) On page 444, Subsection 6-6(I) Site Plan – DRB, revise 6-6(I)(1)(c) to read as follows: “Any application for an electric utility that does not qualify for consideration as a Site Plan – Administrative under Subsection 14-16-6-5(G), including any application that involves expansion of an existing substation; Electric Generation Facilities; and adoption or amendment of the Project List described in Section V of the Electric Facility Plan.” Add a new 6-6(J)(1)(b)(8) to read: “All solar energy generation ground-mounted installations on sites over 5 acres.” Add a new 6-6(J)(1)(b)(9) to read: “All wind energy generation rooftop installations and ground-mounted installations on sites over 2 acres.” Renumber following sections.

iii. **Standards for solar energy, battery storage, and back-up generators (PNM Amendment 3).** Regarding the Electric Utility, Geothermal energy generation, Solar energy generation, and Wind energy generation Use-specific Standards, in Subsection 14-16-4-3(E)(8) on page 183, revise to read:

- a) Substation walls shall meet the setback requirements required for primary buildings.
- b) Substation facilities shall be surrounded by a minimum 10-foot landscaped buffer area consisting of shrubs and other vegetation that complies with the safety and maintenance requirements for substations.
- c) Substations shall be surrounded by a minimum 12-foot wall.
- d) All existing substations that undergo expansion shall meet the design standards for new substations.
- e) All uses and facilities shall be subject to the terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended, except that battery storage facilities are not considered electric generation facilities and may be a primary activity in association with the electric utility use in the NR-BP, NR-LM and NR-GM zone districts.
- f) 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 in the NR-GM zone district.
- g) If this use is located on the same premises as a Geothermal energy generation use, the premises must meet any Use-specific Standard in this Subsection 14- 16-4-3(E)(8) and in Subsection 14-16-4-3(E)(9) (Geothermal energy generation).
- h) If this use is located on the same premises as a Solar energy generation use, the premises must meet any Use-specific Standard in this Subsection 14- 16-4-3(E)(8) and in Subsection 14-16-4-3(E)(10) (Solar energy generation).
- i) If this use is located on the same premises as a Wind energy generation use, the premises must meet any Use-specific Standard in this Subsection 14- 16-4-3(E)(8) and in Subsection 14-16-4-3(E)(11) (Wind energy generation).

iv. **Standards for solar energy, battery storage, and back-up generators (PNM Amendment 3).**

- a) Regarding the Electric Utility definition on page 521, Section 7-1 revise to read: “A facility used or designed to provide electricity services to the city or part of the city that is regulated as a public utility by the New Mexico Public Regulation Commission. Back-up generators and battery storage are incidental activities to this use. See also *Geothermal Energy Generation, Major Utility, Solar Energy Generation, and Wind Energy Generation.*”
- b) Regarding the Geothermal Energy Generation definition on page 557, Section 7-1 revise to read: “The use of land area for equipment for the conversion of natural geothermal energy into energy. Back-up generators and battery storage are incidental activities to this use. See also *Electric Utility, Major Utility, Solar Energy Generation, and Wind Energy Generation.*”
- c) Regarding the Solar Energy Generation definition on page 557, Section 7-1 revise to read: “The use of land or buildings as locations for mounting of solar collectors or other devices that rely on sunshine as an energy source and are capable of collecting, distributing, or storing the sun's radiant energy. Back-up generators and battery storage are incidental activities to this use. See also *Electric Utility, Geothermal Energy Generation, Major Utility, and Wind Energy Generation.*”
- d) Regarding the Wind Energy Generation definition on page 557, Section 7-1 revise to read: “The use of land for the installation wind energy turbines, wind chargers, windmills, battery banks, and related equipment to generate electrical power from wind or the installation of such equipment or devices on a building. Back-up generators and battery storage are incidental activities to this use. See also *Electric Utility, Geothermal Energy Generation, Major Utility, and Solar Energy Generation.*”

3. The following definitions shall be revised as indicated:

- 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 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, dated 2/5/2021
  - B. Exhibit 4-3 – Multi-family Use-specific Standards, dated 2/5/2021
  - C. Exhibit 5-11(D) – Multi-family Building Design, dated 2/5/2021
  - D. In the Exhibit – Amendment to 4-39(B)(7), Subsection 4-3(B)(7)(b)(2), revise to read: “Twenty-five (25) percent of the net lot area shall contain landscaping; playgrounds, sports courts, swimming pools, or similar features may count up to 10 percent of net lot landscaping. Tree canopies and ground-level plants shall cover a minimum of 75 percent of the total landscaped area and the maximum a tree canopy shall count toward this requirement is 600 square feet.”
5. Regarding business trucks, on page 201, 4-3(F)(11), the City Council should continue to explore expanding the mobile business truck retail sales and services to other Mixed-use zones with the written approval of the property owner and ensure that established businesses in the area protected and that the visual character of the area is not impacted.
6. Regarding Cannabis Cultivation, the City Council should continue to explore the cannabis regulations and requirements for Cannabis Cultivation to ensure potential adverse impacts of light and odors are appropriately mitigated.
7. Regarding the Solar access amendment, on page 317, Subsection 5-10(C)(1), revise the table to show each foot and correct any inconsistencies with the formula.
8. Regarding Building Design and Climatic Responsiveness, the City Council should continue reviewing and clarifying the terms in Subsection 5-2(D) and 5-11(D), to make sure they are consistent and refer to defined terms as much as possible, including street-facing façade instead of front or side façade and the sun and shade analysis instead of site analysis.
9. Regarding multi-family building design, the City Council should continue to consider where more urban multi-family development standards should apply, in terms of required landscaping, landscaping required at the ground level, etc., and to consider expanding the more urban development form standards to additional centers and corridors.

Sincerely,

For Brennon Williams  
Planning Director

BW/CL/CB

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See attachment for a list of Neighborhood Association representatives who will receive this notice via mail or email.