

**Environmental
Planning
Commission**

**Agenda Number: 01
Project #: 2018-001843
Case #: RZ-2020-00046
Hearing Date: March 4, 2021**

Supplemental Staff Report

Applicant City of Albuquerque Planning Department

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

Location City-wide

Staff Recommendation

That a recommendation of APPROVAL of Project 2018-001843, Case RZ-2020-00046 based on the FINDINGS beginning on page 26, and the RECOMMENDED CONDITIONS OF APPROVAL beginning on page 37, be forwarded to the City Council.

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Summary of Analysis

This request for various City-wide amendments to the text of the Integrated Development Ordinance (IDO) was heard by the Environmental Planning Commission (EPC) and continued at the January 21, 2021 hearing. It was continued again at the February 18, 2021 hearing without further discussion. The Annual Update process is required by IDO Subsection 14-16-6-3(D). These proposed amendments are legislative. This supplemental Staff report covers the time from the January hearing up until the February hearing; material leading up to the first hearing can be found in the original January 21, 2021 Staff report and its attachments. New content from the February 18th Staff Report is **Highlighted**.

The request consists of approximately 100 proposed revisions intended to clarify the intent and improve implementation of adopted regulations. These clarifications and adjustments, requested by neighbors, developers, and Staff, are found in the spreadsheet of "City-wide Text Amendments" (see attachment). Other changes, requested by Council Services and the Planning Department, are also in the spreadsheet and are explained in greater detail in associated memos (see attachments).

The request to amend the IDO, the primary implementation tool of the Comprehensive Plan, generally furthers applicable Goals and policies that pertain to land use, urban design, and economic development. Where there are conflicts, Staff explains them and proposes solutions to improve alignment with the Comprehensive Plan and avoid unintended consequences in the future.

As of this writing, Staff has received several comments that take issue with individual proposed changes, but is unaware of any opposition to the overall request. Staff recommends that a recommendation of approval, subject to conditions, be forwarded to the City Council. The proposed conditions, which have been revised since the first hearing, address conflicts with Comprehensive Plan Goals and policies and mitigate unintended consequences while (in most cases) accommodating the proposed amendment.

Comments received before **February 26th** at 9 am are attached, but not addressed in this 2nd Supplemental Staff Report. Comments received before **March 2nd** at 9 am (after Staff report publication and more than 48 hours before the hearing) are provided to the EPC, but not attached to this report. Comments made less than 48 hours before the hearing can be read into the record at the hearing and/or forwarded to the City Council.

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I. OVERVIEW

The request for various amendments to the Integrated Development Ordinance (IDO) text, which would apply City-wide, was heard at the January 21, 2021 Environmental Planning Commission (EPC) hearing and continued for a month to the February 18, 2021 hearing.

The proposed City-wide text amendments are accompanied by proposed Small Area amendments to the IDO (RZ-2020-00048). These are collectively known as the 2020 IDO Annual Update, or the second annual IDO update.

A spreadsheet that explains each proposed change is included as an attachment to this Supplemental Staff report. The spreadsheet has also been available at the ABC-Z Project Website throughout the process: <https://abc-zone.com/ido-annual-update-2020> .

When the Supplemental Staff report is posted, the spreadsheet will be an attachment that will be available here:

<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

→ For subsections regarding Applicability and Environmental Planning Commission (EPC) Role, please refer to p. 5 of the January 21, 2021 Staff report.

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

→ Please refer to p. 5-7 of the January 21, 2021 Staff report for Staff’s analysis of the request pursuant to the review and decision criteria for Amendment to IDO Text- City-wide in IDO Subsection 14-16-6-7(D)(3)(a-c).

III. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

→ Please refer to p. 7-17 of the January 21, 2021 Staff report for Staff’s analysis of the City Charter and Comprehensive Plan as request to the request.

IV. KEY ISSUES & DISCUSSION

→ Please refer to p. 7-17 of the January 21, 2021 Staff report for Staff’s analysis of the City Charter and Comprehensive Plan as relevant to the request.

→ Please also refer to p. 18-34 of the January 21, 2021 Staff report for a discussion of the proposed text amendments, particularly those that have exhibits or were requested via memo (see attachments).

The following section focuses on the proposed text amendments discussed at the January 21, 2021 EPC hearing for which significant comments were provided and/or questions were raised. If a proposed text amendment was not discussed at the hearing and/or was not the subject of substantive comments, please refer to the original Staff report for an explanation.

IDO Purpose, § 14-16-1-3

→ Please refer to p. 25 of the January 21, 2021 Staff report for a full discussion of the Council Services Memo proposed amendments (see attachments).

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

The proposed amendment would make drive-throughs a permissive, accessory use in the MX-L zone. Currently this use is conditional accessory (CA) and requires a conditional use approval through the Zoning Hearing Examiner (ZHE) process. The proposed amendment would remove the requirement for a public hearing, and public notice, associated with a conditional use request through the ZHE.

In the former Zoning Code, areas zoned MX-L were previously zoned C-1 Neighborhood Commercial- the least intense commercial zone. In the C-1 zone, drive-throughs were permissive for lower-impact uses (banks, loaning money, or pawn shops) but were conditional for uses (retail and restaurants) that generally have greater impacts on nearby, established residential areas.

The conditional use requirement was put in place to give the public the opportunity to participate in the process and provide input regarding a use that could potentially affect the established neighborhood they live in.

Planning Analysis Re-cap: The proposed amendment generally furthers the Comprehensive Plan policy related to Resilient Economy (Policy 8.1.2) and perhaps Local Business (Policy 8.2.1), though most drive-through are national chains.

The proposed amendment conflicts with the Comprehensive Plan policies regarding Multi-Modal Corridors (Policy 5.1.11 and 5.1.11.a), Transit-oriented Development (Policy 6.1.2), Pedestrian Network (Policy 6.2.4), and Air Quality (Policy 6.4.2).

Update: The proposed amendment would remove the requirement for a public hearing associated with a conditional use. Neighbors/constituents would have no say regarding something that could affect them- development of drive-throughs near their homes. The proposed removal of the conditional use/public hearing requirement would make the IDO more permissive than the former Zoning Code, which was based on 1970s zoning practice, and would take us backwards as a City.

Staff suggests considering non-permanent mechanisms through which drive-throughs can be facilitated as a response to the pandemic only, such as issuing special permits with a sunset date, rather than change the IDO wholesale. Perhaps this change could be included in a special “pandemic response” bill. Staff does not support this proposed amendment, especially as a permanent change to the IDO.

Campground and RV Park Use, Table 4-2-1 and § 14-16-2-5(E)(2)

The proposed amendment would make Campground and RV Park a permissive use in the MX-L and MX-M zone districts. Currently, Campground and RV Park is only allowed in the Non-residential Sensitive Use (NR-SU) zone district. The stated purpose of the proposed amendment is to respond to the pandemic and increased RV camping that is the result of people seeking a safe

way to vacation and to accommodate RV “snowbirds” attracted due to Albuquerque’s mild climate.

The proposed changes would allow this use permissively on properties zoned MX-L or MX-M, which are much more common than the NR-SU zone. The NR-SU zone also requires either a Site Plan – Administrative if the site is less than 5 acres with infrastructure, or a Site Plan – DRB if the site is larger or if infrastructure is needed.

Planning Analysis Re-Cap: The proposed amendment generally furthers the following Comprehensive Plan policies regarding Infill Development (Policy 5.3.1), but conflicts with Comprehensive Plan Goals and Policies regarding Community Character (Goal 4.1), Distinct Communities (Policy 4.1.1), Identity and Design (Policy 4.1.2), and Locally Unwanted Land Uses (LULUs)(Policy 5.3.7).

Allowing Campgrounds and RV Park as a permissive use in the MX-L (neighborhood/low intensity) and MX-M (medium intensity) zones would place these uses close to existing neighborhoods, where they would not enhance or protect distinct communities and could adversely affect the identity and cohesiveness of established neighborhoods. Also, campgrounds and RV parks are often considered Locally Unwanted Land Uses (LULUs) because most neighborhoods tend to not want one in their area, even with the Use-Specific Standards that require additional buffering.

Despite the likelihood of complaints by constituents/neighbors when a new campground pops up within their boundaries, the amendment proposes to make Campground or RV Park a permissive use in the MX-L and MX-M zone districts—which are the zone districts most commonly near residential areas. MX-L Mixed-Use Low Intensity zone is roughly equivalent to the former C-1 zone and MX-M is roughly equivalent to the former C-2 zone.

A more appropriate zone district for the Campground or RV Park uses is NR-C, the Non-Residential Commercial Zone or perhaps NR-BP, though that could affect business parks and office uses and perhaps require an amendment to an existing master plan. These zones do not have the review requirement of the NR-SU zone, which requires EPC review. Another option is to make Campground or RV Park a conditional use in the MX-M zone. Staff does not support the proposed amendment, though if the EPC does, Staff suggests making Campground or RV Park permissive in NR-C consistent with it being a commercial use and conditional in MX-M.

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

Update: In Table 4-2-1: Allowable Uses, Campground and RV Park is listed as a commercial use in the Lodging category. Campground and RV Park is not included as a residential use. The definition of Campground and RV Park states that the use is for “transient dwelling purposes”, which further clarifies that it is not intended to provide permanent housing. Therefore, Comprehensive Plan Goals and policies cited previously regarding housing do not apply.

2nd Update: One additional comment was provided regarding this amendment. The commenter initially expressed support of the amendment, but then reversed opinion and stated that this use is more appropriate in the NR-C and NR-SU zones only.

Liquor retail and nicotine retail, Table 4-2-1

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.

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.

The proposed text amendments generally further Comprehensive Plan policies regarding Resilient Economy (Policy 8.1.2), Land Uses (Policy 5.2.1), and Locally Unwanted Land Uses (LULUs) (Policy 5.3.7), and partially further the Comprehensive Plan Goal and policy regarding Distinct Communities (Goal 4.1 and Policy 4.1.2).

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

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

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

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

Policy 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 proposed text amendments would allow Liquor Retail and Nicotine Retail permissively if accessory to a grocery store, and conditionally as a primary use, which would generally encourage economic development and a diverse economy that could improve residents' quality of life (Policy 8.1.2). However, requiring all new liquor retail uses to go through a conditional use process would be considered burdensome from the industry perspective, as stated in hearings for the 2019 IDO annual update, in that they already have public liquor board hearings at both the state and local levels. Requiring a conditional use would provide a public process so neighbors could voice their concerns (or support) regarding land uses that are often considered objectionable near residential areas (Policy 5.3.7). In general, supporting these uses by allowing them accessory to a grocery store, and conditionally if not, would help foster a mix of uses in or near surrounding neighborhoods (Policy 5.2.1).

Though the proposed amendments would generally encourage economic development that may not contribute to protecting and preserving distinct communities (Goal 4.1), or to protecting the identity and cohesiveness of established neighborhoods (Policy 4.1.2), the conditional use requirement would establish a public process for land uses decisions in which neighbors could participate.

Cottage Development, § 14-16-4-3(B)(3)

Three amendments related to cottage development are proposed. If the first amendment is recommended, then the second and third amendments are not necessary. However, if the first amendment is not recommended, then the second and third amendments should be considered. Cottage development allows flexibility in site design and layout. The amendment would not change the formula for determining how many cottage units could be developed on a specific property, or the zone districts where cottage development is allowed.

Cottage development is an innovative way to accommodate slightly increased residential density that remains in scale with low-density residential development patterns in existing neighborhoods. The amendments encourage compact development in more areas. The dwelling types allowed in cottage development are the same as allowed in the underlying zone district, but the development intensity is measured based on gross floor area instead of the number of dwellings. This type of development would promote affordability, since the homes are smaller.

Amendment 1 would reduce the minimum required lot size for cottage development to 10,000 square feet City-wide.

Amendment 2 would allow cottage development on lots between 10,000 square feet and 1 acre on properties outside of UC-MS-PT areas with a Conditional Use approval.

Amendment 3 would allow cottage development on lots at least 10,000 square feet in size in additional Centers and Corridors, adding Activity Centers, Downtown, and Employment Centers to UC-MS-PT where cottage development is already allowed permissively (but on smaller lots than allowed City-wide outside of Centers and Corridors).

Planning Analysis Re-Cap: *The proposed amendments generally further the Comprehensive Plan Goals and policies regarding Desired Growth (Policy 5.1.1), Efficient Development Patterns (Goal 5.3), Infill Development (Policy 5.3.1), Compact Development (Policy 5.3.3), Housing Supply (Goal 9.1), Housing Affordability (Policy 9.1.2), Density (Goal 9.3), and Housing Centers and Corridors (Policy 9.3.1).*

Update: A preponderance of Comp Plan Goals and policies support diverse housing and providing a variety of housing options in the City. Cottage Development is a housing form that has the potential to provide smaller households living options as well as multi-generational housing opportunities. This new development type was created 2018 when the IDO first became effective. Since then, there have not been any requests for this type of development.

The 2019 IDO update expanded the applicability of this development to include lots that are 10,000 SF and greater in UC-MS-PT areas, to add more housing options in and near locations the City has designated for more development and change. The 2020 IDO update includes 3 options to further expand the availability of this use. Planning staff believe that the option of allowing the use citywide through a conditional use permit approval process on lots that are 10,000 SF and greater would expand opportunity for this use, but in a controlled way that requires public notice and a public hearing.

Staff received three comments in opposition and one in support of the proposed amendments. The majority of commenters requested removal of all 3 options. One commenter spoke in support of all 3 options. Proposed Amendment 2 would allow cottage development City-wide through a conditional use process on lots 10,000 SF or greater and would expand opportunity for this use, but in a controlled way that requires public notice and a public hearing. Staff supports proposed Amendment 2.

There are Comp Plan policies that support diverse housing and providing a variety of housing options in the city. Cottage Development is a housing form that has the potential to provide smaller households living options as well as multi-generational housing opportunities. This new development type was created 2018 when the IDO first became effective. Since then, there have not been any requests for this type of development. The 2019 IDO update expanded the applicability of this development to include lots that are 10,000 SF and greater in UC-MS-PT areas, to add more housing options in and near locations the City has designated for more development and change. The 2020 IDO update includes 3 options to further expand the availability of this use. Planning staff believe that the option of allowing the use citywide through a conditional use permit approval process on lots that are 10,000 SF and greater would expand opportunity for this use, but in a controlled way that requires public notice and a public hearing.

Community Residential Facility, § 14-16-4-3(B)(8)

This amendment would ensure that the City is in compliance with the Federal Fair Housing Act. The proposed changes would remove two requirements associated with Community Residential Facilities (CRFs, IDO Subsection 14-16-4-3(B)(8)):

- 1) that they be located no closer than 1,500 feet from another CRF or group home, and
- 2) that there be no more than 30 CRFs and group homes per City Council District.

The Federal Fair Housing Act prohibits municipalities from placing regulations that treat a protected class (as defined by Federal Housing Administration) any differently than any other residential use. The use-specific standards for group homes in IDO Subsection 14-16-4-3(B)(9) will remain in place, including the cap per Council District and distance separation requirement.

→ Please refer to p. 32-34 of the January 21, 2021 Staff report for a full discussion (see attachments).

Hospitals and Ambulance Service in the MX-M zone, § 14-16-4-3(C)(5)

This proposed amendment was submitted to Staff and was included in the original January 21, 2021 Staff report. A hospital is allowed as a permissive use in the following zones: MX-M, MX-H, NR-C, and NR-BP. The Use-Specific Standard for hospital, found in IDO Subsection 14-16-4-3(C)(5), reads as follows:

“In the MX-M zone district, this use is limited to nor more than 20 overnight beds and may not include ambulance transport to and from the facility.”

The intent of this standard is to prohibit ambulance transportation to and from hospitals in the MX-M zone. However, the standard says “may not include ambulance transportation to or from the facility.” The use of “may” is ambiguous regarding whether ambulance transport is prohibited or not; other instances of “may” in the IDO are permissive and allowing something, but this is the only instance where “may” is used as a prohibition. Planning Staff proposes to revise the Use-specific standard 4-3(C)(5) to replace “may” with the word “shall” to be consistent with other prohibitions in the IDO.

Update: There was one comment in opposition. The comment suggests allowing ambulance transport to hospitals in the MX-M zone. This is the opposite of the current Use-specific standard and the proposed clarification using “shall” to indicate that ambulance transport is not allowed.

Ambulance transport to and from hospitals is critical for any hospital or medical clinic. In 2018, when the IDO first became effective, hospitals changed from a use that required a SU-1 zone to one that is allowed permissively in MX-M, MX-H, NR-C and NR-BP. This expansion of zones that allow the use was intended to recognize that more flexibility was needed for the new model of medical service provision, particularly with the dispersed Urgent Care/Emergency Room model.

Recently projects have been considered and implemented in the MX-M zone, and they likely have occasional ambulance service to and from the hospital despite the prohibition in the Use-specific standard. Hospital designers and providers have argued that the 20-bed cap in the MX-M zone is sufficient to limit the size and scale of hospitals in this zone. Planning Staff agree that it is problematic to limit the operations of a hospital, which may need ambulance service to a larger hospital for patient safety and welfare. This limitation may negatively impact people's life and health. Planning Staff believe that removing the restriction on ambulance transport in the MX-M zone generally furthers the overarching goals of public health, safety, and welfare. The limit on the number of beds in this zone is adequate to protect against other potential adverse impacts of this use. A Use-specific standard addressing separation from residential zones would be a more effective way of mitigating potential noise and activity impacts on nearby residential areas.

Light Vehicle Fueling Station, § 14-16-4-3(D)(17)(l)

In UC-MS-PT areas, Subsection 14-16-5-1(D)(2) requires that 50 percent of a building be located within 15 feet of the front property lines. The result would be consistent with planning and urban design practice that seeks to create an active streetscape that accommodates multi-modal transportation such as bicycles and pedestrians.

The amendment would allow light vehicle fueling stations to count the canopy over the fuel pumps toward the requirement that 50% of the building (usually a convenience store) on the site be within 15 feet of the front property line. Subsection 14-16-5-1(D)(17)(l) states currently that the canopy doesn't count. Additionally, this amendment would exempt gas stations from having to locate 50% of the building within 15 feet of the front property lines.

The Council memo states that the requirements as originally written do not conform to CPTED (Crime Prevention Through Environmental Design) principles, which call for passive viewing of activity from the street. For light vehicle fueling stations, activity occurs not in the building but at the pumps. Therefore, good visibility of the pumps is important for safety.

Planning Analysis Re-Cap: Though the proposed amendment furthers a Comprehensive Plan sub-policy regarding Community Character/CEPTED principles (Sub-Policy 7.3.2.b), it conflicts with a preponderance of Goals and policies as follows, pertaining to Urban Centers (Policies 5.1.4 and 5.1.4b) Activity Centers (Policies 5.6.1 and 5.1.6d), Premium Transit Corridors (Policy 5.1.8) , Main Streets (Policy 5.1.9), Major Transit Corridors (Policy 5.1.10), Walkability (Policy 7.2.1), Walkable Places (Policy 7.2.2), and Development Quality (Policy 7.3.5).

Update: In areas designated as the most urban and most walkable in the city (Urban Centers, Activity Centers, Main Streets, Premium Transit Corridors, Major Transit Corridors, and the MX-H zone district), the IDO currently requires the convenience store portion of any light vehicle fueling station to be placed near the street. In UC-MS-PT areas, which are intended to be more pedestrian-oriented and urban, the intent is to activate the street with pedestrian-oriented uses and move the auto-oriented portion of the use to the back or side of the lot. Gas companies don't like this layout because they want the canopy and pumps near the street where they act as additional

signage (in addition to the free-standing sign, which is already quite visible), although everyone can tell that the use is a gas station.

The benefit of this layout is that pedestrians do not have to cross both the drive aisles for the pumps and the drive aisle to the convenience store. Customers going to the convenience store from the pumps only have to cross one drive aisle. The building also helps establish a “street wall” that is generally pleasing to pedestrians and provides the greatest sense of place for the streetscape- which is what’s intended for UC-MS-PT areas, not all areas.

Planning Staff notes that many activities, such as parking, which the Comp Plan advocates for placing in locations where they are not visible from the street, can still meet CPTED principles through careful placement of lighting and sightlines to access points onto the property and building entrances. Furthermore, the pumps are visible from side streets and/or adjacent lots, by employees in the building, and by other customers.

The Council memo refers generally to CPTED principle as the rationale for the proposed amendment. However, specific CEPTED principles and comments, usually from APD, were not included in the memo, so analysis can only be general at this stage. It is also possible that the proposed amendment is linked to a particular site and/or gasoline retail chain.

When the IDO was originally adopted, these higher-quality design standards were a major argument for a streamlined approval process. If developments meet the rules, the approval can be granted by Staff or the Development Review Board. The undermining of these rules for higher development quality also negates the promise of the IDO, and the resulting lower-quality development may fuel arguments that more development should go through discretionary review and decision processes to ensure high-quality design, particularly in Center and Corridor areas, which are supposed to have the most pedestrian-oriented development and be the most walkable areas of the City. This would make development approvals slower and more unpredictable in areas where the City wants to encourage growth and development.

If Centers and Corridors do not have development standards that make them more walkable and urban over time, there will be little distinction between Centers/Corridors and all other areas in Albuquerque, which renders the vision of the Comp Plan – that more high-quality development occur in Centers & Corridors to create a more walkable, pedestrian-oriented place – moot.

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

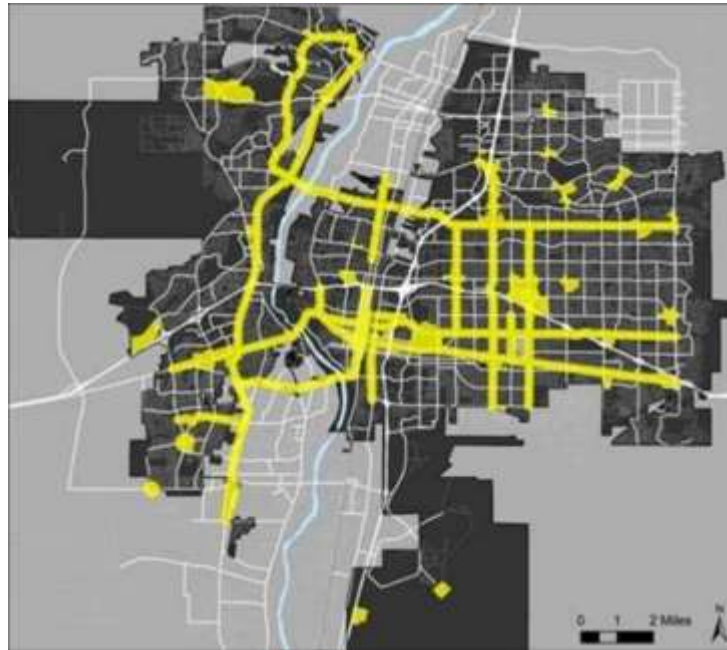


Figure 1: UC-AC-MS-PT-MT areas + MX-H properties

Light Vehicle Sales and Rental, § 14-16-4-3(D)(19)

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

Planning Policy Analysis Re-Cap: Though the proposed amendment generally furthers the Comprehensive Plan Policy 5.2.1 related to Land Use, it also conflicts with Policy 5.2.1 and a preponderance of Comprehensive Plan Goals and policies as follows: Regulatory Alignment (Policy 5.7.2), Design Elements (Policy 7.1.1), Walkable Places (Policy 7.2.2.b), and Diverse Places (Policy 8.1.1).

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

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

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

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

Mobile Food Truck, § 14-16-4-3(F)(11)

Update: A comment was submitted in support of the proposed change to 4-3(F)(11)(i) and requesting an expansion of the allowance of other sales and services to other zones with the property owner's consent. This could be accomplished with the following recommended text:

On page 201, Subsection 4-3(F)(11)(h)(4), add a new 4 to read: "Other mobile businesses may be allowed to provide sales and services on private property with the property owners' agreement."

There are other comments in opposition to the proposal to expand other vending to be regulated as part of the Mobile Food Truck use, with specific concerns raised, and a request for more evaluation and potentially other solutions.

Staff recommends that this use be evaluated further at the City Council stage, and for it to be discussed more thoroughly during the 2021 IDO Annual Update process (Finding #28).

Climatic and Geographic Responsiveness, § 14-16-5-2(D)

→ Please refer to p. 17-19 of the January 21, 2021 Staff report for a full discussion (see attachments).

The proposed amendment, based on input from a local architects' focus group, would add a site design requirement to analyze climatic and geographic responsiveness in order to improve building performance. This amendment would apply to multi-family residential development containing more than 25 dwelling units and to all non-residential development (except industrial development). It would require that sun, shade, and view potential to the Sandia mountains, Bosque and Rio Grande, and Northwest Mesa escarpment and volcanoes be included in determining placement and orientation of buildings, windows, balconies, and patios.

Planning Analysis Re-cap: The proposed amendment generally furthers Comprehensive Plan Goals and policies related to Sense of Place (Goal 7.3), Sustainable Design (Goal 9.2), and Natural and Cultural Features (Policy 7.3.1, Policy 11.3.1 and 11.3.1a).

Update: Staff received one comment in opposition. The commenter recommended removal of the proposed regulations because they conflict with other site design and layout regulations, while noting that the recent change to require analysis of these site design principals was preferable to requiring implementation of those same principals.

Staff points out that the proposed climatic and geographic responsiveness regulations would reinforce a sense of place through context-sensitive design that responds to Albuquerque's unique climate and geography, which is generally desirable and would result in a better, more sustainable built environment over time that is more pleasant for people and improves quality of life. Applicants would need to demonstrate that they have taken heat and views to natural features into account in site design, which is unlikely to specifically conflict with other design regulations and is consistent with good site design principles. Staff supports the proposed amendment.

2nd Update: Three additional letters of support were received since the February EPC hearing. Planning staff consulted with the commenters who expressed opposition in prior comments and testimony and they all indicated their concerns were addressed by the last round of revisions, dated 2/5/2021 and recommended for approval as part of this request.

Parking, § 14-16-5-5

→ Please refer to p. 17-19 of the January 21, 2021 Staff report for a full discussion of the Parking Amendments in Exhibit 14-16-5-5 (see attachments).

Parking, § 14-16-5-5

→ Please refer to p. 22 of the January 21, 2021 Staff report for a full discussion of the proposed parking amendments (see attachments).

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

→ Please refer to p. 39-41 of the January 21, 2021 Staff report for a full discussion (see attachments).

Stacking Requirements for Drive-throughs and Drive-ups, Table 5-5-8

→ Please refer to p. 41-42 of the January 21, 2021 Staff report for a full discussion (see attachments).

Maintenance of Landscaping, § 14-16-5-6(C)(1)

→ Please refer to p. 42-43 of the January 21, 2021 Staff report for a full discussion (see attachments).

Open Space Amendments, § 14-16-5-6(C)(4) and §14-16-5-2(C)(3)

→ Please refer to p. 22-23 of the January 21, 2021 Staff report for a full discussion of the Open Space Advisory Board/Open Space Staff Memo proposed amendments (see attachments).

Open Space Amendments, § 14-16-5-2(C)(1), §14-16-5-2(J)(2)(b), and §14-16-7-1

→ Please refer to p. 23-25 of the January 21, 2021 Staff report for a full discussion of the Open Space Advisory Board/Open Space Staff Memo proposed amendments (see attachments).

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

The proposed amendments would improve the design standards (Subsection 14-16-5-11-(D)) and use-specific standards (Subsection 14-16-4-3(B)(7) for multi-family buildings and would apply outside of UC-MS-PT areas. These proposed changes include input from a local architectural focus group and would improve the livability of multi-family developments.

Planning Analysis Re-cap: The proposed amendment generally furthers Comprehensive Plan policies related to Land Use, Urban Design, and Housing, specifically Community Character (Policy 7.3.2.e), Development Quality (Policy 7.3.5), Compatibility (Policy 9.2.1), High Quality (Policy 9.2.2), and conflicts with the following: Affordability (for lowest-income people, 9.1.2a).

Update: Exhibit 5-11(D) was revised to remove the proposed requirement for windows on the ground floor of non-residential buildings to allow interior visibility to a depth of two feet. Instead of “sun blocking”, the term heat mitigation is now used. The term “transparent windows and/or doors” is now used instead of the term “glazing” (see attachment). Staff supports the proposed amendment as revised.

The existing IDO text requires parking garages to be located interior to a site, placing the residential dwellings between the parking and the street. This is intended to create active and lively streetscapes. Busy streets can have noise and traffic that could be buffered by placing the garage or parking structure at the edges of the site. If there are design and articulation standards that prevent blank walls from facing streets, this design could achieve both goals of residential living comfort and attractive streetscapes.

IDO Subsection 5-11(D) was originally adopted in the IDO in 2018 to improve the quality of multi-family projects. This regulation incorporated some design intent from prior SU-2 regulations applicable to multifamily development. This is consistent with the project objective of improving standards citywide, while simplifying all the area specific regulations where they made sense to be extended citywide.

Some garages would be allowed to abut streets if they meet the definition of parking structure by having more than one story, being attached to a multi-story building, or have stacked residential dwellings above the garage. Because of this allowance, it makes sense to have design and aesthetic standards that apply to both garages and parking structures instead of a vague standard about the placement and orientation of buildings on the site that applies “to the maximum extent feasible,” which is not a defined term. The IDO does define “maximum extent practicable.” Planning staff believes that requiring one window per garage provides adequate articulation, while allowing a garage or parking structure to be located between the higher noise and activity street and the residential dwellings.

To address these concerns, Planning staff recommends a condition of approval to revise Exhibit 5-11(D) Multi-family Residential Building Design. The new regulation, including minor modifications to the proposed Exhibit 5-11(D), would read:

“(a) Where garages, carports, or parking structures are located between any street-facing façade of any primary multi-family dwelling and an abutting street, the building wall or garage door facing the street shall contain at least one window per garage, or one window per 10 parking spaces on the ground floor of a parking structure.

(b) For parking structures, where the street-facing façade of a building consists of 75 percent or more of parking structure, any vehicular ingress/egress locations shall include a planter.”

2nd Update: Three additional letters of support were received since the February EPC hearing. Planning staff consulted with the commenters who expressed opposition in prior comments and testimony and they all indicated their concerns were addressed by the last round of revisions, dated 2/5/2021 and recommended for approval as part of this request.

Joint Sign Premises, § 14-16-5-12(F)(2)(b)

The intent behind the current street frontage requirement in Subsection 14-16-5-12(F)(2)(b) is to limit sign clutter, allowing either individual signs or joint sign premises but not both. See Table 5-12-2 Joint sign premises generally reduce visual clutter (providing one sign for multiple businesses), so they should continue to be encouraged as they are currently.

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

The proposed amendment would eliminate the current street frontage requirement for joint sign premises and would allow joint premise signs irrespective of lot size.

Planning Policy Analysis Re-Cap: Though the proposed amendment both generally furthers and conflicts with Policy 5.7.2 Regulatory Alignment, it conflicts with a preponderance of Comprehensive Plan Goals and policies.

Update: As currently regulated, any lot or collection of lots with less than 100 feet of street frontage would not be allowed a freestanding sign. Small lots have to share signs so that there's not too much sign clutter along a given street. Removing the requirement that the combined premises have at least 100 feet of street frontage is likely to result in more signs than allowed under the current regulations, which is inconsistent with the stated intent of this change.

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

Allowing freestanding signs more frequently than every 100 feet could also pose safety hazards, such as reducing visibility along the road for vehicles entering and exiting private property. Public safety was the original justification for the current requirement that limits freestanding signs to no more frequently than every 100 feet, and is a viable justification for not changing the current IDO regulation 14-16-5-12(F)(2)(b).

Administrative Civil Enforcement, § 14-16-6-9(C)(5)

→ Please refer to p. 22 of the January 21, 2021 Staff report for a discussion of meetings and presentations (see attachments).

Site Plan – DRB Review and Decision Criteria, § 14-16-6-6(I)(3)

This amendment would give the Development Review Board (DRB) limited, discretionary authority to identify mitigation measures within the scope of the Planning Director's discretionary authority if the DRB identifies significant adverse impacts on adjacent residential uses, Major Public Open Space, or private open space. Such discretionary decisions would require the DRB to conduct quasi-judicial hearings. The DRB already operates under the requirements of a quasi-judicial process to review site plans. The DRB follows due process requirements.

Planning Policy Analysis Re-Cap: This amendment furthers Comprehensive Plan policies related to Community Identity, Land Use, and Heritage Conservation, such as Identity and Design (Policy 4.1.2), Neighborhoods (Policy 4.1.4), Implementation Processes (Goal 5.7), Conservation Development (Policy 5.3.4), and Natural and Cultural Features (Policy 11.3.1 and Subpolicy a).

Update: This proposed change would make explicit that the DRB, through the discretion granted to the Planning Director and their designee, is authorized to require additional landscaping, screening, or walls in order to mitigate potential adverse impacts to adjacent property.

Staff received voluminous public comments regarding the proposed amendment. Several letters were submitted in opposition. One was in support and one expressed concern. Commenters generally stated that this amendment would give too much discretion to a board comprised of Staff, and moves them out of a technical review role. Since the first hearing, the sponsor of this amendment has requested to withdraw the change.

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.

Cluster Development, § 14-16-7-1

→ Please refer to p. 45-46 of the January 21, 2021 Staff report for a full discussion (see attachments).

Common Open Space Definition, § 14-16-7-1

→ Please refer to p. 46-47 of the January 21, 2021 Staff report for a full discussion (see attachments).

Food Truck Court, Multiple Sections

→ Please refer to p. 48-49 of the January 21, 2021 Staff report for a full discussion (see attachments).

This amendment proposes to add a new use called “Mobile Food Truck Court.” Currently, Adding Mobile Food Truck Court allows for food trucks to be the primary, i.e. only, use on a site rather than an accessory use.

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

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

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

Historical Protection Overlay (HPO) Zone Process changes, Multiple Sections

→ Please refer to p. 49-50 of the January 21, 2021 Staff report for a full discussion (see attachments).

V. PUBLIC OUTREACH

→ Please refer to p. 51 of the January 21, 2021 Staff report for a discussion of meetings and presentations (see attachments).

VI. NOTICE

→ Please refer to p. 51 of the January 21, 2021 Staff report for a discussion of the required notice for the EPC hearing and additional notice provided (see attachments).

VII. NEIGHBORHOOD COMMENTS

→ Please refer to p. 52-55 of the January 21, 2021 Staff report for a discussion of comments from neighborhood/public comments (see attachments). In addition, public testimony was presented at the January 21, 2021 EPC hearing.

Written comments submitted pursuant to the 48-hour rule before the January 21, 2021 EPC hearing were from PNM (updated).

Staff received written comments regarding the following (see attachments).

- **14-16-4-3(B)(3)**. There were 3 comments in opposition and 1 in support of the proposed Cottage Development amendments. The majority of the commenters requested removal of all 3 options. One commenter spoke in support of all 3 options. The proposed amendment that allows this use citywide through a conditional use permit approval process on lots that are 10,000 SF and greater would expand opportunity for this use, but in a controlled way that requires public notice and a public hearing.
- **14-16-4-3(C)(5)**. There was 1 comment in opposition to the proposed amendment to the hospital Use-specific standards in the MX-M zone. The commenter recommend revision of 1 condition to allow ambulance transport to hospitals in MX-M. This is the opposite of the current Use-specific standard and the proposed amendment that clarifies that ambulance transport is not allowed. Removing the restriction on ambulance transport in the MX-M zone furthers the goals of public health, safety, and welfare. The limit on the number of beds in this zone is adequate to protect against other potential adverse impacts of this use.
- **14-16-5-2(E)**. There was 1 comment in opposition to the proposed new climatic and geographic responsiveness regulations. The commenter recommended removal of these regulations because they conflict with other site design and layout regulations, while noting that the recent change to require analysis of these site design principals was preferable to requiring implementation of those same principals.

The District 4 Coalition indicated its support for the proposed amendments to Geographic and Climatic Responsiveness and Multi-family Building Design.

- **14-16-6-6(I)**. There were several comments in opposition; 1 in support; and 1 expressing concern about the proposed DRB authority amendments.

The majority of written comments received were regarding the proposed amendment to 14-16-6-6(I). One comment was in support and one expressed concern, but the majority expressed opposition. The proposed amendment would restore the DRB's ability to mitigate adverse impacts to public and private open space and existing residential developments within the scope of its limited authority. The IDO already gives the Planning Director limited discretionary authority over wall height, parking adequacy, access and driveway placement, and landscaping spacing and the DRB already operates as a quasi-judicial body.

The comments are from developers, their representatives, and real estate agents. They are concerned that the proposed amendment could give the DRB too much discretion for a technical body and could introduce unpredictability into the development process (see attachments). Some are afraid that the proposed amendment would turn the DRB into the EPC, although the DRB's discretion would be relatively a lot less. Similar worded content is found in many of the letters (see attachments).

Since the first hearing, Councilor Borrego has requested to withdraw this proposed amendment. 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.

- Concern was expressed about 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. (See Finding #28.)
 - i. Multi-family building design amendments (5-11(D))
 - ii. Food truck retail amendments (4-3(F)(11) & 7-1)
 - iii. Sensitive lands amendments (1-3, 5-1(C), 5-2(D), 5-2(J) & 7-1)
 - iv. Open Space Division amendments (5-2(C), 5-2(J), 5-6(C)(4) & 7-1)
 - v. Usable open space amendments (4-3(B)(7))
 - vi. Solar protection amendments (5-10(C)(1))
 - vii. Cannabis amendments (4-3(D)(34), 4-3(E)(2), 4-3(E)(3) & 7-1)
 - viii. Swimming pool amendments (Table 5-1-4 & 7-1)
 - ix. Existing buffer and transition requirements (misc.)

Since the January 21, 2021 EPC hearing, Staff has received additional written comments that include the following (see attachments):

- A. The Grande Heights NA letter expressed concern that the IDO has loopholes, for instance those that allow multi-story, multi-family buildings near single-family homes. Commenter Brunner re: 725 Edith St. NE and non-conformity, also believes the IDO has loopholes.
- B. Regarding the proposed amendment to allow mobile food trucks to be used for mobile retail operations in parks (ex. bike repair), Staff received one comment in support and one comment against.
- C. A comment was received requesting that common open space be placed next to sensitive lands or hazard prone areas, in order to protect residents and natural resources.

- D. One commenter expressed concern about the proposed amendments regarding cottage development, CRPs, food trucks, and swimming pools. She does not support amending the definition of food trucks or the swimming pool amendment, and would like to see more thought regarding the cottage development amendments. She believes that the conditional use requirement for drive-through restaurants in the MX-L zone should be retained.
- E. An updated comment was submitted to request removal of the prohibition on ambulance transport for hospitals in the MX-M zone, which allows a maximum of 20 beds per facility. On occasion, a patient may need to be transported to a full-service hospital.

A memo from the Planning Director since the January 21, 2021 EPC Hearing introduced two new, proposed amendments, 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.

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.

Since the February 18, 2021 EPC hearing and staff report, Staff has received additional written comments that include the following (see attachments):

- A. There was one new general comment submitted that expressed support of one commenter's positions and in general opposition to over-development and land speculation in Albuquerque.
- B. There was one new comment about the proposed amendment for campgrounds and RV parks. The commenter initially expressed support of the amendment, but then reversed opinion and stated that this use is more appropriate in the NR-C and NR-SU zones only.
- C. Three additional letters of support for the Climatic Responsiveness and Building Articulation amendments that were received since the February EPC hearing. Planning staff consulted with the commenters who expressed opposition in prior comments and testimony and they all indicated their concerns were addressed by the last round of revisions, dated 2/5/2021 and recommended for approval as part of this request.

VIII. AGENCY COMMENTS

→Please refer to p. 52-55 of the January 21, 2021 Staff report for a discussion of comments from reviewing agencies (see attachments).

PNM proposed four amendments to the IDO via comments included with the original January 21, 2021 Staff report (see attachments). PNM's letter pursuant to the 48-hour rule (see attachment) includes revised language regarding their proposed amendments 1, 2, and 4, though the rationale for each remains substantively similar.

- "PNM 48-hour Responses to Staff Comments" – attached as 48-hour submittal for January hearing
- "PNM Comments for the 2020 IDO Annual Update" – new comment for February hearing
- "PNM 48-hour Responses to Staff Comments – February 2021" – attached as 48-hour submittal for February hearing

PNM submitted 3 new documents within the 48-hour period for the February 18 EPC hearing or after, and these have not been addressed in prior staff reports.

- "PNM 48-hour Responses to Staff Comments – February 2021"
- "IDO 2020 Annual Update Presentation"
- "Recommended Findings and Conditions – March 2021"

Planning staff met with a PNM representative to discuss the comments and the Planning Department's proposed approach to address the concerns raised in the 6 sets of comments submitted since the application. There was a general sense of agreement that came out of the meeting, with some additional amendments identified that would change the thresholds for items that need EPC review from what currently are shown in the Facility Plan and the proposed amendments included in the Recommended Conditions of Approval for this request.

1. 1-7(A) GENERAL

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

PNM proposes adding a reference to the National Electric Safety Code (NECS) in Part 1, General Provisions, Subsection 1-7 Compliance Required. The proposed amendment would bring attention to the NESC. NESC requirements are part of the building permit, plan check, and inspections processes. This Subsection contains a notice that other City, State, or federal laws may apply (§1-7(A)(4)). Subsection 1-8 Relationship to Other Regulations contains two

provisions that state that compliance with building safety codes and State or federal law prevail over the IDO provisions (§1-8(C) and §1-8(D)).

These provisions let property owners and project designers know that there are other regulatory systems they must comply with and establish a hierarchy of rules. Because the intent of this request is to raise the profile and awareness of the NECS, Planning staff believe a more appropriate location for this information is in the Dimensional Standards Tables, which project designers frequently reference.

Staff has proposed a Recommended Condition of Approval to implement this alternate approach to PNM's stated interest, in conjunction with the three existing references that already require compliance with the NECS. Planning Staff commits to adding a note in the interactive IDO and in the Pre-application Review Team notes required for most mid-sized projects (i.e. multi-family over 50 dwelling units, any development that requires public infrastructure).

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. +]

PNM proposes a new regulation that elevates the regulations, standards and processes of the Electric Facility Plan above the IDO regulations. According to Part 6, the Planning System, Subsection 6-3(B) Rank 2 Facility Plans, they "provide policy guidance on a particular topic citywide to relevant implementing departments." This section states "in case of conflict, policies in the ABC Comp Plan, as amended, shall prevail." The intent is clearly for the plans to have policy guidance, and the IDO and Rank 3 Plans to "specify development standards, management policies, or multi-year programs of capital improvements..." The relevant standards and policies from the Electric Facility Plan could be adopted by the Planning Director, as the relevant implementing City department, as a Rank 3 Plan to formalize the standards that go beyond Policies in the Rank 2 Facility Plan.

Any procedures that are different from the IDO's procedures should be formalized as Use-specific Standards in the IDO. Alternately, the EPC could consider recommending approval of all of the uses, standards, and processes from the Facility Plan as IDO Use-specific Standards for each of the following uses Electric utility, Geothermal energy generation, Solar energy generation, and Wind energy generation, which has the benefit of increasing the visibility and transparency of standards for this land use and incorporating that content into a regulatory framework with an annual update cycle.

Staff has proposed a Recommended Condition of Approval to implement this alternate approach to PNM's stated interest of carrying forward the Electric Facility Plan's regulations, standards, and processes.

3. Use-specific standards, 4-3(E)(8) Electric Utility
4-3(E)(8)(a) All uses and facilities shall be subject to those terms and conditions in the

Facility Plan for Electric System Transmission and Generation, as amended.

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

PNM proposes adding new Use-specific standards that describe solar energy generation and battery storage facilities as primary uses in the industrial zone districts and allow solar energy generation and battery storage as accessory uses in all zone districts where Electric utility is allowed. In the Electric Facility Plan, battery storage is considered an electric generation use, which would only be allowed in the NR-GM zone district. Battery storage of energy is inherently not a form of energy generation, although energy generation could occur on the same site as where the batteries store that electricity.

The above, proposed language is problematic for several reasons and would convolute the existing use-specific standard. First, solar energy generation is already a permissive primary use in almost every zone (see Table 4-2-1, the use table). Second, the IDO does not call out battery storage and back-up generators in Table 4-2-1, so these would fall under the “other use accessory to non-residential primary use” and are already allowed in the NR-BP, NR-LM, and NR-GM zones. Both reasons render the proposed amendment unnecessary.

Electric utility, as a non-residential primary use, can have a variety of accessory uses already, and these could include back-up generators and battery storage. The IDO definition of Electric Utility is sufficiently broad, and it references the Electric Systems Transmission and Generation Plan, that these terms would be included—again, rendering the proposed amendment unnecessary.

In the Supplemental Staff Report, Planning staff proposed an alternate approach to clarify that except for Solar energy generation, which is an existing IDO use and already covered by separate Use-specific standards, the other two items – battery storage facilities and back-up generators – are activities that can take place as part of the Electric utility use.

Staff has proposed a revised Recommended Condition of Approval to implement this alternate approach to PNM’s stated interest, which is to regulate these listed uses differently than they are regulated in the Electric Facility Plan and to provide more guidance about which zones and how (permissively or accessory) these uses are allowed.

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)). +]

Please refer to the explanation in 2, above. In short, Subsection 14-16-1-10(A) already states that “*any approvals granted prior to the effective date of this IDO shall remain valid*”. The Electric Systems Plan was adopted in 2012 and the IDO in 2018, so the prior approval of the design standards in the Electric Systems Plan remains valid and the proposed amendment is wholly unnecessary. Further, approving the Electric System Transmission and Generation Plan is adopted as a Rank 3 Master Plan would be an appropriate approach to implementing the design standards and project list.

IX. CONCLUSION

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

Overall, the request to amend the IDO, the primary implementation tool of the Comprehensive Plan, generally furthers applicable Goals and policies that pertain to land use, urban design, and economic development. Where there are conflicts, Staff explains them and proposes solutions to improve alignment with the Comprehensive Plan and avoid unintended consequences.

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

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

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

RECOMMENDED FINDINGS – RZ-2020-00046, March 4, 2021 – Text Amendments to the IDO, City-wide

New or revised since January 20 Staff Report is shown in red.

New or revised since February 18 Staff Report with Highlighting.

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 continued to the March 4, 2021 special hearing without having any discussion of this request.
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 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.

- 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.

- 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.

- 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. 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. See proposed Condition 1-I.
16. The proposed amendment to exempt light vehicle fueling stations from site design requirements that apply in UC-MS-PT areas conflicts with the following, applicable Comprehensive Plan Goals and policies: Policy 5.1.1.a Desired Growth, Policy 5.1.4.b. Urban Centers, Policy 5.1.6.d Activity Centers, Policy 5.1.8 Premium Transit Corridors, Policy 5.1.9 Main Streets, Policy 5.1.10 Major Transit Corridors, Policy 7.2.1 Walkability, Policy 7.2.2 Walkable Places, and Policy 7.3.5 Development Quality. See proposed Condition 1-B.
17. 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.

18. 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.
19. 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.
20. 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.
21. The EPC held a study session regarding the proposed 2020 IDO amendments on January 14, 2020. This was a publically-noticed meeting.
22. 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.
23. The proposed text amendment to allow Liquor Retail and Nicotine Retail permissively if accessory to a grocery store, and conditionally as a primary use, both furthers and partially furthers applicable Goals and policies. The proposed change would partially encourage economic development and a diverse economy that could improve residents' quality of life (Policy 8.1.2). However, requiring all new liquor retail uses to go through a conditional use process would be considered burdensome from the industry perspective, as stated in hearings for the 2019 IDO annual update, in that they already have public liquor board hearings at both the state and local levels. Requiring a conditional use would provide a public process so neighbors could voice their concerns (or support) regarding

land uses that are often considered objectionable near residential areas (Policy 5.3.7). In general, supporting these uses by allowing them accessory to a grocery store, and conditionally if not, would help foster a mix of uses in or near surrounding neighborhoods (Policy 5.2.1).

Though the proposed amendments would generally encourage economic development that may not contribute to preserving distinct communities or to protecting the identity and cohesiveness of established neighborhoods (Goal 4.1 and Policy 4.1.2), the conditional use requirement would establish a public process for land uses decisions in which neighbors could participate. Therefore, the proposed changes partially furthers this Goal and policy.

24. 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.
25. 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.
26. 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.
27. 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).
28. 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.
29. 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.)
30. 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.

RECOMMENDATION – RZ-2020-00046 – March 4, 2021 – Text Amendment to the IDO, City-wide

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

RECOMMENDED CONDITIONS FOR RECOMMENDATION OF APPROVAL – RZ-2020-00046 – March 4, 2021 – Amendment to IDO Text, City-wide

New or revised since January 20 Staff Report is shown in red.

New or revised since February 18 Staff Report with Highlighting.

The “O” included with some findings indicates an Option; the EPC must select 1 option and delete the others. An “R” indicates the staff recommendation based on policy analysis.

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:
 1. **O:** Keep the first amendment to allow cottage development on sites that are 10,000 SF citywide, as a permissive use. The other two proposals for this section would be deleted.
 2. **R:** Keep the second amendment to allow cottage development on sites that are 10,000 SF citywide, as a conditional use outside of UC-MS-PT areas. The other two proposals for this section would be deleted.
 3. **O:** Keep the third amendment to allow cottage development on sites that are 10,000 SF citywide, in AC-DT-EC areas. The other two proposals for this section would be deleted.
 4. **O:** Keep the second amendment, to allow cottage development on sites that are 10,000 SF citywide, as a conditional use outside of UC-MS-PT areas, and third amendment, to allow cottage development on sites that are 10,000 SF citywide, in AC-DT-EC areas. The first proposal for this section would be deleted.
 5. **O:** Delete all three options and retain the existing cottage development Use-specific standards.

- 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 Multifamily Use-specific Standards” (updated February 2021).
- D. Regarding the Light fueling station Use-specific Standards, on page 164, Subsection 14-16-4-3-(D)(17)(l).
1. **R:** Light vehicle fueling station buildings in designated UC-AC-MS-PT-MT areas shall continue to be subject to the same requirements as other retail uses.
 2. **O:** Light vehicle fueling station buildings in designated UC-AC-MS-PT areas shall continue to be subject to the same requirements as other retail uses.
- E. 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.” Revise Subsection 4-3(D)(19)(d) as follows: “~~In other zone districts~~ Where this use is allowed, ...”
- F. 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 unique and separate from a food truck use.
- G. 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 ~~as approved by that are~~ included on the Official Albuquerque Plant Palette.”
- H. 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.
- I. 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.
- J. 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, hazard-prone areas, agriculture, landscaping, ~~on-site ponding~~, or outdoor recreation uses.”
- K. 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.”

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- L. Multiple pages. The use table (table 4-2-1) shall not be amended to allow Campground and RV Park to be a permissive, permanent use in the MX-L and MX-M zones. Rather, Campground and RV Park shall become permissive in the NR-C and NR-BP zones.
2. The following, additional items shall be added to the 2020 IDO Annual Update - Citywide Text Amendments:
- A. 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). ~~and may not include ambulance transportation to or from the facility.~~”
- 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 ~~for all uses except residential uses~~ where off-street parking is only provided in a residential driveway or garage. ...”
- E. Regarding PNM’s comments:
1. **NECS 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 the property as overhead PNM electric wires or PNM easements, greater setbacks may be required for compliance with the National Electrical Safety Code (NECS).”
 2. **Status of Facility Plans (PNM Amendment 2 & 4).** The Planning Director shall adopt the relevant standards and processes from the Electric System Facility Plan as a Rank 3 Plan.
 3. **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) as follows: “~~All electric utilities with administrative approval,~~

according to the approved Facility Plan. Any application for an electric utility that is considered an “Insignificant Action” in the Electric System Transmission and Generation Plan where approval by the Planning Director is required, including but not limited to replacing 8 or fewer structures in the same locations within the same easement with structures of a different size and/or material; government or developer initiated projects that have gone through a public involvement process and approved by the DRB and/or EPC; changing the timing and/or preliminary location of any proposed project described in Section V of the Electric System Facility Plan.” Add a new 6-5(G)(1)(e)(3) to read: “All solar energy generation rooftop installations and ground-mounted installations on sites under 2 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 1 acre.”

- B. On page 444, Subsection 6-6(I) Site Plan – DRB, revise 6-6(I)(1)(c) as follows: “Any application for an electric utility ~~within any zone district~~ that is considered a “Minor Action” in the Electric System Transmission and Generation Plan where approval by the DRB is required by the Facility Plan for Electric Transmission, including but not limited to upgrading conductor size on an existing power line where structure replacement is required; expansion of an existing substation; replacing more than 8 structures on an existing line with structures of a different type; and addition of a project to 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 2 acres but less than 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 1 acre but less than 5 acres.” Renumber following sections.
- C. On page 446, Subsection 6-6(J) Site Plan – EPC, revise 6-6(J)(1)(b)(7) as follows: “Any application for an electric utility ~~within any zone district~~ that is considered a “Major Action” in the Electric System Transmission and Generation Plan where approval by the EPC is required by the Facility Plan for Electric Transmission, including but not limited to addition of 2 or more projects to the Project List; amending the Standards for the Location and Design of Transmission and Substation Facilities in Section III; and any facility listed in Table 5 of the Electric Facility Plan that requires EPC approval.” Add a new 6-6(I)(1)(d) to read: “All solar energy generation ground-mounted installations on sites 5 acres or greater.” Add a new 6-6(I)(1)(e) to read: “All wind energy generation rooftop installations and ground-mounted installations on sites 5 acres or greater.” Renumber following sections.

4. 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. All uses and facilities shall be subject to the terms and conditions in the Facility Plan for Electric System Transmission and Generation and/or the Rank 3 Master Plan, 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.
- B. 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).
- C. 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).
- D. 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).
- E. 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.

5. 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 and that is included in the Facility Plan for Electric System Transmission and Generation, as amended. 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.*”

F. Regarding Planning’s new Memo about Liquor retail:

1. On page 145, Table 4-2-1 revise as follows: Replace the P for Liquor retail in the MX-H, and NR-C zones with C.
2. On page 177, Subsection 4-3(D)(38)(f), revise as follows: In the MX-M, MX-H, and NR-C zone districts, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) unless accessory to a grocery store, except in the following small areas, where it is prohibited unless accessory to a grocery store as noted.

G. Regarding Planning’s new Memo about Nicotine retail:

1. On page 145, Table 4-2-1 revise as follows: Replace the P for Nicotine retail in the MX-M, MX-H, and NR-C zones with C.
2. On page 179, add a new Subsection 4-3(D)(39)(b), to read: “In the MX-M, MX-H, and NR-C zone districts, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) unless accessory to general retail or a grocery store, in which case it is permissive accessory.”

3. The following definitions shall be revised as follows:

- A. “Riparian Areas Aquatic ecosystems and the transitional ecosystems surrounding them, as shown on the map created and maintained by the City Parks and Recreation Department and published by AGIS. The transitional riparian ecosystem is characterized by distinctive vegetative communities and soils that are affected by the presence of surface and groundwater, and provides critical habitat, including for endangered species and migratory birds.”
- B. On page 512 of the IDO, revise the “Cannabis-infused Products Manufacturing” definition as follows: “Cannabis-infused Products Manufacturing. The processing, including but not limited to extraction, refinement, isolation, or packaging of a product other than cannabis itself, which

contains or is derived from cannabis, including but not limited to concentrates, cannabis infusions, edible products, ointments, and tinctures and not including hemp.”

- C. On page 561 of the IDO, revise the “Peak Service Frequency” definition as follows: “Peak Service Frequency: The average amount of time between buses arriving at a particular transit stop or station during peak periods (7:00 A.M. to 9:00 A.M. and 3:00 P.M. to 6:00 P.M.), calculated by the City Transit Department using published transit schedules and published by AGIS. This frequency is generally calculated for the most frequent route, or combination of paired routes that act as one route, that stops at the transit stop or station in question and is based on the average frequency of the route ~~in each direction.~~”
4. The following Exhibits shall be replaced with the new versions attached to this staff report:
- A. Exhibit 5-2(D) – Climatic & Geographic Responsiveness, **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.”
-

Catalina Lehner

Catalina Lehner
Senior Planner, Current Planning

KCBarkhurst

Carrie Barkhurst
Senior Planner, Long Range Planning

Notice of Decision cc list:

List will be finalized subsequent to the EPC hearing on February 18, 2021

COMMENTS

CITY OF ALBUQUERQUE DEPARTMENT COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

CITY ENGINEER

Transportation Development

No comments.

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER: none

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- no comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No adverse comments to zone change.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

No adverse impacts.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

Please see attached memo dated 1-14-2021

Please see attached memo undated, references "In response to the January 21, 2021 Staff Report"

Please see attached memo undated, references "Updated Comments submitted January 13"

Please see attached memo dated 2-16-2021

Please see attached presentation dated 2-18-2021