



***Environmental  
Planning  
Commission***

***Agenda Number: 3  
Project #: PR-2018-001843  
Case #: RZ-2023-00040  
Hearing Date: January 11, 2024***

***Supplemental Staff Report***

***Applicant*** City of Albuquerque Planning Department

***Request*** Amendments to the Integrated Development Ordinance (IDO) Text for the 2023 Annual IDO Update

***Location*** Citywide

***Staff Recommendation***

***That a recommendation of APPROVAL of PR-2018-001843/RZ-2023-00040 be forwarded to the City Council based on the Findings beginning on page 27 and subject to the Conditions for Recommendation of Approval beginning on page 33.***

***Staff Planners  
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***Summary of Analysis***

This request, for various legislative amendments to the text of the Integrated Development Ordinance (IDO) for the IDO Annual Update required by IDO Subsection 14-16-6-3(D), was continued for a month at the December 14, 2023 EPC hearing.

The request consists of revisions identified as part of the Annual Update process to identify desired changes through a regular cycle of discussion among residents, businesses, City Staff, and decision makers (§14-16-6-3(D)). Staff has collected approximately 60 proposed amendments requested by neighbors, developers, Staff, City Council, and the Administration.

The proposed amendments are found in a spreadsheet of “IDO Annual Update 2023 – EPC Review - Citywide” (see attachment). The following information is provided for each proposed change: item number, page number, IDO section reference, the proposed change, an explanation, and the source of the proposed change. Some items have associated exhibits with proposed language. The spreadsheet is the main component of the request.

The request is generally consistent applicable Comprehensive Plan Goals and policies that pertain to land use, implementation processes, and housing. The proposed changes are intended to address community-wide issues, foster economic development, and clarify regulatory procedures, while balancing these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.

As of this writing, Staff has received several public comments, mostly concerning walls, duplexes, overnight shelters, and outdoor lighting. Agency comments include landfills and Battery Energy Storage Systems. Staff recommends that the EPC forward a recommendation of Approval, subject to conditions, to the City Council. The conditions are needed to provide clarity and consistency moving forward.

Comments received before January 2<sup>nd</sup> at 9 AM are attached to and addressed in this Staff Report. Comments received before January 4<sup>th</sup> at 12 PM are attached, but not addressed. Clarifying materials received before January 9<sup>th</sup> at 9 AM (after publication of this report and more than 48 hours before the hearing) will be forwarded to the EPC for consideration at the hearing and are not attached to this report.

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**Table of Contents**

**I. OVERVIEW .....4**

**II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES .....4**

**III. PROPOSED AMENDMENTS & DISCUSSION .....4**

Contextual Standards for Historic Protection Overlay Zones – 14-16-3-5(G) [Item #1] .....5

Amplified Sound – Table 4-2-1; 14-16-4-3(F)(14); 14-16-7-1 [Items #2, #7, #50] .....5

Cottage Development – 14-16-4-3(B)(4) [Item #3] .....6

Walls and Fences – 14-16-4-3(D)(18); 14-16-4-3(D)(37); 14-16-5-7(D)(3)(a); Table 5-7-2 [Items #4, #5, #23 and #24] .....6

Utilities and Waste Management – 14-16-4-3(E)(8); 14-16-5-2(H) [Items #6, #15, #55] .....7

Cannabis Retail – Table 4-2-1; 14-16-4-3(D)(35) [Item #8] .....8

Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6) [Item #9] .....9

Definitions for Community Residential Facilities, Group Homes, Overnight Shelter and Nursing Homes – 14-16-7-1 [Items #46, #47, #48, #49] .....9

Duplex – 14-16-4-3(B)(5); 14-16-4-3(F)(6) [Items #10, #13] ..... 10

City Facilities – 14-16-2-5(E)(2); 14-16-4-1(A)(4) [Item #11, #54] ..... 11

Dwelling, Live-Work – Table 4-2-1; 14-16-4-3(B)(7); 14-16-6-6(A) [Item #12] ..... 12

Irrigation (Acequia) Standards – 14-16-5-2(G), [Item #14] ..... 13

Construction Mitigation – 14-16-5-2(K) [Item #16] ..... 13

Recreational Vehicle, Boat, and Trailer Parking; Front Yard Parking – 14-16-5-5(B)(4); 14-16-5-5(F)(2); 14-16-6-8(G) [Items #17 and #42] ..... 13

Parking Standards – 14-16-5-5(C)(7); 14-16-5-5(G)(3); 14-16-7-1 [Items #18, #19, #51] ..... 14

Landscaping – 14-16-5-6(B)(1); 14-16-5-6(C); 14-16-5-6(C)(5)(e); 14-16-5-6(C)(5)(d) [Items #20, #21, #57] ..... 14

Sensitive Lands – 14-16-7-1 [Items #52, #53] ..... 15

Façades – 14-16-5-11(E) [Item # 25] ..... 15

Procedures – 14-16-6-2; 14-16-6-4; 14-16-6-8; Table 6-1-1; Table 6-4-2 [Items #26, #27, #28, #38, #39, #40, #41, #44, #45] ..... 16

Notice and Referrals – 14-16-6-4(B) & (K); Table 6-1-1 (Items #29, #30, #31, #32, #33, #34, #35, #36, #37, #43) ..... 16

Lighting – 14-16-4-3; 14-16-5-8, 14-16-5-12 [Item #56] ..... 20

Tribal Referrals – 14-16-6-4-(J); 14-16-6-5(A); 14-16-7-1 [Item #58] ..... 21

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Definitions for Adjacent and Street-facing Façade – 14-16-7-1 .....	24
The Planning System, Annual Updates to the IDO – 14-16-6-3(D) .....	25
<b>IV. PUBLIC OUTREACH .....</b>	<b>25</b>
<b>V. NOTICE .....</b>	<b>25</b>
<b>VI. AGENCY &amp; PUBLIC COMMENTS .....</b>	<b>25</b>
<b>VII. CONCLUSION.....</b>	<b>26</b>
RECOMMENDED FINDINGS – RZ-2023-00040, January 11, 2024 .....	27
RECOMMENDATION – RZ-2023-00040 – January 11, 2024 .....	33
CONDITIONS FOR RECOMMENDATION OF APPROVAL – RZ-2023-00040, January 11, 2024	33

## ***I. OVERVIEW***

This request is for various citywide amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by Subsection 14-16-6-3(D). The request, which would apply Citywide and constitutes the 2023 Annual Update, was first heard at the December 14, 2023 Environmental Planning Commission (EPC) hearing. After hearing staff presentations and taking public comment, the EPC voted to continue the hearing for a month to the January 11, 2024 special EPC hearing.

These citywide text amendments are accompanied by proposed text amendments to three small areas within the city – the Rail Trail small area, the Volcano Heights Urban Center, and the Northwest Mesa Escarpment VPO-2, which were submitted separately pursuant to Subsection 14-16-6-7(E) and are the subject of other Staff Reports. The proposed citywide amendments, when combined with the proposed small area amendments, are collectively known as the 2023 IDO Annual 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://abq-zone.com/ido-annual-update-2023>.

When the Supplemental Staff report is posted, the spreadsheet will be an attachment that will be available, along with the previous staff report and supporting materials from the December 14, 2023 EPC hearing here: <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

→ For subsections regarding Background, Request, Applicability and Environmental Planning Commission (EPC) Role, please refer to Section I. Introduction beginning on p. 4 of the December 14, 2023 Staff report.

## ***II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES***

→ Please refer to p. 5-10 of the December 14, 2023 Staff report for Staff’s analysis of the review and decision criteria for Amendment to IDO Text – Citywide [IDO 14-16-6-7(D)(3)(a-c)], the City Charter, and Comprehensive Plan as applied to the request.

## ***III. PROPOSED AMENDMENTS & DISCUSSION***

The proposed citywide text amendments are presented and explained in the spreadsheet “IDO Annual Update 2023 – EPC Review – Citywide.” (See attachment.) These changes are grouped by category and referred to by page number to track with the IDO effective as of July 27, 2023.

→ Please refer to p. 10-44 of the December 14, 2023 Staff report for Staff’s full analysis of key substantive, proposed changes.

The following section focuses on the proposed text amendments discussed at the December 14, 2023 EPC hearing for which significant comments were provided and/or questions were raised, as well as those amendments that have received additional comment by January 2, 2024. 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. Three new amendments are proposed, two of which were presented by staff at the December 14<sup>th</sup> hearing regarding the definitions of “adjacent” and “street-facing façade.” A third suggestion from the public that garnered some discussion from the Commission near the close of their hearing was related to the IDO Annual Update process and is presented as a condition of approval for EPC’s consideration.

For those amendments requiring additional discussion, an explanation of the proposed amendment is provided in plain text, followed by additional Staff analysis in *italic text*. For purposes of the Supplemental Staff report, the original policy analysis is not included, but a summary of the applicable policies is provided for reference. The emphasis is on what changes occurred during the continuance period.

***Contextual Standards for Historic Protection Overlay Zones – 14-16-3-5(G) [Item #1]***

→ Please refer to p. 10-11 of the December 14, 2023 Staff report for a full discussion of this change.

***Amplified Sound – Table 4-2-1; 14-16-4-3(F)(14); 14-16-7-1 [Items #2, #7, #50]***

***Summary:***

→ Please refer to p. 11-12 of the December 14, 2023 Staff report for a full discussion of these changes.

There are three proposed amendments related to amplified sound, all based on a request from the public. These amendments create a new accessory use in Table 4-2-1: Allowable Uses for Outdoor Amplified Sound. This accessory use would be permissive (A) in the following zone districts: MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM. The accessory use would be conditional (CA) in the MX-T zone district. The amendment proposes new use-specific standards in a new Subsection 14-16-4-3(F)(14), renumbering subsequent subsections accordingly. The use-specific standards would prohibit amplified sound from speakers outside of a fully enclosed building between the hours of 10 p.m. and 7 a.m. near residential uses.

Policy Analysis Recap: The Planning staff’s recommended changes are generally consistent with the following Comprehensive Plan goals, policies, and sub-policies:

Goal 5.6 City Development Areas, Policy 5.6.2 Areas of Change, Sub-policy 5.6.2.f, Policy 5.6.3 Areas of Consistency, Policy 5.6.4 Appropriate Transitions, and Sub-policy 5.6.4.b.

***Update:*** *This amendment was originally requested by the City of Albuquerque Environmental Health Department to complement the current Noise Control Ordinance with a zoning regulation that is more enforceable. Multiple written comments submitted prior to the EPC Hearing requested various changes and clarifications to regarding the proposed amendments.*

*Based on the public comments spoken and the discussion at the December 14th, 2023 EPC Hearing, Planning staff has prepared conditions of approval for review by the EPC that provide 4 alternatives for discussion and action:*

- 1. Provide an exception for Centers and Corridors.*
- 2. Move the start time of the curfew from 10 p.m. to 12 a.m.*
- 3. Change the distance from 330 feet to 100 feet.*
- 4. Delete all proposed amendments in their entirety.*

*The EPC may still choose to adopt the amendment, as drafted, by deleting all the provided conditions.*

***Cottage Development – 14-16-4-3(B)(4) [Item #3]***

→ Please refer to p. 13 - 15 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

The original proposal was to amend IDO Section 4-3(B)(4) on pages 159-161, adding 2 new use-specific standards for Cottage Development, which would allow cottage developments to be connected on one side and require front porches as a design element. This amendment as proposed would not make Cottage Developments permissive in additional zone districts.

Prior to the December EPC hearing, staff received a public comment recommending that the minimum lot size requirement for Cottage Developments be reduced. Also, a few comments objecting to the proposal were pinned to the project website.

*Policy Analysis Recap:* The proposed amendment is consistent with Comp Plan Goal 5.2 Complete Communities, Goal 5.3 Efficient Development Patterns, Goal 7.3 Sense of Place, Goal 9.1 Supply, Goal 9.2 Sustainable Design, and Goal 9.3 Density, and their related policies and sub-policies, because it promotes efficient development patterns, reinforces community character, addresses housing needs, and fosters innovative cluster development.

*Update:* During the public comment portion of the public hearing, there were two members of the public who spoke against cottage developments. One public commenter spoke of their importance for infill development, but recommended that larger buffers be required between cottage or cluster developments and low-density residential development. There were no specific concerns expressed regarding the addition of porches as a design requirement for cottage developments. Only one member of the public spoke in opposition to the allowance for the dwelling units in cottage developments to be attached on one side.

*After the public hearing, Staff recommended that the maximum lot size for Cottage Development be increased to 5 acres, citing that this would make it easier for Cottage Developments to meet the site design requirements for a landscape buffer around the project site. Increasing the maximum lot size may make it easier to locate developments in a manner that creates a greater buffer between Cottage Developments and surrounding low-density residential. Staff has prepared a recommended Condition of Approval for EPC review, addressing this change.*

***Walls and Fences – 14-16-4-3(D)(18); 14-16-4-3(D)(37); 14-16-5-7(D)(3)(a); Table 5-7-2 [Items #4, #5, #23 and #24]***

→ Please refer to p. 15 - 17 of the December 14, 2023 Staff report for a full discussion of these changes.

The request includes four changes related to wall and fences. The first two changes require walls via use-specific standards for Light Vehicle Fueling Stations (i.e. gas stations) and General Retail. Subsection 4-3(D)(18) and Subsection 4-3(D)(37) require a wall or fence at least 3 feet high around the perimeter of all general retail and light vehicle fueling stations and from the edges of the primary

building to the side or rear property line intending to provide increased security and guidance for pedestrian traffic entering or exiting a property.

The other two changes would allow taller front yard walls in low-density residential development. Subsection 14-16-5-7(D)(3)(a) would allow a front yard or street side yard wall up to 5 feet tall, if all the following requirements are met:

- (a) The wall is not located in a small area where taller walls are prohibited.
- (b) View fencing is used for portions of a wall above 3 feet.
- (c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall.

*Policy Analysis Recap:* The proposed amendments to fence heights are partially consistent with the following Comprehensive Plan Goal 4.1 Character, Policy 4.1.1 Distinct Communities, Policy 4.1.2 Identity and Design, Goal 6.2 Multi-Modal System, Policy 6.2.3 Pedestrian & Bicycle Connectivity, Goal 7.2 Pedestrian-Accessible Design, Policy 7.2.1 Walkability, Policy 7.2.2 Walkable Places, Goal 7.3 Sense of Place, and Policy 7.3.2 Community Character.

*Update:* During the public comment portion of the public hearing and in written comments submitted beforehand, many commenters objected to the proposed change for taller walls in neighborhoods. Several other public commenters opposed the required walls for the non-residential uses, citing concerns over the negative impact on connectivity for pedestrians and urban design in the built environment. Staff recommends that the EPC should continue to carefully consider the extent to which walls improve public safety and whether that community benefit outweighs the possible negative impacts to connectivity, access, urban design, and community character encouraged by Comp Plan goals and policies. Based on initial deliberations by the EPC at the December 14<sup>th</sup> hearing, staff has prepared conditions that would remove these amendments from consideration at this time.

#### **Utilities and Waste Management – 14-16-4-3(E)(8); 14-16-5-2(H) [Items #6, #15, #55]**

→ Please refer to p. 17 - 20 of the December 14, 2023 Staff report for a full discussion of these changes.

#### **Summary:**

There are three proposed amendments related to utilities and waste management. The first set of two amendments includes the creation of a new primary use – Battery Energy Storage System – that allows a private facility with utility-scale batteries to store electricity until needed on the electric grid. The second, related amendment also makes a minor change to the definition of Electric Utility, which allows battery storage as an incidental use. The intent is that private, standalone Battery Energy Storage Systems would follow the proposed new regulations, while battery storage installed by the Public Service Company of New Mexico (PNM) would be regulated by the use-specific standards for Electric Utility. The proposed amendment for a standalone Battery Energy Storage System adds a new primary use to Table 4-2-1 allowing the use in the NR-LM and NR-GM zone districts, with new use-specific standards in Subsection 4-3, and new definitions in 14-16-7-1.

The third proposed amendment would revise the regulation related to landfill gas buffer areas, included in Section 14-16-5-2. The proposed change would exempt landfills closed within the last 30 years from



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review by the City’s Environmental Health Department or any requirement to mitigate potential landfill gas that can pose health hazards due to methane and other byproduct gases.

*Policy Analysis Recap:* The proposed amendments to utilities and waste management are consistent with Comprehensive Plan Goal 5.2 Complete Communities, Policy 5.2.1 Land Uses, Goal 5.3 Efficient Development Patterns, Goal 5.7 Implementation Processes, Policy 5.7.4 Streamlined Development, Goal 8.2 Entrepreneurship, Policy 8.2.1 Local Business, Policy 8.2.3 Sustainable Business, Goal 12.1 Infrastructure, Policy 12.1.6 Energy Systems, Goal 12.3 Public Services, Policy 12.3.2 Solid Waste Management, Goal 13.1 Climate Change, Policy 13.1.1 Resource-Efficient Development, Goal 13.4 Natural Resources, Policy 13.4.3 Energy Resources, Goal 13.5 Community Health, Policy 13.5.1 Land Use Impacts, and Policy 13.5.3 Public Infrastructure Systems and Services.

*The proposal to create a new use that allows a Battery Energy Storage System is consistent with Comp Plan Goals and Policies encouraging complete communities, efficient infrastructure, and sustainability, as well as ensuring the public health and safety because the proposed amendment includes requirements for distance separations from residential uses, landscape buffers next to other uses, and other regulations to minimize risk related to the combustible toxic chemicals in the batteries.*

*The proposed amendment to landfill gas mitigation is consistent with goals and policies encouraging efficient review and decision processes. However, the amendment conflicts with Goal 12.1 Infrastructure, Goal 12.3 Public Services, Policy 12.3.2.a Solid Waste Management, Goal 13.5 Community Health and Policy 13.5.1 Land Use Impacts.*

***Update:*** Multiple comments were submitted in opposition to changes to the IDO Landfill Gas Mitigation procedures by exempting landfills closed more than 30 years ago from the landfill gas mitigation procedures. EPC deliberated on this, and seeing no clear benefit thereby requested a condition be presented for the amendment (Item # 15) to be removed. Based upon the policy conflict identified, Planning Staff concurs with this and has provided a recommended condition of approval to remove this item from consideration.

*Regarding Battery Energy Storage Systems, comments were received by PNM, as well as a private battery system developer that were opposed to portions of the proposal. City Council staff also requested that the EPC defer their recommendation, or at a minimum, wait for staff to meet and develop an alternative proposal. Planning Staff has met with City Council staff and PNM representatives to discuss this amendment, but have not had the time to make substantive revisions based on feedback provided. Based upon this, and in a spirit of ongoing cooperation, staff recommends a condition of approval to remove this amendment from consideration with a finding that staff continues to explore appropriate regulations for Battery Energy Storage Systems as the annual update proceeds to City Council. Staff recommends the changes to Electric Utility [Item #6] regarding walls and other minor clarifications stay in the 2023 Annual Update at this time.*

***Cannabis Retail – Table 4-2-1; 14-16-4-3(D)(35) [Item #8]***

→ Please refer to p. 20 - 21 of the December 14, 2023 Staff report for a full discussion of these changes.



***Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6) [Item #9]***

→ Please refer to p. 21-23 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

The proposed amendment would revise Table 4-2-1 to make overnight shelters permissive in all zone districts where they are currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM), thereby eliminating the requirement for a public hearing, except in certain circumstances outlined in the recommended amendments to the existing use-specific standards.

***Policy Analysis Recap:*** The proposed amendments to overnight shelters are consistent with the Comprehensive Plan Goal 5.3 Efficient Development Patterns and Goal 9.4 Homelessness, because they would facilitate the location and development of more overnight shelters. However, the proposed amendments are not consistent with the underlying Policy 5.3.7 Locally Unwanted Land Uses and relevant sub-policies, as it would substantially limit the public input regarding potential impacts for surrounding neighborhoods.

***Update:*** While this proposal is partially consistent with Comprehensive Plan Goals and Policies, staff received abundant letters of objection to the proposed amendment. Also, during the public hearing, two people spoke against this proposal. Leaving IDO Subsection 14-16-4-3(C)(6) as is, would continue the requirement for a conditional use approval for overnight shelters, that would allow public input and conditions of approval to be added to mitigate negative impacts through the public hearing process. Thereby, addressing the Policy 5.3.7 Locally Unwanted Land Uses, creating balance between the location of necessary services for the unhoused and potential negative impacts to surrounding neighborhoods. Staff has prepared a condition to remove this amendment.

***Definitions for Community Residential Facilities, Group Homes, Overnight Shelter and Nursing Homes – 14-16-7-1 [Items #46, #47, #48, #49]***

→ Please refer to p. 23-24 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

Proposed amendments modify the definitions of Community Residential Facilities, Group Homes, Overnight Shelters, and Nursing Homes to be more consistent with the Federal Fair Housing Act and to clarify the differences among the related terms. The revised definitions are intended to improve enforcement, and do not change where these uses would be allowed either permissively or conditionally.

***Policy Analysis Recap:*** The proposed definitions for Definitions for Community Residential Facilities, Group Homes, Overnight Shelter and Nursing Homes are consistent with the Comprehensive Plan Goal 5.7 Implementation Processes and subsequent Policies 5.7.2 Regulatory Alignment, 5.7.4 Streamlined Development, and 5.7.6 Development Services, as they Provide high-quality customer service with transparent approval and permitting processes.

***Update:*** Public comments regarding these definitions showed confusion about the intent of the proposed changes. Commenters opposed any changes that would allow people with substance addictions not in recovery programs or people in the criminal justice system to live in residential neighborhoods. After listening to public comments both before and during the public hearing, staff recommends a condition

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*adding the following to the definition of Community Residential Facility (Item #46), “This use does not include facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, facilities for persons individuals in the criminal justice system, or residential facilities to divert persons from the criminal justice system, which are all regulated as group home for the purposes of this IDO. This use does not include 24-hour skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO.”*

*The other definitions would remain the same. With the condition proposed, the amendments are consistent with the Goals and Policies of the Comprehensive Plan, specifically Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.4 Streamlined Development, and Policy 5.7.6 Development Services.*

***Duplex – 14-16-4-3(B)(5); 14-16-4-3(F)(6) [Items #10, #13]***

→ Please refer to p. 24-26 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

Two separate amendments were proposed to change allowances for two-family detached (duplex) dwellings. One would have allowed duplexes permissively in R-1 on corner lots that are a minimum of 5,000 square feet. The second amendment proposed by City Council would have allowed duplexes permissively in the R-1 zone district if they are added to or created from an existing single-family home.

From a land-use perspective, there is no way to distinguish a second kitchen in a dwelling, which is currently allowed, from an attached accessory dwelling unit (duplex). However, permissively allowing duplexes caused concern reflected in many of the public comments received. Public commenters generally opposed all the amendments for duplexes over concerns for property values and neighborhood character. There was also concern that the proposal would substantially limit the public input regarding potential impacts for surrounding neighborhoods by permitting two-family homes in traditionally single-family neighborhoods, permissively and without opportunity for public input.

***Policy Analysis Recap:*** The proposed amendments to duplexes would be consistent with Comprehensive Plan Goals and Policies, such as Policy 7.3.4 Infill, Goal 9.1 Supply, Goal 9.3 Density Goal, and 9.6 Development Process, as they would provide new housing opportunities utilizing existing development and infrastructure.

***Update:*** Although the proposed amendments allowing duplexes in more locations are consistent with Comprehensive Plan policies encouraging housing options, affordability, infill, and gentle density, allowing them permissively would likely lead to an increase in density in established low-density (i.e. single-family) residential neighborhoods, that many members of the public commented would be detrimental to the character of their existing neighborhoods. The impacts of increased density, such as parking, noise and security, as well as the change to the character of existing neighborhood buildings were the most commented concerns.

*Therefore, after public comment and commissioner deliberation, staff has provided alternative options for conditions for approval or removal for Items #10 and #13.*

***City Facilities – 14-16-2-5(E)(2); 14-16-4-1(A)(4) [Item #11, #54]***

→ Please refer to p. 26 - 27 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

Two amendments were proposed to streamline the development of city facilities. The first change would remove the requirement for police stations and fire stations to be zoned NR-SU (Non-residential— Sensitive use), amending Table 4-2-1, to allow for fire station and police stations as a permissive use (P) in MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM.

The second proposed change, would exempt City facilities from requiring a Conditional Use Approval where it would otherwise be required in Table 4-2-1, thereby changing the review and approval process from public hearing to administrative for City Facilities.

Public comments before the EPC hearing generally opposed the amendment to exempt City facilities from conditional use approvals, citing concerns about lack of notice and public input opportunities in the development review and decision process, but expressed little to no opposition to specifically allowing fire and police stations to be permissive in certain zone districts.

***Policy Analysis Recap:*** The proposed amendments are consistent with the Comprehensive Plan Goal 5.3 Efficient Development Patterns and Goal 12.3 Public Services, specifically as they relate to access to essential public services, such as fire and police stations (Item #54). On the other hand, the proposed amendment is not consistent with Policy 5.3.7 Locally Unwanted Land Uses and Policy 12.5.6 Public Input and relevant sub-policies, as it would substantially limit the public input regarding potential impacts for surrounding neighborhoods regarding proposed development of City Facilities (Item #11).

***Update:*** In the original staff report, planning staff presented the possibility of adding a condition stipulating that the proposed amendments apply to City facilities that serve a “substantial government interest,” but there was overwhelming concern from the public both before and during the public hearing that these changes would reduce opportunities for public input and community involvement regarding how and where City facilities are provided for the public good. During the public comment portion of the public hearing, three people spoke against the proposal to allow City facilities to be exempt from requirements to obtain a Conditional Use approval when otherwise required by Table 4-2-1, citing that the public hearing triggered by the Conditional Use approval requirement is the only opportunity for the public themselves to weigh in on the public benefit of any proposed facility. Further, removing that requirement would no longer allow the community to comment on any potential negative impacts to their neighborhoods.

Therefore, addressing the Policy 5.3.7 Locally Unwanted Land Uses, staff has recommended a condition eliminating Item #11, thereby maintaining the existing balance between the location of necessary City facilities and potential negative impacts to surrounding neighborhoods. Item #54 would stay unchanged, addressing the specific need for fire and police stations in the community.

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***Dwelling, Live-Work – Table 4-2-1; 14-16-4-3(B)(7); 14-16-6-6(A) [Item #12]***

→ Please refer to p. 28 -29 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

The initial proposal would allow small restaurants and retail establishments permissively in the R-1, R-T and R-ML zone districts as part of a live-work development. The intent of this change is to expand opportunities for neighborhood-serving amenities, such as restaurants, coffee shops, and small retail, supporting and strengthening the local economy and creating additional opportunities for entrepreneurs.

***Policy Analysis Recap:*** The proposed amendment is consistent with the Goal 4.1 Character and subsequent Policy 4.1.4 Neighborhoods, Goal 5.2 Complete Communities, Goal 8.1 Placemaking, and Goal 8.2 Entrepreneurship.

***Update:*** Prior to the public hearing, staff received various pinned comments and letters expressing opposition to the proposed amendment. During the public comment portion of the EPC hearing, 3 people spoke against this amendment, mainly citing concerns about potential traffic resulting from the live-work uses, especially for the potential restaurant use. One person also expressed concern regarding the possible sale of alcohol related with restaurants. One person spoke in favor of the proposed amendment, citing that live-work uses would bring more vitality and security to neighborhoods with additional daytime activity in neighborhoods and generally have lower traffic impact compared to other commercial uses. Staff commented that any live-work use would have to comply with parking standards for that use. After the public hearing, staff received one additional letter expressing general opposition to this proposal, particularly “small groceries or restaurant” uses in residential areas.

At the direction of the commissioners, staff has reviewed the definitions and possible impacts of the proposed restaurant use, and is recommending a condition to remove that use from the possible uses allowed in live-work in the residential areas proposed and replacing that use with grocery store, which more closely fits with the original intention of this amendment to allow for more locally available amenities and locally-owned businesses that would benefit the community. Additionally, staff recommends adding “Bakery or Confectionary Shop,” to the allowed uses, which is a complementary use to grocery stores and small retail. The definitions for “Bakery or Confectionary Shop,” “Grocery Store,” and “General Retail” can be found in Section 7-1 of the IDO on pages 548, 567, and 593, respectively. Furthermore, it should be noted that “Home Occupations” (IDO Section 7-1, p. 569), are currently allowed in all residential zones. The difference between “Home Occupations” and “Dwelling, Live-work” are subtle, as both may allow “customers” to visit a residence to receive and/or buy services. The use “Dwelling, live-work” would allow for a type or size of the work that is generally larger or more extensive than that allowed as a home occupation (see Section 7-1, p. 56, “Dwelling, live-work”). The proposed live-work uses, if approved, will be subject to the use-specific standards, such as maximum square footage requirements proposed as part of this amendment, thereby expanding business opportunities for homeowners and entrepreneurs, without substantially impacting the existing character of neighborhoods.

The proposed amendments are consistent with Comprehensive Plan Goals and Policies supporting neighborhood services, walkable and pedestrian-oriented development, complete communities, entrepreneurship, and local businesses, by fostering a small, local, neighborhood-oriented economy,

*providing economic opportunities for many sectors of the community that may have otherwise been limited in their possibilities for economic growth.*

***Irrigation (Acequia) Standards – 14-16-5-2(G), [Item #14]***

→ Please refer to p. 34 of the December 14, 2023 Staff report for a full discussion of this change.

***Construction Mitigation – 14-16-5-2(K) [Item #16]***

→ Please refer to p. 30 - 31 of the December 14, 2023 Staff report for a full discussion of these changes.

***Recreational Vehicle, Boat, and Trailer Parking; Front Yard Parking – 14-16-5-5(B)(4); 14-16-5-5(F)(2); 14-16-6-8(G) [Items #17 and #42]***

→ Please refer to p. 31 - 32 of the December 14, 2023 Staff report for a full discussion of these changes.

Two items requested by City Council pertain generally to parking in the front yard. The first proposed change deletes the existing allowance and criteria for parking an RV, boat, or trailer in a front yard, and replaces it with a prohibition of parking such vehicles in “...any portion of a front yard, whether that portion has been improved as a driveway or not.”

The second proposed change amends two sections of the IDO regarding approved materials for front yard parking areas to prohibit the use of “compacted angular stone” as an allowable material for improvement of such parking area.

*Policy Analysis Recap:* The proposed amendments are partially consistent with Comprehensive Plan Goal 4.1 – Character, Policy 4.1.1 – Distinct Communities, Policy 4.1.4 Neighborhoods, Goal 7.2 Pedestrian-Accessible Design, and Policy 7.2.1 Walkability because these changes would result in less front yard parking and potentially a more hospitable pedestrian environment.

***Update:*** *Comments were received questioning the need for these amendments and in opposition, particularly regarding RV, boat, and trailer parking for individuals with small lots where the front yard may be the only place available to them off the street for parking such a vehicle. There was some support from commenters who believe these changes will result in more attractive neighborhoods. EPC deliberation on these amendments focused on the possibility of them being overreaching and whether they could be improved by rewording them or by allowing an alternative process by which to be allowed to utilize the front yard for parking an RV, boat, or trailer. Councilor Grout has requested a potential change to clarify that the RV, boat, and trailer parking amendment is specific to Residential properties, and should continue to allow parking in the front yard in Mixed-use and Non-residential zones with non-residential uses. Staff continues to recommend careful consideration of these changes, and has provided conditions of approval for the EPC to consider removing them from consideration at this time. Should the EPC choose to keep the amendment regarding the prohibition of RV, boat, and trailer parking in the front yard, an option is presented to adjust the language at the request of Councilor Grout.*



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***Parking Standards – 14-16-5-5(C)(7); 14-16-5-5(G)(3); 14-16-7-1 [Items #18, #19, #51]***

→ Please refer to p. 32 - 33 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

The primary proposed amendments related to parking standards has been proposed by City Council to implement maximum parking requirements within 330 feet of a transit facility. This proposed subsection would cap maximum parking at 100 percent of the minimum parking specified in the IDO for a development or set of uses. Parking maximums do not apply to structured parking options, but rather to surface parking lots.

Technical amendments regarding the applicability of parking structure design standards and the definition of a garage did not receive comment and are not discussed further in this report.

***Policy Analysis Recap:*** The proposed Parking amendments are consistent with Comprehensive Plan Goal 4.1 – Character, Policy 4.1.1 – Distinct Communities, Policy 4.1.2 Identity and Design, Policy 6.1.2 Transit-Oriented Development, Policy 6.1.3 Auto Demand, Policy 7.2.2 Walkable Places, Goal 7.4 Context-Sensitive Parking, Policy 7.4.1 Parking Strategies, and Policy 7.4.2 Parking Requirements.

***Update:*** *The proposed amendments are generally consistent with Goals and Policies related to promoting infill development, supporting transit, and promoting high-quality pedestrian-oriented neighborhoods. Since the December 14<sup>th</sup> EPC hearing, Planning Staff has received comments on this amendment from the Transit Department, which are generally in support of reduced parking near transit. Their comments note the description of the request from City Council specifies that it excludes park and ride facilities, but that is not reflected in the language of the amendment, which was previously identified as a potential condition. They further note that ABQ Ride owns two Operations & Maintenance facilities that do not directly serve the public, and should be excluded as they do not necessarily have transit service to them or nearby. This would be accomplished by excluding “depot” in addition to “park-and-ride lots” from the proposed maximum. Public comment and EPC deliberation were not as supportive, so staff has prepared conditions of approval for the EPC’s consideration to either remove the amendment altogether or to recommend approval with modifications.*

***Landscaping – 14-16-5-6(B)(1); 14-16-5-6(C); 14-16-5-6(C)(5)(e); 14-16-5-6(C)(5)(d) [Items #20, #21, #57]***

→ Please refer to p. 35-36 of the December 14, 2023 Staff report for a full discussion of these changes.

There are multiple amendments related to landscaping, including three Council memos and an exhibit. Two Council memos relate to mulching requirements in Subsection 14-16-5-6. One proposed amendment removes mulching requirements for street trees in Subsection 14-16-5-6(C)(5)(e). The other amendment clarifies the radius measurement for required mulch in Subsection 14-16-5-6(C)(5)(d). A separate Council memo would apply landscaping requirements to more projects by lowering the threshold percentages and dollar amounts in Subsection 14-16-5-6(B)(1). City Planning Staff also proposed amendments to landscaping as an exhibit showing revisions to Subsections 14-16-5-6(C)(4), 14-16-5-6(C)(5), 14-16-5-6(C)(7), 14-16-5-6(C)(10), 14-16-5-6(C)(14), and the definition of warm season Grasses in Section 14-16-7-1. The proposed changes are intended to increase requirements for

plants and irrigation, reduce water consumption, and improve survivability of landscaping in the high desert environment.

*Policy Analysis Recap:* The Planning staff's recommended changes are generally consistent with the Comprehensive Plan Goal 5.3- Efficient Development Patterns, Policy- 5.3.4 Conservation Development, Goal 7.3- Sense of Place, Policy 7.3.2- Community Character, Goal 11.3- Cultural Landscapes, Policy 11.3.1- Natural and Cultural Features, Goal 13.2- Water Supply & Quality.

*Update:* After the initial public hearing, staff received one letter in support of the recommend 3-inch layer of shredded wood mulch proposed in Item #57. Based on the public comments and the discussion at the December 14<sup>th</sup>, 2023 EPC Hearing staff has drafted proposed conditions for EPC consideration. Planning staff recommends adopting Item #22 as written, while deleting #20 and #21. Based on specific comments heard from the Parks and Recreation Department, Planning staff also recommends to adopt Item #57 with a change to remove proposed Subsection 5-6(C)(4)(e), regarding the maximum allowance of warm season grass species, and renumber subsequent subsections. Planning staff has prepared a condition for these changes.

#### ***Sensitive Lands – 14-16-7-1 [Items #52, #53]***

→ Please refer to p. 36-37 of the December 14, 2023 Staff report for a full discussion of these changes.

The proposed amendments to Section 14-16-7-1 change the definitions of Sensitive Lands, specifically Large Stand of Mature Trees and Rock Outcroppings. The amendments would revise the text of both definitions to be more realistic given the existing natural environment of Albuquerque. The proposed changes would apply sensitive land requirements in more situations by lowering the thresholds in the existing definitions.

*Policy Analysis Recap:* The Planning staff's recommended changes are generally consistent with the following Comprehensive Plan goals, policies, and sub-policies: Goal 7.3- Sense of Place, Policy 7.3.1- Natural and Cultural Features, Sub-policy 7.3.1.a, Goal 11.3- Cultural Landscapes, Policy 11.3.1- Natural and Cultural Features, Policy 11.4.5- Private Protections, Goal 13.4- Natural Resources, Policy 13.4.4- Unique Landforms and Habitats

*Update:* Public comments at the EPC Hearing on December 14<sup>th</sup>, 2023 and written comments submitted are in favor of protecting sensitive lands. Based on the discussion at the hearing, Planning staff recommends adopting Item #53 as written and adopting Item #52 with a change to the definition in Section 7-1 Sensitive Lands- Large Stand of Mature Trees to remove the 10-year tree age requirement as something that is difficult to ascertain. Planning staff has prepared a condition for this change.

#### ***Façades – 14-16-5-11(E) [Item # 25]***

→ Please refer to p. 37 - 38 of the December 14, 2023 Staff report for a full discussion of these changes.

#### ***Summary:***

City Council proposed a change to Subsection 14-16-5-11(F) to expand the applicability of building design and façade requirements to non-residential development other than industrial development in NR-LM or NR-GM zone districts, as well as for industrial development in any zone district.



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This amendment seeks to improve the building design standards for restaurants, hotels, and many other possible uses in the NR-LM and NR-GM zone districts, as well as industrial uses anywhere in Albuquerque.

*Policy Analysis Recap:* The proposed amendments to Façade requirements are consistent with Comprehensive Plan Goal 4.1 Character, Policy 4.1.2 Identity and Design, Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Goal 7.3 Sense of Place, Policy 7.3.2 Community Character, and Policy 7.3.5 Development Quality

*Update:* The proposed amendments are generally consistent with Comp Plan Goals and policies to enhance the character of neighborhoods, and were supported by multiple public commenters. A request was made by members of the development community to increase the required minimum spacing between building design features from 75 feet to 150 feet, as well as to allow vertical projections. The sponsoring Councilor was agreeable to those changes, and this change still enhances the minimum building requirements for projects that would otherwise be exempt from the current standards. Planning staff has prepared a condition for this change.

**Procedures – 14-16-6-2; 14-16-6-4; 14-16-6-8; Table 6-1-1; Table 6-4-2 [Items #26, #27, #28, #38, #39, #40, #41, #44, #45]**

→ Please refer to p. 38 - 40 of the December 14, 2023 Staff report for a full discussion of these changes.

**Notice and Referrals – 14-16-6-4(B) & (K); Table 6-1-1 (Items #29, #30, #31, #32, #33, #34, #35, #36, #37, #43)**

→ Please refer to p. 40 - 41 of the December 14, 2023 Staff report for a full discussion of these changes.

**Summary:**

There are several proposed amendments to Subsection 14-16-6-4(B) and 14-16-6-4(K).

Items #29, #32, #33, #34, and #36 propose to replace the requirement to notice adjacent Neighborhood Associations or property owners with a set distance that is easily mapped and, in most cases, more generous than the existing requirement. This change would allow automation of a map query to generate a list of property owners or affected Neighborhood Associations to be notified. This “adjacency requirement” affects the Pre-submittal Neighborhood Meeting [#29], public notice to Neighborhood Associations [#32], Mailed Notice to property owners [#33] and small area text amendments [#34], and Post-submittal Facilitated Meeting [#36]. These amendments are intended to improve these processes and ensure that all notice, meeting requests, and meeting summaries are provided as required.

Item #37 would revise the distance for standing for appeals by Neighborhood Associations to 330 feet for consistency with the proposed change to email notice.

Items #30, #31, #35, and #43 had little comment and discussion from the EPC at the December hearing and are not covered in this report in detail. Please refer to the December 14<sup>th</sup> staff report for more information on those amendments.

Policy Analysis Recap:

The proposed amendment to IDO Notice and Referrals is consistent with the following Goals and Policies:

Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.4 Streamlined Development, Policy 5.7.5 Public Engagement, and Policy 5.7.6 Development Services.

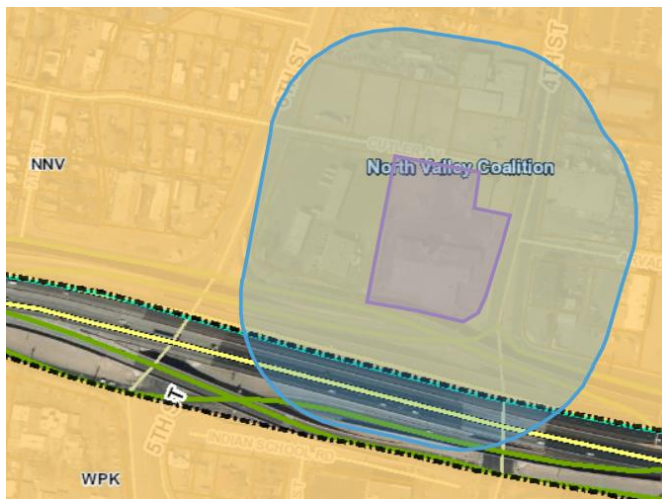
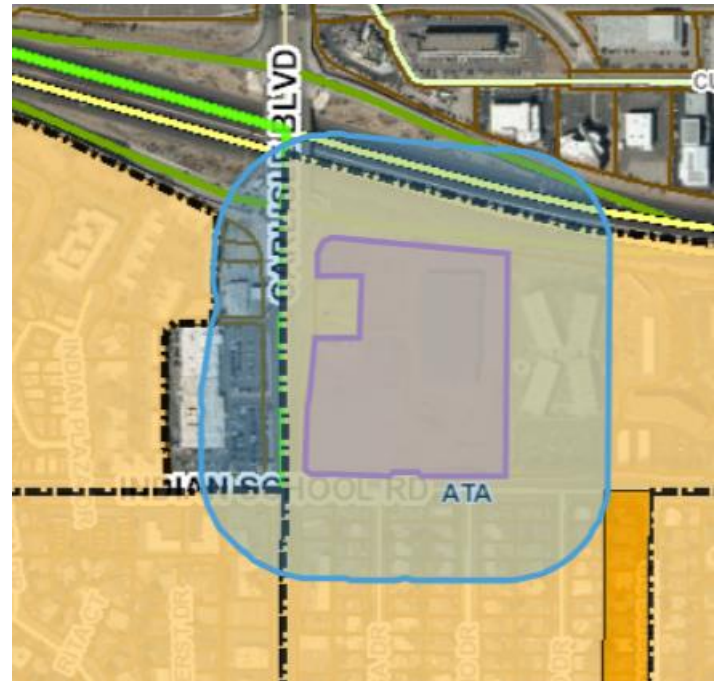
*Each of the proposed changes to IDO Section 14-16-6-4 and Table 6-1-1 are intended to create more clear and efficient processes. Having clearly defined distances for noticing requirements, time-frames for reception of comments, and new and clear sign-posting requirements improve the transparency and effectiveness of the development process; therefore, the request is consistent with Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.4 Streamlined Development, Policy 5.7.5 Public Engagement, and Policy 5.7.6 Development Services.*

*Based upon discussion at the December 14<sup>th</sup> EPC hearing, there is concern over these distances being a reduction of notice and opportunity for input, which conflicts with Policy 5.7.5 Public Engagement. Staff has provided a condition of approval to remove items #33 and #34 from consideration as they would remove mailed notice from some property owners if they are located across a large street. The 330-foot distance that is proposed for neighborhood associations is intended to cover all reasonable circumstances for input. The reduction in the distance for standing on appeals only applies for appeals and not the original notice, and the current language could result in a neighborhood being granted automatic standing to appeal even if they were not required to be notified of an original application. This change is particularly supportive of Policies 5.7.2 Regulatory Alignment and 5.7.4 Streamlined Development. If a Neighborhood Association or one of its members is particularly aggrieved of a decision, the IDO still provides standing for “Any other person or organization that can demonstrate that his/her/its property rights or other legal rights have been specially and adversely affected by the decision.” A few scenarios applying the proposed 330-foot buffer are below for the EPC’s consideration.*



*Left: This site is located at the southeast corner of Bellemah and 20<sup>th</sup> Street, and somewhat recently came before the EPC for a Zoning Map Amendment. The Sawmill Area Neighborhood Association was the only applicable association under existing IDO regulations. If the amendment to change “includes or adjacent” to 330 feet passes, the Historic Old Town Association and Downtown Neighborhoods Association also fall within that distance.*

*Right:* This site at Carlisle and I-40 is currently undergoing renovation as the new site of Whole Foods. The property is located “within or adjacent to” the Summit Park and the Altura Addition neighborhoods. 330 feet would add the Netherwood Park neighborhood to any applicable notice if something else were to occur here in the future.



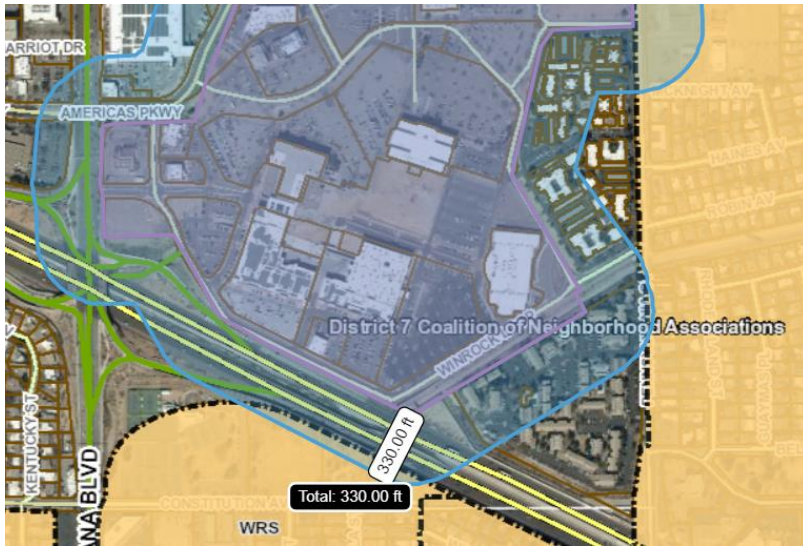
*Left:* Located at I-40 and 4<sup>th</sup> Street, a site plan approval and conditional use were granted for a U-Haul Storage facility several years ago. Notice went to the Near North Valley and Wells Park Neighborhood Associations, as well as the North Valley Coalition. In this instance, the 330 feet does not span across Interstate 40. If the proposed amendments are approved, and this property were to redevelop in the future, Wells Park would not receive direct notifications, although the Near North Valley and North Valley Coalition would still receive notices.



*Right:* This exhibit shows the interchange for Coors Boulevard and I-40. The proposed 330-foot buffer for neighborhoods would pick up the S.R. Marmon neighborhood for any applications for this lot, or for the Wal-Mart store located to the north of it. This exhibit also shows the boundary of the West Mesa Neighborhood extending over the Interstate right-of-way to the south. Many association boundaries extend to the centerline of streets, which reduces the impacts of this change even further.



*Left:* The site here just broke ground for a large build-to-rent project. The Valle Prado Neighborhood Association and Westside Coalition were both involved in discussions about this project, and the proposed change in distance would not change that.



Left: Winrock is located adjacent to I-40, and this exhibit shows that some portions of the Interstate are narrow enough that the 330 feet may still provide notification to interested Neighborhood Associations adjacent across the right-of-way.

***Lighting – 14-16-4-3; 14-16-5-8, 14-16-5-12 [Item #56]***

→ Please refer to p. 41 - 43 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

A significant amendment proposed in this Annual Update is an overhaul of the City’s Outdoor and Site Lighting regulations in Section 14-16-5-8. The City hired Clanton & Associates, an award-winning lighting design and engineering firm, to assist with evaluating existing regulations in the IDO and preparing proposed amendments, which are presented in an exhibit that would replace the existing section in its entirety. The proposed amendment is intended to improve compliance with the State’s Dark Sky Act and improve enforceability of lighting standards.

***Policy Analysis:*** The proposed amendment to Lighting is consistent with the following Comprehensive plan Goals and Polices:

- Goal 4.1 Character, Policy 4.1.1 Distinct Communities, Policy 4.1.5 Natural Resources, Policy 5.6.4 Appropriate Transitions, Policy 5.7.2 Regulatory Alignment, Goal 7.3 Sense of Place, Policy 10.2.2 Security, Goal 10.3 Open Space, and Goal 13.4 Natural Resources

***Update:*** The proposed Outdoor and Site Lighting regulations are consistent with Comprehensive Plan Goals and Policies. The changes strike an appropriate balance between allowing for adequate lighting of outdoor spaces for navigating and ensuring safety while also encouraging less light overall to minimize our human impact on the night sky. In general, public comments support approval of these changes with some specific requests for modifications, which staff requested be reviewed by our lighting consultant. Based on further discussions with the consultant, several conditions are proposed for minor modifications to the exhibit that was submitted. These changes respond to some of the public comments submitted. A letter from Clanton & Associates is attached describing their review of the public comments broken down by each section of the Outdoor and Site Lighting Exhibit.

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***Tribal Referrals – 14-16-6-4-(J); 14-16-6-5(A); 14-16-7-1 [Item #58]***

→ Please refer to p. 43 - 44 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

The tribal engagement amendment is intended to provide transparency and opportunities for discussion and engagement about development that may impact tribal communities near Major Public Open Space, including the Petroglyph National Monument, tribal land, or the Northwest Mesa View Protection Overlay zone (VPO-2). The latter geometry is a small area text amendment submitted as a separate application and the subject of another Staff Report, to be discussed at the January 18<sup>th</sup> EPC hearing. Prior to the first EPC hearing, 4 emailed comments were received in support, and 6 pinned comments were made online.

***Policy Analysis Recap:*** The proposed amendment regarding Tribal Referrals is consistent with the following Comprehensive Plan Goals and Policies:

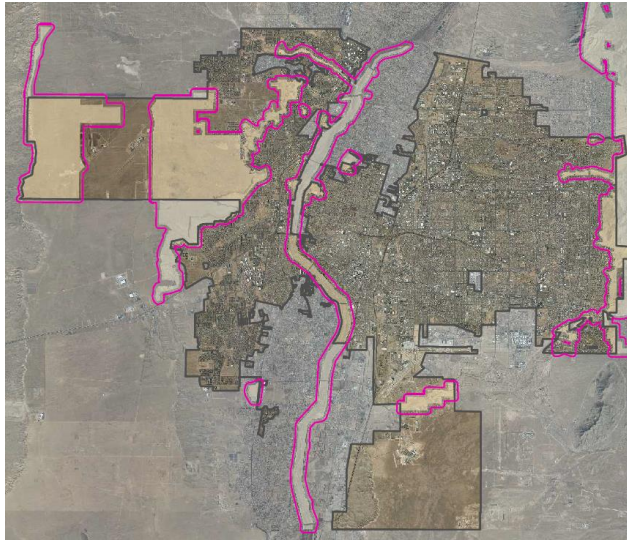
Goal 4.2 Process, Policy 4.2.2 Community Engagement, Goal 5.7 Implementation Processes, Policy 5.7.5 Public Engagement, Goal 11.3 Cultural Landscapes, Policy 11.3.1 Natural and Cultural Features

***Update:*** *The Pueblo of Laguna submitted comments and supports the goals of the amendment with 3 suggestions:*

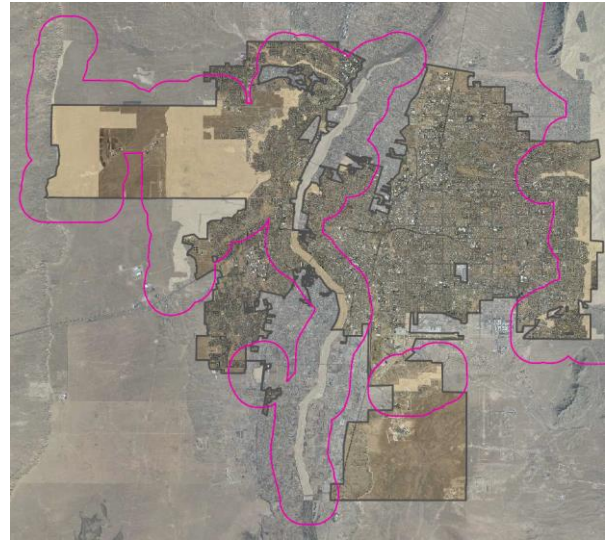
- *Extend the proposed distance from 660 feet to one mile.*
- *Extend the notice requirement to the Coors Boulevard CPO/VPO.*
- *Supplement the notice by designating an additional tribal officer or employee to receive notice, such as the Tribal Historic Preservation Officer.*

*A comparison of 660 feet to 1 mile are below for the EPC's consideration. Planning staff has prepared a condition that would revise the language to move the Major Public Open Space and the Petroglyph National Monument referrals into the same Subsection, since the Petroglyph Monument is, in fact, Major Public Open Space. For that reason, it is not mapped separately below. The Northwest Mesa Escarpment VPO-2 Staff Report proposes striking the 660-foot distance altogether so that referrals would take place for any development in the small area only. Tribal lands will be mapped by request if this amendment is adopted, so no map is available at this time.*





*Figure 1: Major Public Open Space (MPOS) + 660-foot Buffer*



*Figure 2: MPOS + 1-mile Buffer*

*The Coors Boulevard CPO/VPO change would require a separate application for Small Area text amendments, which cannot be accommodated at this time. EPC could request a finding recommending these applications for the next Annual Update. It should be noted that the Major Public Open Space buffer will require referrals for development along the Bosque east of Coors Boulevard.*

*Planning staff has prepared a condition revising the definition of Indian Nation, Tribe, or Pueblo to allow a designee for comment referrals. See additional discussion below and the proposed Conditions of Approval.*

*After the initial public hearing, staff received a letter of support for this proposal from the National Park Service Superintendent of Petroglyph National Monument, mainly referencing the VPO-2 component of the tribal engagement amendment. These comments supported allowing a designee, particularly the Historic Preservation Officer, and requested extending the timeframe for receiving comments from 15 days. The 30-day comment period would delay all development decisions regulated by the IDO. Planning staff is recommending a different approach to get proposed development on the radar even before an application is submitted and to allow early dialogue. See additional discussion below and the proposed Conditions of Approval.*

*Planning staff presented to the Commission on American Indian and Alaskan Native Affairs on December 13, 2023. Commissioners commented on 2 aspects of the proposed amendment that might be problematic to tribal governments.*

- *If the City wants tribal governments to provide comments on development proposals, the 15-day comment period is likely not sufficient, especially for chief executive officers.*
  - *A meeting with the applicant might be more helpful and timely.*
  - *Most tribes have a Historic Preservation Officer or a Tribal Archaeologist, who might be a good addition to the list of recipients for tribal referrals, as they might be able to respond more quickly than chief executive officers and might have relevant comments to*



*offer about historic or heritage preservation concerns related to the proposed developments.*

- *The priority for most tribes is the preservation of the land. If a tribe wanted to negotiate a purchase or a land swap with an applicant, 15 days would be insufficient, and there is no other City process that would accommodate a delay in processing the application.*
- *A Historic Preservation Officer or a Tribal Archaeologist might be helpful in identifying natural elements that are a significant part of the cultural landscape, in addition to archaeological artifacts. These natural elements might be herbs or vegetation collected for medicine or ritual. These individuals would be a good addition to the list of recipients of tribal referrals for comment.*

*Planning staff has developed several Conditions of Approval or Findings to recommend considerations by City Council.*

1. *In Section 7-1, the definition for Indian Nation, Tribe, or Pueblo could be revised to add “or designee” to allow the chief executive officers to send the referral for comment and the notice of an Archaeological Certificate to a Historic Preservation Officer, Tribal Archaeologist, Lieutenant Governor, attorney, or any other appropriate staff. See Conditions of Approval below.*

*Alternatively, a new definition could be added to the IDO for a “Historic Preservation Officer or Tribal Archaeologist,” so that Subsection 14-16-6-4(J) could be revised to require the City to refer applications to these staff, as well. The proposed language for Subsection 14-16-6-5(A)(2) could either add this staff member or replace the reference to Indian Nation, Tribe, or Pueblo. Planning staff is not proposing this condition to date, since the list of contacts that the Office of Native American Affairs maintains does not include these staff members. That change would need to be vetted with City staff, who would also need to confirm the feasibility of maintaining a current list from tribes. The suggested condition allowing a designee accomplishes the same goal, and the details can be worked out on a case-by-case basis for tribes that want to include such a staff member as a contact for either process.*

2. *A new Subsection in 14-16-6-4 General Procedures could be added to require a Pre-submittal Tribal Meeting between the developer and tribal governments for undeveloped land. Such a meeting would give advanced notice to the tribes, would allow for a discussion, and could provide the opportunity for negotiating for the purchase of land or a land swap, if desired by a tribal government. This Pre-submittal meeting would be modeled on the Pre-submittal Neighborhood Meeting with Neighborhood Associations in terms of timing, facilitation by the City’s Alternative Dispute Resolution (ADR) Office, and that an offer of a meeting would go out to all tribes, but only 1 Pre-submittal Meeting would be required before the City would accept the application. This Pre-submittal Meeting could be required prior to the first application at the early stage of a development process, providing the best opportunity for negotiation about a land purchase, land swap, or other creative solutions for preserving or minimizing harm to cultural landscapes:*
  - *Archaeological Certificate*
  - *Master Development Plan*
  - *Subdivision of Land – Minor*
  - *Subdivision of Land – Major*
  - *Subdivision of Land – Bulk Land*

- *Zoning Map Amendment – EPC*
- *Zoning Map Amendment – Council*

*Alternatively, EPC could create a finding recommending that City Council consider adding a Pre-submittal Tribal Meeting, which would allow more time for discussion of details.*

- 3. A new procedure for tribal governments to request a 120-day review period could be added to the specific procedures related to Subdivisions (Minor, Major, and Bulk Land). This new procedure would be modeled on the existing procedure for Demolition Outside of an HPO. In that procedure, Historic Preservation staff reviews a request for a demolition permit and sends those that the City might want to try to preserve or document before it is demolished to the Landmarks Commission, which decides whether to invoke the established review period. That delay in deciding on the subdivision application would give tribal governments time to negotiate a land purchase, land swap, or some other creative solutions for preserving or minimizing harm to cultural landscapes. The Landmarks Commission includes professionals involved with architecture and planning, many of whom are also trained in cultural landscapes and heritage preservation. This decision-making body is perhaps the most qualified to weigh the merits of the request for a review period.*

*In this case, Planning staff is recommending a Finding to suggest developing such a procedure to Council staff, since there are many details to work out, including the decision criteria for the request.*

*Lastly, while the Albuquerque Indian School Area was originally included in the submitted amendment, it is covered by the tribal land referral and will not be submitted separately. Planning staff has prepared a condition of approval to remove this language from the exhibit.*

#### ***Definitions for Adjacent and Street-facing Façade – 14-16-7-1***

At the December 14, 2023 EPC hearing, staff brought two additional changes for definitions to the attention of the EPC. The changes to these definitions are based on feedback from staff in implementing the IDO. Regarding the definition for adjacent, an interpretation of the language “...only by a street, alley, trail, or utility easement...” was made that excluded properties located on opposite sides of an intersection diagonally, or “catty corner” as an intersection is generally defined as “a place or area where two or more things (such as streets) intersect.” This interpretation was upheld in a District Court decision, so staff is requesting that this be made clear in the IDO.

The second definition change for Street-facing facades is requested because Staff has found during project reviews that several large buildings on large parcels have not been subject to IDO façade requirements solely because they are greater than 30 feet from the property line. Many buildings may be highly visible to the street even when setback more than 30 feet, and those buildings should comply with similar façade standards. The requested change accomplishes this by changing the 30-foot distance to those building being visible from an abutting street.

*Policy Analysis: The proposed changes are consistent with the Comprehensive Plan Goal 5.7 Implementation Processes and subsequent Policies 5.7.2 Regulatory Alignment, 5.7.4 Streamlined Development, and 5.7.6 Development Services, as they Provide high-quality customer service with transparent approval and permitting processes. Further, the change to the definition of street-facing*

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*façade is consistent with Comprehensive Plan Goal 4.1 Character, Policy 4.1.2 Identity and Design, Goal 7.3 Sense of Place, Policy 7.3.2 Community Character, and Policy 7.3.5 Development Quality by better aligning regulations about street-facing facades with the most important facades to apply these regulations to.*

***The Planning System, Annual Updates to the IDO – 14-16-6-3(D)***

Based on public comment, the EPC had a robust discussion of the merits of moving from an annual update process to a bi-annual update process. Planning staff is amenable to this change, although emphasizes that by lengthening the update process, there may be interim amendments submitted for review in-between the two-year cycles, as pointed out by City Council staff at the December 14th hearing. There is nothing to prohibit such an interim application from being made, but for more minor changes and clarifications, staff would hold those for the two-year cycle should this change be made. Planning staff is also proposing to move the submittal and hearing deadline up to an August application for an EPC hearing in October to avoid the end of year holidays. By moving to a bi-annual process in odd-numbered years, skipping 2024 and starting in 2025, this process would alternate years with the bi-annual EPC review of the GO Bond and Capital Implementation Program 10-year plan (Decade Plan) for capital projects.

Policy Analysis: The proposed changes are consistent with the Comprehensive Plan Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.5 Public Engagement, and Policy 5.7.6 Development Services.

*This change continues to support implementation of the Comprehensive Plan and IDO, albeit over a slightly longer timeframe, to continue to respond to public comments and issues discovered as Planning staff uses and enforces the IDO on a day-to-day basis. By making changes on a regular cycle, the City can be transparent to the public about changes that are happening, and better align our regulations over time.*

**IV. PUBLIC OUTREACH**

→ Please refer to p. 44-45 of the December 14, 2023 Staff report for information regarding meetings and presentations provided. All presentation materials can be found online at <https://abq-zone.com/ido-annual-update-2023>.

**V. NOTICE**

→ Please refer to p. 45 of the December 14, 2023 Staff report for information regarding required notice and additional notice provided.

**VI. AGENCY & PUBLIC COMMENTS**

→ Please refer to p. 46-47 of the December 14, 2023 Staff report for a discussion of comments from agencies, the public, and neighborhood representatives.

During the continuance period, Staff received several comments regarding the proposed Citywide text amendments. As of this writing, approximately 5 emails and/or attached letters were submitted related to the Citywide request. Citywide comments are attached; for Small Area comments, see their relevant staff reports.

Only the Santa Fe Village Neighborhood Association submitted comments during the continuance period. The remaining comments were from individuals. One comment was received from the National Park Service Superintendent of the Petroglyph National Monument. The individual comments are addressed in the body of the staff report in the relevant sections. Generally, the comments addressed additional concerns regarding the proposed Dwelling, Live-work and Landscaping proposals. One letter made general comments regarding concerns for the “heat-island” effect created by development and growth in the Albuquerque Area but did not recommend specific changes.

## **VII. CONCLUSION**

The request is for citywide text amendments to the IDO. The Planning Department has compiled approximately 60 proposed changes and analyzed them for the EPC’s review and recommendation to the City Council.

The request meets relevant application and procedural requirements in IDO Subsection 14-16-6-7(D) for citywide text amendments and is consistent with the Annual Update process established by IDO Subsection 14-16-6-3(D). This request meets the review and decision criteria for citywide text amendments in IDO Subsection 14-16-6-7(D)(3).

The proposed changes are generally consistent with applicable Articles of the City Charter and a preponderance of applicable Comprehensive Plan Goals and policies from Chapter 4: Community Identity, Chapter 5: Land Use, Chapter 7: Urban Design, Chapter 8: Economic Development, Chapter 9: Housing, Chapter 11: Heritage Conservation, and Chapter 13: Resilience and Sustainability.

Planning Staff held online study sessions and open houses regarding the proposed changes. The request was announced in the Albuquerque Journal, on the ABC-Z project webpage, and by e-mail. The Planning Department provided notice to neighborhood representatives via e-mail as required, and via mail for those without an e-mail address on file.

Interested parties, including various neighborhood organizations and individuals, provided comments that address a variety of topics. Topics generating the most interest and/or concern are duplexes, walls and fences, and outdoor lighting. Some neighborhood organizations expressed concern about the IDO update process and have questions about some of the proposed text amendments.

Public comments were received prior to (and after) publication of the original December 14, 2023 Staff report. Additional comments were received during the continuance period leading up to publication of the January 11, 2024 supplemental staff report.

Staff recommends that the EPC forward a recommendation of Approval to the City Council, subject to conditions for recommendation of Approval needed to provide consistency and clarity.

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**RECOMMENDED FINDINGS – RZ-2023-00040, January 11, 2024**

1. The request is for various Citywide, 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 Citywide amendments, when combined with the proposed Small-area amendments, are collectively known as the 2023 IDO Annual Update.
2. These Citywide text amendments are accompanied by proposed text amendments to Small Areas in the City, which were submitted separately pursuant to IDO Subsection 14-16-6-7(E) and are the subject of separate staff reports and actions: The Rail Trail small area, the Volcano Heights Urban Center, and the Northwest Mesa Escarpment VPO-2.
3. The request was heard at the December 14, 2023 EPC hearing and was continued for a month to the January 11, 2024 hearing to allow for additional review, development of conditions, and input from members of the public.
4. The IDO applies Citywide 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. Staff has collected approximately 60 proposed text amendments to the IDO requested by neighbors, developers, Staff, Council, and the Administration. The proposed changes would improve the effectiveness and implementation of adopted regulations, address community-wide issues, clarify regulatory procedures, and balance these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.
8. The request generally meets IDO Subsection 14-16-6-7(D)(3)(a-c), Review and Decision criteria for Amendment to IDO Text-Citywide, as follows:
  - A. Criterion 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 citywide text amendments are generally consistent with the spirit and intent of the Comprehensive Plan, and other policies and plans adopted by the City Council, because they would generally help guide growth and development and identify and address significant issues in a holistic way (Comprehensive Plan, p. 1-5). The proposed changes are consistent with

Comprehensive Plan Goals and policies that direct the City to adopt and maintain an effective regulatory system for land use and zoning.

- B. Criterion b: The proposed amendment does not apply to only one lot or development project.

The proposed citywide text amendments would apply throughout the city and not to only one lot or development project. The changes would apply across a particular zone district or for all approvals of a designated type; therefore, the proposed citywide amendments are broad and legislative in nature. Proposed changes to specific zones (ex. mixed-use and non-residential zone districts) would apply equally in all areas with the same designation and are not directed toward any specific lot or project. Procedural changes would apply to all approvals of a certain type.

- C. Criterion 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 the proposed text amendments are consistent with a preponderance of applicable Comprehensive Plan Goals and Policies as further described in these findings. The proposed amendments are intended to address community-wide issues and clarify regulatory procedures, while balancing the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.

9. The request is generally consistent with the following, relevant Articles of the City Charter:

- 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 would generally help implement the Comprehensive Plan and help guide future legislation.

- B. Article IX, Environmental Protection. The proposed citywide text amendments would help ensure that land is developed and used properly and that an aesthetic and humane urban environment is maintained. The IDO is the implementation instrument for the City's Comprehensive Plan, which protects and promotes health, safety, and welfare in the interest of the public. Commissions, Boards, and Committees would have updated and clarified regulations to help facilitate effective administration of City policy in this area.

- C. Article XVII, Planning.

- i. Section 1. 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.

- ii. Section 2. 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 enforce and administer land use plans.

10. The request is generally consistent with the following, applicable Goal and Policies in Chapter 4: Community Identity:

- A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities and Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The proposed amendments would generally help enhance, protect, and preserve distinct communities and neighborhoods because they include additional protections to neighborhoods, such as distance separations, noise protections, and parking standards. Additional amendments would provide greater opportunities for development and economic activities that contribute to vital communities, while protecting their distinct character, such as allowance for duplexes, cottage developments and live-work opportunities.

11. The request is generally consistent with the following, applicable Goal and Policies in Chapter 5: Land Use:

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

The request would create a complete, healthy, and sustainable community because the proposed amendments include changes that could foster greater housing opportunities and housing types, preserve historic character in neighborhoods, strengthen local and small businesses, protect open space, create landscaped areas, and contribute to safer communities through lighting standards.

- B. 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.

The proposed text amendments promote efficient development patterns and use of land because they help support development and re-development in established neighborhoods throughout the city by encouraging infill projects and small businesses.

- C. Policy 5.6.4 - Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing. Sub-policy b): Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The proposed amendments seek to minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, pollution, and traffic, through updated lighting standards for all developments, noise restrictions for outdoor amplified music, parking standards, and landscaping mitigations.

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

The IDO annual update is a process that supports continued efforts to effectively and equitably implement the Comprehensive Plan. The proposed amendments seek to improve procedures, notification, transparency, and implementation of the IDO in order to further this Goal.



- E. 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 IDO annual update process results in an updated regulatory framework that helps align priorities and create consistent outcomes. The request includes amendments that address land use and development standards, such as lighting, landscaping, sensitive lands, parking, distance separations for uses, and procedural clarifications that help support desired growth, high-quality development, economic development, and housing.

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

The IDO annual update process provides a regular opportunity for residents and stakeholders to better understand and engage in the planning and development process. The proposed amendments include numerous changes that will contribute to more consistency regarding mailed and emailed notice, posted signs, and appeal procedures that provide opportunities for improved public engagement and more efficient processes.

12. The request is generally consistent with the following, applicable Goal and policies in Chapter 7: Urban Design:

- A. Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes and Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request includes proposed amendments that seek to enhance the built environment and urban landscape through updated façade requirements for non-residential developments, lighting improvements, and landscape requirements. The amendments would contribute to context-sensitive design that enhances surrounding neighborhoods.

- B. Goal 7.4 Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment and Policy 7.4.2 Parking Requirements: Establish off-street parking requirements based on development context.

The proposed text amendments include changes to off-street parking requirements for mixed-use and multi-family developments requiring parking facilities that match the development context and complement the surrounding built environment. Other amendments would limit the parking options available to single-family residences, possibly creating additional parking burdens for some property owners, especially those who park recreational vehicles on their properties. These changes do not consider contextual parking standards in existing single-family homes.

13. The request is generally consistent with the following, applicable policy in Chapter 8: Economic Development:

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 generally foster a more robust, resilient, and diverse economy because they include changes that would allow more diverse economic activities throughout the city and provide an opportunity for entrepreneurs with home businesses.

14. The request is generally consistent with the following, applicable Goal and policies in Chapter 9: Housing:

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

The proposed amendments would allow a greater supply of housing by allowing two-family residences on lots with existing single-family residences and in cottage developments, thereby allowing for a greater variety of housing within existing neighborhoods and creating the opportunity to expand the city's existing housing supply.

B. Goal 9.4 Homelessness: Make homelessness rare, short-term, and non-recurring and Goal 9.5 Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

The proposed text amendments would change overnight shelters to a permissive use in the zones where they are currently a conditional use, with use-specific standards that establish thresholds under which they require a conditional use approval, including proximity to residential uses. Therefore, the request would expand the ability to provide more services to the unhoused, while at the same time protecting surrounding neighborhoods.

15. The request is generally consistent with the following Goal in Chapter 11: Heritage Conservation:

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

The proposal includes a text amendment that would allow contextual setback standards to apply to properties in Historic Protection Overlay zones, which would preserve and enhance significant historic districts. This change would also help those seeking to maintain and improve historic properties or build in historic neighborhoods by allowing more flexibility in their site design, while maximizing consistency with the historic character of these distinct districts.

16. For cases in which a proposed text amendment would conflict with applicable Comprehensive Plan Goals and/or policies, conditions for recommendation of approval are provided, which address conflicts and provide clarification.

17. For an Amendment to IDO Text-Citywide, 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. Emailed 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) and 14-16-6-4(K)(3)(b). Mailed notice was sent via First Class mail to those representatives without an email address on file with the City. Notice was posted on the Planning Department website and on the project website.
18. In addition to the required notice, on October 27, November 3, and November 29, 2023 e-mail notice was sent to the approximately 9,500 people who subscribe to the ABC-Z project update e-mail list. Additional notice for the January 11, 2024 EPC hearing was sent to the ABC-Z project update email list on January 5, 2024.
19. The proposed 2023 IDO Annual Updates were reviewed at two online public study sessions on October 12 and 13, 2023 via Zoom, prior to application submittal for the EPC process, and at a public meeting held on November 17, 2023. Planning Staff presented the proposed text amendments and answered questions. The presentations, in .pdf format and in video format, are posted on the project webpage at: <https://abq-zone.com/ido-annual-update-2023>.
20. The EPC held a study session regarding the proposed 2023 IDO Annual Update on December 7, 2023. This meeting was publicly noticed, although no public input is received during Study Sessions (see EPC Rules of Practice and Procedure, Article II, Section V).
21. As of this writing, Staff has received approximately 65 written comments from neighborhood groups, individuals, and organizations. Comments were generally submitted as letters and emails with attachments. Other comments (approximately 216) were submitted online and pinned to the spreadsheet of proposed text amendments on the ABC-Z project website.
22. In general, public comments express strong opposition to the proposed walls and fences text amendments and ask why taller front yard walls are being considered again. Comments express concerns about duplexes, RV parking, overnight shelters, and outdoor lighting. Some commenters support duplexes. Two letters expressing concern about the exemption of landfills closed for more than 30 years from gas mitigation requirements. Some individuals expressed concern about the IDO annual update process in general, noting that the yearly update process is burdensome
23. Though some comments oppose individual proposed amendments, and others recommend changes, there is general support for the request as a whole. The Conditions for Recommendation of Approval address many issues raised in the comments.

24. Regarding Item #58, Tribal Engagement: Tribal representatives on the City’s Commission on American Indian and Alaskan Native Affairs commented that the 15-day comment period for proposed development was insufficient to respond meaningfully in order to either negotiate how to avoid development or sufficiently mitigate the negative impacts of development on land with cultural importance to Indian Nations, Tribes, and Pueblos. City Council should consider adding a procedure that allows tribal governments to request a 120-day review period, similar to the procedure for Demolition Outside of an HPO, to delay a decision on the first application for undeveloped land within 660 feet of Major Public Open Space or tribal land.
25. Regarding Item #23 Front Yard Walls: EPC advises decision-makers not to pursue taller front yard walls in future IDO updates, as the amendments, in all their variations, have been overwhelmingly opposed by the public.

***RECOMMENDATION – RZ-2023-00040 – January 11, 2024***

**That a recommendation of APPROVAL of PR-2018-001843, RZ-2023-00040, a request for Citywide, legislative Amendments to the text of the IDO, be forwarded to the City Council based on the preceding Findings and subject to the following Conditions for Recommendation of Approval.**

***CONDITIONS FOR RECOMMENDATION OF APPROVAL – RZ-2023-00040, January 11, 2024***

1. The proposed amendments in the spreadsheet “IDO Annual Update 2023 – EPC Submittal - Citywide” (see attachment) shall be adopted, except as modified by the following conditions.

***FOR CONDITION 2, THE EPC MAY SELECT ANY COMBINATION OF OPTIONS 1-3, JUST OPTION 4, OR DELETE THE ENTIRE CONDITION TO ADOPT THE AMENDMENTS AS SUBMITTED:***

2. Items #2, #7, and #50 – Outdoor Amplified Sound:
  - A. Option 1: Adopt proposed amendments #2 and #50 as written, and adopt Item #7 with the following exception in underlined text:

“Except within DT-UC-AC-EC-MS areas or in MT corridors in Areas of Change, if this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m.
  - B. Option 2: Adopt the proposed amendments #2 and #50 as written, with the following text change in regards to time in Item #7 in Subsection 4-3(F)(14):

“If this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between ~~10:00 p.m.~~ 12:00 a.m. and 7:00 a.m.

- C. Option 3: Adopt the proposed amendments #2 and #50 as written, with the following text change in regards to distance in Item #7 in Subsection 4-3(F)(14):

“If this use is within ~~330~~ 100 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m.

- D. Option 4: Delete all proposed amendments in their entirety.

3. Item #3 – Cottage Development:

- A. Adopt the proposed amendment to Section 4-3(B)(4), with the following additional change to subsection (a):

4-3(B)(4)(a) The maximum project size for a cottage development is ~~2~~ 5 acres.

4. Items #4 and #5 – Walls/fences for General Retail and Light Vehicle Fueling Stations: Delete the proposed amendments that would require a wall or fence around General retail and Light vehicle fueling uses, leaving walls and fences at the discretion of the property owner.

5. Item #9 – Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6):

Delete the proposed amendment, which would result in no change to the “Overnight Shelter” use row of the current allowable use Table 4-2-1 and the retention of the current use-specific standards for overnight shelters, IDO Subsection 14-16-4-3(C)(6).

**FOR CONDITION 6, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:**

6. Item #10 – Duplex – IDO Subsection 14-16-4-3(B)(5)(b):

- A. Option 1: Leave the amendment as written, to allow Dwelling, Two-family Detached (Duplex) in R-1 on corner lots that are at least 5,000 square feet in size.
- B. Option 2: Delete the proposed amendment, which would result in no change to “Dwelling, Two-family Detached (Duplex)” in Table 4-2-1: Allowable Uses or to the use-specific standards for duplex dwellings, IDO Subsection 14-16-4-3.

7. Item #13 – Duplex – IDO Subsections 14-16-4-3(B)(5) and 14-16-4-3(F)(6)

- A. Option 1: Leave the amendment as written to allow Dwelling, Two-family Detached (Duplex) in R-1 permissively when within an existing building, conditionally when it is new construction, and not on lots that have an ADU, as described in the Council Memo.
- B. Option 2: Delete the proposed amendment, which would result in no change to “Dwelling, Two-family Detached (Duplex)” in Table 4-2-1: Allowable Uses or to the use-specific standards for duplex dwellings, IDO Subsection 14-16-4-3.

8. Item #11 – City Facilities – IDO Subsection 14-16-2-5(E)(2)

Delete the proposed amendment, which would result in no change to Table 4-2-1: Allowable Uses and would retain the requirements and procedures for all conditional use approvals, even for City Facilities.

**FOR CONDITION 9, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTIONS:**

9. Item #12 – Dwelling, Live-Work: Revise proposed new Subsection 14-16-4-3(B)(7)(e), as follows:

A. Option 1, Revise proposed amendment as follows:

On page 151, in Table 4-2-1, add a P in R-1 and change C to P in R-T and R-ML.

On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses.

In subsection (c)2, revise text as follows: “Any use ~~other than restaurant~~ in the Food, Beverage, and Indoor Entertainment category.”

On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows:

“Where allowed in a Residential zone district, general retail, ~~bakery or confectionary shop, and grocery store-restaurant~~ are limited to a total of 3,000 square feet or less.”

Add a new subsection (f) with text as follows:

“In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).”

Add a new subsection (g) with text as follows:

“In the R-1 zone district, this use is only allowed on corner lots that are a minimum of 5,000 square feet. Only general retail, ~~bakery or confectionary shop and grocery store restaurants~~ are allowed.”

B. Option 2, Revise proposed amendment as follows:

On page 151, in Table 4-2-1, add a **PC** in R-1 and ~~change C to P in R-T and R-ML.~~

On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses.

In subsection (c)2, revise text as follows: “Any use ~~other than restaurant~~ in the Food, Beverage, and Indoor Entertainment category.”

On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows:

“Where allowed in a Residential zone district, general retail, ~~bakery or confectionary shop, and grocery store-restaurant~~ are limited to a total of 3,000 square feet or less.”

Add a new subsection (f) with text as follows:

~~"In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)."~~

Add a new subsection (gf) with text as follows:

"In the R-1 zone district, only general retail, bakery or confectionary shop, and grocery store are allowed on corner lots that are a minimum of 5,000 square feet and require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)."

C. Option 3: Delete the proposed amendments, thus continuing to regulate live-work as it is currently allowed and regulated.

10. Item #15 – Landfill Gas Mitigation: Delete the proposed amendment, to continue requiring landfill gas mitigation studies reviewed by the Environmental Health Department for projects located within landfill buffer areas.

*FOR CONDITION 11, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:*

11. Item #17 – RV, Boat, and Trailer Parking:

A. Option 1: Revise the proposed language in subsection 5-5(B)(4)(d)3, as follows:

3. The vehicle must be parked in 1 of the following areas:

- a. Inside an enclosed structure.
- b. Outside in a side or rear yard.

[c. In any Residential zone district or MX-T zone district with a primary residential use, the vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.]

[d. In any MX or NR zone district with a primary non-residential use, the vehicle may be parked] outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.

B. Option 2: Delete the proposed amendment and continue to allow RV, boat, and trailer parking in the front yard of residential lots, perpendicular to the curb, and at least 11 feet from the face of the curb.

*FOR CONDITION 12, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:*

12. Items #18, Parking Maximums:

A. Option 1: Adopt the amendment with the following edits requested by City Council staff and the Transit Department:

[5-5(C)(7)(XX) Within 330 feet of a transit facility, excluding park-and-ride lots and depots, the maximum number of off-street parking spaces provided shall be no more than 100 percent of the off-street parking spaces required by Table 2-4-13 or Table 5-5-1, as applicable.]



B. Option 2: Delete the proposed amendment entirely.

13. Item #20, #21, and #57 – Landscaping: Delete proposed amendment Items #20 and #21, and adopt the proposed amendment Item #57 with the following changes:

A. Delete proposed Subsection 5-6(C)(4)(e) [new] and renumber subsequent sections.

14. Items #23 and #24 Walls & Fences, Front Yard Wall: Delete the proposed amendments, leaving maximum wall heights as currently regulated.

15. Item #25, Building Design – Facades for NR-LM, NR-GM, and Industrial Development in Any Zone District: Amend 5-11(G)(2) as shown in the Council Memo as follows:

5-11(G)(2) Each street-facing façade shall incorporate at least 1 of the following features along at least 10 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every ~~75-feet~~ 150 feet:

a) Transparent windows

b) Wall plane projections or recesses of at least 1 foot in depth at least every ~~75-feet~~ 150 feet of façade length and extending at least 10 percent of the length of the façade or 20 percent of the height of the façade.

c) A change in color, texture, or material at least every ~~75-feet~~ 150 feet of façade length and extending at least 20 percent of the length of the façade.

d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.

e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.

**FOR CONDITION 16, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:**

16. Items #29, #32, and #36 – Neighborhood Association notification distances for Pre-submittal Neighborhood Meetings, Public Notice, and Post-submittal Facilitated Meetings:

A. Option 1: Adopt the amendment as written to change requirement from “includes or is adjacent” to a set 330 feet to help simplify and automate these processes.

B. Option 2: Delete the proposed amendment.

17. Items #33 and #34, Mailed Notice to Property Owners and for Amendments to IDO Text – Small Area: Delete the proposed amendments to keep individual property owner notification as-is.

**FOR CONDITION 18, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:**

18. Item #37 – Appeals – Standing for Neighborhood Associations:

A. Option 1: Adopt the amendment as written to change requirement from “includes or is adjacent” or 660 feet to a set 330 feet to match all notice distances.

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- B. Option 2: Adopt the amendment to change only those Application Types with a distance specified as “includes or is adjacent” to 330 feet, while leaving those Application Types with a distance specified as 660 feet as-is.
- C. Option 2: Delete the proposed amendment.
19. Item #42 Front Yard Parking – Angular Stone: Delete the proposed amendment.
20. Item #46 – Definition for Community Residential Facilities, IDO Subsection – 14-16-7-1
- For further clarity and consistency, add additional language to the end of the proposed definition for a Community Residential Facility as follows:  
"For purposes of this definition, the term ~~handicapped~~ does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. This use does not include facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, facilities for persons individuals in the criminal justice system, or residential facilities to divert persons from the criminal justice system, which are all regulated as group home for the purposes of this IDO. This use does not include 24-hour skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO. See also Family, Family Care Facility, and Group Home, and Nursing Home."
21. Item #52 – Sensitive Lands: Adopt Item #52 with the following change to the definition in Section 7-1 Sensitive Lands – Large Stand of Mature Trees:
- "At least 3 trees ~~that are each at least 10 years old~~ with ~~a~~ trunks at least 8 inches in diameter at breast height (DBH), as measured by the City Forester, on a subject property."
22. Item #55, Battery Energy Storage Systems: Remove this amendment from consideration at this time to allow Planning Staff, Council Staff, PNM, and other stakeholders to continue conversations and collaboration to bring forward an amendment for energy storage at a later time.
23. Item #56 – Outdoor and Site Lighting: In the 2023 Annual Update Exhibit for Lighting, revise proposed subsection 5-2(J)(1)(a) as follows:
- "Regardless of zone district, the lighting designation shall be no higher than Lz0 or Lz1 and shall be subject to outdoor lighting curfew to protect natural ecosystems and their biodiversity."
24. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-8(C)(3)(c), remove the prohibition on aerial lasers, as follows:
- 5-8(C)(3)(c) ~~Aerial lasers, b~~ Beacons, and searchlights are prohibited at night, except for emergency use by authorized first responders.
25. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-8(D)(2)(a), unbind the minimum CCT by deleting the language “a minimum CCT of 2700K and” from this subsection.
26. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 7-1 Definitions, revise this section with the following modifications:
- Add the following definition for *Curfew*: “See Outdoor Lighting Curfew”
  - Delete the definition for *Candela* because it is not used the body of the ordinance.

- Change the new definition for *Footcandle (fc)* to: “A unit of illumination measurement equal to one lumen per square foot (lm/s.f.) of surface.”
27. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-12(E)(5)(a), delete the proposed Subsection 3 as unnecessary.
- ~~"3. — [New] No other portion of an illuminated sign shall have a luminance greater than 200-foot lamberts or 685 nits during the hours of darkness at night."~~
28. Item #58 Tribal Engagement – Revise the proposed definition for “Indian Nations, Tribes, or Pueblos” as follows:
- For the purposes of this IDO, the designated chief executives (or their designees) of a federally recognized Indian Nation, Tribe, or Pueblo located wholly or partially in New Mexico. The Tribal Liaison with the City’s Office of Native American Affairs shall maintain an updated list of the names and contact information ~~for the chief executives of the Indian Nations, Tribes, or Pueblos.~~
29. Item #58 Tribal Engagement – Update Table 6-1-1 to add a column for Tribal Pre-submittal meetings for the following applications:
- i. Archaeological Certificate
  - ii. Master Development Plan
  - iii. Subdivision of Land – Minor
  - iv. Subdivision of Land – Major
  - v. Subdivision of Land – Bulk Land
  - vi. Zoning Map Amendment – EPC
  - vii. Zoning Map Amendment – Council

Add a new Subsection for Pre-submittal Tribal Meeting in Section in 14-16-6-4 General Procedures as follows:

14-16-6-4(X) [new] Pre-submittal Tribal Meeting

6-4(X)(1) For applications meeting all of the following criteria, the applicant shall offer at least 1 meeting to all Indian Nations, Tribes, and Pueblos as defined by this IDO no more than 1 calendar year before filing the application. In such cases, project applications will not be accepted until a pre-submittal tribal meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.

6-4(X)(1)(a) Table 6-1-1 requires pre-submittal tribal meeting to be offered for that type of application.

6-4(X)(1)(b) The subject property is within 660 feet of Major Public Open Space or tribal land.

6-4(X)(1)(c) A pre-submittal tribal meeting was not offered for the same subject property at a prior stage in the development process for the same proposed project.

6-4(X)(2) A meeting request shall be sent via email, if one is listed in the contacts maintained by the Tribal Liaison with the City’s Office of Native American Affairs, or by Certified Mail, return receipt requested if no email is listed, to both of the following:

6-4(X)(2)(a) Indian Nations, Tribes, or Pueblos.

6-4(X)(2)(b) Tribal Representatives.

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Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request. The requirements of Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.

6-4(X)(3) If any recipient of the request chooses to meet, he/she must respond within 15 calendar days of the request (email or Certified Mail) being sent. The meeting must be scheduled for a date within 30 calendar days but no fewer than 15 calendar days after the recipient accepts the meeting request, unless an earlier date is agreed upon. If no recipient responds within 15 calendar days of the request, the applicant may proceed pursuant to Subsection (9) below.

6-4(X)(4) The pre-submittal tribal meeting shall be facilitated by the City's Alternative Dispute Resolution (ADR) Office. If an ADR facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator. All other requirements in this Subsection 14-16-6-4(X) shall be met.

6-4(X)(5) The ADR facilitator shall email all recipients the scheduled meeting date, time, and location.

6-4(X)(6) At the pre-submittal tribal meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.

6-4(X)(7) The ADR facilitator shall prepare and email a summary of the meeting to the applicant, recipients who requested the meeting, and any other meeting participants who signed in and provided an email address.

6-4(X)(8) Where Table 6-1-1 requires that a pre-submittal tribal meeting be offered, and a meeting was held, the applicant shall provide all of the following as part of the project application:

6-4(X)(8)(a) proof that a meeting was offered.

6-4(X)(8)(b) proof that the meeting occurred, including a sign-in sheet of attendance.

6-4(X)(8)(c) meeting location, date, and time.

6-4(X)(8)(d) summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any.

6-4(X)(8)(e) identification of any design accommodations that may have been made as a result of the meeting. If the concerns raised at the meeting have not been accommodated, the applicant must identify the site or project constraints that limit the ability to address those concerns.

6-4(X)(9) Where Table 6-1-1 requires that a pre-submittal tribal meeting be held, and a meeting was not held, the requirement for a pre-submittal tribal meeting shall be waived if the applicant can demonstrate that reasonable attempts were made to notify tribal governments as required by Subsection (2) above, and no response was received within 15 calendar days of the notice being sent.

30. Item #58 Tribal Engagement: Delete proposed Subsection 6-4(J)(9) The Albuquerque Indian School Area from the Exhibit and renumber subsequent subsections accordingly.

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31. Item #58 Tribal Engagement: Delete proposed change for Subsection 6-4(J)(6) and revise proposed Subsection 6-4(J)(7) as follows: Development within 660 feet of Major Public Open Space, including the Petroglyph National Monument.
  32. New Amendment: Revise the definition in Section 7-1 for “Adjacent,” as follows: "Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. Properties that are on opposite corners of an intersection diagonally (e.g. "kitty corner" or "catty corner" or "caddy corner") are not considered adjacent."
  33. New Amendment: Revise the definition in Section 7-1 for “Street-facing Façade,” as follows:  
Any façade that faces and is within 30 feet of a property line is visible from an abutting a-street, not including alleys, unless specified otherwise in this IDO. A building may have more than one street-facing façade. The phrase “façade facing a” that refers to a specific street or to alleys is included in this definition as well.
  34. New Amendment: Change the update cycle for the IDO from an annual process to a bi-annual process and modify the submittal and hearing dates to avoid the end of year holidays. Revise IDO Subsection 6-3(D) and corresponding subsections as follows:  

6-3(D) **BI-ANNUAL UPDATES TO THE IDO**  
The Planning Department shall prepare amendments to the text of this IDO to be submitted ~~once~~ every other calendar year for an EPC hearing in ~~December~~ October. These amendments shall be reviewed and decided pursuant to Subsection 14-16-6-7(D) (Amendment to IDO Text – Citywide) or Subsection 14-16-6-7(E) (Amendment to IDO Text – Small Area), as applicable. Submittals shall occur in odd-numbered years.

6-3(D)(1) Anyone may submit recommended changes to the Planning Department throughout the ~~year~~ cycle, particularly during the CPA assessment process, as set out in Subsection 14-16-6-3(E)(1) (Community Planning Area Assessments).

6-3(D)(4) Notwithstanding the schedule for ~~annual~~ updates to the IDO in this Subsection 14-16-6-3(D), the Planning Director may determine that an interim amendment to the text of this IDO shall be submitted for review and decision to prevent a significant threat to public health or safety.

6-3(D)(5) Within 90 days of the effective date of each ~~annual~~ update, the Planning Department shall provide presentations and/or trainings for relevant City boards and commissions.
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**Michael Vos, AICP**  
**Principal Planner**



**China Osborn**  
**Senior Planner**

*Notice of Decision cc list:*

List will be finalized subsequent to the EPC hearing on January 11, 2024.

SPREADSHEET OF PROPOSED TEXT AMENDMENTS-

IDO Annual Update 2023 – EPC Review – City-wide

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
1	120	3-5(G) [new]	<b>Setbacks in HPOs</b> Add a new Subsection with text as follows: " <u>New development or redevelopment shall comply with contextual standards for lot sizes, front setbacks, and side setbacks in Subsection 14-16-5-1(C)(2), unless the Landmarks Commission approves a different standard in a Historic Certificate of Appropriateness - Major pursuant to Subsection 14-16-6-6(D).</u> "	Applies contextual standards to all development in HPOs for lot sizes and setbacks. Contextual standards in 5-1(C)(2) apply only to low-density residential development in Areas of Consistency. Gives the Landmarks Commission the discretion to approve different lot sizes and setbacks on a case-by-case basis without a variance (which are reviewed by the Zoning Hearing Examiner).	Staff
2	155	Table 4-2-1	<b>Outdoor Amplified Sound</b> Create a new accessory use with use-specific standard and add an A in the following zone districts: MX-M, MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM Add a CA in MX-T	Adds outdoor amplified sound as an accessory use to enable a curfew between 10 p.m. and 7 a.m. See related amendment for 14-16-4-3(F)(14) and 14-16-7-1.	Public
3	159	4-3(B)(4)	<b>Cottage Development</b> See Council Memo for proposed amendments.	See Council Memo.	Council
4	186	4-3(D)(37)(a)	<b>General Retail - Walls/fences</b> Add a new Subsection (b) with text as follows and renumber subsequent Subsection accordingly: " <u>This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances.</u> "	Requires a perimeter wall for general retail stores to limit pedestrian access and deter crime.	Admin
5	175	4-3(D)(18)	<b>Light Vehicle Fueling Station - Walls/fences</b> Add a new Subsection with text as follows: " <u>This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances.</u> "	Requires a perimeter wall for gas stations to limit pedestrian access and deter crime.	Admin

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
6	198	4-3(E)(8)	<p><b>Electric Utility</b>                      Revise Subsections (a), (b), (c), and (d) to add battery storage in addition to substations.                      Revise Subsection (f) as follows:                      "Electric generation facilities, as <del>defined</del> <u>identified</u> in the Facility Plan for Electric System Transmission and Generation, are large-scale industrial developments and are only allowed in the NR-GM zone district."</p>	Requires walls and landscaping for battery storage facilities associated with electric utilities. The definition of electric utility includes battery storage as an incidental activity in Section 7-1. Electric utilities are regulated separately from the standalone Battery Energy Storage System (BESS) proposed in another amendment.	Public
7	217	4-3(F)(14) [new]	<p><b>Outdoor Amplified Sound</b>                      Create a new subsection with text as follows and renumber subsequent subsections accordingly:                      "<u>If this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m.</u>"</p>	Prohibits amplified sound after 10 p.m. near residential uses. Similar to prohibition of self-storage access.	Public
8	Multiple	4	<p><b>Cannabis Retail</b>                      See Council Memo for proposed amendments, including Table 4-2-1 and use-specific standard in Subsection 14-16-4-3(D)(35).</p>	See Council Memo.	Council



**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
9	Multiple	4	<p><b>Overnight Shelter</b>                      Revise Table 4-2-1 to make permissive in all zone districts where currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM).                      Revise Subsection 14-16-4-3(C)(6) as follows:  <del>"(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.</del>  <del>(b) This use shall be conducted within fully enclosed portions of a building.</del>                      (a) [new] This use requires a Conditional Use approval pursuant to Subsection 14-16-6-6(A) for any of the following:                      1. More than 50 beds in any zone district where allowed, except MX-H.                      2. Locations within 1,500 feet in any direction of any other overnight shelter.                      3. Locations within 330 feet of Residential zone districts or any residential use in a Mixed-use zone district.  <del>(b)</del> In the MX-M zone district, this use shall not exceed 25,000 square feet.</p>	<p>Allows small overnight shelters permissively in zone districts where the use is currently only allowed conditionally. Requires conditional approval for larger shelters, shelters near residential, and shelters within 1500 feet of each other.</p>	Staff
10	161	4-3(B)(5)(b)	<p><b>Dwelling, Two-family Detached (Duplex)</b>                      Revise text as follows:                      "This use is prohibited in the R-1 zone district, except for the following:                      1. In R-1A where 1 two family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot.                      2. On corner lots that are a minimum of 5,000 square feet."</p>	<p>Allows duplexes in R-1 on corner lots that are at least 5,000 s.f.</p>	Public
11	147	4-1(A)(4) [new]	<p><b>Conditional Uses for City Facilities</b>                      Add a new subsection with text as follows and renumber subsequent subsections accordingly:                      "City facilities do not require a Conditional Use Approval where listed as 'C' in Table 4-2-1 because they serve a public purpose. Conditions of approval pursuant to Subsection 14-16-6-4(P) may be added by the decision-maker for the associated Site Plan to ensure conformance with the IDO and to ensure public health, safety, and welfare."</p>	<p>Exempts City facilities from the conditional use process.</p>	Admin

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
12	Multiple	4	<p><b>Dwelling, Live-work</b>                      On page 151, in Table 4-2-1, add a P in R-1 and change C to P in R-T and R-ML.                      On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses.                      In Subsection (c)2, revise text as follows:                      "Any use <u>other than restaurant</u> in the Food, Beverage, and Indoor Entertainment category."</p>	<p>Allows live/work for very small retail and restaurants on corner lots in neighborhoods to open business opportunities for homeowners who otherwise could not purchase/maintain/rent two properties, one for business and one for living. Returns the pattern of corner stores in neighborhoods for services within walking distance of more residences. Prohibits cannabis retail and nicotine retail in all zone districts.</p>	Public
12	Multiple	4 (cont'd)	<p><b>Dwelling, Live-work</b> (cont'd)                      On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows:  <u>"Where allowed in a Residential zone district, general retail and restaurant are limited to a total of 3,000 square feet or less."</u>                      Add a new subsection (f) with text as follows:  <u>"In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)."</u>                      Add a new subsection (g) with text as follows:  <u>"In the R-1 zone district, this use is only allowed on corner lots that are a minimum of 5,000 square feet. Only general retail and restaurants are allowed."</u></p>	(Cont'd from above)	Public
13	Multiple	4-3(B)(5)	<p><b>Two-family Detached (Duplex) Dwelling</b>                      See Council Memo for proposed amendments.</p>	See Council Memo.	Council
14	241	5-2(G)	<p><b>Irrigation (Acequia) Standards</b>                      Add a new Subsection with text as follows:  <u>"For cluster development and multi-family dwellings, locate at least 25 percent of common open space or ground-level usable open space to be contiguous with the irrigation ditch/acequia. These areas shall be made accessible from the remaining land via pedestrian walkways. Access to irrigation ditches/acequias is only allowed if approved by the Middle Rio Grande Conservancy District (MRGCD)."</u></p>	<p>Follows the existing requirement for cluster development and multi-family dwellings next to Major Public Open Space in Subsection 14-16-5-2(J)(2)(a). Implements an action in the 2017 ABC Comprehensive Plan.</p>	Comp Plan

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
15	242	5-2(H)	<p><b>Landfill Gas Mitigation</b>                      Revise text as follows:                      "Sensitive lands include landfill gas buffer areas, which comprise <del>closed- or</del> operating landfills, <u>landfills closed within the last 30 years</u>, and the areas of potential landfill gas migration surrounding them. Development within landfill gas buffer areas, as established by Interim Guidelines for Development within City Designated Landfill Buffer Zones of the City Environmental Health Department and as shown on the Official Zoning Map, shall follow the Interim Guidelines to mitigate health hazards due to methane and other byproduct gases. All development within a landfill gas buffer requires a Landfill Gas Mitigation Approval pursuant to Subsection 14-16-6-4(S)(5) to ensure that potential health and safety impacts are addressed.</p>	Exempts landfills closed more than 30 years ago from landfill gas mitigation procedures.	Admin
16	247	5-2(K)	<p><b>Preventing and Mitigating Construction Impact</b>                      See Exhibit for proposed amendment.</p>	Adds requirements in the IDO for mitigating impact from construction activities next to Major Public Open Space or on properties where sensitive lands have been identified.	Staff
17	270	5-5(B)(4)(d)	<p><b>RV, Boat, and Trailer Parking</b>                      See Council Memo for proposed changes.</p>	See Council Memo.	Council
18	282	5-5(C)(7)	<p><b>Parking Maximums</b>                      See Council Memo for proposed amendments.</p>	See Council Memo.	Council
19	293	5-5(G)(3)	<p><b>Parking Structures for Multi-family Residential Development</b>                      Revise as follows:                      "All parking structures that provide parking for multi-family <u>residential development dwellings</u>, mixed-use development, and non-residential development shall comply with the following standards. These standards do not apply to any garage for low-density residential uses."</p>	Broadens the applicability of these building design standards to all uses in the Group Housing sub-category in Table 4-2-1. See Development Definitions, Multi-family Residential Development.	Staff

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
20	297	5-6(B)(1)	<b>Applicability - Landscaping</b> See Council Memo for proposed amendments.	See Council Memo.	Council
21	301	5-6(C)(5)(d)	<b>Soil Condition and Planting Beds - Mulching Requirement</b> See Council Memo for proposed amendments.	See Council Memo.	Council
22	301	5-6(C)(5)(e)	<b>Soil Condition and Planting Beds - Street Tree Mulching Requirement</b> See Council Memo for proposed amendments.	See Council Memo.	Council
23	320	5-7(D)(3)(a)	<b>Walls &amp; Fences - Front Yard Wall</b> Create a new subsection 1, renumbering subsequent subsections accordingly, with text as follows: <u>"For low-density residential development, the maximum height for a wall in the front yard or street side yard is 5 feet if all of the following requirements are met:</u> <u>(a) The wall is not located in a small area where taller walls are prohibited pursuant to Subsection (3) below.</u> <u>(b) View fencing is used for portions of a wall above 3 feet.</u> <u>(c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall."</u>	Allows 5 foot walls in front yard with view fencing for at least 2 feet at top, set back 5 feet, and landscaped.	Admin
24	321	Table 5-7-2	<b>Options for a Taller Front or Side Yard Wall</b> Revise the first row of text under View Fencing as follows: <u>"&lt;del&gt;5&lt;/del&gt; 10 ft. from lot line abutting the street"</u>	Requires Permit - Wall or Fence - Major for 5-ft. walls less than 5 feet from the property line.	Admin
25	349	5-11(E)	<b>Building Design - Facades for NR-LM, NR-GM and Industrial Development in Any Zone District</b> See Council Memo for proposed amendments.	See Council Memo.	Council
26	387	Table 6-1-1	<b>Historic Certificate of Appropriateness - Minor</b> Add requirement for Pre-application Meeting.	Matches current practice.	Staff
27	387	Table 6-1-1	<b>Permit - Temporary Use / Temporary Window Wrap</b> Add X in mailed notice requirement for Temporary Use Permit. Move footnote 3 to the mailed notice requirement on both uses.	Clarifies that the requirement for both uses is the same, matching the existing procedure in 14-16-6-5(D)(2)(a)3.	Staff

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
28	394	6-2(E)(2)(b)	<p><b>EPC Appointments</b>            6-2(E)(2)(b) <del>Prior to when</del> a vacancy on the EPC occurs <u>or upon the resignation of an EPC member:</u>            1.The Mayor shall notify a City Councilor in writing that his/her District member's term <del>will be expiring of office has expired</del> <u>or that the position is otherwise will be</u> vacant, and that the City Councilor shall have 60 calendar days to submit recommended appointments to fill that position. If the City Councilor fails to submit 2 names within 60 calendar days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.</p>	<p>Allows the EPC appointment process to begin before the Commissioner leaves, eliminating or minimizing the time that a seat is vacant.</p>	Staff
29	403	6-4(B)	<p><b>Pre-submittal Neigh Meeting</b>            Revise Subsection (1) as follows:            "For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations <u>within 330 feet of whose boundaries include or are adjacent to</u> the subject property no more than 90 calendar days before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met."            Delete Subsection (2).</p>	<p>Replaces adjacency requirement with a set distance that is expected to achieve approximately the same result. Common administrative practice currently assumes .025 miles (132 feet) from the subject property line to pick up relevant Neighborhood Associations. For large roadways, ONC staff has to measure the roadway. If larger than 132 feet, ONC staff has to manually add Neighborhood Associations that are adjacent. The adjacency requirement precludes automation in GIS. This solution will help automate queries for required NA representative contacts.            Note: 330 feet = 1/16 of a mile or approx. 1 city block            See related proposed changes to make distances consistent for public notice [6-4(K)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].</p>	Staff
30	403	6-4(B)(1)	<p><b>Pre-submittal Neighborhood Meeting</b>            See Council Memo for proposed amendments.</p>	<p>See Council Memo.</p>	Council

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
31	408	6-4(J)	<p><b>Referrals to Agencies</b>                      Revise second sentence as follows:                      "<u>For administrative decisions in Table 6-1-1, any comments received after such a referral and prior to the decision shall be considered with the application materials in any further review and decision-making procedures. For decisions that require a public hearing and policy decisions in Table 6-1-1, Any comments must be received within 15 calendar days after such a referral to shall be considered with the application materials in any further review and decision-making procedures.</u>"</p>	<p>Matches current practice. Referring agencies receive notice of applications that are decided administratively, but the City will not delay these administrative decisions for 15 days until the comment period ends, as is done with decisions that require a public hearing.</p>	Staff
32	409	6-4(K)	<p><b>Public Notice to Neighborhood Associations</b>                      Replace the adjacency requirement for notice to Neighborhood Associations with a set distance of 330 feet from the subject property in the following subsections:                      (2) Electronic Mail                      (3)(b)3 Mailed Notice to Neighborhood Associations</p>	<p>Replaces the "adjacent" requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].</p>	Staff
33	412	6-4(K)(3)(c)2	<p><b>Mailed Notice to Property Owners</b>                      Revise the second sentence as follows:                      "<u>For zoning map amendment applications only, adjacent properties shall be included where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included.</u>"</p>	<p>Removes the adjacency requirement to allow automation for the query for property owners in all but zoning map amendment cases. The State of New Mexico requires mailed notice to adjacent property owners within 100 feet excluding right-of-way for zoning map amendments.</p>	Staff
34	412	6-4(K)(3)(d)2	<p><b>Mailed Notice for Amendments to IDO Text - Small Area</b>                      Revise text as follows:                      "All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the proposed small area. <del>Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included.</del>"</p>	<p>Removes the adjacency requirement to allow automation for the query for property owners.</p>	Staff

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
35	412	6-4(K)(4)	<p><b>Posted Sign</b>            Create new subsections, revise existing text as follows, and renumber subsequent subsections accordingly:            "(a) Where Table 6-1-1 requires posted sign notice, the applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street.  <u>(b) For administrative decisions, the sign shall be posted for at least 5 calendar days after submitting the application and 15 days after the decision through the required appeal period pursuant to Subsection 14-16-6-4(V)(3)(a)1.</u>  <u>(c) For decisions requiring a public hearing or policy decisions, the sign shall be posted for at least 15 calendar days before a required the public hearing and for the required appeal period following any final decision, required pursuant to Subsection 14-16-6-4(U) and Subsection 14-16-6-4(V)(3)(a)1."</u></p>	<p>Requires signs to be posted before administrative decisions. The existing language requires posting before the decision only for applications requiring a public hearing and after the decision for the appeal period for all applications.</p>	Staff
36	415	6-4(L)(3)(a)	<p><b>Post-submittal Facilitated Meeting</b>            Revise the final sentence as follows:            "The facilitator shall attempt to contact all Neighborhood Associations <u>within 330 feet of whose boundaries include or are adjacent to the subject property."</u></p>	<p>Replaces adjacency requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and appeals [6-4(V)(2)(a)].</p>	Staff



**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
37	430	6-4(V)(2)(a)	<p><b>Appeals - Standing Based on Proximity for Neighborhood Associations</b>                      In Subsection 14-16-6-4(V)(2)(a)5, revise text as follows:                      "Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2.                      a. Distances noted in feet in Table 6-4-2 are measured from the nearest lot line of the subject property. <del>Where the edge of that area falls within a public right-of-way, adjacent properties shall be included.</del>                      b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete.                      c. <del>Where proximity is noted as "Includes or Is Adjacent," the Neighborhood Association boundary includes or is adjacent to the subject property."</del>                      In Table 6-4-2, replace "Includes or Is Adjacent" and "660 feet" with "330 feet."</p>	<p>Replaces "adjacent" with a set distance of 330 feet and matches that distance for all other decisions. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and post-submittal facilitated meeting [6-4(L)(3)(a)].</p>	Staff
38	438	Table 6-4-3	<p><b>Conditional Use Expiration</b>                      Revise the period of validity for Conditional Use Approvals as follows:                      "<del>2 years 1 year</del> after issuance if use is not begun, or <del>2 years 1 year</del> after use is discontinued or fails to operate"</p>	<p>Extends conditional use approvals. Construction often takes longer than 1 year, and restarting a use also takes more time in recent years.</p>	Public
39	436	6-4(X)	<p><b>Time Extensions</b>                      See Exhibit for proposed amendments.</p>	<p>Makes time extensions an administrative review/decision. Time extensions do not include changes to the original approval, when public notice takes place. The applicant must justify the request by showing that circumstances beyond their control prevented progress on the project. The shortage of construction workers and other delays are more common, so this administrative approval will help more projects get on the ground.</p>	Staff

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
40	501	6-6(O)(2)	<p><b>Variance - ZHE</b>                      Revise Subsection (b) as follows:                      "All applications in an HPO zone or on a property or in a district listed on the State Register of Cultural Properties or the National Register of Historic Places shall <del>first be referred for review and comment reviewed</del> by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), <del>and the Historic Preservation Planner shall send a recommendation to the ZEO.</del>"                      Add a new Subsection (c) with text as follows and renumber subsequent subsections accordingly:  <u>"All applications on a property adjacent to Major Public Open Space shall be referred for review and comment by the Parks &amp; Recreation Open Space Superintendent."</u></p>	Adds a procedure for the Open Space Superintendent to review variances requested adjacent to Major Public Open Space.	Staff
41	531	6-8(D)(1)	<p><b>Nonconforming Structures</b>                      Create new subsections and revise text as follows:                      "1. Unless specified otherwise in this Section 14-16-6-8, a nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, <del>until the structure is vacant for a period of 2 years, or until unless</del> another provision of this Section 14-16-6-8 requires the termination of the use.                      2. Mobile home dwellings are subject to provisions in Subsection 14-16-6-8(C)(7) (Mobile Home Dwellings).                      3. Signs are subject to provisions in Subsection 14-16-6-8(F) (Nonconforming Signs)."</p>	Allows nonconforming structures to be re-used even after being vacant for 2+ years. Note that a separate rule on nonconforming uses would continue to have a time limit of 2 years. This rule change would incentivize the reuse of existing buildings, while the nonconforming use rule would ensure compliance with allowable uses over time.	Staff
42	534	6-8(G)(2)(a)1.a	<p><b>Front Yard Parking</b>                      See Council Memo for proposed amendments.</p>	See Council Memo.	Council

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
43	Multiple	6	<p><b>Wireless Telecommunications Facility - Public Notice</b>                      In Table 6-1-1, add Email Notice requirement for WTFs.                      Move language in 6-4(K)(3)(b)2 to 6-4(K)(2) in a new Subsection.</p>	<p>Adds consistency with other decisions that provide notice to Neighborhood Associations in terms of receiving email notice. Note that Subsection 14-16-6-4(K)(2)(a) requires mailed notice if a Neighborhood Associate Representative does not have an email address on file with ONC. Subsection 14-16-6-4(K)(7)(b) requires that an applicant request updated information from the City and another attempt if the email bounces back.</p>	Staff
44	Multiple	6-4(Y)	<p><b>Minor and Major Amendments &amp; Expiration (Post-IDO Approvals)</b>                      Add a new Subsection 6-4(Y)(2)(d) with text as follows:  <u>"An approved minor amendment does not affect the expiration of the original approval. Time extensions must be requested pursuant to Subsection 14-16-6-4(X)(4) (Extensions of Period of Validity)."</u>                      Add a new Subsection 6-4(Y)(3)(d) with text as follows:  <u>"An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3."</u></p>	<p>Clarifies how amendments affect the period of validity of the original approval. Matches existing practice.</p>	Staff
45	Multiple	6-4(Z)	<p><b>Minor and Major Amendments &amp; Expiration (Pre-IDO Approvals)</b>                      Make existing text a new Subsection 6-4(Z)(1)(a)1 and add a new Subsection 6-4(Z)(1)(a)2 with text as follows:  <u>"An approved minor amendment does not affect the expiration of the original approval. Time extensions must be requested pursuant to Subsection 14-16-6-4(X)(4) (Extensions of Period of Validity)."</u>                      Add a new Subsection 6-4(Z)(1)(b)3 with text as follows:  <u>"An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3."</u></p>	<p>Clarifies how amendments affect the period of validity of the original approval. Matches existing practice.</p>	Staff

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
46	556	7-1	<p><b>Definitions, Community Residential Facility</b>                      Revise text as follows:  <del>"A facility that is designed to provide a residence and services Any building, structure, home, or in which persons reside for a period of more than 24 hours and that is designed to help the residents adjust to the community and society and is used or intended to be used for the purposes of letting rooms, providing meals, and/or providing for persons who need personal assistance, personal services, personal care, and/or protective care, but not skilled nursing care. This use specifically includes, but is not limited to, facilities and who meet meeting the definition of a handicapped person or for other persons are protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended) and court decisions interpreting that Act.</del></p>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Group Home and Nursing Home in Section 7-1.	Staff
46	556	7-1 (cont'd)	<p><b>Definitions, Community Residential Facility (cont'd)</b>                      "For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. <del>This use does not include 24-hour skilled nursing care. This use shall not include half way houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system.</del>                      See also <i>Family , Family Care Facility , and Group Home .</i></p>	(Cont'd from above)	Staff

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
46	556	7-1 (cont'd)	<p><b>Definitions, Community Residential Facility</b> <i>(cont'd)</i>                      Revise text as follows:                      "Community Residential Facility is divided into 2 categories based on the number of individuals residing in the facility (not the size of the structure).                      1.Community Residential Facility, Small: A facility housing between 6 and 8 individuals <u>receiving services, plus those providing services that do not meet the definition of a family in which personal service, personal assistance, personal care, and/or protective care are provided.</u>                      2.Community Residential Facility, Large: A facility housing between 9 and 18 individuals <u>receiving services, plus those providing services that do not meet the definition of family in which personal service, personal assistance, personal care, and/or protective care are provided.</u></p>	(Cont'd from above)	Staff
47	568	7-1	<p><b>Group Home</b>                      Revise text as follows:                      "<del>A facility Any building, structure, home, facility, or place in which persons reside for a period of more than 24 hours that is designed to provide a residence and services help the residents adjust to the community and society and that is intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care to for persons that who need personal assistance, personal services, personal care, and/or protective care but</del> do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, <del>but not skilled nursing care.</del> <u>This use does not include 24-hour skilled nursing care. This use includes other services as incidental activities if they comply with all local and State licensing requirements, including any required license by the New Mexico Department of Health.</u>"</p>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Nursing Home in Section 7-1.	Staff

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
47	568	7-1 (cont'd)	<p><b>Group Home</b> (cont'd)                      Revise text as follows:                      "This use <del>includes shall include halfway houses for</del> <u>facilities for persons</u> <del>individuals</del> in the criminal justice system or residential facilities to divert persons from the criminal justice system. <u>This use includes facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program.</u>"</p>	(Cont'd from above)	Staff
48	583	7-1	<p><b>Nursing Home</b>                      Revise text as follows:                      "A facility designed to provide <del>a residence, housing,</del> meals, and medical- and health-related care for individuals, including <u>24-hour skilled nursing</u> care. This definition includes facilities providing in-patient care for individuals suffering from a terminal illness. Such facilities may include commercial kitchens with shared dining facilities for residents; medical services with personnel that provide assistance with medication, administration, dressing, bathing, and social activities; activity rooms; indoor recreational amenities; gift shops; hair salons; administrative offices; laundry services; worship space; and overnight guest units for short-term visitors."</p>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Group Home in Section 7-1.	Staff
49	586	7-1	<p><b>Overnight Shelter</b>                      "A facility that provides temporary or transitional sleeping accommodations for 6 or more persons within completely enclosed portions of a building with no charge or a charge substantially less than market rates. Such facilities may provide meals, personal assistance, personal services, social services, personal care and protective care. This use does not include <u>24-hour skilled nursing care</u>, which is regulated as either hospital or nursing home for the purposes of this IDO."</p>	Revised for consistency with other proposed changes. See proposed amendments for Community Residential Facility, Group Home, and Nursing Home in Section 7-1.	Staff

**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
50	586	7-1	<p><b>Outdoor Amplified Sound [new]</b>                      Create a new term with text as follows and renumber subsequent subsections accordingly:  <u>"Amplified sound from speakers outside of a fully enclosed building either permanently mounted or used more than 1 time per week. This use does not include amplified sound associated with a special event permit or a temporary use, which are regulated separately."</u></p>	Defines outdoor amplified sound to enable a curfew between 10 p.m. and 7 a.m. when used as an accessory use.	Public
51	587	7-1	<p><b>Parking Definitions</b>  <b>Garage</b>                      Revise text as follows:                      "A single-story structure or part of a building in a low-density residential development <u>or a single-story structure in a multi-family residential development</u> designed to accommodate motor vehicle parking spaces that are <del>partially</del> or completely enclosed, but not including a parking structure."</p>	Adds multi-family residential development to the definition of garage. Multi-story parking is defined as parking structure. Removes conflict with carport, which is defined as parking structure that is partially enclosed.	Staff
52	596	7-1	<p><b>Sensitive Lands</b>  <b>Large Stand of Mature Trees</b>                      Revise existing text as follows:  <u>"At least 3 A collection of 5 or more trees that are each at least 10 years old 30 years or older or with a trunk at least 8 inches in diameter at breast height (DBH), as measured by the City Forester, on a subject property having trunk diameters (as determined by Diameter at Breast Height — DBH) averaging at least 16 inches in diameter, as determined by the City Forester."</u></p>	Revised to be more realistic given existing trees in ABQ.	Staff
53	596	7-1	<p><b>Sensitive Lands</b>  <b>Rock Outcropping</b>                      Revise existing text to read as follows:                      "Bedrock or other stratum a minimum of <u>4 feet</u> <del>6 feet</del> high on its steepest side as measured from the adjacent 10 percent slope line and in excess of <u>300</u> <del>500</del> square feet in surface area."</p>	Revised to be more realistic given existing rock outcroppings in ABQ.	Staff
54	Multiple	Multiple	<p><b>Fire Station or Police Station</b>                      On page 53, in Subsection 14-16-2-5(E)(2), delete subsection (f).                      On page 151, in Table 4-2-1, add a new use for Fire station or police station with P in MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM.</p>	Allows fire stations and police stations to be permissive in existing zone districts. Currently, fire stations and police stations require a zone change to NR-SU and the adoption of a Site Plan - EPC.	Admin



**IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal**

<b>Item #</b>	<b>IDO Page</b>	<b>IDO Section</b>	<b>Change / Discussion</b>	<b>Explanation</b>	<b>Source</b>
55	Multiple	Multiple	<b>Battery Energy Storage System (BESS)</b> See Exhibit for a new use in Table 4-2-1, new use-specific standards in Subsection 4-3, and new definitions in 7-1.	Responds to recent applications for private battery energy storage systems and a Declaratory Ruling by the ZEO in early 2022. Establishes distance separations from residential, Major Public Open Space, religious institutions, and schools.	Staff
56	Multiple	Multiple	<b>Outdoor and Site Lighting</b> See Exhibit for proposed amendments, including: Revising USS for self-storage in 4-3(D)(29)(e) Revising USS for WTFs in 4-3(E)(12)(g) Replacing 5-8 with new text Revising illuminated sign standard in 5-12(E)(5)(a)2 Revising electronic sign standard in 5-12(H)(4) Adding, revising, and deleting definitions in 7-1	Updates existing lighting regulations to improve compliance with State’s Dark Sky Ordinance and improve enforceability.	Staff
57	Multiple	Multiple	<b>Landscaping Standards</b> See Exhibit for proposed amendments in 5-6 and 7-1.	Increase requirements for plants and irrigation, reduce water consumption, and improve survivability of landscaping in the high desert environment.	Staff
58	Multiple	Multiple	<b>Tribal Engagement</b> See Council memo for proposed amendments, including the following Subsections: 14-16-6-4(J) Referrals to Commenting Agencies 14-16-6-5(A) Archaeological Certificate 14-16-7-1 Definitions	See Council memo	Council
59	All	All	<b>Clerical Changes</b> Make any necessary clerical corrections to the document, including fixing typos, numbering, and cross references.	Covers general clerical corrections.	Staff
60	All	All	<b>Editorial Changes</b> Make any necessary editorial changes to the document, including minor text additions, revisions for clarity (without changing substantive content), adding cross references, reorganizing content for better clarity and consistency throughout, revisions to graphic content for clarity, and updating tables of contents.	Covers general editorial corrections.	Staff

# IDO Annual Update 2023

## Exhibit – Construction Mitigation

On page 247, revise Subsection 14-16-5-2(K) as follows.

### 5-2 SITE DESIGN AND SENSITIVE LANDS

#### 5-2(K) PREVENTING AND MITIGATING CONSTRUCTION IMPACT

Construction abutting Major Public Open Space or on a lot with a sensitive land identified on the property shall prevent and mitigate potential negative impact. See the DPM for additional standards.

- 5-2(K)(1) The property owner shall provide photographs of any sensitive land identified on the property and/or the property edge abutting Major Public Open Space and a site plan with a keyed location of each photograph.
- 5-2(K)(2) The property owner's contractor shall hold a pre-construction meeting with City Parks & Recreation staff about Major Public Open Space and City Planning staff about sensitive lands to establish construction work activities and any access points, if necessary, to the Major Public Open Space or sensitive land.
- 5-2(K)(3) The property line abutting Major Public Open Space shall be fenced and signed to disallow entry during construction.
- 5-2(K)(4) Grading plans must ensure that the sensitive land is not compromised or damaged. Extensive fill adjacent to sensitive land shall be avoided to the maximum extent practicable.
- 5-2(K)(5) Before a Certificate of Occupancy may be granted, a post-construction meeting with Parks & Recreation or Planning staff, as relevant, shall be held to verify that the Major Public Open Space or sensitive land has been adequately protected during construction or that any damage has been restored pursuant to the DPM or relevant City Standard Specifications.]

# IDO Annual Update 2023

## Exhibit – Landscaping Amendments

1. On page 300, revise text in Subsection 14-16-5-6(C) as follows:

### 5-6(C) GENERAL LANDSCAPING STANDARDS

#### 5-6(C)(4) Required Plant Materials and Site Amenities

- 5-6(C)(4)(a) A minimum of ~~5~~ 10 species must be used in the landscaped area.
- 5-6(C)(4)(d) No more than 10 percent of required landscape areas shall be cool season grass species. ~~Irrigated cool season grass shall not be planted on slopes exceeding 1:4 rise:run or planted in narrow or irregularly shaped areas (10 feet or less in any dimension) in order to avoid water waste. Any cool season grass shall be installed at least 3 feet in any direction from any impermeable hard surface. (A buffer using organic mulch can be used when planting cool season grass adjacent to impermeable surface.)~~
- 5-6(C)(4)(e) [new] No more than 20 percent of required landscape areas shall be warm season grass species.
- 5-6(C)(4)(f) [new] Irrigated grass shall not be planted on slopes exceeding 1:4 rise:run or planted in narrow or irregularly shaped areas (10 feet or less in any dimension) in order to avoid water waste.
- 5-6(C)(4)(g) [new] Any grass irrigated with sprinklers shall be installed at least 3 feet in any direction from any impermeable hard surface. (A buffer using organic mulch can be used when planting grass adjacent to impermeable surface.)

#### 5-6(C)(5) Soil Condition and Planting Beds

- 5-6(C)(5)(d) A minimum ~~depth of 2 inches~~ 3 inches of organic mulch, such as arborist mulch or native mulch woodchips, is required in all planting areas. (See figure below.) Decorative bark mulches, bark nuggets, and pecan shells are prohibited.

#### 5-6(C)(7) Plant Material Spacing

- 5-6(C)(7)(a) Vegetation required by this Section 14-16-5-6 shall be located the following distances ~~at least 3 feet~~ in any direction from any fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections:
  1. Shrubs: 3 feet
  2. Trees: 15 feet

5-6(C)(7)(d) [new] Shrubs, ornamental grasses, and groundcovers shall be spaced so that no plant is within ½ of the mature diameter of another plant.

5-6(C)(7)(e) [new] Trees shall be spaced so that no tree is within ½ the mature diameter of another tree.

**5-6(C)(10) Planting near Utilities**

5-6(C)(10)(e) All screening and vegetation surrounding ground-mounted transformers and utility pads must allow 10 feet of clearance in any direction for access and to ensure the safety of the work crews and public during maintenance and repair.

**5-6(C)(14) Irrigation Systems**

5-6(C)(14)(d) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, drive aisles, hardscapes, or streets; non-landscaped areas; adjacent property; or parking and loading areas.

5. On page 571, revise text in Subsection 14-16-7-1 Definitions as follows:

**Warm Season Grasses**

Grasses that thrive when temperatures are 75 degrees or higher, including but not limited to, buffalo grass, blue grama, Indian rice grass, clover, thyme, and sand dropseed grass. These grasses are native and drought tolerant and have lower water requirements than cool season grasses.

# IDO Annual Update 2023

## Exhibit – Time Extension

1. On page 436, revise text in Subsection 14-16-6-4(X) as follows:

### **6-4(X) EXPIRATIONS OF APPROVALS**

#### **6-4(X)(2) Expiration or Repeal of Approvals**

- 6-4(X)(2)(a) [new] Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless a major amendment or a time extension is approved ~~any of the following applies.~~
  
- 6-4(X)(2)(b) [new] For permits or approvals for which Table 6-4-3 shows an expiration, the approval of a major amendment pursuant to Section 14-16-6-4(Y) or Section 14-16-6-4(Z), as relevant, replaces the original approval in terms of the period of validity.

#### **6-4(X)(4) Extensions of Period of Validity**

##### **6-4(X)(4)(a) General Provisions**

- 1. Permits or approvals for which Table 6-4-3 shows an expiration may be granted 1 time extension not to exceed the original period of validity for that permit or approval by the ZEO, with the following exceptions.
  - a. Impact fee assessments may not be extended.
  - b. Any ~~and any~~ Permit – Sign for an electronic sign may not be extended.
  - c. Additional extensions for Preliminary Plats may be granted, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the original application was accepted as complete.
  
- 2. The ZEO must determine whether the application for a time extension meets r each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.

- a. The applicant ~~or property owner submitted~~ submits a written request letter of justification for the requested time extension before the expiration of the original permit or approval ~~with the Planning Director~~.
- ~~b. The extension is considered and a decision made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.~~
- c. Circumstances beyond the control of the applicant have prevented construction, use, or occupancy of the property pursuant to 14-16-6-4(X)(2)(b).

~~6-4(X)(4)(b)~~ **Additional Provisions for Time Extensions of Approved Site Plans**

- ~~1. In addition to the finding in Subsection 14-16-6-4(X)(4)(a)2-c above, a Site Plan may be extended if the ZEO original decision-making body finds determines that at least 1 of the following provisions applies.~~
  - ~~a. The Site Plan is still consistent with current or desired conditions on the property and surrounding areas, and the owner intends to fully develop the site according to the Site Plan.~~
  - ~~b. There is little flexibility in how the site can be developed.~~
  - ~~c. There is a strong architectural or landscaping character on the site that should be preserved and that development according to the Site Plan will preserve that architectural or landscaping character.~~
- ~~2. In addition to the findings in Subsection 14-16-6-4(X)(4)(a)2-c and 14-16-6-4(X)(4)(b)1 above, an An extension of an approved Site Plan – EPC for phased development of the site may be approved if the ZEO-EPC finds determines that all of the following provisions apply.~~
  - ~~a. At last 50 percent of the first phase has been developed.~~
  - ~~b. The extension of the Site Plan is for later phases of the Site Plan.~~
  - ~~c. The Site Plan as previously approved is likely to be built in the future.~~
- 3. An Any extension of a Site Plan – EPC shall require a new meeting with the EPC and may require an update of any Traffic Impact Study (TIS) prepared for that Site Plan if the prior TIS is more than 5 years old and the City Engineer determines that background or anticipated traffic volumes or patterns in the surrounding area have changed since the TIS was prepared.

~~6-4(X)(4)(c)~~ **6-4(X)(4)(c) Additional Provisions for Extensions of Preliminary Plats**

~~In addition to the general provisions in Subsection (a) above,~~



~~additional extensions for Preliminary Plats may be granted by the DHO for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.~~

# IDO Annual Update 2023

## Exhibit – Battery Energy Storage System

### Proposed Amendments

1. On page 154, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 4-2-1, add a new row for “Battery energy storage system” with a P in NR-LM and NR-GM to allow a battery energy storage system as a permissive primary use.
2. On page 194, in Subsection 14-16-4-3(E), add a new Subsection for battery energy storage system with text as follows.
3. On page 276, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 5-5-1, add a new row for “Battery energy storage system” with “No requirement” for parking.
4. On page 303, in Subsection 14-16-5-6(C)(10), add a new subsection with text as follows.
5. On page 383, in Subsection 14-16-5-13(B)(7), add a new subsection with text as follows.
6. On page 548, in Section 14-16-7-1, add a new term “Battery Energy Storage System” with text as follows.
7. On page 617, in Section 14-16-7-2, add new acronyms as follows.

## Part 14-16-4 Use Regulations

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### 4-3 USE-SPECIFIC STANDARDS

#### 4-3(E) INDUSTRIAL USES

- 4-3(E)(2) Battery Energy Storage System [New]**
- 4-3(E)(2)(a) Energy storage system capacities, including array capacity and separation, are limited to the thresholds in the National Fire Protection Association (NFPA) standard 855.
  - 4-3(E)(2)(b) The 1-hour average noise generated from the Battery Energy Storage System, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA (i.e. A-weighted decibel) as measured at any property line.
    1. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance.
    2. The applicant may be required to provide Operating Sound Pressure Level measurements from locations evenly spaced every 100 feet along the property line to demonstrate compliance.
  - 4-3(E)(2)(c) A landscaped buffer at least 25 feet wide containing 2 evergreen trees and 6 shrubs per 25 feet shall be provided along all property lines.

- 4-3(E)(2)(d) All onsite utility lines and connections, including associated equipment, shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the City Engineer dictate above-ground installation. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.
- 4-3(E)(2)(e) This use is prohibited within 330 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.

## Part 14-16-5 Development Standards

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### 5-6 LANDSCAPING, BUFFERING, AND SCREENING

#### 5-5(C) GENERAL LANDSCAPING STANDARDS

##### 5-6(C)(10) Planting near Utilities

- 5-6(C)(10)(h) [new] Planting of combustible plant material is prohibited within 25 feet in any direction of a battery energy storage system. Ground cover and turf are allowed, provided that they do not form a means of readily transmitting fire.

### 5-13 OPERATION AND MAINTENANCE

#### 5-13(B) MAINTENANCE STANDARDS

##### 5-13(B)(7) Landscaping, Buffering, and Screening

- 5-13(B)(7)(d) [new] The area within 25 feet in any direction of a battery energy storage system shall be cleared of combustible vegetation and other combustible growth.

## Part 14-16-7 Definitions and Acronyms

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### 7-1 DEFINITIONS

#### **Battery Energy Storage System**

A utility-scale facility that stores energy from the electrical grid and then discharges it at a later time to provide electricity when needed. Electrochemical batteries may include, but are not limited to, lithium-ion, lead-acid, redox flow, and molten salt (including sodium-based chemistries). For the purposes of this IDO, batteries used in consumer products, including EV vehicles, are not included in this use. Battery storage associated with an electric utility is regulated separately. See *Electric Utility*.

## 7-2 ACRONYMS

NFPA: National Fire Protection Association

dB(A): A-weighted decibel (dB)

# IDO Annual Update 2023- Exhibit – Lighting

On page 42, create a new Subsection with text and table as follows.

## Part 14-16-2 Zone Districts

### 2-4 MIXED-USE ZONE DISTRICTS

**2-4(E) MIXED-USE – FORM-BASED ZONE DISTRICT (MX-FB)**

- 2-4(E)(1) Purpose
- 2-4(E)(2) Other Standards
- 2-4(E)(3) District Standards

**2-4(E)(3)(i) Outdoor and Site Lighting**

Table 2-4-15: IDO lighting designations for the MX-FB Sub-zones indicate the allowable use for each sub-zone. Where multiple designations are indicated for a zone district, the note in the table identifies which designation shall be used depending on context.

Table 2-4-15: IDO Lighting Designations for the MX-FB Sub-zones				
		Lz2 = ANSI/IES Light Zone 2		Lz3 = ANSI/IES Light Zone 3
IDO Lighting Designations	MX-FB-ID	MX-FB-FX	MX-FB-AC	MX-FB-UD
Lz2	X	X	X	X
Lz3			X <sup>1</sup>	X <sup>1</sup>

**Notes:**  
 [1] Within UC-MS-PT-MT areas, a higher lighting designation is allowed unless the subject property is adjacent to any Residential zone district.

On page 183, revise text in Subsection 14-16-4-3(D)(29)(e) and Subsection 14-16-4-3(E)(1)(d) as follows:

## Part 14-16-4 Use Regulations

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### 4-3 USE-SPECIFIC STANDARDS

#### 4-3(D) COMMERCIAL USES

##### 4-3(D)(29) Self-Storage

4-3(D)(29)(e) Within 200 feet of any Residential zone district, internal lighting that is visible from the property line shall not exceed the maximum light trespass values listed in Table 5-8-3 for lighting designation Lz1 during the outdoor lighting curfew ~~be dimmed by 50 percent of the maximum foot lamberts allowed pursuant to Subsection 14-16-5-8(D)(6) between 10:00 P.M. and 7:00 A.M.~~

#### 4-3(E) INDUSTRIAL USES

##### 4-3(E)(12) Wireless Telecommunications Facility

4-3(E)(12)(g) Lighting and Signage

1. Only security lighting or lighting required by a State and/or federal agency is allowed, provided that all of the following requirements are met.
  - a. The location and cut-off angle of the light fixture shall be such that it does not shine directly on any public right-of-way, private way, or any lot containing a residential use.
  - b. Lighting shall not exceed maximum light trespass values in Table 5-8-3 for the relevant lighting designation during outdoor lighting curfew hours. ~~The lighting shall not have an off-site luminance greater than 1,000 foot lamberts at any point, and shall not have an off-site luminance greater than 200 foot lamberts measured from any private property in any Residential zone district.~~
2. Only signage required by State or federal law is allowed.

On page 244, revise text to read as follows:

## Part 14-16-5 Development Standards

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### 5-2 SENSITIVE LANDS

#### 5-2(J) MAJOR PUBLIC OPEN SPACE EDGES

##### 5-2(J)(1) Lots Within 330 Feet of Major Public Open Space

##### 5-2(J)(1)(a) Outdoor Lighting

Regardless of zone district, the lighting designation shall be Lz0 or Lz1 subject to outdoor lighting curfew to protect natural ecosystems and their biodiversity.

On page 335, replace Section 14-16-5-8 in its entirety with the following text:

### 5-8 OUTDOOR AND SITE LIGHTING

#### 5-8(A) PURPOSE

This Section 14-16-5-8 is intended to enhance the attractiveness and livability of the city, protect the safety of its residents, reduce light trespass between private properties, minimize disruption to natural ecosystems, and prevent the increase of unnecessary sky glow that reduces the visibility of stars in the night sky.

#### 5-8(B) APPLICABILITY

All sources of light visible from the exterior of a property shall comply with the standards of this Section 14-16-5-8, unless specified otherwise in this IDO. This includes the use of outdoor lighting, hours of operation, and regulation of light trespass.

##### 5-8(B)(1) Activities that Trigger Outdoor and Site Lighting Requirements ~~General~~

##### 5-8(B)(1)(a) Maintenance and One-for-one Replacement

If an outdoor luminaire is not working or is damaged, the repair and/or replacement shall conform with the requirements of this Section.

##### 5-8(B)(1)(b) Expansion, Renovation, and Redevelopment

The following activities shall require compliance with the requirements of this Section:

1. Expansion of the gross floor area by 25 percent or more.
2. Changes to the number of off-street parking spaces provided by 25 percent or more.
3. Changes to the number of luminaires by 25 percent or more.
4. Any change of land use to a different use category in Table 4-2-1.

##### 5-8(B)(1)(c) New Development

Development involving the construction of a new building or new parking lot shall conform with the requirements of this Section.



## **5-8(B)(2) Exemptions**

The following types of lighting are not subject to the requirements of this Section:

- 5-8(B)(2)(a) Lighting that is required by federal or state regulations that conflicts with this Section, including:
1. Air-side facilities at the airport (runway, taxiway, and other facilities located inside the security fence) as regulated by the Federal Aviation Administration (FAA) for safety.
  2. Building codes and other illumination for means of emergency egress as regulated by the National Fire Protection Association (NFPA).
  3. Temporary outdoor lighting necessary for worker safety at construction sites.
  4. Outdoor lighting necessary for worker safety at farms, ranches, dairies, feedlots, or industrial, mining, or oil and gas facilities, as determined by the EPC in a Site Plan – EPC pursuant to Subsection 14-16-6-6(l) with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).
- 5-8(B)(2)(b) Nighttime illumination of the United States of America flag and the New Mexico State flag that complies with one of the following illumination requirements:
1. A luminaire mounted on top of the flagpole that only directs light downward.
  2. A maximum of 3 in-ground uplights, or 3 shielded spotlights that are surface mounted at grade, that direct light upward. The maximum beam spread of any individual light source shall be no more than 24 degrees. The maximum output of any individual luminaire shall be no more than 100 lumens per foot of flagpole height (e.g. 2,000 lumens for a 20-foot pole).
- 5-8(B)(2)(c) Neon signs and all other illuminated signs that are regulated pursuant to Section 14-16-5-12.

## **5-8(C) PROHIBITED LIGHTING**

### **5-8(C)(1) Toxic and Energy Inefficient**

- 5-8(C)(1)(a) Mercury vapor lights are prohibited.
- 5-8(C)(1)(b) Inefficient light sources (less than 45 lumens/watt) are prohibited for outdoor use, excluding seasonal and festoon lighting.

### **5-8(C)(2) Public Right-of-Way Interference**

- 5-8(C)(2)(a) Any intentionally blinking, flashing, moving, revolving, or wavering lights that distract a motor vehicle operator in the public right-of-way are prohibited.
- 5-8(C)(2)(b) Any luminaire that may be confused as a traffic control device is prohibited unless authorized by federal, state, or city government.

**5-8(C)(3) Obtrusive**

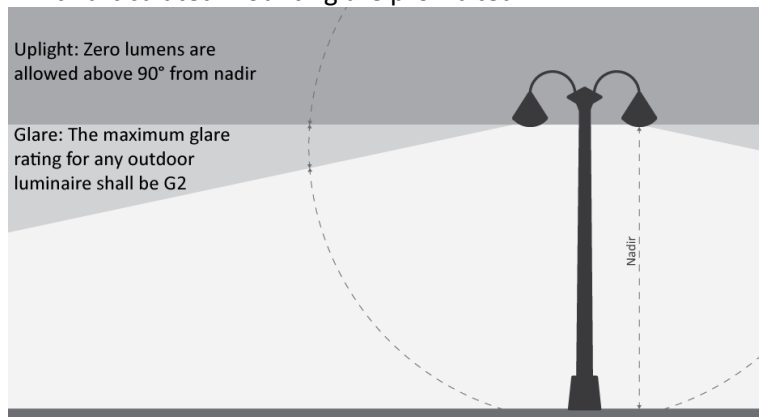
- 5-8(C)(3)(a) No luminaire specification shall exceed a (BUG) glare rating of G2.
- 5-8(C)(3)(b) Shielded spotlights and floodlights within 500 feet of any boundary regulated by Division 30-VI-2 of the Bernalillo County Code of Ordinances (North Albuquerque Acres and Sandia Heights Light Pollution Ordinance) are only allowed when used to illuminate alleys, parking structures, and maintenance areas.
- 5-8(C)(3)(c) Aerial lasers, beacons, and searchlights are prohibited at night, except for emergency use by authorized first responders.

**5-8(D) GENERAL DESIGN AND ILLUMINATION STANDARDS**

All sources of light visible from the exterior of a property subject to this Section 14-16-5-8 shall meet the following standards.

**5-8(D)(1) Uplight Restrictions**

- 5-8(D)(1)(a) Unless specified otherwise in this IDO, luminaires shall be fully shielded or have a U0 rating (i.e. a luminaire that emits zero lumens above 90 degrees from nadir). Unshielded floodlights with articulated mounting are prohibited.



- 5-8(D)(1)(b) Luminaires installed under canopies, porte cocheres, or beneath similar structures shall meet all of the following requirements.
  1. Luminaires shall be mounted to aim downward and installed flush-mounted or recessed above the lowest edge of the canopy such that the lowest part of the luminaire is shielded from view beyond the property line.
  2. The vertical fascia shall not be internally illuminated.
  3. All light emitted shall be substantially confined to the posts, façades, and ground surface directly beneath the perimeter of the canopy or similar structure.

**5-8(D)(2) Correlated Color Temperature (CCT) and Color Rendering Index (CRI)**

- 5-8(D)(2)(a) Unless specified elsewhere in this IDO, outdoor lighting shall have a minimum CCT of 2700K and a maximum of 3000K. The minimum CRI for these light sources shall be 65.

5-8(D)(2)(b) Light sources below 2700K with limited spectral emission and (CRI) values below 65, such as low-pressure sodium or amber LED, are allowed within NDZ or LzO lighting designations, pursuant to Subsection 14-16-5-8(E).

**5-8(D)(3) Light Poles**

Table 5-8-1 indicates the maximum height of light poles, measured from the finished grade to the top of the pole.

TABLE 5-8-1: MAXIMUM HEIGHT FOR LIGHT POLES	
Location, Development Type, or Type of Light	Maximum Height (ft.)
Bollard and pathway luminaires	4 ft.
Residential zone districts and HPO zones	12 ft.
Within 100 feet of Residential zone districts	16 ft.
Mixed-use development or allowable uses in the Offices and Services Sub-category of Table 4-2-1	20 ft.
Allowable uses in Table 4-2-1 in the following categories: Civic and Institutional Uses Commercial Uses other than the Offices and Services Sub-category Industrial Uses	25 ft.

**5-8(D)(4) Façade, Wall/Fence, Landscape Feature, or Sculpture Lighting**

Lighting to illuminate vertical surfaces to help people navigate and detect threats at night shall follow all the following requirements.

5-8(D)(4)(a) Non-white colored lighting is allowed for lighting vertical surfaces.

5-8(D)(4)(b) Articulated lights emitting light above 90 degrees from the nadir shall be shielded to contain light to their targeted surface/object. Windows in a dwelling are not allowed to be a target.

**5-8(D)(5) Steps, Stairs, and Pedestrian Walkway Lighting**

Lighting to illuminate trip and fall hazards such as stairs, curbs, and raised pavement shall follow ANSI/RP-43 standards.

**5-8(D)(6) Deck and Outdoor Dining Lighting**

5-8(D)(6)(a) Lighting used to illuminate patios, decks, balconies, terraces, gazebos, pergolas, or any other accessory structure, including festoon lighting, is subject to an outdoor lighting curfew.

5-8(D)(6)(b) Festoon lighting is exempt from the point light source restriction in Subsection 14-16-5-8(E)(4)(a).

**5-8(D)(7) Security**

Security lighting shall not be used continuously as a general deterrent during outdoor lighting curfew. Lighting to boost illumination levels for security as the primary objective, as described in *IES G-1 Security Lighting*, shall meet all of the following requirements.

- 5-8(D)(7)(a) Security lighting controlled by a motion sensor shall turn off or return to a dimmed level no more than 10 minutes after motion was detected.
- 5-8(D)(7)(b) Security/surveillance cameras emitting infrared light are allowed.
- 5-8(D)(7)(c) Illumination different from ANSI/IES standards may be reviewed and decided by requesting a Site Plan – EPC pursuant to Subsection 14-16-6-6(l) and providing an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

**5-8(E) LIGHTING DESIGNATIONS FOR ZONE DISTRICTS**

Table 5-8-2: Lighting Designations by Zone District indicates the equivalent ANSI/IES lighting designations allowed in each zone district based on allowable land uses. Where multiple designations are indicated for a zone district, the notes in the table identify which designation shall be used depending on context.

Table 5-8-2: Lighting Designations by Zone District																		
NDZ = Natural Dark Zone Lz0 = Light Zone 0 Lz1 = Light Zone 1 Lz2 = Light Zone 2 Lz3 = Light Zone 3																		
Zone District	Residential						Mixed-Use				Non-Residential							
ANSI/IES Lighting Designation	R-A	R-1	R-T	R-MC	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-PO			
															A	B	C	D
NDZ																X <sup>1</sup>	X <sup>1</sup>	
Lz0	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>		X <sup>3</sup>								X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>
Lz1	X	X	X	X	X	X <sup>3,4</sup>	X	X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>	X	X	X	X	X			X
Lz2						X		X	X	X	X <sup>5</sup>			X <sup>5</sup>	X <sup>6</sup>			
Lz3									X <sup>5</sup>	X <sup>5</sup>					X <sup>7</sup>			

**Notes:**

- [1] NDZ is required in NR-PO zones for open space where no anthropogenic light is allowed.
- [2] Lz0 is required in NR-PO zones for open space where some anthropogenic light is needed in hours of darkness, parks with minimal amenities, and parks or open space adjacent to low-density residential uses.
- [3] A lower lighting zone is required on subject properties with sensitive lands.
- [4] A lower lighting zone is required on subject properties adjacent to low-density residential uses.
- [5] In UC-MS-PT-MT areas, a higher lighting zone is allowed, unless the subject property is adjacent to any Residential zone district.
- [6] Lz2 is allowed in parks with high pedestrian activity and many amenities.
- [7] Lz3 is allowed in parks containing nighttime stadiums or entertainment activities.

**5-8(E)(1) Planned Development Zone Districts**

- 5-8(E)(1)(a) Existing PD or PC zone districts that did not establish lighting standards must come into compliance with the requirements of the lighting designation that most closely matches their current

land use and surrounding contexts as established in Table 5-8-2 pursuant to Subsection 14-16-6-8(G).

5-8(E)(1)(b) Any new PD or PC zone districts shall establish the lighting designation(s) that most closely matches the allowable uses of the zone districts in Table 5-8-2 and the lumen limits from Subsection 14-16-5-8(F) in the Site Plan – EPC, pursuant to Subsection 14-16-6-6(I), or Framework Plan, pursuant to Subsection 14-16-6-7(H), as relevant, with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

**5-8(E)(2) Non-residential Sensitive Use (NR-SU) Zone District**

5-8(E)(2)(a) Existing NR-SU zone districts that did not previously establish lighting standards must come into compliance with the requirements of the lighting designation that most closely matches their current land use and surrounding context as established in Table 5-8-2 pursuant to Subsection 14-16-6-8(G).

5-8(E)(2)(b) Any new NR-SU zone district shall establish the lighting designation(s) that most closely matches the allowable uses of a zone district in Table 5-8-2 and the lumen limits from Subsection 14-16-5-8(F) in their Site Plan – EPC pursuant to Subsection 14-16-6-6(I) with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

**5-8(E)(3) Non-residential Parks and Open Space (NR-PO)**

5-8(E)(3)(a) City Parks & Recreation staff shall identify environmentally sensitive areas that need protection from anthropogenic light and design outdoor and site lighting based on the lowest possible lighting designation in Table 5-8-2.

5-8(E)(3)(b) City Parks & Recreation staff shall identify adjacent properties and design outdoor and site lighting based on the appropriate lighting designation in Table 5-8-2.

**5-8(E)(4) Light Trespass**

5-8(E)(4)(a) Unless specified elsewhere in this IDO, all outdoor luminaires shall be located or optically shielded such that the point light source is not visible from adjacent property or public right-of-way.

5-8(E)(4)(b) The total illumination from outdoor light sources and interior light escaping from windows shall not exceed light trespass limits in Table 5-8-3, as measured at any location along the property line in both of the following ways:

1. Horizontally at finished grade with the light meter facing upward.
2. Vertically at 5 feet (1.5 meters) above finished grade with the light meter aiming toward the subject property.

TABLE 5-8-3: LIGHT TRESPASS LIMITS BY LIGHTING DESIGNATION					
	NDZ	Lz0	Lz1	Lz2	Lz3

Footcandles (fc)	0.02	0.05	0.1	0.3	0.8
Lux (lx)	0.2	0.5	1.0	3.0	8
Luminance (cd/m <sup>2</sup> )	0	1	20	40	80

**5-8(E)(4)(c)** If the total illumination from outdoor light sources and interior light escaping from windows exceeds light trespass limits in Table 5-8-3 at any point along the property light, lighting must be re-aimed, removed, turned off, or dimmed until compliance is reached.

**5-8(F) TOTAL LUMEN ALLOWANCE**

All sources of light visible from the exterior of a property shall meet the requirements of this Subsection 14-16-5-8(F). Only 20 percent of the total allowable site lumens in Table 5-8-4 or Table 5-8-5 is allowed to be uplight (i.e. light emitted above 90 degrees from nadir).

**5-8(F)(1) Residential Uses**

**5-8(F)(1)(a) Total Lumen Allowance**

Table 5-8-4 indicates the total exterior lumens allowed for each dwelling on a subject property.

TABLE 5-8-4: TOTAL LUMENS ALLOWED PER DWELLING				
ZONE DISTRICTS	Lz0	Lz1	Lz2	Lz3
R-A	3,000	5,000	-	-
R-1A	1,500	3,000	-	-
R-1B	2,500	4,500	-	-
R-1C	2,500	4,500	-	-
R-1D	3,000	5,000	-	-
R-T	12,000	20,000	-	-
R-MC	1,500	3,000	-	-
R-ML or MX-T	12,000	20,000	-	-
R-MH or MX-L	-	24,000	35,000	-
MX-M	-	24,000	35,000	49,000
MX-H	-	27,000	40,000	56,000

**5-8(F)(1)(a) Additional Lumen Allowance**

1. An additional 1,500 lumens are allowed for an accessory dwelling unit (ADU).
2. Outdoor walkways, outdoor stairs, and parking lots for multi-family dwellings, assisted living facilities, or nursing homes are allowed additional lumens pursuant to Table 5-8-5.

**5-8(F)(2) Non-residential Development**

Table 5-8-5 indicates the total lumens allowed from all outdoor light sources on properties with an allowable non-residential use.

TABLE 5-8-5: TOTAL SITE LUMENS ALLOWED - NON-RESIDENTIAL DEVELOPMENT					
Lighting Requirement	Unit	Lz0	Lz1	Lz2	Lz3
Tree, Landscape, and Sculpture Beds	lm / s.f.	0.5	1	2	4
Walkways/Stairs/Parking Lot	lm / s.f.	1.00	1.25	1.50	2.50
Outdoor Dining	lm / s.f.	n/a	2	2.5	3

**5-8(G) ADDITIONAL STANDARDS FOR SPECIFIC TYPES OF LIGHTING**

**5-8(G)(1) Sports and Recreation**

5-8(G)(1)(a) General

1. Lighting for recreational areas and outdoor sports, such as baseball, football, racquet sports, and similar sports, shall follow ANSI/IES RP-6 standards. Illumination shall be confined to within 150 feet (or one pole height, whichever is greater) of the play field, track, or bleacher.
2. Correct aiming, shielding, and/or internal louvers are required to prevent light trespass, glare, and light emitted above 60 degrees from nadir.
3. When allowed by permit, underwater pool, spa, and pool deck lighting shall not exceed ANSI/IES RP-6 standards.

5-8(G)(1)(b) Residential Recreational Amenity and Private Parks

1. For small courts located on property with a Residential use or located in private parks within the NR-PO-C sub-zone that serve fewer than 25 people, a performance analysis is not required for lighting that meets the requirements of Section 14-16-5-8(G), including the light pole heights in Table 5-8-1.
2. Lighting on the field of play is not allowed in Lz0.
3. Up to 2 light poles are allowed. Illuminance levels on the field of play shall not exceed any of the following, as relevant:
  - a. Lz2 or Lz3: 10 fc
  - b. Lz1: 5 fc
4. For additional lighting, or if 3 or more light poles are desired, a performance analysis pursuant to Subsection 14-16-6-4(H)(3) and a Site Plan – EPC pursuant to 14-16-6-6(I) are required.

5-8(G)(1)(c) Collegiate, Professional, Stadium, or Outdoor Entertainment Sports Facility

1. These facilities require a performance analysis pursuant to Subsection 14-16-6-4(H)(3) and a Site Plan – EPC pursuant to 14-16-6-6(I).
2. Pole mounting heights shall be based on the playability of the sport, photometric reports, and the player’s glare zones per ANSI/IES RP-6.

3. Poles shall be anodized or otherwise coated to minimize glare from the luminaire. Wooden poles are also acceptable.
4. For sports fields where games will regularly be filmed or televised, a CCT of 4000K is allowed but not required.
5. Sports lighting luminaires shall have a CRI of at least 75.
6. Luminaires shall be extinguished 1 hour after the end of play.
7. Uplighting is allowed for aerial sports such as baseball and football. Uplighting shall be controlled separately from other sports lighting.

**5-8(G)(2) Seasonal**

- 5-8(G)(2)(a) Seasonal lighting is not allowed in lighting designation NDZ.
- 5-8(G)(2)(b) Seasonal lighting is allowed for up to 45 consecutive days up to 2 times per year.
- 5-8(G)(2)(c) Seasonal lighting is exempt from the uplight, CCT, CRI, and point light source restrictions in Subsections 14-16-5-8(D) and 14-16-5-8(E)(4)(a).

**5-8(G)(3) Historic Landmarks and HPO Zones**

Outdoor or site lighting on a historic landmark or in HPO zones that does not comply with the requirements in this Section but that are consistent with the time period and character of the historic structure may be allowed by the Landmarks Commission pursuant to a Historic Certificate of Appropriateness – Major pursuant to Subsection 14-16-6-6(D).

On page 359, revise Subsection 14-16-5-12(E)(5)(a)2 as follows:

**5-12 SIGNS**

**5-12(E) STANDARDS APPLICABLE TO ALL SIGNS**

**5-12(E)(5) Illumination and Motion**

**5-12(E)(5)(a) General**

2. No white portion of an illuminated sign shall exceed the luminance limits in Table 5-12-1 [new] during the hours of darkness.

<b>TABLE 5-12-1 [new]: SIGN LUMINANCE LIMITS</b>	
<b>ANSI/IES Lighting Designation</b>	<b>Maximum Luminance (Nits)</b>
Lz1	108
Lz2	323
Lz3	685



3. [New] No other portion of an illuminated sign shall have a luminance greater than ~~200 foot lamberts~~ or 685 nits during the hours of darkness at night.

## 5-12(H) ELECTRONIC SIGNS

### 5-12(H)(4) Illumination, Brightness, and Images

- 5-12(H)(4)(b) Electronic signs shall not exceed an illumination level of 0.3 foot candles above ambient light as measured from a distance indicated in Table 5-12-5 based on sign area, with the light meter held perpendicular to the sign and targeting the color white.

On page 407, in Section 14-16-6-4 General Procedures, create a new Subsection (H) with heading “Analyses and Study Requirements” and make existing Subsection 6-4(H) Cumulative Impacts Analysis and 6-4(I) Traffic Impact Study subheadings in the new section. Add a new Subsection in the new Subsection (H) with text as follows:

## Part 14-16-6 Administration and Enforcement

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### 6-4 GENERAL PROCEDURES

#### 6-4(H) [NEW] ANALYSES AND STUDY REQUIREMENTS

##### 6-4(H)(3) [new] Outdoor and Site Lighting Performance Analysis Requirements

- 6-4(H)(3)(a) A performance analysis for outdoor and site lighting may be requested for EPC review as part of a Site Plan – EPC. A lighting plan pursuant to 14-16-6-4(H)(3)(b) below shall be submitted with the application for Site Plan – EPC.
- 6-4(H)(3)(b) The outdoor lighting plan shall include all of the following:
1. Luminaire locations, mounting heights, and aiming directions.
  2. Illuminating Engineering Society (IES) photometric data.
  3. Locations of buildings and structures.
  4. Location of trees and shrubs above 4 feet high.
- 6-4(H)(3)(c) An affidavit shall be submitted verifying that the lighting plan meets both of the following:
1. ANSI/IES standards.
  2. The requirements of Section 14-16-5-8.
- 6-4(H)(3)(d) The lighting plan is subject to the application completeness requirements of Subsection 14-16-6-4(G).

On page 485, in Subsection 14-16-6-6(I), add new subsections with text as follows:

## **6-6 DECISIONS REQUIRING A PUBLIC HEARING**

### **6-6(I) SITE PLAN – EPC**

#### **6-6(I)(1) Applicability**

6-6(I)(1)(a) This Subsection 6-6(I) applies to any of the following:

9. [New] Any application for development requesting an outdoor and site lighting performance analysis to determine compliance with lighting requirements.

#### **6-6(I)(3) Review and Decision Criteria**

6-6(I)(3)(h) If an outdoor or site lighting performance analysis is requested, the proposed lighting design must prove it will not adversely affect the lighting requirements of Section 14-16-5-8(E) without sufficient mitigation and benefits that outweigh the expected impacts.

On page 535, in Subsection 14-16-6-8(G), add a new Subsection with text as follows:

## **6-7 NONCONFORMITY**

### **6-7(A) NONCONFORMING SITE FEATURES**

#### **6-7(A)(1) Outdoor and Site Lighting**

6-7(A)(1)(a) Outdoor and site lighting that does not satisfy the requirements of this IDO and that requires investment in electrical work or a new luminaire shall be considered nonconforming until January 1, 2034.

6-7(A)(1)(b) After January 1, 2034, unless otherwise specified in this IDO, all outdoor luminaires that do not satisfy the requirements of this IDO must be replaced or retrofitted to comply.

On page 545, in Section 14-16-7-1, add new terms with text as follows and revise existing terms as follows:

## Part 14-16-7 Definitions & Acronyms

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### 7-1 DEFINITIONS

#### **ANSI/IES Standards**

Standards developed by the American National Standards Institute (ANSI) and the Illuminating Engineering Society (IES), a professional organization of designers, architects, engineers, sales professionals, and researchers. For the purposes of this IDO, ANSI/IES standards are referenced for in Section 14-16-5-8 (Outdoor and Site Lighting).

#### **Anthropogenic**

Change of conditions caused or influenced by people.

#### **BUG (Backlight, Uplight, Glare) Rating**

A rating system for the quantity of light within specific beam angles, consisting of all of the following:

##### **Backlight**

A rating based on zonal lumens distributed behind a luminaire between 0 and 90 degrees from the vertical of nadir.

##### **Uplight**

A rating based on zonal lumens emitted above 90 degrees from the vertical of nadir.

##### **Glare**

A rating based on the zonal lumens distributed between 60 and 90 degrees from the vertical of nadir.

#### **Candela**

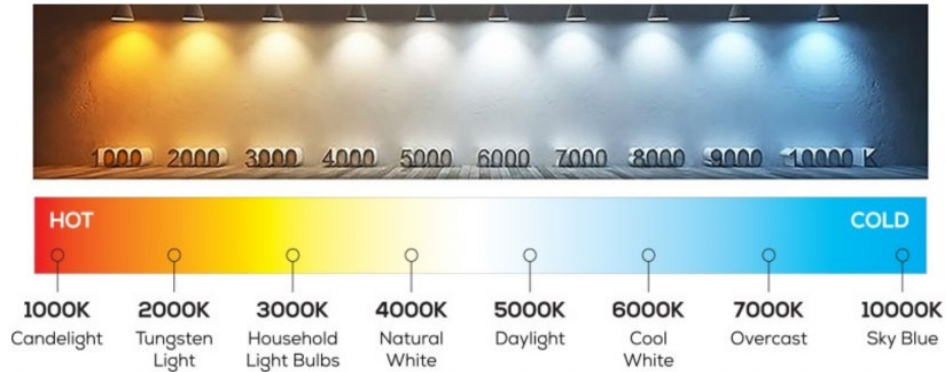
The International System of Units (SI) of luminous intensity in a given direction of a light source, measured in candela per square meter (cd/m<sup>2</sup>).

#### **Color Rendering Index (CRI)**

A measurement on a scale of 0 to 100 to describe the ability of a light source to render an object's colors as if it were being exposed to natural daylight. A score close to 100 indicates that an anthropogenic light source is a close match for natural light.

#### **Correlated Color Temperature (CCT)**

The color appearance of light emitted by a lamp. The CCT rating for a lamp is a measure of the "warmth" or "coolness" of its appearance and is measured in Kelvin (K). Lower CCT (2200K) appears very warm or amber. Medium CCT (2700K – 3000K) appears "warm white." High CCT (4000K +) appears "cool white" or "blue."



**Festoon Lighting**

String lighting with individual bulbs suspended between two or more points and capable of providing usable illuminance, subject to curfew. For the purposes of this IDO, festoon lighting is not considered seasonal lighting. See also *curfew* and *seasonal lighting*.

**Foot Candle**

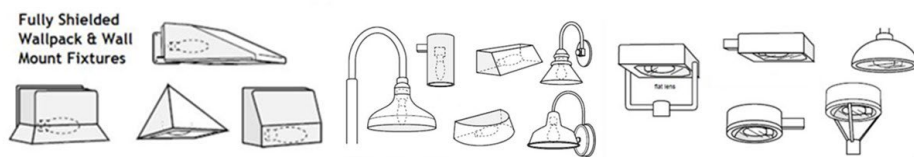
A unit of illumination of a surface that is equal to one lumen per square foot (lm/s.f.). For the purposes of this IDO, foot candles shall be measured at a height of 5 feet (1.5 meters) ~~3 feet~~ above finished grade by a digital light meter.

**Foot Lambert**

A unit of luminance equal to  $1/\pi$  candela per square foot or 3.426 candela per square meter. 200 foot lamberts = 685 nits. See also *Measurement Definitions for Luminance*.

**Fully Shielded Luminaire**

Luminaires constructed and properly installed so that no light rays are directly emitted at angles above the horizontal plane as certified by a photometric test report and all light is effectively directed downward.



**Glare**

The sensation produced by luminance brightness ~~brightness~~ within the visual field of vision ~~of vision~~ that is ~~are~~ sufficiently greater than the luminance light level ~~light level~~ to which the eyes are already adapted to, causing ~~cause~~ annoyance, discomfort, or loss of in ~~in~~ visual performance and ~~and~~ visibility.

**Lighting Designations**

Lighting designations align with the ANSI/IES lighting zone definitions, which serve as the basis for ANSI/IES lighting standards. For the purposes of this IDO, the lighting zones are summarized below.

**Natural Dark Zone (NDZ)**

Natural areas where no anthropogenic lighting is allowed at night.

**Light Zone 0 (Lz0)**

Predominantly dark areas with limited built environment. Responsible lighting techniques offer some environmental protection.

**Light Zone 1 (Lz1)**

Developed areas with quiet and dark character, commonly used for residential and lower-volume areas.

**Light Zone 2 (Lz2)**

Developed areas for commerce and recreation with moderate volume. Lighting and minimal signage inform people.

**Light Zone 3 (Lz3)**

Commercial signage and lighting are continuous as they compete to attract and entertain people.

**Illuminance**

A measurement for the amount of light falling onto a surface, commonly measured in the horizontal and/or vertical planes in Footcandles (Fc) or lux.

**Light Trespass**

Light traveling past property lines and illuminating properties without approval.

**Luminaire**

The complete electrical light unit, including the light source, housing, optics, and driver.

**Luminance**

The light source or surface brightness as it is perceived by the human eye, measured in candela per meter squared (cd/m<sup>2</sup>).

**Measurement Definitions**

**Luminance**

The brightness of an object, expressed in terms of foot lamberts, determined from a point 5 feet above ground level on another premises or the public right-of-way, at least 20 feet in any direction from the object measured. See also *Foot Lambert*.

**Lumen**

A unit of measure to rate the quantity of light provided by a light source. A quantitative unit measuring the amount of light emitted by a light source. A lamp is generally rated in lumens.

**Lux**

A unit used to measure illuminance. One (1) lux is equal to 1 lumen per square meter (lm/m<sup>2</sup>).

**Mounting Height**

The vertical distance between the finished grade and the center of the apparent light source of the luminaire.

**Outdoor Lighting Curfew**

For the purposes of this IDO, the time between 10 P.M. and 7 A.M. when outdoor lighting and interior light escaping through windows must be reduced by at least 50 percent of the normal illuminance. For establishments with business hours later than 10 P.M., outdoor lighting curfew begins one hour after

closing. For establishments with business hours earlier than 7 A.M., outdoor lighting curfew ends one hour before opening.

**Point Light Source**

The exact place where illumination is produced (e.g. a light bulb filament or LED package) even when behind a clear lens.

**Shielded Lighting**

A floodlight with an accessory intended to block obtrusive light through either an optical intervention and/or a physical shield or louver.

**Seasonal Lighting**

Outdoor or site lighting that is portable, temporary, and decorative. This includes but is not limited to string lighting, icicle lighting, outline lighting, and lighted holiday inflatables that are not intended for general illumination. See also *Festoon Lighting*.

**Security Lighting**

Distinct from outdoor lighting installed for safe passage during hours of darkness, security lighting is installed to provide bright illumination for security to protect people, property, and infrastructure from physical or criminal threats.

On page 617, in Section 14-16-7-2 Acronyms and Abbreviations, add text as follows

## **7-2 ACRONYMS**

ANSI - American National Standards Institute

BUG - Backlight, Uplight, Glare

CCT - Correlated Color Temperature

CD - Candela

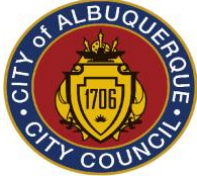
CRI - Color Rendering Index

FC - Footcandle

IES - Illuminating Engineering Society

LED - Light Emitting Diode

LM - Lumen



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## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Cottage Development Use-Specific Standards

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

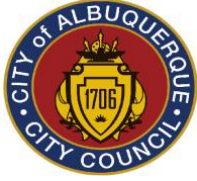
**Purpose:** The purpose of this amendment is to add new use-specific standards (USS) to the Cottage Development use. One USS will allow dwelling units to be connected on one side and the other will require front porches on all dwelling units in a Cottage Development.

**Actions:**

- Add two new use-specific standards to 4-3(B)(4) Cottage Development in appropriate numerical order as follows

[4-3(B)(4)(XX) In the R-1 zone district, dwelling units may be attached on one side.]

4-3(B)(4)(XX) Dwelling units shall have front porches.]



# CITY OF ALBUQUERQUE CITY COUNCIL

## INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Two-Family Detached (Duplex)

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

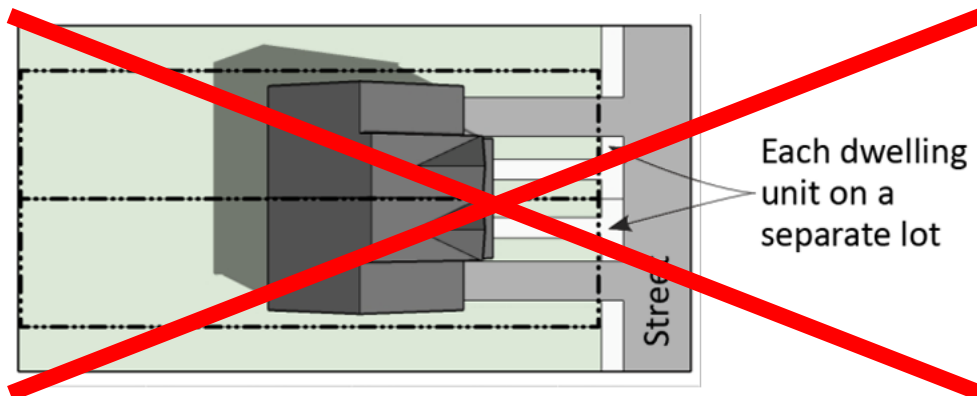
Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to allow two-family detached (duplex) dwellings in the entirety of the R-1 zone district and add new use-specific standards. Today, this dwelling type is only allowed in the R-1A sub district of R-1.

### **Actions:**

- Delete 4-3(B)(5)(b) and the associated illustration as follows:

~~{4-3(B)(5)(b) This use is prohibited in the R-1 zone district, except in R-1A where 1 two-family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot. (See figure below.)}~~





- Add use-specific standards to 4-3(B)(5) Two-Family Detached (duplex) in appropriate numerical order as follows:

4-3(B)(5)(XX) In the R-1 Zone District, this use is permissive on lots where the second dwelling unit is attached to or is within an existing building.

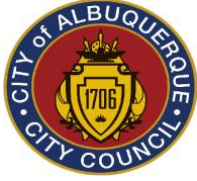
4-3(B)(5)(XX) In the R-1 Zone District, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when the dwelling is constructed on a vacant lot.

4-3(B)(5)(XX) In the R-1 Zone District, this use is not allowed on a lot with an Accessory Dwelling Unit.

4-3(B)(5)(XX) Street facing facades must have at least one entrance and one window.]

- Add a use-specific standard to 4-3(F)(6) Dwelling Unit, Accessory as follows:

4-3(F)(6)(XX) In the R-1 Zone District, this use is not allowed on a lot with a Two-Family Detached (Duplex) dwelling.]



# CITY OF ALBUQUERQUE

## CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Cannabis Retail

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to make four changes to Cannabis Retail:

1. Remove the Conditional Use allowance for Cannabis Retail when a location is proposed within 600 feet of another location
2. Remove the distance separation exception for businesses with microbusiness licenses
3. Increase the distance separation requirement from 600 feet to 660 feet to be consistent with other measurements in the IDO
4. Remove the allowance of Cannabis Retail in the MX-T zone district.
5. Delete the definition of Cannabis Microbusiness, as there will be no regulations pertaining to microbusinesses if this amendment is to pass.

**Actions:**

- Amend Table 4-2-1: Allowable Uses on page 153 to remove the “P” from the Cannabis Retail line in the MX-T zone district.
- Amend Section 4-3(D)(35)(c) as follow:

~~4-3(D)(35)(c) [If located within 600 feet of any other cannabis retail establishment, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless associated with an establishment licensed by the State as a cannabis microbusiness. Nothing herein prohibits multiple licenses from operating from a single “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.] [This use is prohibited within 660 feet of another cannabis retail location.]~~

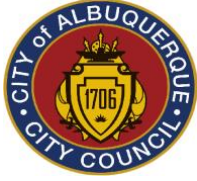
- Delete section 4-3(D)(35)(j) as follows:

~~[4-3(D)(35)(i) In the MX-T zone district, this use is prohibited, unless associated with an establishment licensed by the State as a cannabis microbusiness, in which case this use shall not exceed 10,000 square feet of gross floor area.]~~

- Amend Section 7-1 Definitions to delete the definition of Cannabis Microbusiness:

~~**[Cannabis Microbusiness**~~

~~An establishment licensed by the State as an Integrated Cannabis Microbusiness or Cannabis Producer Microbusiness, as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.]~~



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# CITY OF ALBUQUERQUE

## CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Boat and RV parking

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is disallow recreational vehicles and boats from parking in a front yard area, whether that front yard area has been improved or not.

**Actions:**

- Amend Section 5-4(B) as follows:

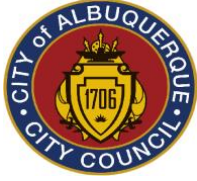
5-5(B)(4)(d) Parking of recreational vehicle, boat, and/or recreational trailer for more than 2 hours:

1. Allowed with the permission of the property owner of a premises with a primary residential use allowed by Table 4-2-1 in any Residential zone district or MX-T zone district.
2. Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in any MX or NR zone district.
3. The vehicle must be parked in 1 of the following areas:

- a. Inside an enclosed structure.
- b. Outside in a side or rear yard.

~~[c. Outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.]~~

4. The vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.]



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# CITY OF ALBUQUERQUE

## CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Parking Maximums near Transit Facilities

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

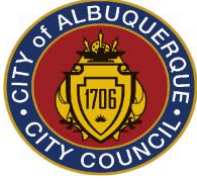
**Purpose:** The purpose of this amendment is to implement a maximum parking requirement within proximity to Transit Facilities. This new requirement would exclude park & ride facilities, which fall under the general definition of 'transit facilities'. The IDO defines a transit facility as follows:

**Transit Facility** Land used for transit stations, terminals, depots, and transfer points, which may include shelters, park-and-ride lots, and/or related facilities on public or privately owned lots.

**Actions:**

- Amend 5-5(C)(7) Parking Maximums to add a new subsection in appropriate numerical order as follows:

[5-5(C)(7)(XX) Within 330 feet of a transit facility, the maximum number of off-street parking spaces provided shall be no more than 100 percent of the off-street parking spaces required by Table 2-4-13 or Table 5-5-1, as applicable.]



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# CITY OF ALBUQUERQUE

## CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Landscaping Applicability

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to reduce the applicability in which landscaping is required. The requirements are proposed to be lowered by a total of 20%.

**Actions:**

- Amend 5-6(B) APPLICABILITY as follows:

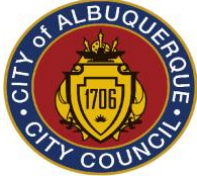
5-6(B)(1) The provisions of this Section 14-16-5-6 shall apply to any of the following, unless specified otherwise this IDO:

5-6(B)(1)(a) Construction of a new building containing multi-family, mixed-use, or non-residential development or an accessory parking structure.

5-6(B)(1)(b) Construction of a new parking lot containing [~~25~~ 20] or more spaces, or expansion of an existing parking lot by [~~25~~ 20] spaces or more.

5-6(B)(1)(c) Expansion of the gross floor area of an existing building containing multi-family, mixed-use, or non-residential development by [~~2,500~~ 2,000] square feet or more, or [~~25~~ 20] percent or more, whichever is less.

5-6(B)(1)(d) Renovation or redevelopment of an existing building containing multi-family, mixed-use, or non-residential development, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, indicated by building permits, is [~~\$500,000~~ \$400,000] or more.



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# CITY OF ALBUQUERQUE

## CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Mulching Requirements

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

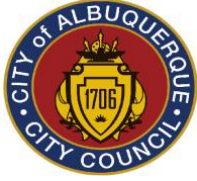
Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to specify that the existing mulching requirement in the IDO – which currently requires that a minimum of 2 inches of mulch be required in planting areas – be specifically extended to two feet around any plant. The code does not currently have a requirement for how far the mulch around the base of a plant must extend.

**Actions:**

- Amend 5-6(C)(5)(d) as follows:

5-6(C)(5)(d) A minimum of 2 inches of organic mulch is required in all planting areas [within at least a 2-foot radius around the plant at anticipated mature size of the actual vegetation], with 3-4 inches recommended. (See figure below.)



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## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Street Tree Mulching Requirement

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

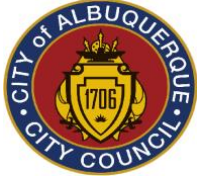
**Purpose:** The purpose of this amendment is to remove the mulching requirement for trees that are considered street trees. Other trees on a project site that would not meet the definition of a street tree would continue to be subject to the mulching requirement. The IDO considers any tree within 20-feet of a street to be a street tree.

**Actions:**

- Amend 5-6(B) APPLICABILITY as follows:

5-6(C)(5)(e) Organic mulch is required as ground cover under trees [, not including street trees,] within a 5-foot radius around the tree trunk, but not directly against the trunk. In these areas, weed barrier fabric is prohibited. (See figure below.)





# CITY OF ALBUQUERQUE

## CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Building Design

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to implement building design requirements for buildings which do not have such requirements. Today, the IDO provides building design requirements for low-density residential buildings, multi-family buildings, and buildings in mixed-use or non-residential zone districts that are within Urban Centers, Main Street Corridors, or Premium Transit Corridors

**Actions:**

- Create a new Section 5-11(F) as follows and renumber subsequent sections as necessary

[5-11(F) NON-RESIDENTIAL DEVELOPMENT OTHER THAN INDUSTRIAL DEVELOPMENT IN NR-LM OR NR-GM

All non-residential development, except Industrial development, in the NR-LM or NR-GM zone districts shall comply with the standards in this Subsection 14-16-5-11(F), except that Parking structures, including the portion of parking structures incorporated into a building with allowable primary and/or accessory uses, shall comply with the design standards in 14-16-5-5(G) (Parking Structure Design).

5-11(F)(1) Façade Design

Each street-facing façade shall incorporate at least 2 of the following features along at least 20 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 50 feet:

- a) Ground floor transparent windows
- b) Windows on upper floors

- c) Primary pedestrian entrances
  - d) Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.
  - e) Raised planters between 12 inches and 28 inches above grade with the surface planted to achieve at least 75 percent vegetative cover at maturity.
  - f) Wall plane projections or recesses of at least 1 foot in depth at least every 50 feet of façade length and extending at least 10 percent of the length of the façade.
  - g) A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
  - h) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
  - i) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.]
- Create a new Section 5-11(G) as follows and renumber subsequent sections as necessary

5-11(G) INDUSTRIAL DEVELOPMENT IN ANY ZONE DISTRICT

All industrial development located in any zone district, excluding MX-FB, NR-SU, and NR-PO that does not meet the applicability requirements of Section 5-11(E) shall comply with the standards in this Subsection 14-16-5-11(G), except that Parking structures, including the portion of parking structures incorporated into a building with allowable primary and/or accessory uses, shall comply with the design standards in 14-16-5-5(G) (Parking Structure Design).

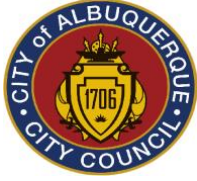
5-11(G)(1) Each street-facing façade less than 150 feet in length shall incorporate at least 1 of the following features along at least 15 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 50 feet:

- a) Transparent windows
- b) Wall plane projections or recesses of at least 1 foot in depth at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- c) A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.

5-11(G)(2) Each street-facing façade shall incorporate at least 1 of the following features along at least 10 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 75 feet:

- a) Transparent windows
- b) Wall plane projections or recesses of at least 1 foot in depth at least every 75 feet of façade length and extending at least 10 percent of the length of the façade.

- c) A change in color, texture, or material at least every 75 feet of façade length and extending at least 20 percent of the length of the façade.
- d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.]



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# CITY OF ALBUQUERQUE

## CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Brook Bassan, City Councilor for District 4

**SUBJECT:** 2023 IDO Update: Pre-Submittal Meeting Validity Period

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

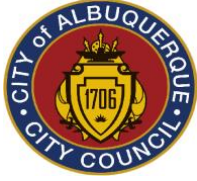
**Purpose:** The purpose of this amendment is to increase the time in which a pre-submittal neighborhood meeting is valid prior to an application being submitted. Today, the pre-submittal neighborhood meeting must occur within 90 days of the development application being filed. This amendment proposes to increase that timeline to one year.

**Actions:**

- Amend 6-4(B) as follows:

**6-4(B) PRE-SUBMITTAL NEIGHBORHOOD MEETING**

6-4(B)(1) For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include or are adjacent to the subject property no more than ~~[90 calendar days]~~ [1 year] before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.



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# CITY OF ALBUQUERQUE

## CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Front Yard Parking – Angular Stone

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to remove “angular stone” as an allowed material that would meet the requirement of an improved surface for the purposes of front yard parking regulations in the IDO. Other gravel-like materials such as crusher fines will continue to be an allowed material.

**Actions:**

- Amend Section 6-8(G) to as follows:

**6-8(G)(2)(a) Front Yard Parking Areas in Existence Prior to June 17, 2007**

1. Front yard parking areas that do not satisfy the requirements of this IDO that were improved for and specifically dedicated to use as a front yard parking area prior to June 17, 2007 (when City Council adopted O-07-61, which first regulated front yard parking), and that otherwise satisfied the requirements of all applicable regulations in place at the time of their installation, may continue to be used as front yard parking areas pursuant to the provisions of this IDO governing nonconforming uses and structures.

a. For the purposes of this Subsection 14-16-6-8(G)(3), “improvements” include either impervious surfaces, such as concrete or asphalt, or all-weather pervious surfaces, such as recycled asphalt, compacted crusher fines ~~[, or compacted angular stone]~~. In order to enjoy nonconforming status under this Section 14-16-6-8, any such improvements must have been installed for and be suitable for the specific purpose of front yard parking and maneuvering.

- Amend Section 5-5(F) as follows:

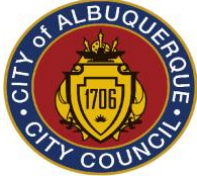
**5-5(F)(2) Design, Access, and Circulation**

The following standards apply to driveways, drive aisles, carports, parking lots, and parking structures unless specified otherwise in this IDO.

**5-5(F)(2)(a) Low-density Residential Development**

The following standards apply to all low-density residential development in any zone district except R-MC.

1. Driveways, parking areas, and curb cuts shall meet any applicable requirements in Subsection 14-16-5-3(C)(3)(b) (Driveways, Drive Aisles, and Access) and the DPM except that angular stone is not allowed.



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# CITY OF ALBUQUERQUE

## CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Tribal Engagement

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to integrate potentially impacted Tribal nations and their members within the development review and approval process. In the IDO today, there is no formal mechanism for Tribal nations within and around Albuquerque to be notified or otherwise included in the review and approval process of development activities. The proposed amendments below will create a formal process in which Tribal nations will be solicited for feedback on certain development applications and/or provided notice of development activity.

*\*6-4(J)(9) and 6-4(J)(10) will require two separate Text Amendment to IDO – Small Mapped Area applications. This language has been provided in this memo for illustrative purposes but should not be included by the Planning Department in the 2023 IDO Annual Update city-wide changes.*

**Actions:**

- Amend Section 7-1 to add a new definition as follows:

**Indian Nation, Tribe, or Pueblo**

For the purposes of this IDO, the designated chief executives of a federally recognized Indian Nation, Tribe, or Pueblo located wholly or partially in New Mexico. The Tribal Liaison with the City's Office of Native American Affairs shall maintain an updated list of the names and contact information for the chief executives of the Indian Nations, Tribes or Pueblos.

**Tribal Representative**

A tribally appointed representative currently serving on the City of Albuquerque Commission on American Indian/Alaska Native Affairs. The Tribal Liaison with the City's Office of

Native American Affairs shall maintain an updated list of the names and contact information for members of the City of Albuquerque Commission on American Indian/Alaska Native Affairs.

**Tribal Land**

Land held in trust, fee land, or land owned by the tribal government of an Indian Nation, Tribe, or Pueblo that the relevant tribal government requests in writing to be mapped by AGIS for the purpose of referrals to the tribal government as a commenting agency.]

- Amend Section 6-4 as follows:

**6-4(J) REFERRALS TO COMMENTING AGENCIES**

Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 calendar days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

**6-4(J)(6) Development within 660 feet of the Petroglyph National Monument**

**6-4(J)(6)(a) National Park Service.**

**6-4(J)(6)(b) Open Space Division of the City Parks and Recreation Department.**

[(6-4(J)(6)(c) Indian Nation, Tribes, or Pueblos

6-4(J)(6)(d) Tribal Representative

6-4(J)(7) Development within 660 feet of Major Public Open Space

6-4(J)(7)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(7)(b) Tribal Representative

6-4(J)(8) Development within 660 feet of tribal land.

6-4(J)(8)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(8)(b) Tribal Representative

6-4(J)(9) The ~~4-H Park~~ Albuquerque Indian School Area\*

6-4(J)(9)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(9)(b) Tribal Representative

6-4(J)(10) Development within 660 feet of the Northwest Mesa Escarpment View Protection Overlay Zone – VPO-2\*

6-4(J)(10)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(10)(b) Tribal Representative

6-4(J)(11) Archaeological Certificate Applications



6-4(J)(11)(a) Indian Nation, Tribes, or Pueblos are to receive the Certificate of No effect or the Certificate of Approval from the City Archaeologist.  
6-4(J)(11)(b) Tribal Representative are to receive the Certificate of No effect or the Certificate of Approval from the City Archaeologist.]

- Amend Section 6-5 as follows:

#### **6-5(A) Archaeological Certificate**

##### **6-5(A)(2) Procedure**

6-5(A)(2)(a) [The applicant shall have all of the following responsibilities:

1. Provide notice of the application to Indian Nation, Tribes, or Pueblos by certified mail and by email that specifies the subject property and the proposed development.
2. Provide notice of the application to the tribal representatives by email that specifies the subject property and the proposed development.
3. Supply proof of notification to Indian nation, tribe, or pueblo and tribal representatives with the application.
4. Provide the treatment plan, if required, by email to Indian nation, tribe, or pueblo and tribal representatives within five business days that it is submitted to the City Archaeologist.]

APPLICANT INFORMATION

## **IDO Lighting Ordinance Update – Public Review Process**

**Project:** City of Albuquerque IDO Lighting Ordinance Update  
**Meeting Date/Time:** January 4, 2023 at 10:30 AM  
**Location:** Virtual Meeting – Zoom

We are pleased at Clanton & Associates to see such a favorable public response to the outdoor lighting ordinance draft so far, along with some very constructive and relevant comments. The public review process looks to have received good engagement and attention from the Albuquerque community. The comments received have been grouped under the relevant document sections for conciseness. The following responses from Clanton and Associates (C&A) are intended for the City of Albuquerque to be able to complete this phase of the review process and finalize the drafted ordinance.

### **Public Comments by Section & C&A Responses**

#### **2-4 (E)(3)(i):**

No change recommended. The City of Albuquerque does not have enough of the current and reliable land use information that would allow the creation of a “step up and step down” overlay map displaying “optional” lighting zone designations. Therefore, the current reference tables are preferred over a static map that could unintentionally lead users to false information.

#### **Table 2-4-15:**

No change recommended. MX-FB-AC (activity center) and MX-FB-UD (urban development) are fairly unique uses and may need higher light levels in some locations to safely handle higher pedestrian volumes. Lz3 is already only allowed when safely away from residential uses.

#### **4-3(D)(29):**

No change recommended. All sources of light entering the outdoor environment at night were considered in the development of this ordinance. Local self-storage units using glass structures and high light levels at night may be particularly troublesome beyond their own property line.

#### **5-8(A):**

No change recommended. The City of Albuquerque supports the DarkSky/IES Five principles of responsible outdoor lighting. The strategy and content of the five principles are already used throughout the outdoor lighting ordinance. The purpose statement remains accurate, familiar, and concise without adding the additional narrative.

#### **5-8(B)(2)(b):**

No change recommended. The current flag lighting guidance is appropriate and will prevent egregious lighting.

#### **5-8(C)(3)(c):**

C&A agrees with the public comment to remove aerial lasers from the document. The misuse of aerial lasers, such as by aiming them at aircraft, is adequately covered by other laws and regulations. We recommend deleting aerial lasers.

**5-8(D)(2)(a):**

C&A agrees with the public comments to unbind the minimum CCT. The minimum CRI requirement will already rule out egregiously low or monochromatic sources in areas that need visual performance. We recommend deleting the language “*a minimum CCT of 2700K and*”.

**5-8(D)(4):**

No change recommended. Adding lumen limit criteria to this section would be redundant with the requirements of section 5-8(F). We recognize the issue of ease of information lookup, but the document’s intent is to avoid duplicate requirements that are already mandated requirements.

**5-8(G)(1)(c)(4):**

No change recommended. It is important to note that the new DarkSky International Approved Sports Lighting criteria allows the use of up to 5700K.

**5-8(G)(2):**

No change recommended. Adding this level of oversight to a temporary, 45-day event would not be realistic for code enforcement staff to monitor or enforce.

**7-1:**

CA agrees with multiple recommendations that were made in this section:

- Add the following definition for Curfew: “*See Outdoor Lighting Curfew*”
- Delete the definition for Candela. It is not used the body of the ordinance.
- The new definition for Footcandle (fc) should be: “*A unit of illumination measurement equal to one lumen per square foot (lm/s.f.) of surface*”

**6-7(A)(1)(a) Compliance Date:**

No change recommended. Reducing the applicability amortization to five years from ten years will force an unfair level of financial investment be made by some citizens prior to existing lighting equipment reaching its half-life. It also reduces the time City staff has for any necessary public outreach and preparation for enforcement.

**Additional Comments:**

Comments were made regarding the lighting of a Tumbleweed Statue, the NM United Stadium, and the DOE. These comments should be made to the City through other means as they are not relevant to the finalization of this ordinance.

Staff and Agency  
Comments

**From:** [Schultz, Shanna M.](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48-Hour Correspondence to EPC  
**Date:** Wednesday, December 13, 2023 12:07:14 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

Please provide this correspondence to the EPC for their consideration under the 48-hour rule.

---

Dear Chair Shaffer,

Councilor Grout has proposed an IDO amendment related to the location on a property in which Boats, RVs, and Trailers may be parked. The language, as submitted to the EPC, goes beyond the original intent of the amendment. The original intention of this amendment was to only regulate the parking of such vehicles on properties with residential uses. As currently drafted, the proposed changes would also impact commercial properties. Please disregard the original proposed language and instead consider the following:

5-5(B)(4)(d) Parking of recreational vehicle, boat, and/or recreational trailer for more than 2 hours:

1. Allowed with the permission of the property owner of a premises with a primary residential use allowed by Table 4-2-1 in any Residential zone district or MX-T zone district.
2. Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in any MX or NR zone district.
3. The vehicle must be parked in 1 of the following areas:

- a. Inside an enclosed structure.
- b. Outside in a side or rear yard.

[\[c. In any Residential zone district or MX-T zone district with a primary residential use, the vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.\]](#)

[\[d. In any MX or NR zone district with a primary non-residential use, the vehicle may be parked\]](#) outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.



**Shanna Schultz, AICP | Council Planning Manager**

Albuquerque City Council Services

Office: (505) 768-3185

**From:** [Schultz, Shanna M.](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** FW: National Park Service Comments - Text Amendment to IDO -Small Mapped Area: Implementation of tribal engagement requirements  
**Date:** Wednesday, December 13, 2023 8:57:44 AM  
**Attachments:** [image001.png](#)

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The below public comment is for the VPO-2 amendment case to be heard in January, please place in the record.



**Shanna Schultz, AICP | Council Planning Manager**  
Albuquerque City Council Services  
Office: (505) 768-3185

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**From:** Hendricks, Nancy E <Nancy\_Hendricks@nps.gov>  
**Date:** Friday, December 8, 2023 at 10:24 AM  
**To:** Schultz, Shanna M. <smschultz@cabq.gov>  
**Cc:** Walter, Chanteil G <Chanteil\_Walter@nps.gov>  
**Subject:** National Park Service Comments - Text Amendment to IDO -Small Mapped Area: Implementation of tribal engagement requirements

[EXTERNAL] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

IN REPLY REFER TO:

1.A.1.

December 7, 2023

City of Albuquerque

Environmental Planning Committee

Re: IDO Small Area Amendment to integrate potentially impacted Tribal nations and their members within the development review and approval process.

Dear EPC Chair Mr. Shaffer and fellow Commissioners,

I am writing on behalf of the National Park Service (NPS) Petroglyph National Monument (Monument), supporting the amendment submitted by Councilor Tammy Fiebelkorn to integrate potentially impacted Tribal nations and their members within the development review and approval process for certain development activities in Albuquerque, and the sharing of information from the City Archaeologist including the Archaeological Certificate, and as needed, a treatment plan.

On June 27, 1990, Congress passed the Petroglyph National Monument Establishment Act of 1990 creating the Monument as a unit of the NPS “in light of the national significance of the West Mesa Escarpment and the petroglyphs and the urgent need to protect the cultural and natural resources of the area from urbanization and vandalism ... .” Pub. Law 101-313, § 101 (1990). The area contains significant and numerous cultural resources, including a large concentration of petroglyphs and numerous archaeological sites. Petroglyph National Monument is a cultural landscape, and in particular, the escarpment area, is listed on the National Register of Historic Places (NRHP) as the Las Imagines Archeological District. The entire Monument area is considered sacred to all 19 Pueblos and 10 additional tribes across the Southwest. The cultural landscape, including the views to and from the Monument, from the Escarpment to the Volcanoes and beyond, is critical to the significance of this area.

Engaging with the Tribal Governments is important to understand their specific concerns related to development near the Monument, to reduce any potentially adverse effects to the cultural and historic sites in the area, and to determine the best ways to protect these world-renowned resources. In fact, we consistently engage with area Tribes and Pueblos on proposed and ongoing projects within the Monument and find their input extremely valuable.

Our specific comments are as follows:

1. We support the Tribal Liaison within the City's Office of Native American Affairs maintaining the list of the names and contact information for the chief executives of the Indian Nations, Tribes, and Pueblos. We recommend including the cultural resources staff and/or Tribal Historic Preservation Officers on the notification list. We would be happy to supply their contact information to the City's Tribal Liaison for inclusion on the mailing list.
2. Section 6-4(J) Referrals to Commenting Agencies. We recommend extending the period for submitting comments to at least 30 days to allow for site visits and adequate time to assess potential impacts.

We appreciate the opportunity to provide input on this proposal. The protection of the sacred landscapes around Albuquerque including Petroglyph National Monument is extremely important. Formally engaging with the people who created and are still connected to these cultural landscapes will help improve the development review processes.

Sincerely,

Nancy Hendricks  
Superintendent



## Nancy Hendricks

Superintendent  
Petroglyph National Monument  
6001 Unser Blvd, NW  
Albuquerque, NM 87120

505-899-0205

Check out [The NPS App - Digital \(U.S. National Park Service\)](#)

**From:** [Barkhurst, Kathryn Carrie](#)  
**To:** [Vos, Michael J.](#); [Osborn, China F.](#)  
**Cc:** [de Garmo, Andrew F.](#); [Kline, Lawrence S.](#)  
**Subject:** ABQ RIDE comments for Project# 2018-001843 RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide  
**Date:** Thursday, December 21, 2023 4:42:44 PM

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Hello Michael and China,

We have a few comments that didn't get sent in time for the first IDO update hearing. Could you please add these for the January EPC hearing?

ABQ RIDE supports the purpose and the intent of this regulation, which would encourage more density in locations served by transit and disallow over-parking a property in these locations. Adding more people, businesses, and services in locations that are well-served by transit can increase ridership by making transit service more accessible/useful to more people.

ABQ RIDE operates 28 transit facilities, as defined by the IDO. These include the Alvarado Transit Center, Uptown Transit Center, Unser and Central Transit Center, Northwest Transit Center, Montano Transit Center, Montgomery & Tramway Transit Center, Yale Operations & Maintenance Facility, Ken Sanchez Operations & Maintenance Facility, and 20 transit stations. There are also multiple [shared-use](#) park-and-ride lots that are publicly and privately owned (see <https://www.cabq.gov/transit/routes-and-schedules/park-ride>).

The purpose of the amendment states that it would exclude park & ride facilities, but these are specifically included in the transit facility definition so this regulation would apply to them. Would that intended exception be captured in a new regulation or by amending the transit facility definition? One concern ABQ RIDE notes regarding this regulation is that the private park-and-ride locations may change over time, depending on the property-owner's interest in allowing this use to continue. ABQ RIDE no longer has formal agreements for most of these locations.

The second concern is that the two Operations & Maintenance Facilities do not directly serve the public; the Ken Sanchez Facility is not even accessible by public transit. For these two facilities in particular, a parking maximum for nearby property would not serve a public benefit and may unnecessarily limit nearby development/redevelopment over time. Excluding "park-and-ride lots" and "depot" from the transit facility types that trigger the parking maximum would address these first two concerns. For example, "Within 330 feet of a transit facility, excluding park-and-ride lots and depots, the maximum number of off-street parking spaces..."

The third concern is that the 20 ART transit stations are all designated as a Premium Transit area, which has lower parking minimums. This proposed amendment makes the minimum also the maximum. For example, a new apartment within 330 feet of a transit station would be required to provide 1 space per dwelling unit, but could not provide any additional spaces for management or visitors. This could potentially drive multi-family development further

away from transit stations to avoid the parking maximum. It might be helpful to give some flexibility, particularly for residential uses because those are the most needed along the ART corridor.

Thank you!

Carrie

## Public Comments

**From:** [jimprice@swcp.com](mailto:jimprice@swcp.com)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48 hour comments - Dec. 14 EPC hearing - Item #56 - Outdoor & Site Lighting - SUPPORT  
**Date:** Tuesday, December 12, 2023 9:41:29 AM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

I am writing in support of the proposed changes to the outdoor lighting section of the IDO. These are excellent recommendations from Clanton and Associates.

Protecting the night sky and reducing the glow of the city at night has far reaching implications.

If a telescope that observes asteroids that could be a danger to our planet cannot look over Albuquerque due to "skyglow", that can be a problem. Telescopes also help keep track of satellites, such as those launched by North Korea recently. They also keep track of missile launches and testing at White Sands Missile Range. This work should not be impeded by the artificial light emanating upward from Albuquerque.

We have learned how artificial light affects wildlife from bird migration to pollinators that pollinate our vegetation. It would be sad not to see the birds migrating and visiting our Bosque or see vegetation not being pollinated in our community. Having been a resident of Albuquerque since 1963, I remember when we could see the stars at night. I also remember when we had fireflies in the city limits. The fireflies are gone due to artificial light.

LED lighting has made artificial lighting cheap to buy and cheap to operate. This needs to be addressed as this ordinance does. LED lighting has become the dominant light source. The current IDO is based on standards from 1999. Please consider that at that time cars came with AM/FM Cassette players and we rented videocassettes to watch movies. The light sources we used then are just as obsolete. This update to the IDO is desperately needed. It should be supported.

Respectfully Submitted

James Price

Victoria Dr NW

-Albuquerque, NM 87120

505-480-5031

**From:** [judphil](mailto:judphil)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Landscape fabrics and plant health  
**Date:** Tuesday, December 12, 2023 6:22:45 PM

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[EXTERNAL] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.  
Sirs/Mss:

The use of landscape fabrics under mulches in Albuquerque landscapes prevents rain from penetrating the soil and therefore limits access to plant roots. There is published research by Washington State University and others that documents this. We are losing mature trees and killing their supposed replacements by covering the soil with landscape fabrics under thin layers of mulches. This does not provide a weed barrier--weeds germinate very well in moisture that persists on top of the fabric. The ideal is a 3" layer of shredded wood mulch (not chipped bark) which allows rainwater to penetrate the soil, reduces evapotranspiration from the soil, and minimizes weed seed germination.

Please reconsider revising the IDO provisions.  
Thank you,  
Judith Phillips

**From:** [paxtonm](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** attn Mikaela & Michael, discussion for Jan 11 EPC continuation  
**Date:** Friday, December 29, 2023 10:46:31 AM  
**Attachments:** [2023 Dec 29 for 2024 Jan 11 EPC continuation.docx](#)  
[2023 Dec 27 Medical Urgency of Cooling Cities.pdf](#)  
[2023 Dec 27 Cool Cities Network.pdf](#)  
[2023 Dec 27 Deadly Heat Is Baking Cities.pdf](#)

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[EXTERNAL] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.  
Dear Mikaela and Michael,

As I understand the comments made by the EPC members during the December 14 hearing on the IDO updates, those of us who testified should engage in discussions with you before the January 11th continuation. It appears that it could be helpful for me to provide more information on the Urban Heat Island that is developing here and what might be done to begin mitigating it before we're faced with a situation like Phoenix now has. Of course, I realize that you may already know more about this than I do. If you would like to discuss this further, perhaps by Zoom, I would welcome the conversation. I would also appreciate having the letter and supporting materials forwarded to the EPC.

With best wishes for 2024,  
Merideth  
(Paxton)

[abcto@cabq.gov](mailto:abcto@cabq.gov)

Dear Michael Vos and Mikaela Renz-Whitmore:

(cc: Chairman David Shaffer and EPC Commissioners)

The following comments regarding the developing Albuquerque Urban Heat Island supplement my statements during the December 14 EPC hearing. I noted then that we had fifteen days of triple digit temperatures last summer instead of the usual three days and that our night low temperatures were not as cooling. This is because heat is retained by heat-absorbing constructions, not reflected.

The need to address this Albuquerque issue before it becomes yet more challenging is urgent because UHIs are known to increase death rates among residents (please see attached *The Lancet* article summary). The beginning of our local effort to find solutions does not have to be dauntingly complicated, as many cities in the US are already collaborating and testing ideas. We can learn from developments made by Austin, Boston, Los Angeles, Miami, New York, Philadelphia, Phoenix, and Washington, DC through their partnership in the Cool Cities Network (see attached overview). I would suggest that Albuquerque consider joining the network. In Phoenix, for example, reflective paving surfaces have decreased heat retention. Nevertheless, urban forests and green landscaping are the best solution (attached: “Deadly Heat is Baking Cities, Here’s How to Cool Them Down”).

The latter article associates hotter areas within cities with economic inequality, and I would urge that IDO revisions not be used to create such sacrifice sectors in places where disproportionately high demand concentrates heat absorption. Specifically, I would ask that Spruce Park and other neighborhoods surrounding UNM be recognized as important contributors to mitigation of the Albuquerque UHI through our extension of the urban forest that exists on the main campus and our cultivation of other plants. We have additional beneficial qualities as well. These neighborhoods should never be destroyed by those who would drive us from our homes because they see only the opportunity to profit from short-term rental units for students. Surely, removing our trees and landscape to make space for more heat-absorbing apartments would worsen the Albuquerque UHI and is indefensible on environmental grounds.

I thank the EPC for noting the detrimental impacts on neighborhoods that Items 10 and 13 would create; these would be especially harmful near the campus. I would ask that your December 14 opinions be used to create a recommendation that would forestall future threats brought by the return of similar IDO revision proposals.

I am also grateful for the time and expertise that you give toward shaping our city to benefit future generations.

Sincerely,

Merideth Paxton, PhD



# [Cooling cities through urban green infrastructure: a health impact assessment of European cities - The Lancet](#)

(Accessed December 27, 2023)

*The Lancet* is a widely respected medical journal (please see statement at end of account).

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## Cooling cities through urban green infrastructure: a health impact assessment of European cities

Tamara Lungman, MPH • Marta Cirach, MSc • Federica Marando, PhD • Evelise Pereira Barboza, MPH • Sasha Khomenko, MSc • Pierre Masselot, PhD • et al. [Show all authors](#)

Published: January 31, 2023 • DOI: [https://doi.org/10.1016/S0140-6736\(22\)02585-5](https://doi.org/10.1016/S0140-6736(22)02585-5) Check for updates

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## Summary

### Background

High ambient temperatures are associated with many health effects, including premature mortality. The combination of global warming due to climate change and the expansion of the global built environment mean that the intensification of urban heat islands (UHIs) is expected, accompanied by adverse effects on population health. Urban green infrastructure can reduce local temperatures. We aimed to estimate the mortality burden that could be attributed to UHIs and the mortality burden that would be prevented by increasing urban tree coverage in 93 European cities.

### Methods

We did a quantitative health impact assessment for summer (June 1–Aug 31), 2015, of the effect of UHIs on all-cause mortality for adults aged 20 years or older in 93 European cities. We also estimated the temperature reductions that would result from increasing tree coverage to 30% for each city and estimated the number of deaths that could be potentially prevented as a result. We did all analyses at a high-resolution grid-cell level (250×250 m). We propagated uncertainties in input analyses by using Monte Carlo simulations to obtain point estimates and 95% CIs. We also did sensitivity analyses to test the robustness of our estimates.

### Findings

The population-weighted mean city temperature increase due to UHI effects was 1.5°C (SD 0.5; range 0.5–3.0). Overall, 6700 (95% CI 5254–8162) premature deaths could be attributable to the effects of UHIs (corresponding to around 4.33% [95% CI 3.37–5.28] of all summer deaths). We estimated that increasing tree coverage to 30% would cool cities by a mean of 0.4°C (SD 0.2; range 0.0–1.3). We also estimated that 2644 (95% CI 2444–2824) premature deaths could be prevented by increasing city tree coverage to 30%, corresponding to 1.84% (1.69–1.97) of all summer deaths.

### Interpretation

Our results showed the deleterious effects of UHIs on mortality and highlighted the health benefits of increasing tree coverage to cool urban environments, which would also result in more sustainable and climate-resilient cities.

### Funding

GoGreenRoutes, Spanish Ministry of Science and Innovation, Institute for Global Health, UK Medical Research Council, European Union's Horizon 2020 Project Exhaustion.

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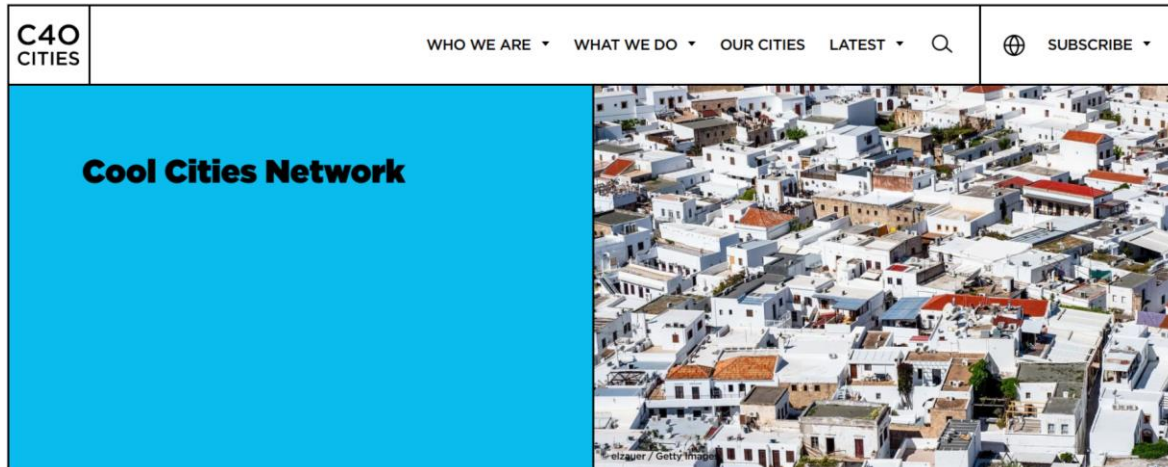
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## [Cool Cities Network - C40 Cities](#)

(Accessed December 27, 2023)

This organization is global. Participating cities in the US are Austin, Boston, Los Angeles, Miami, New York, Philadelphia, Phoenix, and Washington, DC.



### **Tackling urban heat by building greener cities**

The number of cities exposed to extreme temperatures will nearly triple over the next decades. By 2050, more than 970 cities will experience average summertime temperature highs of 35°C (95°F). Cities are specifically vulnerable to rising temperatures due to the Urban Heat Island (UHI) effect, which shows that urban areas are 3 to 8 degrees Celsius warmer than rural areas. Urban surfaces absorb more sunlight and heat than natural landscapes, and urban areas lack vegetation to cool through evaporation. Extreme temperatures compounded by the UHI effect trigger an increase in building energy use due to increased cooling needs, which in turn increases air pollution causing significant health impacts for urban residents, and reduces quality of life. Cities can reduce urban temperatures by using cooling surfaces, alternative materials and design, and green infrastructure.

Many cities are taking several measures to address the urban heat island effect in their local jurisdictions. These early successes represent a significant opportunity for knowledge sharing and collaboration among C40 cities. Cities participating in the Cool Cities Network, led by the City of Athens, have prioritised focus areas around which they are actively sharing policies and strategies with one another.

#### **Focus areas:**

- **Heat & vulnerability mapping**  
Measuring urban heat & assessing vulnerabilities to target future action
- **Heat wave emergency management**  
Developing heat wave emergency response systems (*cooling centres, heatwave public communication*)
- **Integrating heat into long-term planning**  
Developing urban heat strategies and integrating heat action into long-term planning (*setting heat reduction targets & measuring progress*)
- **Making the case for heat action**  
Highlighting co-benefits of heat action to gain political support
- **Heat mitigation solutions**  
Evaluating green and cool solutions and methods for implementation, such as cool roofs & pavements, green building envelopes, street trees, urban forests and alternative cooling techniques

Partners: Global Cool Cities Alliance

**Cities participating in the network:** Accra, Athens, Austin, Barcelona, Berlin, Boston, Buenos Aires, Cape Town, Dar es Salaam, Durban, Freetown, Guadalajara, Lisbon, London, Los Angeles, Madrid, Medellin, Melbourne, Mexico City, Miami, Milan, Montréal, New York, Paris, Philadelphia, Phoenix, Quito, Rio de Janeiro, Rome, Rotterdam, Salvador, Sao Paulo, Sydney, Tel Aviv - Yafo, Tokyo, Toronto, Tshwane, and Washington DC.

## Private Building Decarbonisation Network



### Making our buildings more energy efficient

Energy consumed in buildings accounts for almost half of C40 cities' carbon emissions on average, and around two-thirds of this comes from private buildings. Buildings can last over 100 years, which means that increasing a building's energy efficiency is critical to meeting global climate goals. Improving building energy efficiency can bring many other additional benefits such as reduced energy bills, healthier workplaces, new jobs and greater energy security.

Cities participating in the network have prioritised four focus areas around which they are actively sharing policies, strategies, ideas and challenges with one another.

#### Focus areas:

- **Data for policy-making**  
Collecting and using building energy data to drive ambitious policy development.  
Understanding how to use data for detailed modelling to plan ambitious policies.  
Encouraging stakeholders to collect and disclose data.
- **Residential buildings**  
Encouraging multi-family and single-family home retrofits by exploring financing schemes for action and raising awareness.  
Designing engaging campaigns to encourage resident action.
- **Deep retrofit**  
Understanding the policies and programmes needed for achieving zero carbon building retrofits.
- **Commercial buildings**  
Encouraging commercial building owners, tenants and landlords to take action to develop building tune-up programs.  
Fostering retro-commissioning in commercial buildings.

#### The network is complemented by two technical assistance programmes:

- **Private building retrofit and data policy programme** - helping cities to collect, analyse and report building energy data to accelerate the retrofit of private buildings.
- **Residential retrofit programme** - working with cities on programmes to retrofit residential building fabric, heating and lighting systems and engage building occupants.

This work is part of the C40 Buildings & Energy 2020 Programme, generously supported by the [Children's Investment Fund Foundation \(CIFF\)](#) and [ClimateWorks Foundation](#).

In China, building heat is being developed as a source of low-carbon energy.



## C40 Cities China Buildings Programme

This programme helps cities pilot and develop low carbon building codes, energy benchmarking and quota systems, municipal and residential building retrofits, and transformative actions on clean and renewable energy.



### Helping cities to develop and implement transformative actions on clean and renewable energy

The China Buildings Programme, launched in 2018 in Beijing, is working with **Beijing, Fuzhou, Qingdao, and Shanghai (Changning District)** to develop a range of innovative policies to rapidly reduce emissions from existing buildings, ensure new buildings reach ultra-low energy consumption levels, and promote the use of buildings as a source of low carbon energy. The programme supports the four Chinese cities to deliver ambitious climate action and share knowledge with cities across China and internationally.

The Center of Science and Technology of Industrialization Development (CSTID), a research institution under the Ministry of Housing and Urban-Rural Development (MoHURD), manages the delivery of technical assistance support to Beijing, Fuzhou, and Qingdao, as well as most central communication and outreach functions. The China Association of Building Energy Efficiency (CABEE), a non-profit association composed of building energy efficiency products and service enterprises, manages the delivery of technical assistance support to the Changning District, Shanghai, as well as capacity building functions for the China Better Buildings Challenge.

The C40 China Buildings Programme is one of two country level initiatives within C40's global **Building Energy 2020 Programme (BE2020)**, the other being in South Africa. Funded by the Children's Investment Fund Foundation (CIFF), BE2020 is supporting more than 50 cities to take action and develop policies that curb emissions from existing buildings, avoid carbon lock-in from low performing buildings, and help cities utilise buildings as sources of low carbon energy.

Cities, which account for over 85% of China's overall CO2 emissions, are at the frontline of efforts to deliver on the Chinese government's commitment to peak CO2 emissions by 2030.

Accessed December 27, 2023

HATT SIMON SCIENCE OCT 11, 2021 7:00 AM

## Deadly Heat Is Baking Cities. Here's How to Cool Them Down

Urban areas can be 20 degrees hotter than the surrounding country. But green spaces and reflective pavement can make city life more bearable.



IF YOU'VE EVER driven from the country into the city and marveled at how the temperature dramatically spiked, you've felt the urban heat island effect. The streets and buildings of a metropolis absorb the sun's energy during the day and gradually release it at night. The built environment [essentially bakes itself](#), and temperatures can soar as much as 20 degrees Fahrenheit higher than the surrounding country, which benefits from swaths of trees that "sweat," releasing water vapor and cooling the air.

As global temperatures rapidly climb, scientists, governments, and activists are scrambling for ways to counter the heat island effect. According to the [World Health Organization](#), the number of people exposed to heat waves jumped by 125 million between 2000 and 2016. Extreme heat kills more Americans than [any other natural disaster](#), and is especially dangerous for folks with preexisting conditions like [asthma](#).

By 2050, seven in 10 people will live in cities, says the [World Bank](#). That will be a whole lot of sweltering humans. "I really see cities as kind of a canary in the coal mine type of situation, where you have a little bit of a harbinger of what the rest of the planet could be experiencing," says Portland State University climate adaptation scientist Vivek Shandas, who has studied the heat island effect in over 50 US cities.

Shandas' research has shown that even within cities, one neighborhood might be 15 degrees hotter than another, and that disparity maps to income inequalities. A major predictor of a neighborhood's heat is how much green space it has. Richer parts of a city tend to have more greenery, and poorer parts [have more concrete](#): they're heavily developed, and filled with big box stores, freeways, and industrial facilities that soak up the sun's radiation. A concrete landscape is so good at holding onto heat, in fact, that it'll stay warm through the night. When the sun comes up, a poor neighborhood is already hotter than a rich neighborhood.

Scientists are just beginning to study whether they can bring down the temperature of city structures by deploying "cool" roofs, walls, and pavements—ones that are light colored and bounce the sunlight away. Lighter surfaces reflect more of the sun's radiation than dark surfaces. (Think about how you feel while wearing black instead of white on a sunny day. This albedo effect is also part of the reason why the Arctic is [warming so fast](#).) But while the thermodynamics are

straightforward, the deployment of cool surfaces turns out to be weirdly complicated.

Take the problem of cooling roofs, says environmental engineer George Ban-Weiss, who studies cool infrastructure at the University of Southern California. In theory, it's simple to paint the large, flat tops of commercial buildings white or light gray. Residential homeowners could opt for lighter tiles—regular old clay, in fact, reflects sunlight quite well. These modifications would cool down the air coming off a roof, as well as the structure itself, meaning occupants wouldn't need to run air conditioning as often. If a building can support the extra weight, the owners could even create a rooftop garden packed with plants, which would cool the entire area by releasing water vapor.

But while these changes would make life more bearable for the people inside each modified building, if enough owners followed suit, in some areas it could have an unintended regional side effect. In a coastal metropolis like Los Angeles, the urban warmth usually contrasts with the coldness of the ocean, a differential that drives a reliable sea breeze. As land and sea temperatures get closer to each other, there may be less of that wind. "So that means less clean air coming into the city, which would tend to make pollutant concentrations higher," says Ban-Weiss, plus the loss of the breeze that itself keeps people cool.

A cool wall follows the same principle, just with a vertical surface. But this, too, can have an unintended consequence: Sunlight reflecting off a wall can shine on passing pedestrians, heating them instead of the building. And engineers like Ban-Weiss are hitting the same snag in their experiments with cool pavements, which are slathered with a reflective coating. This does indeed reduce a road's surface temperature—but it bounces some of that energy back at pedestrians.



### The WIRED Guide to Climate Change

The world is getting warmer, the weather is getting worse. Here's everything you need to know about what humans can do to stop wrecking the planet.

BY KATIE H. PALMER AND MATT SIMON

"It's kind of a tug of war," says Ban-Weiss. "You've got a reduction in air temperature that would tend to make people more comfortable. But then you've got an increase in this absorbed solar radiation from the pedestrian that would make them less comfortable. And so the question is: Which one of those wins? Is the person less comfortable or more comfortable from a cool pavement? And the answer is not super clear yet." At least during the day—at night, reflectance isn't an issue.

Early projects are starting to provide some data. In September, officials in Phoenix announced the results from the first year of the city's Cool Pavement Pilot Program, in which stretches of roads were treated with a reflective coating. Researchers from Arizona State

University took temperature readings four times a day and compared the treated roads to non-treated ones. They found that the treated pavement was on average 10.5 to 12 degrees Fahrenheit cooler in the afternoon. Surface temperatures at sunrise were 2.4 degrees cooler, suggesting that the coating attenuated some of the carryover heat from day to day.

But reflectiveness—or the amount of light that could ricochet back at pedestrians—also increased, which the scientists measured with a light-detecting instrument called a spectroradiometer. "This may be a necessary trade-off, because if we want to reduce surface temperatures using a reflective surface, that's going to happen no matter what," says Arizona State University climate and health scientist Jennifer Vanos, who conducted the study. "However, do people walk in the middle of the road? Hopefully not."



Treating pavement in Phoenix. COURTESY OF THE CITY OF PHOENIX



There's another seemingly simple solution that cities could deploy about anywhere that's not in the path of a car: Plant more living things. Done right, a green space creates a slew of benefits: It cools a neighborhood and beautifies it, while also acting as a sponge to absorb floodwaters. It provides shade for people to shelter in during a heat wave, plus it's good for mental health. Building the space [creates jobs](#), as does maintaining it. And lower temperatures reduce the demand for air conditioning, which is a major source of emissions, as well as of heat, because of all the hot air the machines expel as they work. Elizabeth Sawin, codirector of Climate Interactive, a nonprofit that focuses on the intersection of climate change and inequity, calls this "multisolving."

But planting greenery, too, can have an unintended consequence—it's known as [green gentrification](#). Urban investment attracts the attention of speculators, who start buying up housing in low-income neighborhoods, driving up rents. "Then the people in the very neighborhood the investment was meant to help get displaced off into places that are heat islands or other kinds of climate risk zones," says Sawin.

Sawin says that plans to increase green spaces should involve local residents at the very earliest stages. "It can't be a siloed approach. It has to combine pre-thinking about affordable housing or community-owned land trusts. And that needs to happen well in advance of the first shovels of the project," she says.

Shandas points out that thinking about heat reduction is still very novel in urban planning, even as temperatures soar. "There's not a single municipality in the country that I know of that is requiring consideration of rising temperatures in their design guidelines or regulations," says Shandas. "Right now developers are building lot-edge-to-lot-edge in cities across the country, and they are not leaving any space on the lot itself for a small garden box, let alone any mature large trees."

And since the science of urban heat is still young, it's not always clear which strategy is best to follow. For instance: Which trees work best in which climates?

Has the heat island effect already gotten so bad in some places that they can't support certain species? And how much cooling can trees really produce? "We don't have a really good way of empirically understanding the relationship between how well a specific type of heat-ameliorating design works in the context of the levels of temperatures that we've experienced," says Shandas, "for example, [this summer in the Northwest](#)."

The city of the future may be both more reflective *and* greener, with both strategies being used in concert to mitigate the heat island effect. But in terms of cooling effects, says Ban-Weiss, it's hard to beat vegetation when it comes to the many simultaneous benefits they provide. "If you're going to pick one technology, I would always go with green space," he says. "It solves so many different problems."

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**From:** [Jane Baechle](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Renz-Whitmore, Mikaela J.](#); [Vos, Michael J.](#); [Schultz, Shanna M.](#)  
**Subject:** IDO Written Comments  
**Date:** Monday, January 1, 2024 11:42:25 AM  
**Attachments:** [EPC Comments for 1112024.pdf](#)  
[EPC VPO-2.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Good morning,

I am attaching two documents to be provided to the EPC and Chair Shaffer re: upcoming meetings addressing proposed amendments to the IDO as part of the 2023 annual review.

The first letter is submitted to be appended to the Staff report for the meeting of 1/11/2024. It covers further comment on several citywide amendments including those for which additional information or options will be introduced at this meeting and on the proposed small area amendment for the Volcano Heights Urban Center.

The second letter covers my individual comments regarding the proposed small area amendments to the NW Mesa Escarpment VPO-2. This proposal is to be heard at the EPC meeting of 1/18/2024. Please assure these are included in the Planning Staff report to the EPC for the meeting of 1/18/2024.

I recognize this remains a busy time for Planning Dept. staff. I would also appreciate confirmation that these letters have been received and included in the relevant reports.

Thank you,

Jane Baechle



Jane Baechle  
7021 Lamar Avenue NW  
Albuquerque, NM 87120  
[Jane.Baechle@gmail.com](mailto:Jane.Baechle@gmail.com)

Date: January 1, 2024

To: David Shaffer, Chair  
EPC

From: Jane Baechle  
Member, SFVNA

Re: IDO 2023 Agenda Items  
Meeting of 1/11/2024

Commissioners,

I am writing to reiterate positions taken by the SFVNA Board and/or myself in prior written communications and public comment. Some of these represent items which were discussed in the meeting of 12/14/2023 but will come before the EPC for a vote on 1/11/2024. Others reflect our written comments on the proposed change to the Volcano Heights Urban Area which will be heard for the first time on 1/11/2024. Our *opposition* has not changed but several points merit repeating based on the anticipated changes to be presented on 1/11/2024.

- **Item 12, IDO Section 4, Dwelling Live-Work**-this remains a profoundly deleterious change for Santa Fe Village and most modest residential neighborhoods. The proposal fails to adequately or even minimally consider the likely negative impacts or provide any protections of the neighborhood or adjacent property. The fact that a corner lot has two street facing sides will not prevent on street parking in front of nearby property. There is no reason to think that a retail or restaurant space will rely only on the residents of the property to provide service; they will assuredly hire additional people who will also need to park. There is zero evidence it will only be patronized by people who can walk to the business. A corner lot offers no provisions for deliveries or waste storage and removal. These are particularly significant issues for either a small grocery or restaurant. Nothing in the language of this proposal requires the property owner to also be the business owner and resident(s). Instead, the proponents paint a picture of a quaint little coffee shop or corner grocery carrying milk and bread at affordable prices, ignore potential uses or impacts which conflict with a residential neighborhood and make this use permissive which effectively removes neighborhood scrutiny and opportunity for public comment.

- Item 29, 6-4(B), Pre-submittal Neigh Meeting, Item 32, 6-4(K) Public Notice to Neighborhood Associations, Item 36, 6-4(L)(3)(a), Post-submittal Facilitated Meeting and Item 37, 6-4(V)(2)(a), Appeals - Standing Based on Proximity for Neighborhood Associations**-these fundamentally redefine the standing of individuals and neighborhoods and their right to notice and appeal of proposed developments which may significantly impact neighborhood character, quality of life and property values. Replacing “adjacent,” a term clearly defined in the IDO, with a set distance from a proposed development as a matter of expediency for applicants and the Planning Department is indefensible. It is simply not adequate to capture “almost everyone” or approximate the boundaries of those entitled to notice of zoning and development matters. Item 37 effectively disenfranchises neighborhood associations by reducing the required notice to those neighborhood associations within 660’ of certain developments and zoning changes to those within 330’. Among the issues where notice would be removed from neighborhood associations by virtue of reducing the area where notice is required are multiple, highly consequential matters including conditional use applications, variances, small area amendments and zoning map amendments. This represents a fundamental taking from neighborhood associations and the residents they serve, serve at the behest of the NARO charged to “engage with community and land use planning, protect the environment, and promote the community welfare” and “foster communication between the recognized neighborhood association ... and city government on plans, proposals, and activities affecting their area.” Any limitations of the software the City plans to use are not a justification for disenfranchising individuals or neighborhood associations.
- Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, Volcano Heights Urban Center**-this change is inconsistent with the intended design of an urban center which is to create and support a walkable neighborhood. Nothing could conflict more profoundly with a walkable neighborhood than drive throughs. They exist solely to accommodate motor vehicles and the occupants unwilling to leave their vehicles. The ABC Comp Plan calls for Centers to have or strive for a high degree of walkability. Specifically, this is what the Comp Plan states in sub-policy “d” of Policy 11.3.6, “Protect the area’s natural and archaeological resources, including the Monument and significant rock outcroppings, while encouraging urban development in the Volcano Heights Urban Center to create a vibrant, *walkable district with an identity, character, and sense of place inextricably linked to the volcanic landscape.*” (Italics mine) The VHUC is currently undeveloped, a clear and optimal opportunity to ensure that the Center is developed with a high degree of walkability. There is no adequate justification for removing from the IDO the protections against the development of drive throughs in the VHUC. It is also important to note that the VHUC sits on the NW Mesa Escarpment and lies within the NW Mesa Escarpment VPO-2 which mandates design standards to ensure that structures reflect the natural colors of the natural landscape. This area begins on the east as one crests the escarpment on Paseo del Norte and its northern and eastern edges are approximately the boundary of the Petroglyph National Monument. Many of the mixed use properties are a short walk from the escarpment and the Petroglyph National Monument boundary. Not only would drive throughs, almost always franchise, fast food restaurants, conflict with the

intended walkability of an urban center, they would conflict with provisions of the VPO which call for development to respect the character of the area.

Item 58, **Tribal Engagement**-the integration of potentially impacted Tribal nations and their members into the development review and approval process and the establishment of a formal process to ensure they have adequate notice of proposed development and architectural reviews and a voice in development decisions represents a basic and fundamentally just action. Tribal lands, the Petroglyph National Monument and much of the MPOS in ABQ have profound significance to Native people. These amendments are long overdue to “ensure opportunities for input by affected parties,” specifically Tribal nations and people. I strongly *support* this amendment.

Finally, the SFVNA has vehemently *opposed* the removal of multiple developments from the conditional use process or the establishment of new uses as permissive. These include the proposals regarding City projects, shelters for those homeless and duplexes. Designation as a conditional use indicates that a development may reasonably be expected to “create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community” and subjects the decision to grant a conditional use to a public meeting. Removing a designation which ensures notification and opportunity for comment disenfranchises those affected and effectively negates IDO purpose statement 1-3(R) “Provide processes for development decisions that balance the interests of the City, property owners, residents, and developers and ensure opportunities for input by affected parties.”

Thank you for your time and consideration.

Sincerely,

Jane Baechle