

Environmental Planning Commission

Staff Report

Applicant	City of Albuquerque Counsel Services
Agent	City of Albuquerque Planning Department
Request	Amendment to the Integrated Development Ordinance (IDO) Text – Small Area for the 2023 Annual Update
Location	Volcano Heights Urban Center

Summary of Analysis

The request was deferred for a month at the December 14, 2023 IDO special hearing and for another month at the January 11, 2024 IDO special hearing. The request is for a text amendment to the Integrated Development Ordinance (IDO) for a Small Area designated as the Volcano Heights Urban Center (VHUC) in the Comp Plan. The proposed change was submitted in tandem with the Annual Update process and would remove the prohibition on drive-throughs in Mixed-use zone districts within the VHUC, pursuant to IDO §14-16-4-3(F)(5)(f)10. The VHUC is within the Volcano Mesa Character Protection Overlay zone (CPO-13) and the Northwest Mesa Escarpment View Protection Overlay zone (VPO-2).

The request has not been adequately justified pursuant to the IDO Review and Decision Criteria for Small Area Text Amendments in IDO 14-16-6-7(E)(3) and conflicts with criteria A, C, and E. The request would be harmful to the health and general welfare of the surrounding community; presents significant conflicts with several applicable goals and policies in the Comprehensive Plan; and is not more advantageous to the community.

As of this writing, Staff has received one comment in opposition and three in support. Staff recommends that a recommendation of denial be forwarded to the City Council. *Agenda Number: 1 Project #: 2018-001843 Case #: RZ-2023-00044 Hearing Date: February 15, 2024*

Staff Recommendation

That a recommendation of DENIAL of Project 2018-001843, Case RZ-2023-00044 based on the FINDINGS beginning on page 26, be forwarded to the City Council.

Staff Planner Mikaela Renz-Whitmore, Division Manager



Comments received before January 30th at 9 AM are attached to and addressed in this Staff Report. Comments received before January 6th at 9 AM are attached, but not addressed. Clarifying materials received before January 13th 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.



Figure 1: Volcano Heights Urban Center Boundary

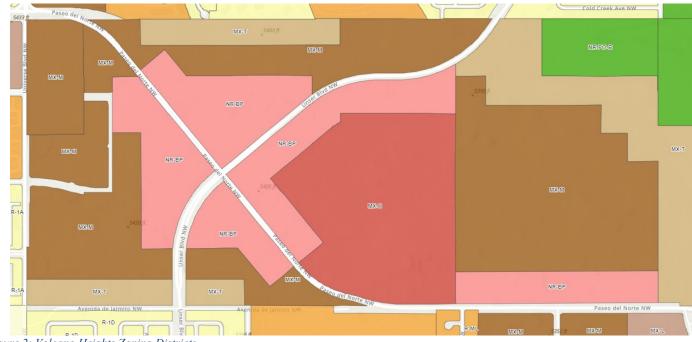


Figure 2: Volcano Heights Zoning Districts

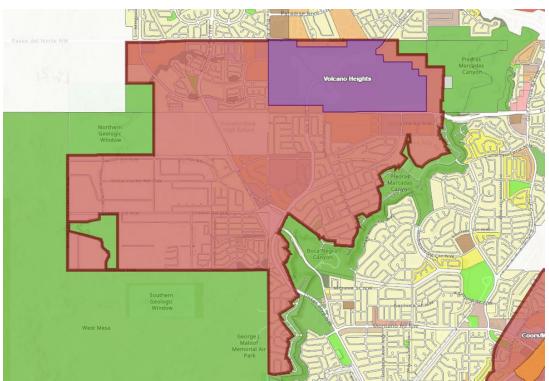


Figure 3: Volcano Mesa Character Protection Overlay Zone (CPO-13) and Volcano Heights Urban Center

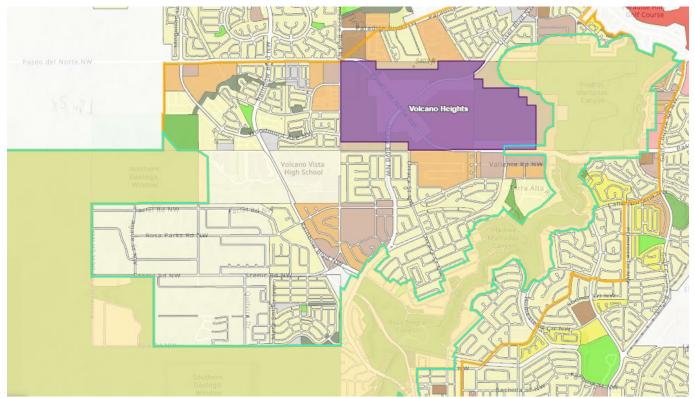


Figure 4: Northwest Mesa View Protection Overlay Zone (VPO-2) Height Restriction Sub-area and Volcano Heights Urban Center

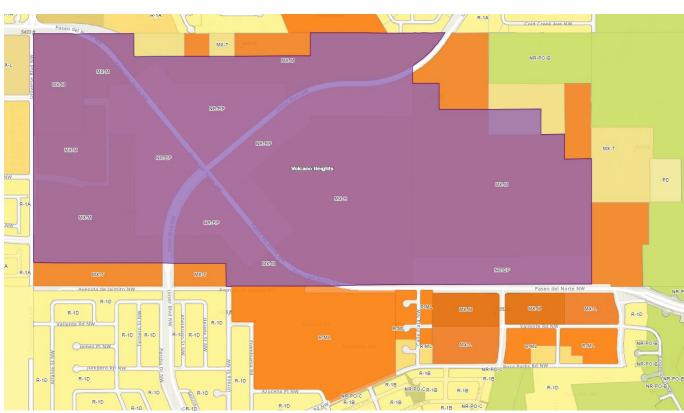


Figure 5: Volcano Heights Urban Center (purple) and Areas of Change (orange) / Areas of Consistency (yellow)

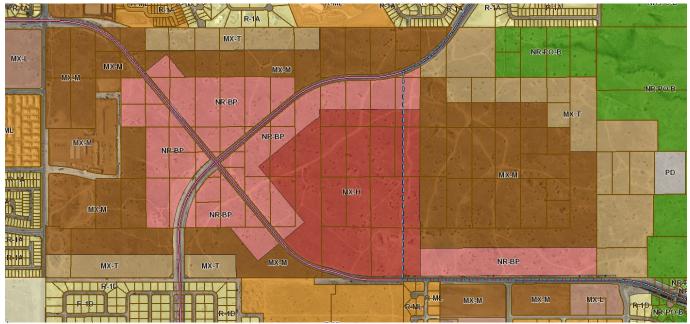


Figure 6: Commuter Corridors (red) and Premium Transit Corridors (dotted blue) in Volcano Heights

CITY OF ALBUQUERQUEENVIRONMENTAL PLANNING COMMISSIONPLANNING DEPARTMENTProject #2018-001843 Case #: RZ-2023-00044URBAN DESIGN & DEVELOPMENT DIVISIONFebruary 15, 2024

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I. INTRODUCTION

Request

This request is for a Text Amendment to the Integrated Development Ordinance (IDO) for a Small Area in tandem with the Annual Update for 2023 required by IDO Subsection 14-16-6-3(D). The proposed text amendment affects the Volcano Heights Urban Center (VHUC) as established in the Comprehensive Plan. (See Figure 1.) The land within the VHUC is undeveloped and zoned either NR-BP, MX-H, or MX-M. (See Figure 2.)

The proposed amendment would remove the prohibition on drive throughs in Mixed-use zone districts in the only Urban Center on the West Side in IDO Subsection 14-16-4-3(F)(5)(f)10. In general, the use-specific standard for drive-throughs in the IDO prohibits drive-throughs in small areas or makes them conditional in certain contexts and establishes other design requirements. The design requirements would still apply if the proposed amendment were to be adopted.

The VHUC lies within the Volcano Mesa Character Protection Overlay Zone (CPO-13), although CPO-13 only applies to low-density residential development, so the proposed amendment would not affect development regulated by this overlay zone. (See Figure 3 and IDO Subsection 14-16-3-4(N)(1) Applicability.)

A small portion of the VHUC along Paseo del Norte Boulevard on the southeast corner lies within the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2). (See Figure 4.) VPO-2 applies to all development and all zone districts, so the proposed amendment would affect development within this overlay zone in this small portion of the VHUC. VPO-2 limits building height maximums, prohibits building height bonuses, restricts color, prohibits reflective or mirrored glass, and requires screening for roof-mounted equipment.

The proposed small area text amendment was reviewed during a pre-submittal Neighborhood Meeting on October 16, 2023 as required by Table 6-1-1 for Amendment to IDO Text – Small Area and as specified in IDO Subsection 14-16-6-4(C). See section IV of the report.

The application was submitted October 26, 2023 and is being reviewed using the July 2023 version of the Integrated Development Ordinance (IDO).

Background

Upon adoption in May 2018, the Integrated Development Ordinance (IDO) established a process through which it can be updated on an annual basis. IDO Subsection 14-16-6-3(D) requires Annual Updates, stating that the Planning Department shall prepare amendments to the text of the IDO and submit them every year for an EPC hearing in December. The IDO annual update process established a regular, required cycle for discussion among residents, businesses, City Staff, and decision-makers to consider any needed changes that were identified over the course of the year.

Two types of annual IDO updates were established in November 2020: Amendment to IDO Text-Citywide [Subsection 14-16-6-7(D)] and Amendment to IDO Text-Small Areas [Subsection 14-16-6-7(E)]. City-wide text amendments apply generally throughout the city and are reviewed using a legislative process. Text amendments to smaller areas within the city apply only to those areas and require a quasi-judicial review process.

History & Purpose

The Volcano Heights Urban Center was established in the Comprehensive Plan as one of the City's 2 urban centers in 2017 and the only intensely urban area planned for Albuquerque's West Side. (Uptown Urban Center is the other.) Unser Boulevard and Paseo del Norte, two of the region's most important thoroughfares, cross in Volcano Heights. The Comprehensive Plan designated both roadways as Commuter Corridors, but portions of Paseo del Norte were also designated as Premium Transit, connected by a proposed alignment that avoided the existing intersection of Unser Boulevard and Paseo del Norte. (See Figure 6.)

These Comp Plan designations followed the adoption of a Sector Development Plan for Volcano Heights in 2014 that envisioned the undeveloped area surrounding Paseo del Norte and Unser Boulevards as an urban, walkable district served by Premium Transit in a Town Center east of the existing Unser/Paseo intersection. The goals, policies, and zoning established in that sector development plan were all intended to implement that vision.

- The zoning allowed tall buildings pulled up to the street edges, required little parking, and included high-quality façade design to activate the street for pedestrians.
- The cross sections included for the street grid in the area included wide sidewalks, accommodation for transit, and slip lanes on either side of Paseo/Unser to provide better access for customers driving and walking.
- Drive-throughs and other auto-related uses were permissive in the "Regional Center" (converted to NR-BP when the IDO was adopted), conditional in the "Town Center" (converted to MX-H) and Mixed-use zones, and prohibited in the "Transition" zones (converted to MX-T).

The zoning pattern in the Volcano Heights plan recognized the importance of stepping down the intensity of development next to the Petroglyph National Monument and surrounding lower-density neighborhoods to the north and south. The "Transition" zones in the plan were the only zones that allowed single-family development in addition to townhouse and multi-family residential development and some small-scale retail, offices, and services. It is important to note that these "Transition" zones are not included within the boundary of the Volcano Heights Urban Center, and drive-throughs are not an allowable use in the MX-T zone district.

In 1988 the City established the Petroglyph National Monument as an important archeological site and cultural property in the Comprehensive Plan. Petroglyphs are found in clusters along the Northwest Mesa Escarpment and are of continuing importance and cultural meaning for Native American Pueblos (Comp Plan 11-15). The Petroglyph National Monument was authorized by the U.S. Congress in 1990 as a unit of the national park system. The 17-mile escarpment is managed in part by the City Open Space Division and the National Parks Service. The character and identity of the area is protected by the VPO-2 Protection Overlay Zone, which restricts building heights within a sub-area to protect the views looking to and from the Petroglyph National Monument.

When the IDO was adopted in 2017, the SU-2 zone districts established by the Volcano Heights Sector Development Plan were converted to the closest matching IDO zone districts in terms of allowable uses and development standards. The IDO carried over height restrictions and other view protection standards from the Northwest Mesa Escarpment Plan into the Northwest Mesa View Protection Overlay zone (VPO-2). The IDO carried over unique development standards established in the Volcano Cliffs, Volcano Heights, and Volcano Trails Sector Development Plans into the Volcano Mesa Character Protection Overlay (CPO-13).

Drive-throughs were generally prohibited in those sector development plans, except for three areas with mixed-use zoning, which allowed drive-throughs accessory to uses other than restaurants. This drive-through restriction and allowance was carried into the IDO as a use-specific standard for the 3 mapped small areas within Volcano Mesa CPO-13. (See IDO Subsection 14-16-4-3(F)(5)(f)11.) The use-specific standard adopted with the IDO in 2017 prohibited drive-through restaurants in the Uptown Urban Center and all drive-throughs in mixed-use zones within the Volcano Heights Urban Center (i.e., MX-M and MX-H in the map below). Drive-throughs are allowed in the NR-BP zone district within the Volcano Heights Urban Center.

Notably, the version of the IDO adopted in 2017 also included a strict design standard for drivethroughs in Urban Centers and the MX-H zone district to minimize conflicts with pedestrians [14-16-5-5(I)(1)(f)]. This requirement was watered down in the 2019 annual update [14-16-5-5(I)(2)(d)] but supplemented with some pedestrian-oriented design requirements [14-16-5-5(I)(2)(e)].

The 2020 Annual Update allowed restaurant drive-throughs as a conditional use within 330 feet of Louisiana Boulevard between I-40 and Indian School Road. (See IDO Subsection 14-16-3(F)(5)(f)9.) Louisiana Boulevard is designated as a Major Transit Corridor in the Comprehensive Plan.

The proposed small area text amendment would delete the Volcano Heights Urban Center from the use-specific standard for drive-throughs (IDO Subsection 14-16-4-3(F)(5)(f)10), thereby allowing drive-throughs accessory to all uses in the MX-M and MX-H zone districts and in all zones within the Volcano Heights Urban Center.

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Applicability

The proposed IDO text amendment applies to land within the City of Albuquerque municipal boundaries. The IDO does not apply to lands controlled by another jurisdiction, such as the State of New Mexico, or to Federal lands. Properties in unincorporated Bernalillo County or other municipalities, such as the Village of Los Ranchos and City of Rio Rancho, are also not subject to the IDO.

Environmental Planning Commission (EPC) Role

The EPC is hearing this case pursuant to IDO Subsection 14-16-6-7(E), Amendment to IDO Text -Small Area.

The EPC is hearing this case because the EPC is required to review the changes proposed and make a recommendation to the City Council regarding the proposed IDO small area text amendment. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is the Council's recommending body with review authority for the IDO Text Amendment. This is a quasi-judicial matter.

II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. The purpose of this Charter is to provide for maximum local selfgovernment. A liberal construction shall be given to the powers granted by this Charter.

Amending the IDO via text amendment is consistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language will not help implement goals and policies within the Comprehensive Plan. See Staff Policy analysis below.

Article IX, Environmental Protection

The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air, and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority, and staff sufficient to effectively administer city policy in this area.

The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote improved quality of life. The proposed Small Area text amendment to the IDO would not ensure that land is developed and used properly. The VHUC was established in the Comprehensive Plan to guide the most urban, walkable, mixed-use development to this area and suburban, auto-oriented development to areas outside of Urban Centers; therefore, Commissions, Boards, and Committees would not be able to facilitate effective administration of City policy in this area with the approval of this amendment.

Article XVII, Planning

Section 1. The Council is the City's ultimate planning and zoning authority, including the adoption and interpretation of the Comprehensive Plan and the Capital Improvement Plan. The Council is also the City's ultimate authority with respect to interpretation of adopted plans, ordinances, and individual cases.

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's purpose is to 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. This text amendment conflicts with a preponderance of Comp Plan goals and policies; therefore, the Council would not be able to implement the Comp Plan with the approval of this amendment.

Section 2. The Mayor or his designee shall formulate and submit to the Council the Capital Improvement Plans and shall oversee the implementation, enforcement, and administration of land use plans.

Amending the IDO through the annual update process is intended to help the Administration to implement the Comprehensive Plan vision for future growth and development and to help with the enforcement and administration of land use plans. This text amendment conflicts with a preponderance of Comp Plan goals and policies; therefore, the Mayor would not be able to implement land use plans with the approval of this amendment.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

The Comprehensive Plan and the IDO were developed together and are mutually supportive. The purpose of the IDO, in the most overarching sense, is to implement the Comprehensive Plan and protect the health, safety, and general welfare of the public. (See IDO Subsection 14-16-1-3.)

This amendment furthers some Comprehensive Plan goals and policies, while conflicting with others for walkability and high-quality development, as noted in the Staff analysis below. Citations are in regular text; Staff analysis follows in bold italics. Ordinance citations are in regular text; *Staff analysis follows in bold italics*.

The amendment furthers the following Comprehensive Plan goal and policies:

<u>Policy 5.1.2 Development Areas</u>: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

<u>Policy 5.1.12</u> Commuter Corridors: Allow auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town, often as limited-access roadways.

<u>Goal 5.6 City Development Areas</u>: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

<u>Policy 5.6.2 Areas of Change</u>: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

If approved, the amendment would generally further the Goals and Policies related to the City's Development Areas, specifically Areas of Change. The Volcano Heights Urban Center, by definition, is entirely within an Area of Change, so directing non-residential development to an Area of Change is consistent with these goals and policies.

The amendment partially furthers the following Comprehensive Plan goal and policies:

Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

<u>Policy 8.1.2. Resilient Economy</u>: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The proposed change allows drive throughs as an accessory use, and drive-through services (restaurants, banks, etc.) are in high demand. During and after the COVID-19 pandemic, visits to retail and service facilities with drive-throughs increased. Many businesses were made more resilient by serving people safely in drive-throughs and drive-ups. If approved, more businesses with drive-throughs could develop, which would provide some employment opportunities on the West Side (Policy 5.4.2) and could help foster a robust, resilient, and diverse economy (Policy 8.1.2) in an Urban Center (Goal 5.1).

If approved, the Development Standards in IDO Subsection 14-16-5-5(I)(2) and Use Regulations in IDO Subsection 14-16-4-3(F)(4) for Drive-Through or Drive-Up Facility would still apply. These standards ensure that the design of the facility minimizes the potential conflicts between pedestrians and vehicles. The Development Standards include specific requirements for drive-throughs in Urban Centers intended to minimize conflicts between vehicles and pedestrians. In Urban Centers, drive-through lanes are generally not allowed between the street and the building to minimize impact on pedestrians. In the places where drive through lanes are allowed next to the street, a screening wall is required to help maintain a consistent street wall. The minimum required stacking spaces for restaurants in IDO Subsection 14-16-5-5(I)(1) will also help establish requirements for the design of these facilities as to minimize impacts to the surrounding areas. Therefore, one type of economic development is encouraged by this amendment allowing drive-through and drive-up facilities as long as they adhere to the Development Standards and Use Regulations.

However, drive-throughs are without question an auto-oriented land use, and the qualifier in the Centers & Corridors Goal 5.1 is that Albuquerque grow as a community of "strong" Centers. Urban Centers are intended to be walkable, with transit-oriented, mixed-use development. Drive-throughs are currently allowed in the zone district that lines Paseo and Unser in the VHUC. The Non-residential Business Park (NR-BP) zone district is compatible with drive-throughs as part of a mix of commercial services. Drive-throughs are much less compatible with residential uses in Mixed-use zone districts, particularly in an Urban Center that is intended to be urban. Drive-throughs are typically a suburban development pattern that prioritizes the automobile. The core idea behind Centers & Corridors is designating a hierarchy of centers within our region to guide appropriate development to appropriate locations. Employment Centers in the Comp Plan are explicitly appropriate for auto-oriented development. (See Policy 5.1.5.e: "Allow Employment Centers to develop as auto-oriented areas.") Allowing drive-throughs permissively in Urban Centers, despite known conflicts with pedestrians and transit-oriented development, undermines the opportunity and the viability of urban, mixed-use development. Drive-throughs and auto-oriented development are welcome in all areas that are not designated as an Employment Center. Allowing them in the Mixed-use zone districts in the Urban Center undermine the purpose of designating some areas as Urban Centers to encourage development that is different from non-Center areas, i.e. walkable and urban, as opposed to auto-oriented and suburban. If drive-throughs are the first development in the Urban Center, they will set a pattern of auto-oriented development that undermines the feasibility and viability of mixed-use, pedestrian-oriented, or pedestrianoriented development in the only Urban Center on the West Side. Residential development is largely incompatible with drive-throughs, so it is unlikely that a mix of residential and nonresidential development will be achieved. While the design standards specific to Urban Centers will help "tame" drive-throughs, it is unlikely that there will be many pedestrians to benefit from any accommodations.

While the amendment could spur development, since drive-throughs are without question one of the highest demand uses, the amendment only partially furthers the Resilient Economy Policy (8.1.2) because drive-throughs establish an auto-oriented, suburban pattern on the surrounding area. That pattern is most appropriate along Commuter Corridors, as allowed

in NR-BP along Paseo and Unser. In the Mixed-use zone districts within the VHUC, and along the portions of Paseo and Unser designated as Premium Transit Corridors, allowing drive-throughs undermines the opportunity and the viability of urban, mixed-use development.

To the extent that the proposed amendment in effect changes the likely development from mixed-use to non-residential, the amendment furthers Policy 5.4.2 West Side Jobs. Drivethroughs support non-residential uses that provide employment opportunities, and property that develops with drive-throughs is unlikely to include any residential development. However, drive-throughs are an accessory use and do not guarantee additional job opportunities. In addition, the MX-M and MX-H zone districts allow a wide variety of nonresidential uses that could accommodate a large employer in an office complex, which could also include a residential component on the same property but would be unlikely to want to share the same property with a drive-through use. Drive-throughs are often accessory to a standalone use – a restaurant, a bank, a pharmacy, etc. Drive-throughs are much more complicated to incorporate into a mixed-use building. Developing drive-throughs generally results in a development pattern that spreads uses out at the scale of the auto, as opposed to a walkable urban district. Drive-throughs may not require as many employees as a walk-in use. The existing prohibition on drive-throughs in these mixed-use zone districts is better able to accommodate employment opportunities for West Side residents than a few drive-through facilities that undermine the opportunity and the viability of urban, mixed-use development.

If approved, the amendment would partially further Goal 5.1 Centers & Corridors, Policy 5.4.2 West Side Jobs, and Policy 8.1.2 Resilient Economy.

The amendment conflicts with the following Comp Plan goals and policies.

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

<u>Policy 4.1.1 Distinct Communities</u>: Encourage quality development that is consistent with the distinct character of communities.

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

<u>Policy 4.1.3 Placemaking</u>: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

<u>Goal 5.1 Centers & Corridors</u>: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

<u>POLICY 5.1.1 Desired Growth</u>: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

<u>Policy 5.1.4 Urban Centers</u>: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.

Policy 5.1.4.a: Encourage mixed-use development.

<u>Policy 5.1.4.b.</u>: Encourage pedestrian-oriented design, transit-oriented development, and infrastructure improvements that make Urban Centers more walkable over time.

<u>Policy 5.1.8 Premium Transit Corridors</u>: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.

<u>Goal 5.3 Efficient Development Patterns</u>: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

<u>Policy 5.7.2 Regulatory Alignment</u>: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

<u>Policy 6.1.2 Transit-oriented Development</u>: Prioritize transit-supportive density, uses, and building design along Transit Corridors.

<u>Policy 6.1.3 Auto Demand</u>: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

<u>Goal 7.2 Pedestrian-Accessible Design</u>: Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

<u>Policy 7.2.2 Walkable Places</u>: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

<u>Policy 11.3.1 Natural and Cultural Features</u>: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

<u>Policy 11.3.1.a</u>: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment.

<u>Policy 11.3.4 Petroglyph National Monument</u>: Regulate adjacent development to protect and preserve the Petroglyph National Monument – its volcanoes, petroglyphs, and Northwest Mesa Escarpment – as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits.

<u>Policy 11.3.4.c</u>: Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.

If approved, this amendment would conflict with the Character Goal (4.1), Distinct Communities Policy (4.1.1), Identity and Design Policy (4.1.2), Placemaking (4.1.3), Centers & Corridors Goal (5.1), Desired Growth Policy (5.1.1) Urban Centers Policy (5.1.4, 5.1.4.a, and 5.1.4.b), Premium Transit Corridors Policy (5.1.8), Efficient Development Patterns Goal (5.3), Regulatory Alignment (5.7.2), Transit-oriented Development (6.1.2), Auto Demand Policy (6.1.3), Pedestrian-Accessible Design Policy (7.2), Walkability Policy (7.2.1), Walkable Places Policy (7.2.2.), Natural and Cultural Places Policy (11.3.1 and 11.3.a), and Petroglyph National Monument Policy (11.3.4 and 11.3.4.c)

The intent and purpose of establishing a hierarchy of Centers and Corridors is to designate the appropriate development patterns in each type of Center and Corridor. The Comp Plan designates Urban Centers and Premium Transit Corridors to prioritize these areas for walkable, urban, pedestrian-oriented, and transit-oriented development in order to reduce auto demand, provide some options for lifestyles other than suburban, and achieve the benefits of density and mixed-use development in some areas of our city (5.1, 5.1.4, 5.1.8).

Drive-throughs are already allowed in the NR-BP zone district in the Volcano Heights Urban Center, and a zoning map amendment to any other non-residential zone district would also allow them in the VHUC. Allowing drive-throughs in the MX zone districts is not necessary and undermines the feasibility and viability of mixed-use, walkable, and urban development in the rest of the VHUC. The proposed change moves closer to "all uses everywhere," which conflicts with the Center and Corridor approach (5.1, 5.1.1, 5.1.4, 5.1.8, 8.1.1).

Policy 5.1.1 relates to "regional growth." Drive-throughs are an intense use, but they largely serve the surrounding area as opposed to being a regional destination. The purpose of establishing a hierarchy of different Center types is to establish appropriate areas for different kinds of development patterns. Urban Centers are intended to be walkable and urban, while other Centers (e.g., Employment Centers) are intended to be appropriate for auto-oriented development. Similarly, the purpose of establishing a hierarchy of different Corridor types is to establish appropriate areas for different kinds of land use that can support and be supported by different types of corridors.

Paseo del Norte and Unser Boulevard have a dual designation east of the Paseo/Unser intersection as both Commuter Corridors and Premium Transit Corridors. Drive-throughs are already allowed in the NR-BP zone district, which lines the segments of these roadways designated only as Commuter Corridors. Auto-oriented uses are appropriate along Commuter Corridors, but Premium Transit Corridors designate the few corridors in Albuquerque where transit-oriented development is to be the priority. Allowing drive-throughs in the Mixed-use zones, which line the segments of these roadways that are also designated as Premium Transit Corridors conflicts with policies related to Premium Transit Corridors (5.1.8) and transitoriented development (6.1.2).

Allowing drive-throughs in these locations undermines the feasibility and viability of these alternative development types to the suburban, auto-oriented development allowed everywhere else. The strategy of Centers and Corridors to provide a variety of options for new and existing residents to choose their quality of life and for businesses to choose the pattern of their built environment (suburban or urban). By minimizing or eliminating the viability of Volcano Heights as an urban, walkable district, the proposed amendment ultimately conflicts with the larger goal of providing for a resilient economy in Albuquerque. Allowing one of the most auto-oriented uses in this Urban Center even along the segments of Unser and Paseo that also have a dual designation of a Premium Transit Corridor undermines the underlying purpose of the hierarchy of Centers and Corridors, which does not help shape the built environment into a sustainable development pattern (5.1, 5.1.1, 5.1.4, 5.1.8, 6.1.2, 6.1.3).

Drive-throughs are already allowed in this Urban Center in the NR-BP zone district, which lines much of the Commuter Corridor portions of Paseo del Norte and Unser Boulevard. Drive-throughs are not allowed in the Mixed-use zone districts in the remainder of the Center to prioritize the potential and opportunity for development that is more urban, walkable, and transit-oriented than the rest of Albuquerque but desirable to our regional sustainable pattern. The Comp Plan strategy is to save some land for a pattern that is less likely and harder to accomplish. Undermining that pattern by allowing an auto-oriented use conflicts with that larger regional goal. There are only two Urban Centers in the city, and only one on the West Side. The Urban Center designation prioritizes two places in Albuquerque where pedestrians are intended to be better served than people in cars. The proposed amendment would adversely impact the ability of the Urban Center to develop a more urban, dense, walkable, and pedestrian-oriented character; therefore, the request to allow drive-throughs in an Urban Center is in direct conflict with the goal and policies to enhance, preserve, and protect distinct communities and would not protect the identity or purpose of the VHUC (4.1, 4.1.1, 4.1.2, 4.1.3, 5.1.4, 5.2.1, 7.2, 7.2.1, 7.2.2).

By their nature, drive-through and drive-up facilities do not promote pedestrian activity and feed auto demand. Although they can implement some minor improvements (such as colored crosswalks) on the surface to address pedestrian safety issues, they are fundamentally an auto-oriented use and should not encroach into the heart of the Urban Center east of the Paseo/Unser intersection; therefore, the request would not create a highly accessible and walkable Urban Center with pedestrian oriented development nor would it foster mixed-use or residential development (5.1.4, 5.1.4.a., 5.1.4.b, 6.1.2, 6.1.3).

Further, this intense auto-oriented use is incompatible with areas closer to the Petroglyph National Monument or to less dense residential development surrounding the Volcano Heights Urban Center in the rest of Volcano Mesa. More auto-oriented development undermines the viability of mixed-use development, which can help reduce auto demand and offer an urban alternative to the suburban lifestyle in all other areas of Albuquerque. Allowing auto-oriented development in an Urban Center conflicts with the goals and policies related to establishing unique, distinct areas; walkable, urban districts; and development that complements the delicate natural and cultural landscape features of the Petroglyph National Monument (4.1, 4.1.1, 4.1.2, 5.1.4. 5.2.1, 8.1.1, 11.3.1, 11.3.1.a, 11.3.4, 11.3.4.c).

It is important to note that other than Paseo and Unser themselves, which are both limitedaccess roadways, there is no development in this area. Non-residential uses with drivethroughs may be the first development in, given the strong market for convenient services. The infrastructure would need to be provided to support this development, and the City would not be able to require more capacity than such a facility would require. If, on the other hand, mixed-use development were the first to go in, more infrastructure would likely to be needed, and future development would be easier to serve and scale up based on a more urban development pattern. The proposed change does not support an efficient development pattern, given the intent and purpose of the Urban Center, so it conflicts with Goal 5.3. Similarly, if drive-through facilities are the first to go in along the segments of Paseo and Unser that are also designated as Premium Transit Corridors, the auto-oriented pattern and infrastructure will be set, which will complicate and undermine the feasibility and viability of any future transit-oriented development. The amendment therefore conflicts with the policies encouraging transit-oriented development (5.1.8 and 6.1.2).

Adopting the proposed amendment would also conflict with Policy 5.7.2 Regulatory Alignment, since the amendment would allow development that conflicts with Goals and Policies related to the desired growth in Urban Centers and along Premium Transit Corridors.

The proposed amendment to allow drive-throughs in the Mixed-use zone districts in the Volcano Heights Urban Center conflicts with adopted goals and policies that were established to prioritize Urban Centers and Premium Transit Corridors for urban, walkable, and transit-oriented development.

Integrated Development Ordinance (IDO) – 14-16-6-7(E) Amendment to IDO Text – Small Areas

City Councilor Dan Lewis requested the proposed text amendment to the IDO for the Volcano Heights Urban Center (i.e., a small area text amendment) to allow drive-through facilities, which are in high demand. Council Services Staff submitted this proposed amendment for EPC's review and recommendation in tandem with the citywide changes proposed for the 2023 IDO Annual Update.

The proposed small area text amendment generally does not meet the review and decision criteria for Amendment to IDO Text – Small Area in IDO Subsection 14-16-6-7(E)(3) (a-e), as analyzed by Staff below. The requirement and the applicant's responses are in plain text; Staff analysis follows in *bold italic text*.

Criterion 14-16-6-7(E)(3)(a): The proposed small area amendment is consistent with the health, safety, and general welfare of the city as shown by furthering (and not conflicting with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant Response (Summarized by Staff): The applicant generally responds that drive-throughs are in high demand, so allowing them in the Urban Center will encourage development in the Urban Center, bring employment opportunities, and support economic development.

The Applicant cited several Goals and Policies in the Comprehensive Plan that the Staff Policy Analysis also found that the proposed amendment would further:

- Policy 5.1.2 Development Areas
- Policy 5.1.12 Commuter Corridors
- Policy 5.6.2 Areas of Change

The following Goals and Policies were cited by the Applicant as being furthered by the proposed amendment, while Staff Policy Analysis found them to be only partially furthered:

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- Policy 5.4.2 West Side Jobs
- Policy 8.1.2 Resilient Economy

The following Goals and Policies were cited by the Applicant as being furthered by the proposed amendment, while Staff Policy Analysis found the proposed amendment to be in conflict:

- Policy 5.1.1 Desired Growth
- Policy 5.2.1 Land Uses
- Policy 5.7.2 Regulatory Alignment

The following Goals and Policies were not cited by the Applicant, but Staff Policy Analysis found the proposed amendment to be in conflict:

- Policy 4.1 Character
- Policy 4.1.1 Distinct Communities
- Policy 4.1.2 Identity and Design
- Policy 4.1.3 Placemaking
- Policy 5.1.4 Urban Centers
- Policy 5.1.8 Premium Transit Corridors
- Policy 5.1.1 Desired Growth
- Policy 5.3 Efficient Development Patters
- Policy 6.1.2 Transit-oriented Development
- Policy 6.1.3 Auto Demand
- Goal 7.2 Pedestrian-accessible Design
- Policy 7.2.1 Walkability
- Policy 7.2.2 Walkable Places
- Policy 8.1.1 Diverse Places
- Policy 11.3.1 Natural and Cultural Features
- Policy 11.3.4 Petroglyph National Monument

As demonstrated in the Staff Policy Analysis above, while the request may further or partially further some Goals and Policies the request conflicts with a preponderance of applicable Goals and Policies, so it does not meet Criterion A.

Criterion 14-16-6-7(E)(3)(b): If the proposed small area amendment is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant must demonstrate that the proposed amendment would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not allow development that is significantly different from that character. The applicant must also demonstrate that the existing zoning regulations are inappropriate because they meet any of the following criteria:

1. There has been a significant change in neighborhood or community conditions affecting the small area.

2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant Response: This criterion is not applicable because none of the impacted parcels are within an Area of Consistency.

Criterion 14-16-6-7(E)(2) does not apply because the Volcano Heights Urban Center is by definition an Area of Change.

Criterion 14-16-6-7(E)(3)(c): If the proposed small area amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended), the applicant must demonstrate that the existing zoning regulations are inappropriate because they meet at least one of the following criteria:

- 1. There has been a significant change in neighborhood or community conditions affecting the small area that justifies this request.
- 2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant Response: This proposed small area amendment meets both criteria one (1) and two (2), above.

Criteria 6-7(E)(3)(c)(1): The COVID-19 pandemic demonstrated the need and desire for drive-through facilities, which allowed communities to safely and efficiently access the goods and services they need. As emergency orders related to the pandemic ended, the use of drive-through facilities did not. Communities realized the efficient nature of being able to access goods and services through drive-through facilities – not just as a need while in-person interactions were limited – but also as a choice to make everyday business more efficient.

Criteria 6-7(E)(3)(c)(2): The policy analysis provided as a part of criterion 6-7(E)(3)(a) of this letter adequately demonstrates that this criterion has also been met.

Drive-throughs are already allowed elsewhere in the Volcano Heights Urban Center, and that land remains entirely undeveloped, so drive-throughs can be accommodated here. There is no change to the portion of the VHUC that is zoned mixed-use.

As noted in the Staff Policy analysis above, the requested amendment conflicts with many goals and policies in the Comprehensive Plan; therefore, the proposed amendment does not meet Criterion 14-16-6-7(E)(3)(c).

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Criterion 14-16-6-7(E)(d): If the proposed amendment changes allowable uses, the proposed amendment does not allow permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant Response (summarized by Planning Staff):

The small area amendment changes drive-through facilities within the Urban Center from prohibited to a permissive accessory use. IDO use-specific standards in Subsection 14-16-4-3(F)(5), design standards in 14-16-5-5(I), and Neighborhood Edge standards in 14-16-5-9(D) will mitigate any potential harmful impacts.

Existing regulations in the IDO sufficiently mitigate potential harm to pedestrians from the drivethrough use. What is not adequately mitigated is the auto-oriented development pattern that is created when drive-through facilities go in, which may undermine the viability and feasibility for the walkable, urban, transit-oriented development that is intended in the Mixed-use zone districts in this Urban Center.

Criterion 14-16-6-7(E)(3)(e): The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant Response: This small area amendment is not based completely or predominantly on the cost of land or economic considerations. While economic development is a factor for this requested change, the community benefits – as articulated by the Comprehensive Plan policy analysis – are prevalent.

The applicant's justification cites Comp Plan goals and policies that the request furthers but fails to cite many goals and policies that conflict with the request.

Many of the Applicant's responses in the Comprehensive Plan analysis provided in the justification of the request pertain to the "desirability" of drive-throughs. Market demand is high for this use, but it is an accessory use that must be paired with an allowable non-residential primary use. The primary uses of the affected properties are not proposed to change, so the unstated argument seems to be that without drive-throughs, these non-residential primary uses are unlikely to develop or develop anytime soon, or that the additional allowance of drive-throughs makes development more likely or imminent. Because drive-throughs are allowed in other portions of the VHUC, it is a question why it is so pressing that they be allowed throughout the Urban Center on these particular properties, when they can also be accommodated on other corridors outside the Center, too. An allowance of permissive drive-throughs results in the highest land values in Albuquerque.

Given the many conflicting Comp Plan goals and policies, the request does not meet Criterion 14-16-6-7(E)(3)(e), since the market desirability of drive-throughs and the associated desire for economic development is the only remaining justification for the request.

III. KEY ISSUES & DISCUSSION

The purpose of the proposed amendments is to remove all drive-through prohibitions within the VHUC, as regulated by the use-specific standards for drive throughs in IDO Subsection 14-16-4-3(F)(5)(10). The specific proposed change is noted below, where -strikethrough language depicts language proposed for deletion.

[4-3(F)(5)(10) Volcano Heights Urban Center

This use is prohibited in the Mixed-use zone districts in this Center as mapped in the ABC Comp Plan, as amended.]

The existing IDO language prohibits drive-throughs accessory to any use (e.g., bank, pharmacy, restaurant, etc.) in Mixed-use zone districts in the VHUC (i.e., MX-M and MX-H). Drive-throughs are currently allowed in NR-BP in the VHUC, which generally lines the portion of Unser and Paseo that are designated as Commuter Corridors, which is consistent with the Commuter Corridor's policy (5.1.12) that auto-oriented uses are appropriate along these Corridors.

As noted in the Staff analysis of the Comprehensive Plan above, while the proposed change generally furthers the policy related to Areas of Change (5.1.2, 5.6, 5.6.2), because all Centers are Areas of Change, the request conflicts with a preponderance of goals and policies that establish what types of development are most appropriate in each kind of Center and Corridor, particularly those related to the Urban Center (5.1.4, 5.1.4.a, 5.1.4.b) and the Premium Transit Corridor (5.1.8). Allowing this auto-oriented use is likely to result in drive-through facilities being the first development to go in to the Mixed-use zone districts in Volcano Heights, which sets an auto-oriented development pattern that undermines the intent of prioritizing this area for walkable, urban, and transit-oriented development.

To the extent that the proposed change allows "everything everywhere" and makes the outcome for this Urban Centers indistinguishable from every other area in Albuquerque (i.e. suburban and auto-oriented), the proposed change undermines the purpose of establishing a hierarchy of Centers and Corridors, which is to provide the full range of development patterns within the larger Albuquerque region – some suburban and auto-oriented (Commuter Corridors, Employment Centers, and other Areas of Change not within Urban Centers or Downtown), some urban and pedestrian-oriented (Downtown, Urban Centers, Main Streets) and some urban and transit-oriented (Premium Transit Corridors, Transit Corridors). By not prioritizing walkable, mixed-use, and transit-oriented development in the Mixed-use zone districts within the Volcano Heights Urban Center, the proposed amendment conflicts with goals and policies related to creating distinct areas that provide a range of development types and options for urban and suburban built environments for people and businesses to choose, given preferences for lifestyles and convenient access to goods and services either by car or by walking.

Further, the location of Volcano Heights next to the Petroglyph National Monument warrants special consideration of the appropriateness of the development pattern that is least likely to have negative impacts on this irreplaceable cultural and natural resource. Auto-oriented development brings more cars closer to the Monument edge to the east of the VHUC. Pedestrian-oriented development brings more people. Transit-oriented development is intended to center on the Premium Transit Corridor, which

connects Unser to the north with Paseo to the south well away from the Monument boundary. Staff's contention is that people-centered development patterns are more appropriate and pose less potential for negative impacts. The proposed amendment therefore conflicts with goals and policies related to the Petroglyph National Monument and heritage conservation of natural and cultural features (11.3.1, 11.3.1.a, 11.3.4, 11.3.4, c).

Given these conflicts, the proposed change would not be more advantageous to the community and would negatively affect the City's ability to achieve the Centers and Corridors Vision and to protect the natural and cultural resource of the Petroglyph National Monument, therefore negatively affecting the distinct character and general welfare of the community.

Though Planning Staff does not support the proposed amendment, the EPC could consider allowing drive-throughs only within 330 feet of the Commuter Corridors (but not Premium Transit Corridors) to help maintain the intent of the Comp Plan policy to allow auto-oriented uses along Commuter Corridors but encourage transit-oriented development along Premium Transit Corridors. A similar strategy allows drive-throughs in the Uptown Urban Center only within 330 feet of Louisiana Boulevard. Another option would be to only allow drive-throughs in the MX-M zone district south of Unser. Staff maintains that the existing drive-through allowance in NR-BP implements the Comp Plan better than either the proposed amendment or any tweak to it. Walkability is the most basic mode of transportation, and if any West Side area is to develop as a walkable district, Volcano Heights Urban Center is the best and perhaps only opportunity.

If the proposed amendment is responding to a particular site or sites, or a particular development proposal contingent on a drive-through, locating in an existing NR-BP zone district in the VHUC, locating outside the VHUC along a Commuter Corridor, or even requesting a zone change to NR-BP or any other non-residential zone district within the VHUC would be more appropriate than changing the allowance in all Mixed-use zone districts in VHUC, a change that compromises the integrity of the Urban Center permanently and for years to come.

IV. PUBLIC OUTREACH

Meetings and Presentations

The proposed 2023 annual updates were reviewed at two online public study sessions in October 2023 via Zoom, prior to submitting the application to the EPC for review and recommendation. One session was held on October 12th in the evening and another session on October 13th over the lunch hour (same content). Planning Staff presented the proposed text amendments and answered questions from participants for both the City-wide and the small area amendments.

Planning Staff also held a meeting on November 17, 2023 to discuss proposed changes for both the City-wide and small area amendments after submitting the application to EPC but before the first EPC hearing.

The presentations, in .pdf format and video format, for the Pre-submittal and Pre-EPC hearing are posted on the project webpage here: <u>https://abq-zone.com/ido-annual-update-2023#paragraphs-item-339</u>

A Pre-submittal Neighborhood Meeting for the small area text amendment affecting Volcano Heights Urban Center was held on October 17, 2023, as required by Table 6-1-1 for Amendment to IDO Text – Small Area and IDO Subsection 14-16-6-4(C). The City's Alternative Dispute Resolution (ADR) facilitated the pre-submittal meeting, and Council Services Staff presented the proposed amendment, solicited input for new changes, and listened to participants' feedback about the proposed changes. (See attachments for the facilitator's notes, which are also posted on the project webpage at the link above.)

The EPC held a study session regarding the proposed 2023 IDO amendments on December 7, 2023. This was a publicly-noticed meeting, although no public input is received during Study Sessions. (See EPC Rules of Practice and Procedure, Article II, Section V).

No post-application facilitated meeting request has been received.

V. NOTICE

The required notice for an Amendment to IDO Text – Small Area is published, mailed, and posted on the web. (See Table 6-1-1: Summary of Development Review Procedures.)

Published Notice

The City published notice of the EPC hearing on November 22, 2023 as a legal ad in the ABQ Journal newspaper.

Posted Notice

The City posted notice of the EPC hearing on the Planning Department website here: <u>https://www.cabq.gov/planning/boards-commission/epc-</u> agendas-reports-minutes

The City also posted notice of the application and EPC hearing as well as all proposed changes to the IDO on the project website here: <u>https://abc-zone.com/ido-annual-update-2023</u>

Mailed Notice to Property Owners

The IDO requires mailed notice of the application submittal and EPC hearing to each affected property owner and property owners within 100 feet of small areas, pursuant to IDO Subsection 14-16-6-4(K)(3)(d) Notice for Amendment to IDO Text – Small Area. A map of affected property owners was created by Planning staff.

Notification letters of the application were sent on October 25, 2023. They were mailed to 143 property owners within 100 feet of the Volcano Heights Urban Center boundary. (See attachments.) The letter explained the proposed change and provided information about the EPC hearing on December 14th.

Unfortunately, due to an oversight, letters were not mailed to the property owners within the VHUC boundary. A complete list of property owners within the boundary and within 100 feet of the boundary was provided to Council Services staff, and letters to the remaining property owners were

sent on December 26, 2023. The letter explained the proposed change and provided information about the EPC hearing on January 11th.

One property owner within the VHUC boundary reported not receiving the mailed notice, and the proof of mailing on December 26, 2023 did not include a mailing label for the property owner. Council Services requested a deferral at the January 11th hearing to re-do the mailed notice.

Planning staff generated a new list of affected property owners and owners within 300 feet of the small area. (Paseo del Norte right-of-way is 200 feet, and an additional 100 feet was added to ensure notice to property owners adjacent to the VHUC.) Council Services staff mailed notice to 230 property owners on January 25, 2024 for the February EPC hearing.

Neighborhood Association Notice

Table 6-1-1 and IDO Subsection 14-16-6-4(K)(2)(a) require e-mail notice to Neighborhood Associations for an application for Amendment to IDO Text – Small Area. IDO Subsection IDO 14-16-6-4(K)(3)(b)(4) indicates that mailed notice to Neighborhood Association representatives is only required if there is no e-mail address on file at the Office of Neighborhood Coordination for that representative.

The list of Neighborhood Associations that are required to be notice was provided by the Office of Neighborhood Coordination (attached to application), and created by AGIS geographic analysis of the small area boundaries and neighborhood association and coalitions data. All representatives had email addresses on file.

Email notice was sent on October 25, 2023 to the two representatives of each Neighborhood Association and Coalition. The letter attachment explained the proposed change and provided information about the EPC hearing on December 14th. (See attachments.)

VI. AGENCY & NEIGHBORHOOD COMMENTS

Reviewing Agencies

Few agency comments were received regarding the small area text amendment.

Neighborhood/Public

As of this writing, Staff has received few comments from community members about the proposed change. See summary of public comments below and attached written comments.

Summary of Public Comments

Pre-submittal Neighborhood Meeting

During the Pre-submittal Neighborhood Meeting held on October 17, 2023, community members expressed concerns related to allowing drive-throughs in the Mixed-use zone districts in the Volcano Heights Urban Center. Concerns largely related to the negative impacts of drive-throughs on traffic and the environment (noise, light, air pollution, and the Petroglyph National Monument). The facilitation meeting report did not indicate how many neighbors participated in the meeting. (See attachments for the facilitation report.)

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Written Comments

Only four public comments were received related to the small area change for VHUC. Three were in support, and one was opposed. One proponent wanted to see more services available to nearby residents, and the other two proponents were property owners who wanted more options to sell land to prospective developers. The opponent cited the Urban Center policy as conflicting with the proposed change and stated that the proposed change was inconsistent with the landscape of the NW Mesa and the Petroglyph National Monument.

VII. CONCLUSION

The request is for an Amendment to IDO Text – Small Area affecting the Volcano Heights Urban Center. The application meets the procedural requirements in IDO Subsection 14-16-6-7(D). The IDO text amendment is submitted in tandem with the Annual Update process established by IDO Subsection 6-3(D). The request for amendment to the IDO text does not meet the review and decision criteria in Section 14-16-6-7(E)(3).

The request has not been adequately justified pursuant to the IDO Review and Decision Criteria for Small-Area Text Amendments in IDO 14-16-6-7(E)(3) and conflicts with criteria (a) and (c). The request would be harmful to the health and general welfare of the surrounding community; it is inconsistent with the intent of the Center and Corridor vision; presents significant conflicts with several applicable goals and policies in the Comprehensive Plan; and is not more advantageous to the community.

The proposed text amendments were first reviewed at public meetings in October 2023. City Staff presented the proposed amendments, solicited input for new changes, and listened to participants' feedback about the proposed changes. A pre-submittal neighborhood meeting was held October 17. Post-submittal meetings were held in November 2023. Overall, there is opposition to the request.

Staff recommends that the EPC forward a recommendation of DENIAL to the City Council, subject to the recommended Findings herein.

RECOMMENDED FINDINGS – RZ-2023-00044, February 15, 2024 – Text Amendment to the IDO – Small Area – Volcano Heights Urban Center (VHUC)

- 1. The request is for a text amendment to the Integrated Development Ordinance (IDO) for a small area as part of the Annual Update required by IDO Subsection 14-16-6-3(E). The proposed Small-area amendment, when combined with the proposed City-wide amendments, are collectively known as the 2023 IDO Annual Update.
- 2. The text amendment to this small area in the city is accompanied by proposed Citywide text amendments, which were submitted separately pursuant to IDO Subsection 14-16-6-7(D) and are the subject of another Staff report (RZ-2023-00040).
- 3. The small area text amendment is a proposed change requested by Council Services that affects the Volcano Heights Urban Center, as designated in the Comprehensive Plan.
- 4. The IDO applies 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, or lands in unincorporated Bernalillo County or in other municipalities.
- 5. The EPC's role is to make a recommendation to the City Council regarding the proposed amendment to IDO text for this small area. 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. Because the proposed change affects properties only in a small area, this is a quasi-judicial matter.
- 6. The Albuquerque City Charter, 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. The request does not further the following relevant City Charter articles:
 - A. <u>Article I, Incorporation and Powers.</u> Amending the IDO via text amendments is inconsistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and process in the IDO will not help implement a preponderance of relevant goals and policies within the Comprehensive Plan and therefore cannot help guide future legislation.

- B. <u>Article IX, Environmental Protection.</u> The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote improved quality of life. The proposed Small Area text amendment to the IDO would not ensure that land is developed and used properly. The Volcano Heights Urban Center was established in the Comprehensive Plan to guide the most urban, walkable, mixed-use development to this area and suburban, auto-oriented development to areas outside of Urban Centers; therefore, Commissions, Boards, and Committees would not be able to facilitate effective administration of City policy in this area with the approval of this amendment.
- 8. The request generally furthers the following relevant City Charter articles:
 - A. <u>Article XVII, Planning.</u> In general, 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.
 - B. <u>Section 2.</u> In general, amending the IDO through the annual update process will help the Mayor and his designees to administer the City's land use plan the Comprehensive Plan to achieve its vision for future growth and development through development that is regulated by the IDO.
- 9. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 4: Community Identity:
 - A. <u>Goal 4.1 Character</u>: Enhance, protect, and preserve distinct communities.
 - B. <u>Policy 4.1.1 Distinct Communities</u>: Encourage quality development that is consistent with the distinct character of communities.
 - C. <u>Policy 4.1.2</u> <u>Identity and Design</u>: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.
 - D. <u>Policy 4.1.3 Placemaking</u>: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

Community Identity policies work in tandem and rely on goals and policies related to Centers and Corridors to result in special places and distinct communities that provide a range of development patterns in the built environment with a mix of uses. To the extent that the request undermines the intent of creating walkable Urban Centers with mixed-use development pattern, the request also conflicts with the Community Identity policies encouraging distinct communities, mix of uses, and placemaking. Further, Community Identity policies work in tandem and rely on goals and policies related to Heritage Conservation to protect the natural and cultural features that help make communities distinct. To the extent that the request allows an intense auto-oriented use close to the Petroglyph National Monument, particularly an auto-oriented use that does so much to set the pattern and demand for auto-oriented development in surrounding areas, the request also conflicts with the Community Identity policies encouraging distinct communities and placemaking.

- 10. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 5: Land Use:
 - A. <u>Policy 5.1.4 Urban Centers</u>: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.
 - B. Policy 5.1.4.a: Encourage mixed-use development.
 - C. <u>Policy 5.1.4.b</u>: Encourage pedestrian-oriented design, transit-oriented development, and infrastructure improvements that make Urban Centers more walkable over time.
 - D. <u>Policy 5.1.8 Premium Transit Corridors:</u> Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.
 - E. <u>Policy 5.2.1 Land Uses:</u> Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
 - F. <u>Goal 5.3 Efficient Development Patterns</u>: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.
 - G. <u>Policy 5.7.2 Regulatory Alignment</u>: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

The request, if approved, would allow an exclusively auto-oriented use into the Urban Center areas where it is currently prohibited. The request would also allow drive-throughs in the mixed-use zone districts lining Paseo del Norte and Unser Boulevard where these streets have a dual designation in the Comprehensive Plan, including Premium Transit. Any land developed as drive-through facilities is unlikely to include residential development, mixed-use development, or transit-oriented development. The infrastructure that goes in to support this auto-oriented development is unlikely to support mixed-use and transit-oriented development, so inefficient retrofits would be necessary to support new development that does meet the intent of the Comp Plan goals and policies.

The annual update of the IDO is intended to help implement the Comp Plan by aligning regulations with Comp Plan goals and policies. The proposed text amendment conflicts with applicable Comprehensive Plan goals and policies encouraging walkable, mixed-use, and transit-oriented development within Urban Centers and along Premium Transit Corridors; therefore, the request conflicts with the Comp Plan policy on regulatory alignment and does not support desired growth or quality of life priorities.

- 11. The request conflicts with and therefore does not further the following Comprehensive Plan Policies from Chapter 6: Transportation:
 - A. <u>Policy 6.1.2 Transit-oriented Development</u>: Prioritize transit-supportive density, uses, and building design along Transit Corridors.
 - B. <u>Policy 6.1.3 Auto Demand</u>: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

The request allows auto-oriented development where drive-throughs are not currently allowed. This proposed change would de-prioritize transit-supportive density and uses along a Premium Transit Corridor.

Drive-through facilities in a mixed-use zone district will not reduce the need for automobile travel because it will decrease opportunities for mixed-use development.

- 12. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 7: Urban Design:
 - A. <u>Goal 7.2 Pedestrian-accessible Design</u>: Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.
 - B. <u>Policy 7.2.1 Walkability</u>: Ensure convenient and comfortable pedestrian travel.
 - C. <u>Policy 7.2.2 Walkable Places</u>: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

The request directly conflicts with Comprehensive Plan goals and policies related to walkability because it allows an exclusively auto-oriented use in an area that is currently prioritized for highquality, pedestrian-oriented neighborhoods and districts as part of the essential building blocks of a sustainable region.

13. The request conflicts with and therefore does not further the following Comprehensive Plan Policy from Chapter 8: Economic Development:

<u>Policy 8.1.1 – Diverse Places</u>: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The request conflicts with the Comprehensive Plan policy to foster diverse places because it undermines the intent of creating the one walkable Urban Center on the West Side, where pedestrians are the priority. If drive-through facilities are developed in the Volcano Heights Urban Center, there would be no remaining option on the West Side for people wanting to live, work, and play in a walkable, urban area.

- 14. The request conflicts with and therefore does not further the following Comprehensive Plan Policies from Chapter 11: Heritage Conservation:
 - A. <u>Policy 11.3.1 Natural and Cultural Features</u>: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.
 - B. <u>Policy 11.3.1.a:</u> Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment...
 - C. <u>Policy 11.3.4 Petroglyph National Monument: Regulate adjacent development to protect and</u> preserve the Petroglyph National Monument – its volcanoes, petroglyphs, and Northwest Mesa Escarpment – as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits.
 - D. <u>Policy 11.3.4.c</u>: Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.

The request would allow an intense auto-oriented use closer to the Petroglyph National Monument. This intense auto-oriented development pattern is incompatible with the cultural and natural features of this area, still used by Pueblo people as a sacred site and part of a larger cultural landscape. While the IDO makes drive-through facilities conditional within 330 feet of Major Public Open Space, which includes the Monument, and establishes design requirements for drive-throughs in general and in Urban Centers in particular, the signage, sound, and automobile fumes would all pose the potential for negative impacts on the Monument.

The request would not minimize negative impacts or maximize enhancements and design that complement this unique natural environment.

- 15. The request does not meet the Review and Decision Criteria (a), (c), or (e) in Subsection 14-16-6-7(E) of the IDO, as follows:
 - A. <u>Criterion A:</u> The proposed small area amendment is consistent with the health, safety, and general welfare of the city as shown by furthering (and not being in conflict with) a

preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed IDO text amendment for a small area is inconsistent with the health, safety, and general welfare of the City because it is in conflict with a preponderance of applicable goals and policies in the Comprehensive Plan to establish walkable Urban Centers, encourage transitoriented development along Premium Transit corridors, create distinct communities through placemaking, and conserve natural and cultural landscapes as part of the unique heritage related to the Petroglyph National Monument.

- B. <u>Criterion B:</u> If the proposed small area amendment is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant must demonstrate that the proposed amendment would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not allow development that is significantly different from that character. The applicant must also demonstrate that the existing zoning regulations are inappropriate because they meet any of the following criteria:
 - 1. There has been a significant change in neighborhood or community conditions affecting the small area.
 - 2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Criterion 14-16-6-7(E)(3)(b) does not apply because the small area is not located partially or completely in an Area of Consistency.

- C. <u>Criterion C:</u> If the proposed small area amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended), the applicant must demonstrate that the existing zoning regulations are inappropriate because they meet at least one of the following criteria:
 - 1. There has been a significant change in neighborhood or community conditions affecting the small area that justifies this request.
 - 2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The proposed IDO text amendment for a small area is not more advantageous to the community because it is in conflict with a preponderance of applicable goals and policies in the Comprehensive Plan encouraging walkable Urban Centers, transit-oriented development along Premium Transit corridors, distinct communities through placemaking, and conserving natural and cultural landscapes as part of the unique heritage related to the Petroglyph National Monument.

D. <u>Criterion D:</u> If the proposed amendment changes allowable uses, the proposed amendment does not allow permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

The proposed IDO text amendment for a small area generally meets Criterion 14-16-7(E)(3)(d) because the Integrated Development Ordinance includes use-specific standards for drive-throughs and development standards for drive-throughs in Urban Centers that adequately mitigate harmful impacts on pedestrians due to traffic conflicts.

E. <u>Criterion E:</u> The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The small area amendment does not meet Criterion 14-16-6-7(E)(3)(e) because the request is only justified based on the cost of land or economic considerations.

- 16. For a Text Amendment to IDO Small Area, the required notice must be emailed, mailed, published, and posted on the web. (See Table 6-1-1.) Email 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). On October 25, mailed notice was sent to 143 property owners within 100 feet of the Volcano Heights Urban Center (VHUC), but not to property owners within the boundary, which was an error. To correct this error and complete the required mailed notice, a new letter was mailed on December 19 to 236 property owners within the VHUC boundary and within 100 feet of the VHUC boundary. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. Notice was posted on the Planning Department website and on the project website.
- 17. For a Text Amendment to IDO Small Area, a pre-submittal neighborhood meeting must be offered to Neighborhood Associations that include or are adjacent to the small area. A neighborhood meeting was held on October 17, 2023 via Zoom.
- 18. City staff held public review meetings about the IDO Annual Update, including small area amendments, on October 12-13 and November 17, 2023 via Zoom.
- 19. The EPC held a study session regarding the proposed 2023 IDO amendments on December 7, 2023. This was a publicly-noticed meeting, but public comments were not taken.

- 20. As of this writing, 4 public comments have been received about the proposed changes, 2 property owners within VHUC in support, a nearby resident in support of more drie-through services, and a representative of a West Side neighborhood association in opposition.
- 21. Concerns raised by the public during the pre-submittal neighborhood meeting included the negative impact that drive-throughs could have on traffic, noise, light pollution, and the Petroglyph National Monument.

RECOMMENDATION – RZ-2023-00044, February 15, 2024 – Text Amendment to the IDO – Small Area – Volcano Heights Urban Center (VHUC)

That a recommendation of DENIAL of Project #: 2018-001843, RZ-2023-00044, Text Amendments to Integrated Development Ordinance (IDO) – Volcano Heights Urban Center (VHUC) Small Area, be forwarded to the City Council based on the preceding Findings.

Mikaela Renz-Whitmore, AICP Division Manager, Urban Design & Development

Notice of Decision cc list: List will be finalized subsequent to the February 15, 2024 EPC hearing

CITY OF ALBUQUERQUEENVIRONMENTAL PLANNING COMMISSIONPLANNING DEPARTMENTProject #2018-001843 Case #: RZ-2023-00044URBAN DESIGN & DEVELOPMENT DIVISIONFebruary 15, 2024

Agency Comments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement No comment received.

Long Range Planning No comment received.

CITY ENGINEER

<u>Transportation Development</u> No comment received.

<u>Hydrology Development</u> No comment received.

DEPARTMENT of MUNICIPAL DEVELOPMENT

<u>Transportation Planning</u> No comment received.

<u>Traffic Engineering Operations</u> No comment received.

<u>Street Maintenance</u> No comment received.

ENVIRONMENTAL HEALTH DEPARTMENT

<u>Air Quality Division</u> No comment received.

Environmental Services Division No comment received.

PARKS AND RECREATION

<u>Planning and Design</u> No comment received.

<u>Open Space Division</u> No comment received.

City Forester

CITY OF ALBUQUERQUE ENVIRONMENTAL PLANNING COMMISSION PLANNING DEPARTMENT Project #2018-001843 Case #: RZ-2023-00044 URBAN DESIGN & DEVELOPMENT DIVISION February 15, 2024 Page 35

No comment received.

POLICE DEPARTMENT/Planning No comment received.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division No comment at this time.

FIRE DEPARTMENT/Planning No comment received.

TRANSIT DEPARTMENT No comment received.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comment received.

ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY

Utility Services

No Adverse Comments

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY (AMAFCA)

No adverse comments on the IDO text amendment to remove all drive-through prohibitions within the VHUC.

The VHUC falls within the Upper Piedras Marcadas Watershed Drainage and Water Quality Management Plan (DMP). Any development located in the VHUC must comply with the provisions of the DMP.

ALBUQUERQUE PUBLIC SCHOOLS

The proposed change has potential traffic impacts on schools in the area. Volcano Heights Urban Center (VHUC) Small Area is adjacent to several Albuquerque Public Schools, including: Volcano Vista High School, Tony Hillerman Middle School, Sunset View Elementary School, and James Monroe Middle School.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comment received.

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

No comment received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment received.

APPLICANT INFORMATION

$A^{\rm City\,of}_{lbuquerque}$



DEVELOPMENT REVIEW APPLICATION

Effective 7/18/23

Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.							
Administrative Decisions	Decis	Decisions Requiring a Public Meeting or Hearing			Policy Decisions		
□ Archaeological Certificate (Form P3)		□ Site Plan – EPC including any Variances – EPC (<i>Form P1</i>)			□ Adoption or Amendment of Comprehensive Plan or Facility Plan (<i>Form Z</i>)		
□ Historic Certificate of Appropriatenes (Form L)	ss – Minor 🛛 🗆 Ma	□ Master Development Plan (Form P1)			□ Adoption or Amendment of Historic Designation (<i>Form L</i>)		
□ Alternative Signage Plan (Form P3)	□ Hi (Form		propriateness – Major	X Amendment of IDO Text (Form Z)			
□ Minor Amendment to Site Plan (Form	m P3) □ De	molition Outside of HI	PO (Form L)	□ Annexation of Land (Form Z)			
□ WTF Approval (Form W1)	🗆 Hi	storic Design Standard	ds and Guidelines (Form L)	□ Amendment to Zoning Map – EPC (Form Z)			
□ Alternative Landscaping Plan (Form		reless Telecommunica n W2)	ations Facility Waiver	Amendment to Zoning Map – Council (Form Z)			
				Appea			
				□ Dec (Form	ision by EPC, DHO, LC A)	, ZHE, or City Staff	
APPLICATION INFORMATION							
Applicant: Shanna Schultz, Council	Planning Manager	on behalf of City Cou	ncilor Dan Lewis	Ph	one: 505-768-3185		
Address: 1 Civic Plaza NW			r	Em	ail: smschultz@cabo	q.gov	
City: Albuquerque			State: New Mexico	Zip	: 87102		
Professional/Agent (if any):				Ph	Phone:		
Address:				Email:			
City:			State:	Zip:			
Proprietary Interest in Site: N/A			List <u>all</u> owners: N/A				
BRIEF DESCRIPTION OF REQUEST							
SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)							
Lot or Tract No.: Various - see attached zone atlas			Block:	Un	it:		
Subdivision/Addition:			MRGCD Map No.:	UP	UPC Code:		
Zone Atlas Page(s):	E	xisting Zoning:		Pro	Proposed Zoning:		
# of Existing Lots: # of Proposed Lots:				Tot	al Area of Site (acres):		
LOCATION OF PROPERTY BY STRE	ETS			-			
Site Address/Street: Various - see attached zone atlas Between: and:							
CASE HISTORY (List any current or)	prior project and	case number(s) that	may be relevant to your re	quest.)			
Signature: Date: October 26, 2023					3		
Printed Name: Shanna Schultz					Applicant or D Agent		
FOR OFFICIAL USE ONLY							
Case Numbers	Action	Fees	Case Numbers		Action	Fees	
Meeting/Hearing Date:				Fee	e Total:		
Staff Signature:	Date:	Pro	oject #				

Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to <u>PLNDRS@cabq.gov</u> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

- N/A Interpreter Needed for Hearing? _____ if yes, indicate language:
- N/A Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- N/A Letter of authorization from the property owner if application is submitted by an agent
- N/A Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

❑ ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

ADOPTION OR AMENDMENT OF FACILITY PLAN

- ___ Plan, or part of plan, to be amended with changes noted and marked
- Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - __ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - __ Proof of emailed notice to affected Neighborhood Association representatives

____Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

AMENDMENT TO IDO TEXT

- ✓ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- ✓ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ✓ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ✓ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 ✓ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

ZONING MAP AMENDMENT – EPC

- ZONING MAP AMENDMENT COUNCIL
- ___ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - __Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives

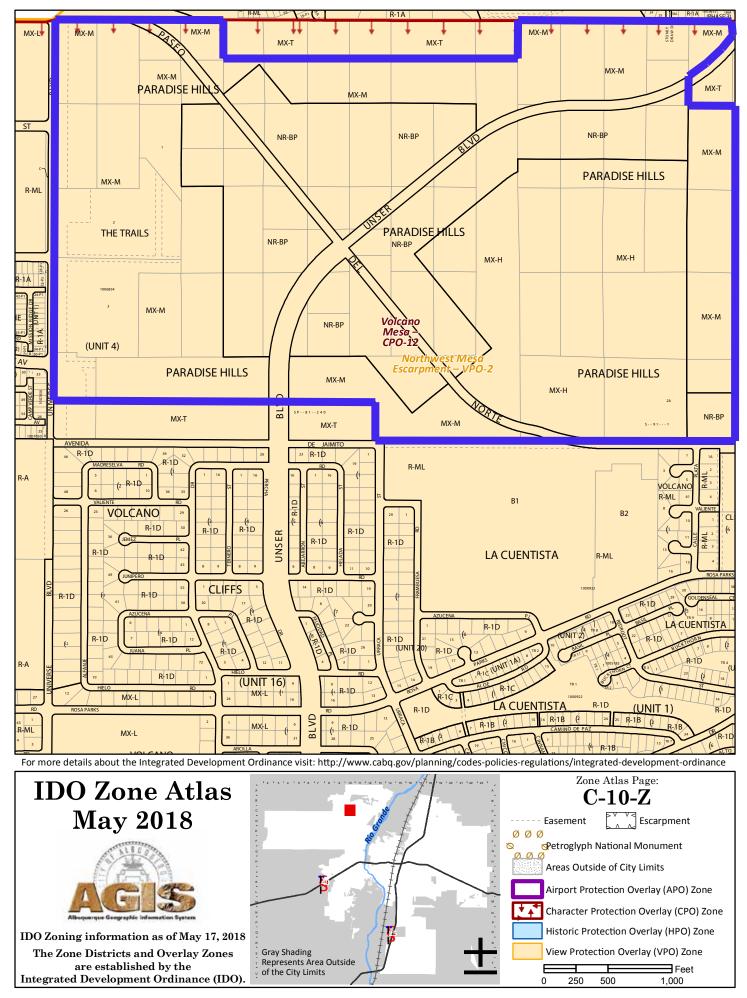
____ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

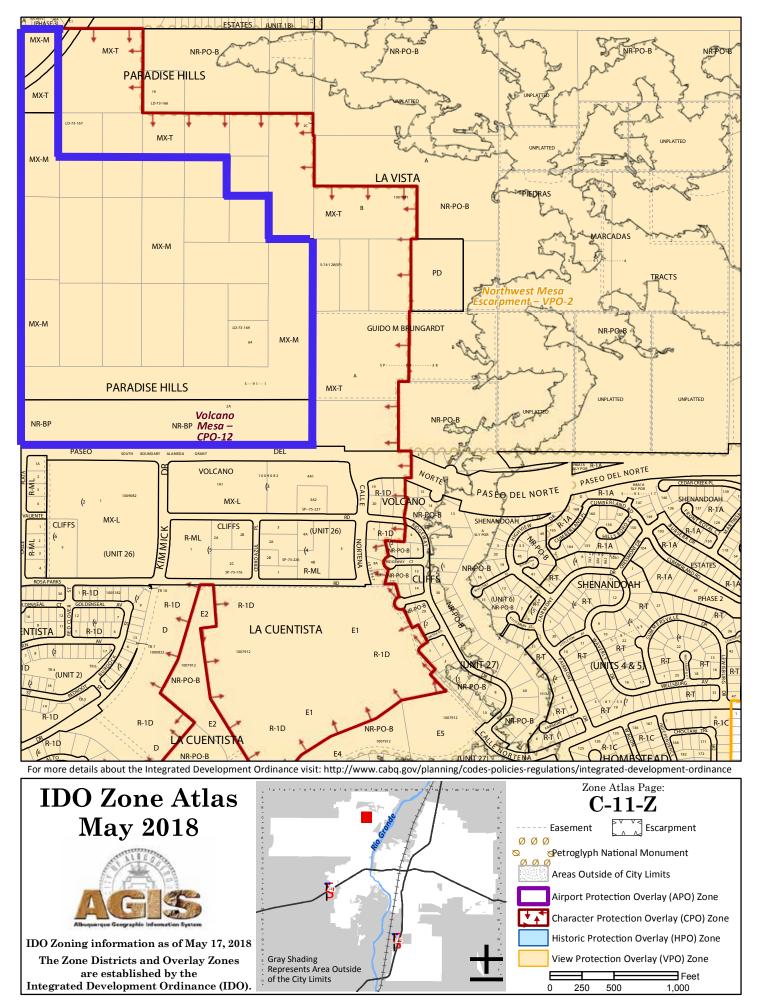
Sign Posting Agreement

ANNEXATION OF LAND

- Application for Zoning Map Amendment Establishment of zoning must be applied for simultaneously with Annexation of Land.
 Petition for Annexation Form and necessary attachments
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- Board of County Commissioners (BCC) Notice of Decision

l, the applicant or agent, acknowledge that if a scheduled for a public meeting or hearing, if requ		
Signature:		Date: October 26, 2023
Printed Name: Shanna Schultz		\blacksquare Applicant or \Box Agent
FOR OFFICIAL USE ONLY		
Project Number:	Case Numbers	STATUTE AND A
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	<u> </u>	
	<u>-</u>	
Staff Signature:		M EX CLASS
Date:		a a a a a a a





October 26, 2023

Timothy MacEachen, Chair Environmental Planning Commission c/o City of Albuquerque 600 Second Street NW Albuquerque, NM 87102



Dear Chair MacEachen,

Please accept this letter of justification, required by IDO Subsection 14-16-6-7(E)(3), of the request for an Amendment to IDO Text – Small Area, submitted for the Environmental Planning Commission's review and recommendation to the City Council as part of the annual update required by IDO Subsection 14-16-6-3(D).



The Volcano Heights Urban Center (VHUC)

The proposed change would remove all drive-through prohibitions within the VHUC, as regulates by 4-3(F)(5) today. The exact language proposed to be removed is as follows:

4-3(F)(5)(10) Volcano Heights Urban Center This use is prohibited in the Mixed-use zone districts in this Center as mapped in the ABC Comp Plan, as amended.

Justification for amendment to a Small Mapped Area under the Criteria in 6-7(E)(3)

The proposed amendment to the IDO text is consistent with the required Annual Update process described in IDO Subsection 14-16-6-3(D). These proposed amendments to the IDO text meet the Review and Decision Criteria in IDO Subsection 14-16-6-7(E)(3), as follows:

6-7(E)(3)(A) The proposed small area amendment is consistent with the health, safety, and general welfare of the city as shown by furthering (and not being in conflict with) A

PREPONDERANCE OF APPLICABLE GOALS AND POLICIES IN THE ABC COMP PLAN, AS AMENDED, AND OTHER APPLICABLE PLANS ADOPTED BY THE CITY.

Response: The proposed change furthers the following applicable Goals and Policies in the ABC Comprehensive Plan, as described below.

POLICY 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

Response: This Comprehensive Plan policy is furthered because the Centers and Corridors framework encourages more intense development into Centers and Corridors. Permitting drive-through development in the west side's only Urban Center may help to relieve the pressure of drive-through development on other nearby corridors where this auto-oriented use may be more undesirable, such as corridors that directly abut residential development.

POLICY 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

Response: This Comprehensive Plan policy is furthered because the VHUC is an Urban Center and is a designated Area of Change – both of which encourage intense growth and development. Drive-through facilities are often perceived as an intense land use by community members, and encouraging that intensity to occur in a designated center within an area of change is consistent with city policy.

POLICY 5.1.12 Commuter Corridors: Allow auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town, often as limited-access roadways.

Response: This Comprehensive Plan policy is furthered because the two roadways that intersect the VHUC – Paseo del Norte and Unser Boulevard – are both designated Commuter Corridors. Drive-through facilities are an auto-oriented use, which this policy determines is appropriate for commuter corridors.

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

Response: This Comprehensive Plan policy is furthered because drive-through development is a desirable development form which offers convenient access to food, pharmacies, and other services such as banks. The residential communities surrounding the VHUC would benefit from having access to these services. In addition, design standards specific to Urban Centers will help ensure that any drive-through development is considerate to pedestrians, maintaining safe and healthy development patterns.

POLICY 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

Response: This Comprehensive Plan policy is furthered because the current prohibition of drive-through facilities discourages certain types of development that will not occur unless drive-through facilities are permitted. Removing this prohibition may incentivize economic development opportunities that will provide jobs for Albuquerque residents.

POLICY 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

Response: This Comprehensive Plan policy is furthered because the VHUC is an Urban Center surrounded by a commuter corridor. Per this policy, these are the exact types of designations in which more intense development should be oriented.

POLCY 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.

Response: This Comprehensive Plan policy is furthered because allowing drive-through facilities in the VHUC may support economic development through allowing development types that are not permitted today. The IDO has special design standards for such facilities in Urban Centers which will maintain a high-quality level of development, and offering convenient and quick access to goods and services to Albuquerque residents is a quality-of-life benefit.

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.

Response: This Comprehensive Plan policy is furthered because the removal of the prohibition of drive-through facilities may encourage certain economic development in the VHUC that would otherwise not seek to locate there due to the existing prohibition. Drive-through options offer a convenient way for residents to access goods and services, which will improve the quality of life for both new and existing residents.

6-7(E)(3)(B) IF THE PROPOSED SMALL AREA AMENDMENT IS LOCATED PARTIALLY OR COMPLETELY IN AN AREA OF CONSISTENCY (AS SHOWN IN THE ABC COMP PLAN, AS AMENDED), THE APPLICANT MUST DEMONSTRATE THAT THE PROPOSED AMENDMENT WOULD CLEARLY REINFORCE OR STRENGTHEN THE ESTABLISHED CHARACTER OF THE SURROUNDING AREA OF CONSISTENCY AND WOULD NOT ALLOW DEVELOPMENT THAT IS SIGNIFICANTLY DIFFERENT FROM THAT CHARACTER. THE APPLICANT MUST ALSO DEMONSTRATE THAT THE EXISTING ZONING REGULATIONS ARE INAPPROPRIATE BECAUSE THEY MEET ANY OF THE FOLLOWING CRITERIA:

- 1. THERE HAS BEEN A SIGNIFICANT CHANGE IN NEIGHBORHOOD OR COMMUNITY CONDITIONS AFFECTING THE SMALL AREA.
- 2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Response: This criterion is not applicable because none of the impacted parcels are within an Area of Consistency.

6-7(E)(3)(C) IF THE PROPOSED SMALL AREA AMENDMENT IS LOCATED WHOLLY IN AN AREA OF CHANGE (AS SHOWN IN THE ABC COMP PLAN, AS AMENDED) AND THE APPLICANT MUST DEMONSTRATE THAT THE EXISTING ZONING REGULATIONS ARE INAPPROPRIATE BECAUSE THEY MEET AT LEAST ONE OF THE FOLLOWING CRITERIA: 1. THERE HAS BEEN A SIGNIFICANT CHANGE IN NEIGHBORHOOD OR COMMUNITY CONDITIONS AFFECTING THE SMALL AREA THAT JUSTIFIES THIS REQUEST. 2. THE PROPOSED ZONING REGULATIONS ARE MORE ADVANTAGEOUS TO THE COMMUNITY AS ARTICULATED BY THE ABC COMP PLAN, AS AMENDED (INCLUDING IMPLEMENTATION OF PATTERNS OF LAND USE, DEVELOPMENT DENSITY AND INTENSITY, AND CONNECTIVITY), AND OTHER APPLICABLE ADOPTED CITY PLAN(S).

Response: This proposed small area amendment meets both criteria one and two, above.

Criteria 6-7(E)(3)(c)(1): The COVID-19 pandemic demonstrated the need and desire for drive-through facilities, which allowed communities to safely and efficiently access the goods and services they need. As emergency orders related to the pandemic ended, the use of drive-through facilities did not. Communities realized the efficient nature of being able to access goods and services through drive-through facilities – not just as a *need* while in-person interactions were limited – but also as a choice to make everyday business more efficient.

Criteria 6-7(E)(3)(c)(2): The policy analysis provided as a part of criterion 6-7(E)(3)(a) of this letter adequately demonstrates that this criterion has also been met.

6-7(E)(3)(D) IF THE PROPOSED AMENDMENT CHANGES ALLOWABLE USES, THE PROPOSED AMENDMENT DOES NOT ALLOW PERMISSIVE USES THAT WOULD BE HARMFUL TO ADJACENT PROPERTY, THE NEIGHBORHOOD, OR THE COMMUNITY, UNLESS THE USE-SPECIFIC STANDARDS IN SECTION 16-16-4-3 ASSOCIATED WITH THAT USE WILL ADEQUATELY MITIGATE THOSE HARMFUL IMPACTS.

Response: This small area amendment proposes that drive-through facilities within the Urban Center be made "permissive accessory" instead of "prohibited". The IDO offers use-specific standards and special design requirements for such facilities that will mitigate any potential harmful impacts. The use-specific standards and design requirements are summarized as follows:

Use-Specific Standards 4-3(F)(5)

- Order board areas are limited to 50 square feet
- Order boards shall be oriented away from public streets
 - If they are unable to be oriented away from public streets, additional landscaping (including evergreen trees) is required

- Drive-throughs are prohibited as an accessory use to Cannabis Retail
- A Conditional Use Approval is required if located within 330 feet of Major Public Open Space
- Drive-throughs are prohibited adjacent to Major Public Open Space

Design Standards 5-5(I)

- Vehicle stacking must be integrated within the site layout and shall not interfere with access points, access to parking, or loading spaces or areas
- Vehicle stacking spaces are required by activity, as outlined in table 5-5-8:

Table 5-5-8: Required Stacking Spaces					
	Minimum Required Stacking Spaces, per Establishment ^[1]		Measured from End of		
Activity	General	UC-MS	Queuing Lane To:		
Bank or Automated Teller Machine (ATM)	4	3	Teller window / ATM		
Light Vehicle Fueling Station	1	1	End of fuel pump island		
Car Wash, Conveyor-operated	12	6	Outside of washing bay		
Car Wash, Self-service	3	2	Outside of washing bay		
Restaurant	12	6	Pick-up window		
Retail Store	4	3	Pick-up window		
Other	Determined by the City anticipated				
[1] Each stacking space shall be 20 ft. long unless specified otherwise in the DPM or by the City Engineer.					

- Drive-through lanes adjacent to public right-of-way require a landscape buffer area of at least six feet wide with a vegetative screen or wall between 3 and 4 feet.
- Loudspeakers or other audible electronic devices small not be audible beyond the property line.
- Order boards must be located at least 50 feet in any direction from any abutting residential zone district or a lot containing a residential use in a mixed-use zone district.
- If abutting a residential zone district or a residential use within a mixed-use zone district, additional edge buffering requirements apply.
- Service windows shall be angled at least 45 degrees from parallel with any abutting lot line of a residential zone district.
- In **UC**-MS-PT or MX-H, drive-throughs shall not be located between the front façade of the building and the front lot line or within a required side street setback unless two of the following special circumstances apply:
 - The lot is on a corner
 - The lot is ½ acre or smaller
 - The lot doesn't have vehicular access to the street the front façade faces
- In **UC**-MS-PT or MX-H, drive-throughs require enhanced pedestrian crossings such as a raised crosswalk where the drive-through lane crosses a pedestrian pathway to the primary entrance.

Neighborhood Edge 5-9(D)

Requirements in 5-9(D) provide additional requirements for Protected Lots when adjacent to Regulated Lots, as outlined below:

- Regulated lot: Lots in R-ML, R-MH, Mixed-use zones, or Non-residential zone districts adjacent to a Protected Lot
- Protected Lot: Lots in R-A, R-1, R-MC, or R-T zone districts with low-density residential zoning
 - Circulation areas on a Regulated Lot abutting a Protected Lot shall provide a minimum 6-foot high opaque wall or fence, not to include chain link fence with slats.
 - Regulated Lots 10,000 square feet or greater drive-through lanes must be at least 50 feet away from any protected lot

6-7(E)(3)(E) THE APPLICANT'S JUSTIFICATION IS NOT BASED COMPLETELY OR PREDOMINANTLY ON THE COST OF LAND OR ECONOMIC CONSIDERATIONS.

Response: This small area amendment is not based completely or predominantly on the cost of land or economic considerations. While economic development is a factor for this requested change, the community benefits – as articulated by the Comprehensive Plan policy analysis – are prevalent.

Public Outreach

The City's Alternative Dispute Resolution (ADR) facilitated a pre-submittal Neighborhood Meeting, as required by Table 6-1-1 and IDO Subsection 14-16-6-4(C) on October 16, 2023. The full facilitated meeting notes are included with this application. The meeting report was sent out to the neighborhood associations and coalitions who were required to be invited.

At the pre-submittal Neighborhood Meeting, neighbors objected to the request citing concerns that removing the prohibition would create and exacerbate negative community impacts. Community members referenced other drive-through facilities within Albuquerque which they consider to be a nuisance and described concerns about noise, light, air pollution, and the long-term design intention of the Urban Center. Some members of the community requested this allowance be Conditional Accessory instead of Permissive Accessory.

Notification letters of the application were sent out on October 25th, 2023. They were mailed to 143 property owners within and within 100-feet of the Urban Center boundary. Neighborhood Associations that include or abut any portion of the Urban Center boundary included in this application received emailed notice.

Conclusion

This request promotes public health, safety, and welfare by carefully permitting new land uses within a small mapped area of Albuquerque that is intended to host a variety of commercial and residential development. The thoughtful provisions within the use-specific standards and other design requirements will help mitigate any adverse impacts of the use. This request has been adequately justified per the criteria in the IDO.

Sincerely,

Shanna Schultz, Council Planning Manager Albuquerque Council Services

NOTIFICATION

NOTICE – OCTOBER 2023

Subject: Volcano Heights Urban Center_Public Notice Inquiry Sheet Submission_EPC

- Date: Wednesday, September 27, 2023 at 1:46:42 PM Mountain Daylight Time
- From: Office of Neighborhood Coordination
- To: Schultz, Shanna M.

Attachments: image001.png, image002.png, image003.png, image004.png

PLEASE NOTE:

The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	Association Email	First Name	Last Name	Email	Address Line 1
Piedras Marcadas NA	pmnaabq@gmail.com	Robin	Lawlor	rlawlor619@gmail.com	4905 Mikell Court
Piedras Marcadas NA	pmnaabq@gmail.com	Debbie	Koranyi	debbie.a.koranyi@gmail.com	9323 Drolet Drive
Westside Coalition of Neighborhood Associations	wscona0@gmail.com	Rene	Horvath	aboard111@gmail.com	5515 Palomino Dr
Westside Coalition of Neighborhood Associations	wscona0@gmail.com	Elizabeth	Haley	elizabethkayhaley@gmail.com	6005 Chaparral Ci
Paradise Hills Civic Association	phcassoc@gmail.com	Tom	Anderson	phcassoc@gmail.com	10013 Plunkett Dr
Paradise Hills Civic Association		Larry	Romero	lrromero@comcast.net	5530 Edie Place N

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: <u>devhelp@cabq.gov</u>, or visit: <u>https://www.cabq.gov/planning/online-planning-permitting-applications</u> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. <u>https://www.cabq.gov/planning/urban-design-development/public-notice</u>.
- The Checklist form you need for notifying neighborhood associations can be found here: <u>https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf</u>.
- The Administrative Decision form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each: https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table

Thank you.



Vanessa Baca Manager

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque (505) 768-3331 Office E-mail: <u>vanessabaca@cabq.gov</u> Website: <u>www.cabq.gov/neighborhoods</u>



PROOF OF NOTICE







5hl	NUMBER OF PIECES*	ALL MAIL MUST HAVE A RETURN	MAIL RO Department: CILy Council Division: 1710000	
Reg	CLASS/PRICE*	ALL MAIL MUST HAVE A RETURN ADDRESS W/ DEPARTMENT NAME	MAIL ROUTING SLIP Suncil Date: 10/25/23	

stamped mail and interoffice mail separate. Face all envelopes in the same If you have questions or need assistance in preparing mail please call the Please sort mail according to size and flag all International mail. Keep all direction. If the mail is to be sealed please overlap the flaps. CITY MAIL ROOM AT 768-2647 *Mailroom use only

REVISED 02/17

Wednesday, October 25, 2023 at 16:53:30 Mountain Daylight Time

Subject:	Notification of EPC Hearing		
Date:	Wednesday, October 25, 2023 at 4:53:19 PM Mountain Daylight Time		
From:	Schultz, Shanna M.		
BCC:	pmnaabq@gmail.com, rlawlor619@gmail.com, pmnaabq@gmail.com, debbie.a.koranyi@gmail.com, wscona0@gmail.com, aboard111@gmail.com, wscona0@gmail.com, elizabethkayhaley@gmail.com, phcassoc@gmail.com, phcassoc@gmail.com, Irromero@comcast.net		
Attachments: image001.png, Notice_NAEmail.pdf			

Dear Neighborhood Association Representative,

Please see attached notice.

Thank you, Shanna



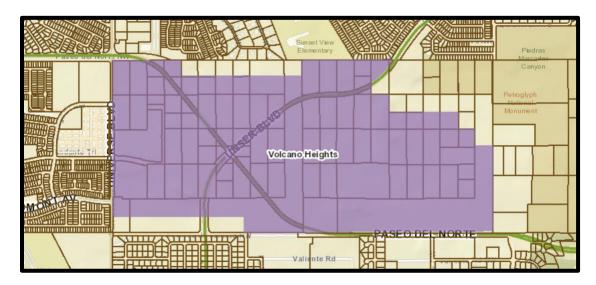
Shanna Schultz, AICP | Council Planning Manager Albuquerque City Council Services Office: (505) 768-3185

			F ALBUQ City Coun		President Pat Davis District 6	
ALBUQUERQUE			P.O. Box 1293 Albuquerque, NM 8 Tel: (505) 768-31	Vice President Renée Grout District 9 Isaac Padilla		
			Fax: (505)768-32 www.cabq.gov/com		Council Director	
Louie Sanchez District 1	Isaac Benton District 2	Klarissa J. Peña District 3	Brook Bassan District 4	Dan Lewis District 5	Tammy Fiebelkorn District 7	Trudy E. Jones District 8

Dear Neighborhood Association Representative,

This letter serves as public notice regarding a text amendment to the Integrated Development Ordinance related to requirements in the Volcano Heights Urban Center mapped area, sponsored by City Councilor Dan Lewis, as a part of the 2023 IDO Annual Update process.

The boundary for the Volcano Heights Urban Center is below – all properties within the purple shaded area would be affected by this change.



History

The Volcano Heights Urban Center is a designated area in the 2017 Albuquerque/Bernalillo County Comprehensive Plan. This plan established the boundary from which the IDO applies specific regulations. The Volcano Heights Urban Center regulations were incorporated to the Integrated Development Ordinance (IDO) upon initial adoption of the document in 2018. The boundary of the Urban Center is based on previously adopted plans for the area, all of which were rescinded when the IDO was adopted. Policies and regulations within the Urban Center are generally aimed at encouraging a built form that is urban in nature. Drive-through facilities in mixed-use zone districts are prohibited within the Urban Center boundary.

Proposed changes

The proposed changes to the text seek to remove the prohibition of drive-through facilities within the Volcano Heights Urban Center. The specific proposed changes are notated below, where strikethrough language depicts deleted language.

1. Delete the text as follows and renumber subsequent sections as necessary:

Page 2

4-3(F)(5)(10)Volcano Heights Urban Center This use is prohibited in the Mixed-use zone districts in this Center as mapped in the ABC Comp Plan, as amended.

Purpose: The proposed change will affect lots with mixed-use zoning within the Volcano Heights Urban Center area. This provision today prohibits lots with mixed-use zoning (MX-T, MX-L, MX-M, and MX-H) from having a drive-through facility. Removal of this prohibition will allow drive-throughs on mixed-use lots within the Urban Center area. Generally, drive-throughs are associated with restaurants, banks, and pharmacies. The IDO contains design requirements associated with drive-throughs and has specific design requirements for drive-throughs within urban centers.

Meeting Information

This request will be considered by the Environmental Planning Commission on December 14th, 2023, which will be held as a remote meeting. You may listen and/or participate in this meeting through the following zoom link. The agenda will be posted on the Friday, December 8th.

- Website where agenda will be posted on December 8th: <u>https://tinyurl.com/CABQEPC2023</u>
- Zoom link for December 14th EPC meeting. https://cabq.zoom.us/j/2269592859

You may provide written comment for the decision-making bodies to consider at any point in the process. Please provide written comment to:

abctoz@cabq.gov

This request is considered "quasi-judicial", which means that City Councilors should not communicate with constituents about this request outside of the public hearing process. If you have questions or concerns about this request, please direct those to City Council staff – you will find my contact information below if you have questions about the request.

Thank you,

Jona Shing

Shanna Schultz Council Planning Manager Albuquerque Council Services 505-768-3185 smschultz@cabq.gov

NOTICE – DECEMBER 2023

From:	PLNBufferMaps
То:	<u>Schultz, Shanna M.</u>
Subject:	RE: Volcano Heights Urban Center / EPC Hearing - Address request
Date:	Monday, October 23, 2023 2:10:10 PM
Attachments:	image002.png
	Volcano Heights Urban Center - Labels-1.docx
	Volcano Heights Urban Center - Labels-1.csv

October 23, 2023

Shanna:

Good afternoon. I re-ran the attached report to ensure all the data necessary for notices was included.

Thank you and have a wonderful day.

Respectfully submitted,



Planning Buffer Maps email plnbuffermaps@cabq.gov

From: Schultz, Shanna M. <smschultz@cabq.gov>
Sent: Monday, October 23, 2023 12:13 PM
To: PLNBufferMaps <plnbuffermaps@cabq.gov>
Subject: Re: Volcano Heights Urban Center / EPC Hearing - Address request

Hi there,

I would like to confirm that the provided addresses also include all addresses fully within the blue boundary of the urban center? The buffer map you provided to me (attached) leads me to believe that only addresses the blue bubble touches are provided, however I need all addresses both within the urban center and within 100 feet of it's boundary. Can you please confirm?

Thank you, Shanna



Shanna Schultz, AICP | Council Planning Manager Albuquerque City Council Services Office: (505) 768-3185 Date: Friday, October 13, 2023 at 6:40 AM
 To: Schultz, Shanna M. <<u>smschultz@cabq.gov</u>>, PLNBufferMaps <<u>plnbuffermaps@cabq.gov</u>>
 Subject: RE: Volcano Heights Urban Center / EPC Hearing - Address request

October 13, 2023

Shanna:

Good morning. Attached is you Buffer Map with all associated documents for the subject matter.

Thank you and have a wonderful day.

Respectfully submitted,



Planning Buffer Maps email plnbuffermaps@cabq.gov

From: Schultz, Shanna M. <<u>smschultz@cabq.gov</u>>
Sent: Wednesday, October 11, 2023 11:22 AM
To: PLNBufferMaps <<u>plnbuffermaps@cabq.gov</u>>
Subject: Volcano Heights Urban Center / EPC Hearing - Address request

Hello,

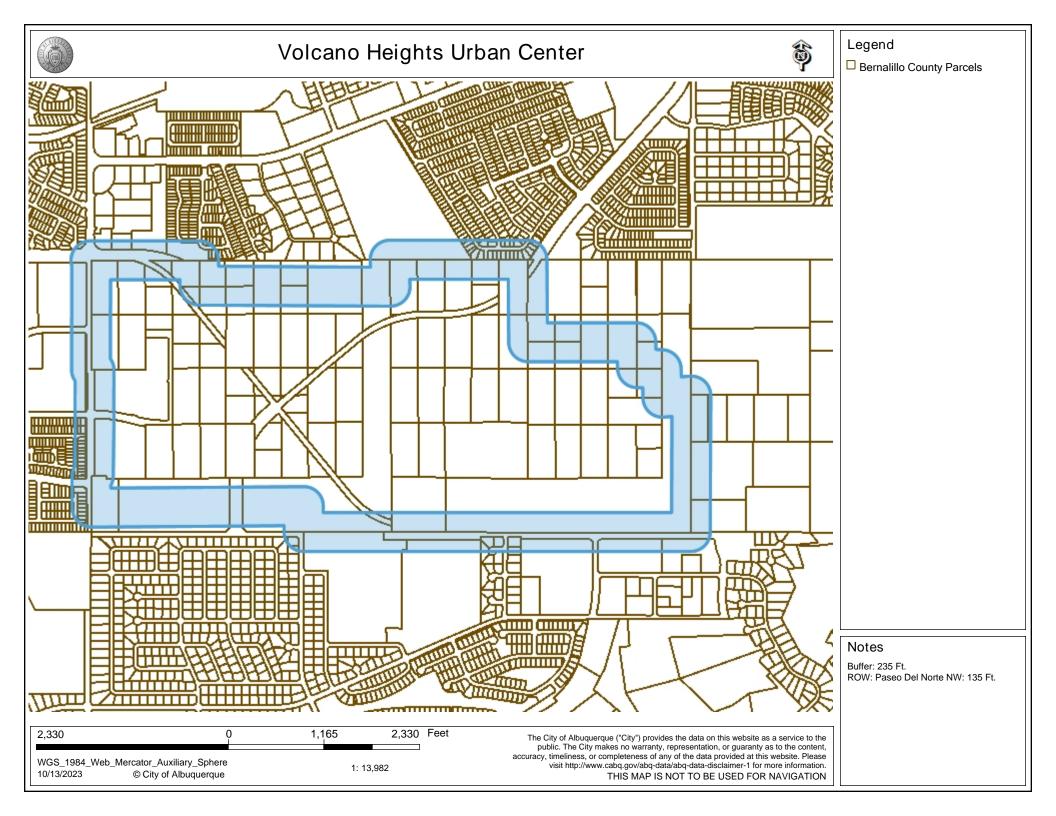
I'm (pretty please) requesting addresses within the attached blue boundary (Volcano Heights Urban Center) for an EPC application.

Thank you, Shanna



Shanna Schultz, AICP | Council Planning Manager

Albuquerque City Council Services Office: (505) 768-3185



WILMANN LIV HOLMASEN TERRASSE 1 1440 NORWAY

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248

BEDROCK GENERAL PTNS ATTN: GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK GENERAL & BEDROCK INVESTORS LTD C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK PARTNERSHIP & N M GEN PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK GENERAL PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK PARTNERSHIP C/O CENTERFIRE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248

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CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248

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BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

SIGNATURE REAL ESTATE SERVICES LLC 4914 PASTURA PL NW ALBUQUERQUE NM 87107-3845

MYSTIC LLC 5715 CENTRAL AVE NE ALBUQUERQUE NM 87108-1605 BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

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BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

FALLS GERRY & CAROL & APODACA PATRICK V & APODACA DICK F & ISABELLE 1646 RANCHO GUADALUPE TRL NW ALBUQUERQUE NM 87107-3370

SIGNATURE REAL ESTATE SERVICES LLC 4914 PASTURA PL NW ALBUQUERQUE NM 87107-3845

TECUMSEH PROFESSIONAL ASSOCIATES INC 5600 WYOMING BLVD NE SUITE 260 ALBUQUERQUE NM 87109 BEDROCK GENERAL & BEDROCK INVESTORS LTD C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK INVESTORS LIMITED C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

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BEDROCK INVESTORS LIMITED C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

FALLS GERRY & CAROL & APODACA PATRICK V & APODACA DICK F & ISABELLA 1646 RANCHO GUADALUPE TRL NW ALBUQUERQUE NM 87107-3370

MYSTIC LLC 5715 CENTRAL AVE NE ALBUQUERQUE NM 87108-1605

TECUMSEH PROFESSIONAL ASSOCIATES INC 5600 WYOMING BLVD NE SUITE 260 ALBUQUERQUE NM 87109 PULTE HOMES 7601 JEFFERSON ST NE SUITE 320 ALBUQUERQUE NM 87109

VOLCANO CLIFFS INC 4112 BLUE RIDGE PL NE ALBUQUERQUE NM 87111-4167

WOWK VICTOR & ROSE 10117 TREVINO LP NW ALBUQUERQUE NM 87114

WOWK VICTOR & ROSE 10117 TREVINO LP NW ALBUQUERQUE NM 87114

MILLER RODNEY K JR 6709 KAYSER MILL RD NW ALBUQUERQUE NM 87114

RODRIGUEZ LUIS & ENRIQUEZ LYDIA 6000 BOULDER CANYON RD NW ALBUQUERQUE NM 87114

SILVER JENNIEFE MADICLUM 6024 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

MANGUS CALE J & KENDALL M 6036 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

POTTER SHELLEY A 6008 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

CLARK WILLIAM C & SUSAN W TRUSTEES CLARK RVT 6009 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017 GROUP II U26 VC LLC C/O WRIGHT BILLY J 4112 BLUE RIDGE PL NE ALBUQUERQUE NM 87110-4167

MOWERY DANIEL R & MARSHA J 11632 WOODMAR LN NE ALBUQUERQUE NM 87111-6517

ARMIJO ZARA 6323 ORFEO TRL NW ALBUQUERQUE NM 87114

CHERESPOSY CRAIG & KRISTY M 8928 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

HINDMAN DAVID B & AO YANYAN 8900 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

GARRETT THEODORE E JR & KAREN SUE TRUSTEES GARRETT RVT 1130 LANES END NW ALBUQUERQUE NM 87114-1980

WARD LONNIE SR 6028 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

BROWN RENEE & HENDRICKSON KYLE M 6044 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

COCHRAN NEIL PATRICK 6004 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

SABORDO GRACE 6019 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017 GROUP I U26 VC LLC RM 115 2400 LOUISIANA BLVD NE BLDG 3 ALBUQUERQUE NM 87110-4303

NGUYEN CHI QUYEN & THI TUYET ETAL 8405 CALLE SOQUELLE NE ALBUQUERQUE NM 87113-2803

ARCHULETA MIKE G & LUZ M 6704 TREELINE AVE NW ALBUQUERQUE NM 87114

WILLIAMSON GREGORY DON & LALIE ROSE 8944 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

CRICHLOW REYNOLD H & SARAH M 6040 BOULDER CANYON RD NW ALBUQUERQUE NM 87114

EVANS NICKI A TRUSTEE EVANS TRUST 6020 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

SIFUENTES RAUL JR & GARCIA KIMBERLY N 6032 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

SHARMA SATISH & ASHA 6012 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

A & A FILIBECK LIVING TRUST 6023 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

VIGIL ROBERT A & JORDAN 6015 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017 CHAVEZ NICOLE 6005 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

COLLINS SYLVIA L & MATTHEW L 9501 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

MCCLUSKEY PAULA 9513 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

WAGNER ARNOLD ALLEN & JANICE MARIE CO-TRUSTEES WAGNER TRUST 9501 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024

PADILLA HEIDI 9500 LA ROCCA CT NW ALBUQUERQUE NM 87114-3449

NELSON JASON A & JENNIFER L 6709 TEMPE AVE NW ALBUQUERQUE NM 87114-3621

MICELOTTI JOSEPH S & HAMILTON EMMA L 8808 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

MCGOVERN LINH T TRUSTEE MCGOVERN TRUST 8820 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

PEREA JESSICA A 6708 ORO VALLEY RD NW ALBUQUERQUE NM 87114-3870

LEYBA ALAN ISSAC & LEYBA ROMOLO E A 6308 ORFEO TRL NW ALBUQUERQUE NM 87114-5265 ARAGON ASHLEE & MOSS ROBERT 9500 BIG ROCK DR NW ALBUQUERQUE NM 87114-3018

GOODMAN EVERETT R & REBECCA M 9505 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

HERRERA CATHERINE M 9515 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

SMITH JASON A & CLAIRE M 9505 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024

HALL AMY CHRISTINE & JESSE LEE 6700 TEMPE AVE NW ALBUQUERQUE NM 87114-3618

DELOACH LORRIE A & SEAN M 8800 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

MARTINEZ HECTOR A & RUTH 8812 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

ALLEN CALVIN W IV 8824 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

ARCHIBEQUE ALICIA A 6316 ORFEO TRL NW ALBUQUERQUE NM 87114-5265

ORBAN JOHN C 6304 ORFEO TRL NW ALBUQUERQUE NM 87114-5265 ORTIZ JOHN E 9504 BIG ROCK DR NW ALBUQUERQUE NM 87114-3018

RAMIREZ ROBERT ROY 9509 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

PHILLIPS DOUGLAS & KELLY 9519 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

GILBERT MARY F 9504 LA ROCCA CT NW ALBUQUERQUE NM 87114-3449

PARROTT LEE ANN 6704 TEMPE AVE NW ALBUQUERQUE NM 87114-3618

MACPHAIL MEGAN ANN & MACPHAIL ALAN 8804 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

SWIFT STEPHEN HALES & MEGAN RENEE 8816 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

CHAVEZ BENNY & LUCERO FRED E 8828 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

ARANDA ARVINA D & PROCTOR JORDON A 6312 ORFEO TRL NW ALBUQUERQUE NM 87114-5265

MARES AMADO E & GLORIA D 6315 ORFEO TRL NW ALBUQUERQUE NM 87114-5266

GROS DAVID 6319 ORFEO TRL NW ALBUQUERQUE NM 87114-5266

LOVELL TIMOTHY G & STEPHANIE D 8912 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

MARTINEZ FRANCISCO & BRIANA 8924 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

NUNEZ JOSE ALONSO & AYIN HELAM 6708 TREELINE AVE NW ALBUQUERQUE NM 87114-6194

PAREDES GREGORIO 6700 OASIS CANYON RD NW ALBUQUERQUE NM 87114-6373

GARCIA CARMEN R & PRESCILLA T 5514 CAMINO VIENTO NW ALBUQUERQUE NM 87120-1905

LUNA TROY R & JACQUELINE J 6315 CASA BLANCA NW ALBUQUERQUE NM 87120-3290

SONATA TRAILS LLC 8201 GOLF COURSE RD NW SUITE D3-338 ALBUQUERQUE NM 87120-5842

RABADI SHARIF A & SAMIA S RABADI TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122

RABADI SHARIF A & SAMIA S TRUSTEES THE STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049 BRITO MONICA A 8904 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

NEUBAUER MICHAEL A & HEIKE 8916 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

FOWLER ADAM C & AIHUA 8936 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

CISNEROS NICHOLAS I 6701 KAYSER MILL RD NW ALBUQUERQUE NM 87114-6354

ALL SAINTS LUTHERAN CHURCH 4800 ALL SAINTS RD NW ALBUQUERQUE NM 87120

AJAMCH LLC ATTN: ANDERSON -SANCHEZ CHRISTINE 4312 RABBITBRUSH AVE NW ALBUQUERQUE NM 87120-2573

SONATA TRAILS LLC 8201 GOLF COURSE RD NW SUITE D3-338 ALBUQUERQUE NM 87120-5842

J & A CRUZ HOLDINGS LLC 3616 SAN YGNACIO RD SW ALBUQUERQUE NM 87121-3400

RABADI SHARIF A & SAMIA S TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049

RABADI SHARIF A & SAMIA S TRUSTEES THE STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049 MAIER GREGORY E & JULIA M 8908 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

ALTAMIRANO TONY 8920 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

JIMENEZ LEON & KURNIAWAN NITA 6700 TREE LINE AVE NW ALBUQUERQUE NM 87114-6194

SANTIAGO ANTONIO 6705 KAYSER MILL RD NW ALBUQUERQUE NM 87114-6354

WOODFORD SARAH ANNE 8940 MISSION RIDGE DR NW ALBUQUERQUE NM 87120

AJAMCH LLC ATTN: ANDERSON -SANCHEZ CHRISTINE 4312 RABBITBRUSH AVE NW ALBUQUERQUE NM 87120-2573

TRAILS TRACT 4 LLC 8201 GOLF COURSE RD NW SUITE D3-338 ALBUQUERQUE NM 87120-5842

RABADI SHARIF A & SAMIA S RABADI TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122

RABADI SHARIF A & SAMIA S TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049

RABADI SHARIF A & SAMIA S TRUSTEES THE STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049 BRIGGS ALLAN D & JUANITA M TRUSTEES BRIGGS FAMILY TRUST 12301 CORONADO AVE NE ALBUQUERQUE NM 87122-1067

DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903

BOARD OF EDUCATION PO BOX 25704 ALBUQUERQUE NM 87125-0704

PRESBYTERIAN HEALTHCARE SERVICES ATTN: REAL ESTATE DEPT PO BOX 26666 ALBUQUERQUE NM 87125-6666

VENTANA RANCH COMMUNITY ASSOC C/O HOAMCO PO BOX 67590 ALBUQUERQUE NM 87193

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457 TECUMSEH PROFESSIONAL ASSOC INC 1717 QUAIL RUN CT NE ALBUQUERQUE NM 87122-1139

DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903

BOARD OF EDUCATION PO BOX 25704 ALBUQUERQUE NM 87125-0704

FALLS PROPERTY TRUST & APODACA PATRIC V & APODACA DICK F & ISABELLE PO BOX 14777 ALBUQUERQUE NM 87191-4777

TRAILS COMMUNITY ASSOCIATION INC PO BOX 67590 ALBUQUERQUE NM 87193-7590

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

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RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRSUTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457 DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903

MERKEL DANIEL L & SUE J TRUSTEES MERKEL RVT 9928 CIELITO OESTE WAY NE ALBUQUERQUE NM 87122-3223

BOARD OF EDUCATION PO BOX 25704 ALBUQUERQUE NM 87125-0704

VENTANA RANCH COMMUNITY ASSOC C/O HOAMCO PO BOX 67590 ALBUQUERQUE NM 87193

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

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RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

CAPITAL ADVANTAGE LLC PO BOX 92558 ALBUQUERQUE NM 87199-2558

KINLEN CHRISTOPHER & HENGER LESLIE 1908 GROVSENOR LN COLLEYVILLE TX 76034-0000

HOFFMAN J A III FAMILY LIMITED PARTNERSHIP 4606 FIREWHEEL DR GARLAND TX 75044-5105

MONCRIEFF ROBERT C & BEVERLY J TRUSTEES MONCRIEFF RVT 19270 GREENHORN RD GRASS VALLEY CA 95945-8627

SONATA GREEN OWNER LLC ATTN: MULTIGREEN PROPERTIES LLC 170 S GREEN VALLEY PKWY SUITE 300 HENDERSON NV 89012-3111 RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRSUTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

KW CANTATA TRAILS LLC ATTN: PHILLIP WINTNER 151 S EL CAMINO DR BEVERLY HILLS CA 90212-2704

SAVAGE JAMES P 2080 PASEO DEL ORO COLORADO SPRINGS CO 80904-1682

HOFFMAN J A III FAMILY LIMITED PARTNERSHIP 4606 FIREWHEEL DR GARLAND TX 75044-5105

AMADOR SAMMY & SYLVIA 14429 CRYSTAL LANTERN DR HACIENDA HGTS CA 91745-2510

SONATA GREEN OWNER LLC 170 S GREEN VALLEY PKWY SUITE 300 HENDERSON NV 89012-3145 RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

KW CANTATA TRAILS LLC ATTN: PHILLIP WINTNER 151 S EL CAMINO DR BEVERLY HILLS CA 90212-2704

HOFFMAN JA III FAMILY LIMITED PARTNERSHIP 4606 FIREWHEEL DR GARLAND TX 75044-5105

HOFFMAN JA III FAMILY LIMITED PARTNERSHIP 4606 FIREWHEEL DR GARLAND TX 75044-5105

AMADOR SAMMY & SYLVIA 14429 CRYSTAL LANTERN DR HACIENDA HGTS CA 91745-2510

SONATA GREEN OWNER LLC 170 S GREEN VALLEY PKWY SUITE 300 HENDERSON NV 89012-3145 BANDI SAID A TRUSTEE BANDI E & C INC CPRP PO BOX 17424 IRVINE CA 92623

BRUNGARDT LLC 2204 SEDONA HILLS PKWY LAS CRUCES NM 88011-4137

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

BINDRA RUPINDER S & GURPREET K & MONTOYA ERNEST P TRUSTEE MONTOYA RVT 606 S OLIVE ST SUITE 1950 LOS ANGELES CA 90014-1623

RCS-TAOS LLC 371 CENTENNIAL PKWY SUITE 200 LOUISVILLE CO 80027

PIETRUK MICHAEL A & CHARLENE PO BOX 284 ONEIDA IL 61467-0284

CHACON GENE 1508 GOLF COURSE RD RIO RANCHO NM 87124

VENTANA RANCH SELF STORAGE LLC C/O URBAN SELF STORAGE 918 S HORTON ST SUITE 1000 SEATTLE WA 98134-1955

BOULDERS COMMUNITY ASSOCIATION INC C/O AAM LLC 1600 W BROADWAY RD SUITE 200 TEMPE AZ 85282-1136 BANDI SAID A TRUSTEE BANDI E & C INC CPRP PO BOX 17424 IRVINE CA 92623

BRUNSON PAMELA R & BRUNSON TODD A TRUSTEES BRUNSON IRVT 8852 RAINBOW RIDGE DR LAS VEGAS NV 89117

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

BINDRA RUPINDER S & GURPREET K & MONTOYA ERNEST P TRUSTEE MONTOYA RVT 606 S OLIVE ST SUITE 1950 LOS ANGELES CA 90014-1623

PRINCE STEPHEN M & JUDITH L 773 W BROOMFIELD RD MOUNT PLEASANT MI 48858

CHAVEZ CLARA & JOE B TRUSTEES CHAVEZ TRUST HC 72 BOX 31 RIBERA NM 87560-9659

CORDOVA FABIAN M 8932 MISSION RIDGE DR NW RIO RANCHO NM 87144

ARIZAGA GILBERT S & MARIA PETRA 3060 HWY 180 E SILVER CITY NM 88061

CROWLEY PAUL J ETUX 15 OLD WESTON RD WAYLAND MA 01778-2123 ELK HAVEN LLC 21 VISTA VALLE CIR LAMY NM 87540-7506

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

RCS-TAOS LLC 371 CENTENNIAL PKWY SUITE 200 LOUISVILLE CO 80027

PIETRUK MICHAEL A & CHARLENE PO BOX 284 ONEIDA IL 61467-0284

CHACON GENE 1508 GOLF COURSE RD RIO RANCHO NM 87124

JCJ LLC 6762 CHAMA RIVER CT NE RIO RANCHO NM 87144-6418

BOULDERS COMMUNITY ASSOCIATION INC C/O AAM LLC 1600 W BROADWAY RD SUITE 200 TEMPE AZ 85282-1136



City of Albuquerque

GROUP I U26 VC LLC RM 115 2400 LOUISIANA BLVD NE BLDG 3 ALBUQUERQUE NM 87110-4303

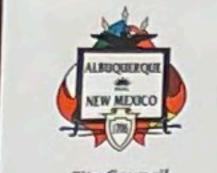


City of Albuquerque

CRICHLOW REYNOLD H & SARAH 6040 BOULDER CANYON RD NW ALBUQUERQUE NM 87114

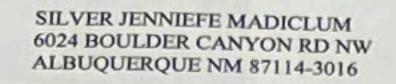


City of Albuquerque R.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

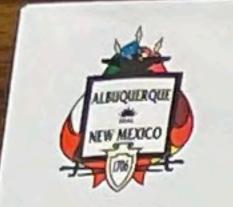


City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council



MILLER RODNEY K JR 6709 KAYSER MILL RD NW ALBUQUERQUE NM 87114



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

CLARK WILLIAM C & SUSAN W TRUSTEES CLARK RVT 6009 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

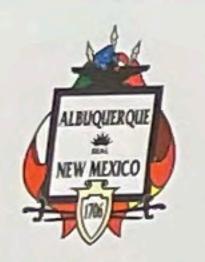
CORDOVA FABIAN M 8932 MISSION RIDGE DR NW ALBUQUERQUE NM 87114



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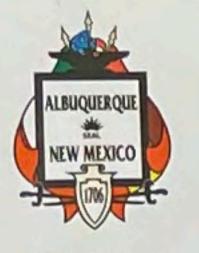




City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

MAIER GREGORY E & JULIA M 8908 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

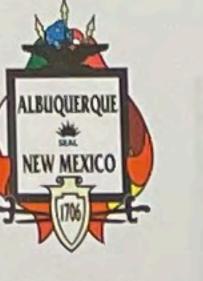
GROUP II U26 VC LLC C/O WRIGHT BILLY J 4112 BLUE RIDGE PL NE ALBUQUERQUE NM 87110-4167



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

VENTANA RANCH SELF STORAGE LLC C/O URBAN SELF STORAGE 918 S HORTON ST SUITE 1000 SEATTLE WA 98134-1955

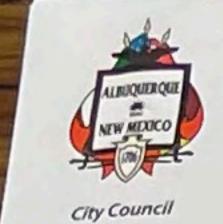


City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

EVANS NICKI A TRUSTEE EVANS TRUST 6020 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016





City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

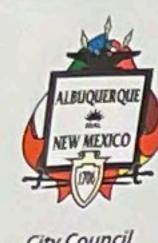
RABADI SHARIF A & SAMIA S TRUSTEES THE STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

VOLCANO CLIFFS INC 4112 BLUE RIDGE PL NE ALBUQUERQUE NM 87111-4167



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

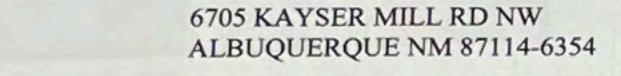
SANTIAGO ANTONIO



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

HINDMAN DAVID B & AO YANYAN 8900 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

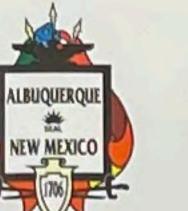




City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

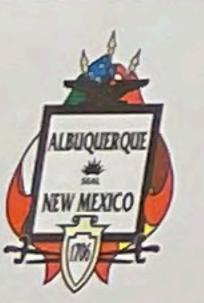
COLLINS SYLVIA L & MATTHEW L 9501 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

WARD LONNIE SR 6028 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

SIFUENTES RAUL JR & GARCIA KIMBERLY N 6032 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

BROWN RENEE & HENDRICKSON KYLE M 6044 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016





City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103 ALBUQUERQUE

City Council

PIETRUK MICHAEL A & CHARLENE PO BOX 284 ONEIDA IL 61467-0284



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

COCHRAN NEIL PATRICK 6004 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

PRINCE STEPHEN M & JUDITH L 773 W BROOMFIELD RD MOUNT PLEASANT MI 48858



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

MANGUS CALE J & KENDALL M 6036 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

BOULDERS COMMUNITY ASSOCIATION INC C/O AAM LLC 1600 W BROADWAY RD SUITE 200 TEMPE AZ 85282-1136



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

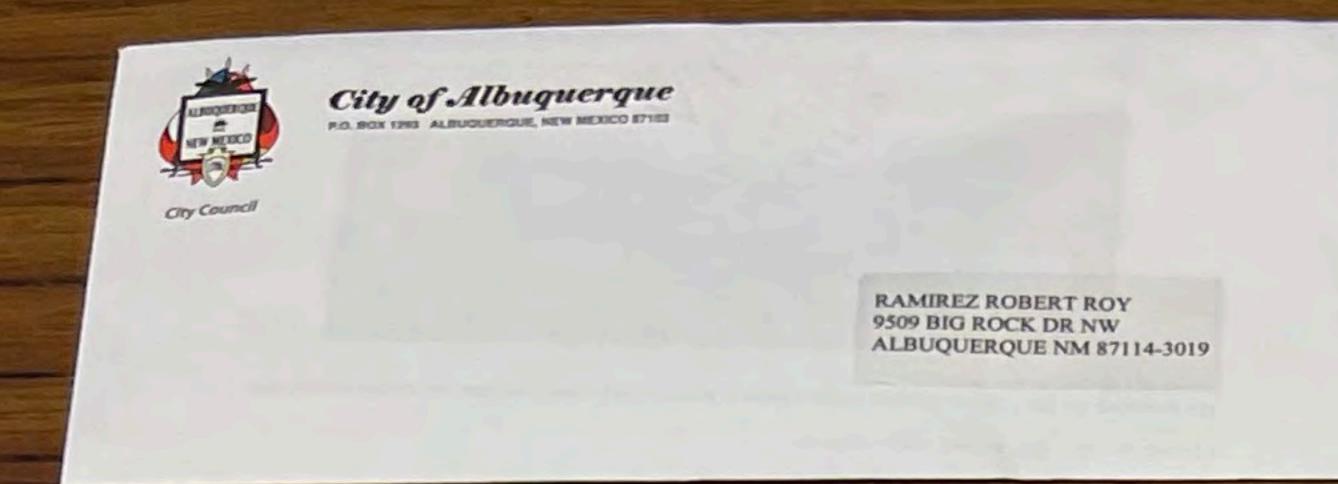
POTTER SHELLEY A 6008 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

ARAGON ASHLEE & \MOSS ROBERT 9500 BIG ROCK DR NW ALBUQUERQUE NM 87114-3018





City of Albuquerque

City Council

MCCLUSKEY PAULA 9513 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019



City of Albuquerque

City Council

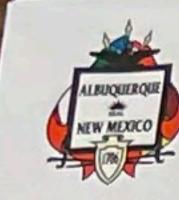
RODRIGUEZ LUIS & ENRIQUEZ LYDIA 6000 BOULDER CANYON RD NW ALBUQUERQUE NM 87114



City Council

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87183

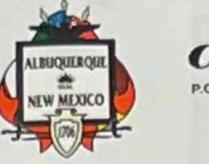
WAGNER ARNOLD ALLEN & JANICE MARIE CO-TRUSTEES WAGNER TRUST 9501 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

A & A FILIBECK LIVING TRUST 6023 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017



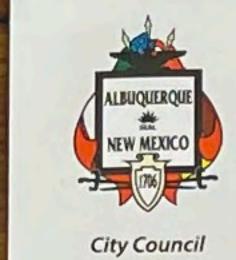
City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 67103

City Council

SABORDO GRACE 6019 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

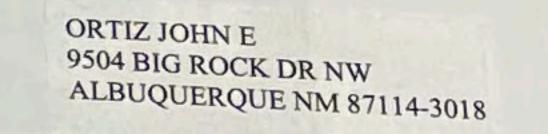
CHAVEZ NICOLE 6005 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

City Council

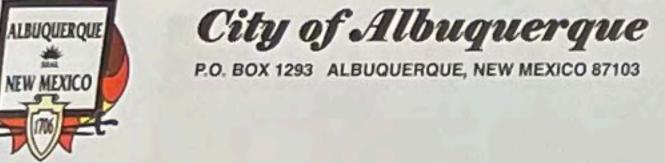
ALBUQUERQUE

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

HERRERA CATHERINE M 9515 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019









City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

VIGIL ROBERT A & JORDAN 6015 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017



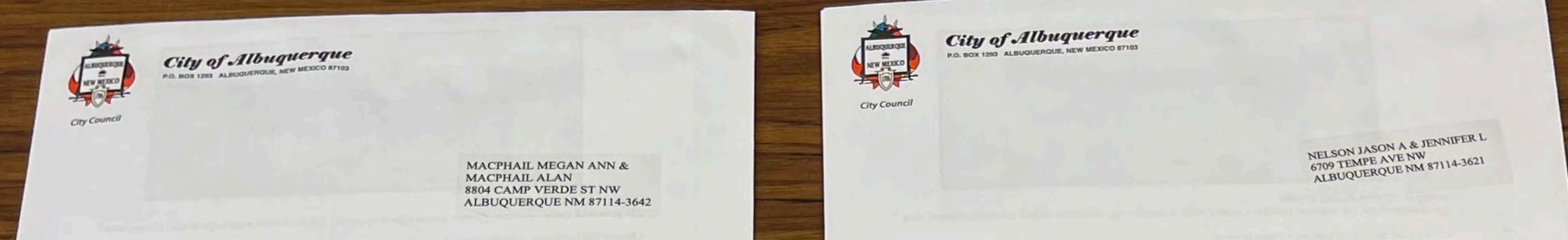
City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

SMITH JASON A & CLAIRE M 9505 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024

PHILLIPS DOUGLAS & KELLY 9519 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019







City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

PEREA JESSICA A 6708 ORO VALLEY RD NW ALBUQUERQUE NM 87114-3870



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

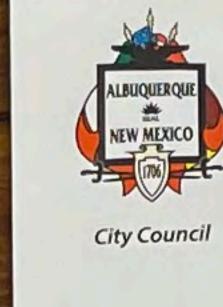
MARTINEZ HECTOR A & RUTH 8812 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

DELOACH LORRIE A & SEAN M 8800 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MICELOTTI JOSEPH S & HAMILTON EMMA L 8808 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

TRAILS COMMUNITY ASSOCIATION INC PO BOX 67590 ALBUQUERQUE NM 87193-7590

CHAVEZ BENNY & LUCERO FRED E 8828 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

City Council



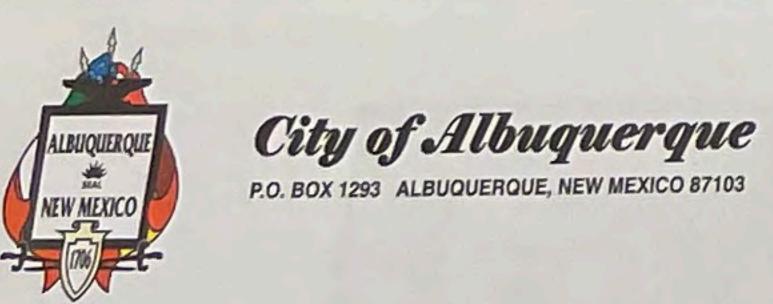
LBUQUERQUE

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103



City Council

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103



City Council

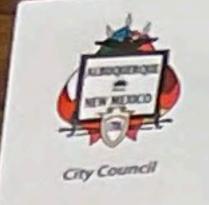
MCGOVERN LINH T TRUSTEE MCGOVERN TRUST 8820 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

ALLEN CALVIN W IV 8824 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642



City of Albuquerque

ELK HAVEN LLC 21 VISTA VALLE CIR LAMY NM 87540-7506

ALMONTON A

City Council

City Council

City of Albuquerque

SONATA GREEN OWNER LLC 170 S GREEN VALLEY PKWY SUITE 300 HENDERSON NV 89012-3145



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103 ALBUQUERQUE NEW MEDICO

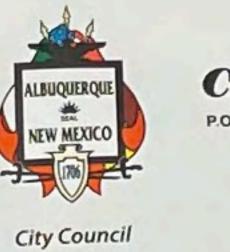
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ALBUQUERQUE NEW MEXICO

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

SONATA TRAILS LLC 8201 GOLF COURSE RD NW SUITE D3-338 ALBUQUERQUE NM 87120-5842



TRADARIZA

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103



ALBUQUERQUE

City Council

GILBERT MARY F 9504 LA ROCCA CT NW ALBUQUERQUE NM 87114-3449

CHAVEZ CLARA & JOE B TRUSTEES CHAVEZ TRUST HC 72 BOX 31

RIBERA NM 87560-9659

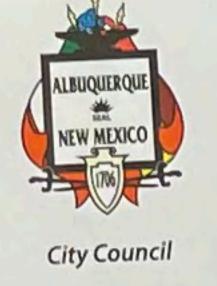
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LBUQUERQU NEW MEXICO

City Council

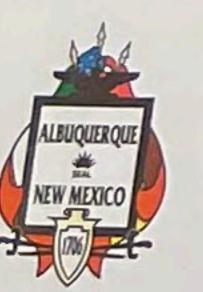
City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

GARCIA CARMEN R & PRESCILLA T 5514 CAMINO VIENTO NW ALBUQUERQUE NM 87120-1905



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

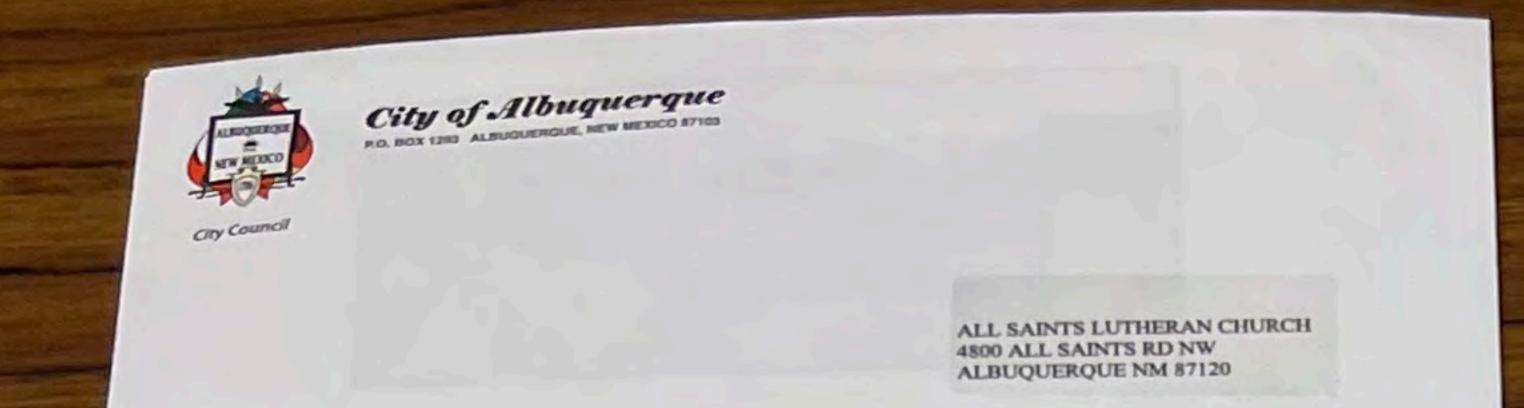
ARMIJO ZARA 6323 ORFEO TRL NW ALBUQUERQUE NM 87114



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

ARCHULETA MIKE G & LUZ M 6704 TREELINE AVE NW ALBUQUERQUE NM 87114





RABADI SHARIF A & SAMIA S RABADI TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City of Albuquerque

City Council

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457 MARES AMADO E & GLORIA D 6315 ORFEO TRL NW ALBUQUERQUE NM 87114-5266





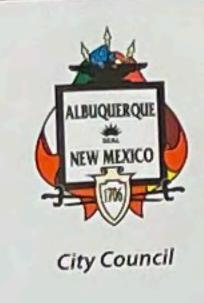
City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

LEYBA ALAN ISSAC & LEYBA ROMOLO E A 6308 ORFEO TRL NW ALBUQUERQUE NM 87114-5265



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

> WOWK VICTOR & ROSE 10117 TREVINO LP NW ALBUQUERQUE NM 87114

City Council

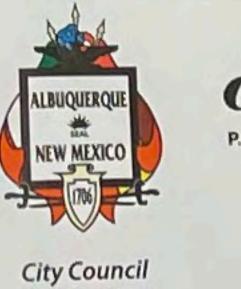
CAPITAL ADVANTAGE LLC PO BOX 92558 ALBUQUERQUE NM 87199-2558



City Council

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

> SIGNATURE REAL ESTATE SERVICES LLC 4914 PASTURA PL NW ALBUQUERQUE NM 87107-3845



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

> GROS DAVID 6319 ORFEO TRL NW ALBUQUERQUE NM 87114-5266



City of Albuquerque, P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

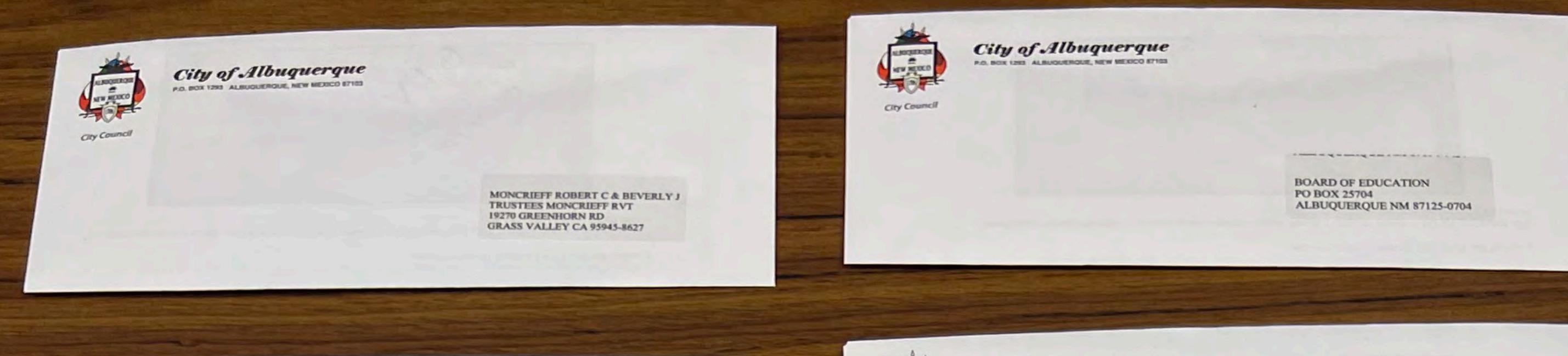
> SAVAGE JAMES P 2080 PASEO DEL ORO COLORADO SPRINGS CO 80904-1682



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712





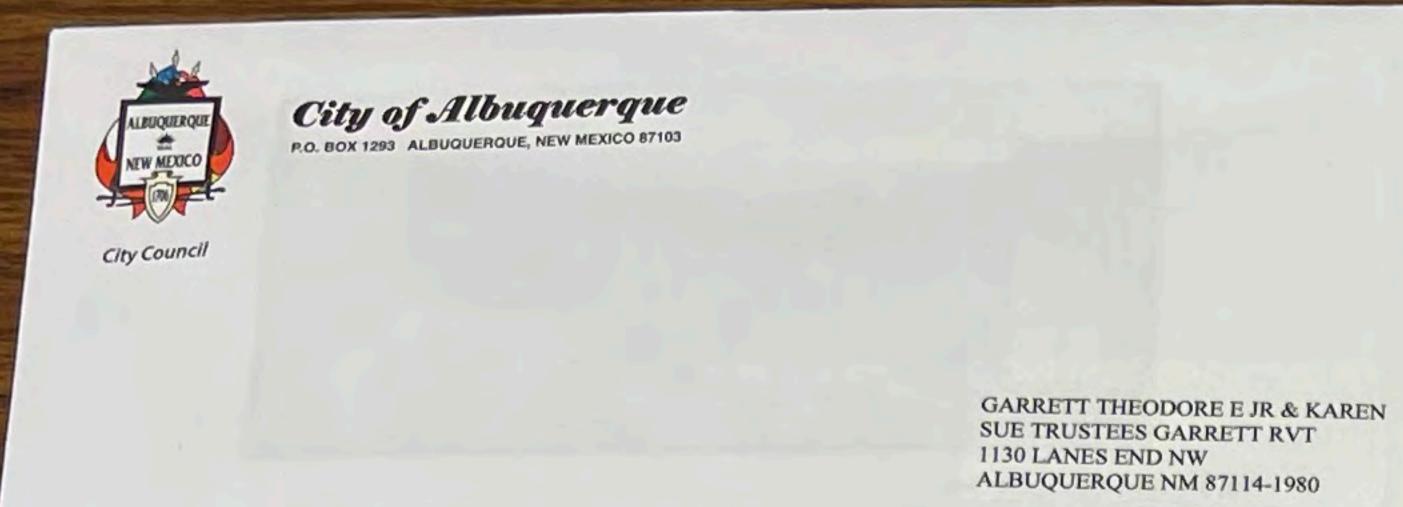
City Council

LOVELL TIMOTHY G & STEPHANIE D 8912 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

> MOWERY DANIEL R & MARSHA J 11632 WOODMAR LN NE ALBUQUERQUE NM 87111-6517





City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

MARTINEZ FRANCISCO & BRIANA 8924 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

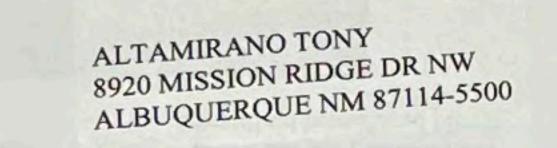
City of Albuquerque P.O. BOX 1283 ALBUQUERQUE, NEW MEXICO 87103

City Council



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

> BEDROCK PARTNERSHIP & N M GEN PARTNERSHIP C/O GERALD GOLD



NEUBAUER MICHAEL A & HEIKE

8916 MISSION RIDGE DR NW

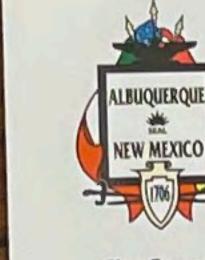
ALBUQUERQUE NM 87114-5500

1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

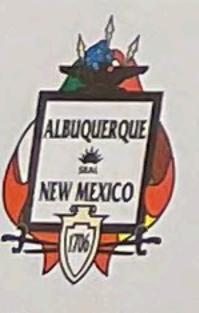
City Council



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

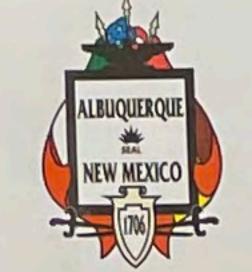
JIMENEZ LEON & KURNIAWAN NITA 6700 TREE LINE AVE NW ALBUQUERQUE NM 87114-6194



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

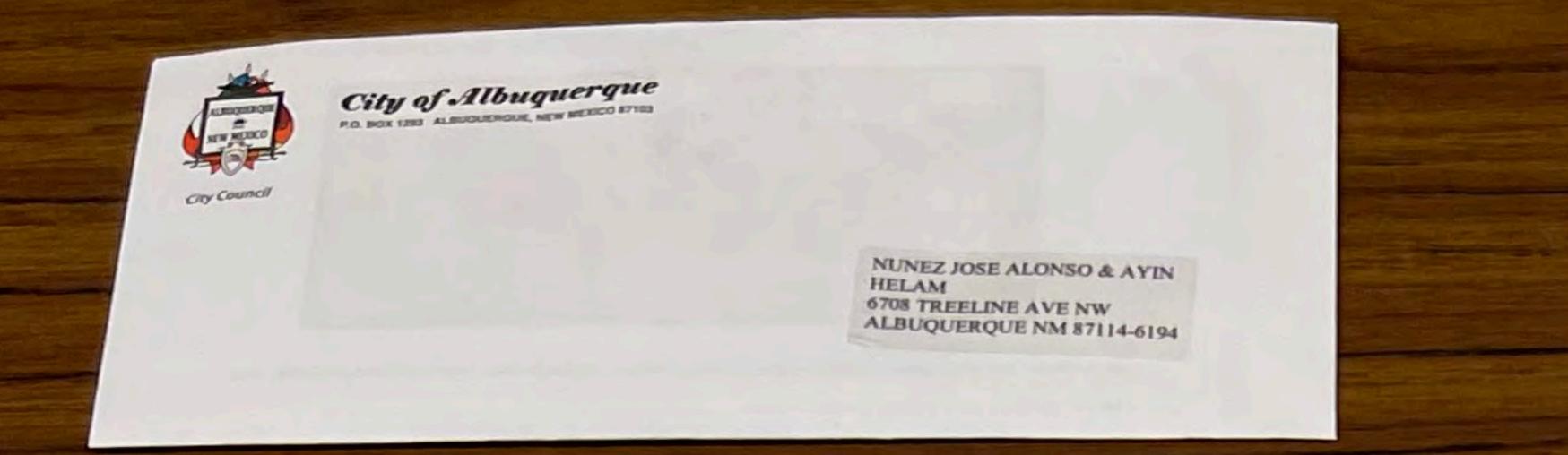
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City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

BEDROCK GENERAL & BEDROCK INVESTORS LTD C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712







City of Albuquerque

P.O. BOX 1283 ALBUQUERQUE, NEW MEXICO 87103

ARCHIBEQUE ALICIA A 6316 ORFEO TRL NW ALBUQUERQUE NM 87114-5265

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87183 NEW NEDCO

> BANDI SAID A TRUSTEE BANDI E & C INC CPRP PO BOX 17424 IRVINE CA 92623



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council



City Council

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

ARANDA ARVINA D & PROCTOR JORDON A 6312 ORFEO TRL NW ALBUQUERQUE NM 87114-5265

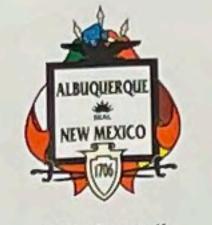
FALLS GERRY & CAROL & APODACA PATRICK V & APODACA DICK F & ISABELLA 1646 RANCHO GUADALUPE TRL NWALBUQUERQUE NM 87107-3370



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

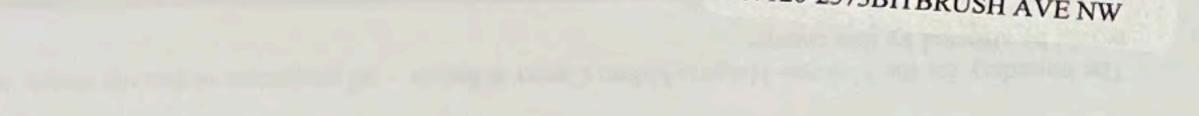
AJAMCH LLC ATTN: ANDERSON -SANCHEZ CHRISTINE 4312 RABALBUQUERQUE NM 87120-2573BITBRUSH AVE NW



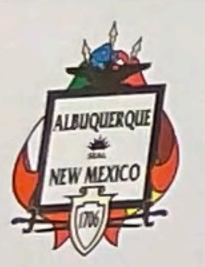
City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

VENTANA RANCH COMMUNITY ASSOC C/O HOAMCO PO BOX 67590 ALBUQUERQUE NM 87193







City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

KW CANTATA TRAILS LLC ATTN: PHILLIP WINTNER 151 S EL CAMINO DR BEVERLY HILLS CA 90212-2704



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

BRUNGARDT LLC 2204 SEDONA HILLS PKWY LAS CRUCES NM 88011-4137



ouncil

City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROP CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

JCJ LLC 6762 CHAMA RIVER CT NE RIO RANCHO NM 87144-6418



City of Albuquerque

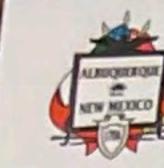
AMADOR SAMMY & SYLVIA 14429 CRYSTAL LANTERN DR HACIENDA HGTS CA 91745-2510



City of Albuquerque

City Council

PADILLA HEIDI 9500 LA ROCCA CT NW ALBUQUERQUE NM 87114-3449



City of Albuquerque

City Council

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457



P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

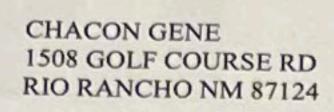
City Council

TRAILS TRACT 4 LLC 8201 GOLF COURSE RD NW SUITE D3-338 ALBUQUERQUE NM 87120-5842



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council





City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

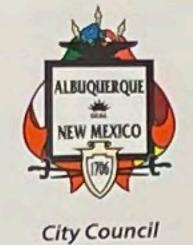
CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

BEDROCK PARTNERSHIP & BEDROCK LIMITED PARTNERSHIP 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

FALLS PROPERTY TRUST & APODACA PATRIC V & APODACA DICK F & ISABELLE PO BOX 14777



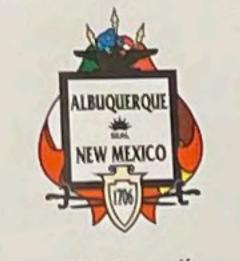
ALBUQUERQUE NM 87191-4777



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

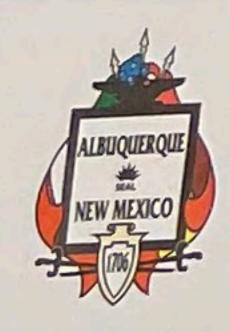
PRESBYTERIAN HEALTHCARE SERVICES ATTN: REAL ESTATE DEPT PO BOX 26666 ALBUQUERQUE NM 87125-6666



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

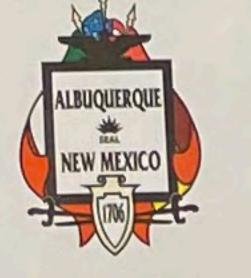
BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

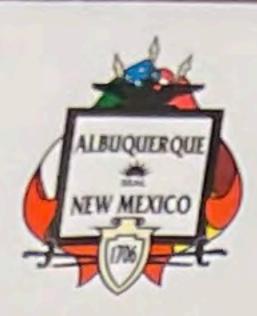
RANSOM RICHARD E TRSUTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

ORBAN JOHN C 6304 ORFEO TRL NW ALBUQUERQUE NM 87114-5265



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

FALLS GERRY & CAROL & APODACA PATRICK V & APODACA DICK F & ISABELLE 1646 RANCHO GUADALUPE TRL NW ALBUQUERQUE NM 87107-3370



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

BINDRA RUPINDER S & GURPREET K & MONTOYA ERNEST P TRUSTEE MONTOYA RVT 606 S OLIVE ST SUITE 1950 LOS ANGELES CA 90014-1623



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

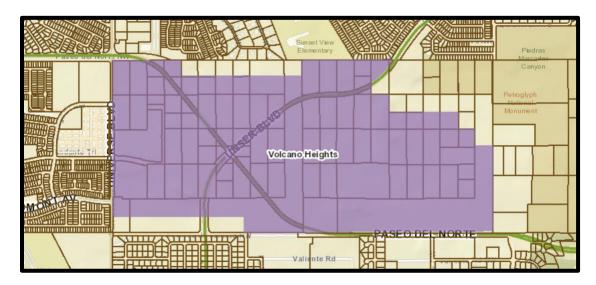
MYSTIC LLC **5715 CENTRAL AVE NE** ALBUQUERQUE NM 87108-1605

		CITY OF ALBUQUERQUE City Council				President Pat Davis District 6	
ALBUQUERQUE		P.O. Box 1293 Albuquerque, NM 87103 Tel: (505) 768-3100 Fax: (505)768-3227 www.cabq.gov/council				Vice President Renée Grout District 9 Isaac Padilla Council Director	
Louie Sanchez District 1	Isaac Benton District 2	Klarissa J. Peña District 3	Brook Bassan District 4	Dan Lewis District 5	Tammy Fiebelkorn District 7	Trudy E. Jones District 8	

Dear Property Owner,

This letter serves as public notice regarding a text amendment to the Integrated Development Ordinance related to requirements in the Volcano Heights Urban Center mapped area, sponsored by City Councilor Dan Lewis, as a part of the 2023 IDO Annual Update process.

The boundary for the Volcano Heights Urban Center is below – all properties within the purple shaded area would be affected by this change.



History

The Volcano Heights Urban Center is a designated area in the 2017 Albuquerque/Bernalillo County Comprehensive Plan. This plan established the boundary from which the IDO applies specific regulations. The Volcano Heights Urban Center regulations were incorporated to the Integrated Development Ordinance (IDO) upon initial adoption of the document in 2018. The boundary of the Urban Center is based on previously adopted plans for the area, all of which were rescinded when the IDO was adopted. Policies and regulations within the Urban Center are generally aimed at encouraging a built form that is urban in nature. Drive-through facilities in mixed-use zone districts are prohibited within the Urban Center boundary.

Proposed changes

The proposed changes to the text seek to remove the prohibition of drive-through facilities within the Volcano Heights Urban Center. The specific proposed changes are notated below, where strikethrough language depicts deleted language.

1. Delete the text as follows and renumber subsequent sections as necessary:

Page 2

4-3(F)(5)(10)Volcano Heights Urban Center This use is prohibited in the Mixed use zone districts in this Center as mapped in the ABC Comp Plan, as amended.

Purpose: The proposed change will affect lots with mixed-use zoning within the Volcano Heights Urban Center area. This provision today prohibits lots with mixed-use zoning (MX-T, MX-L, MX-M, and MX-H) from having a drive-through facility. Removal of this prohibition will allow drive-throughs on mixed-use lots within the Urban Center area. Generally, drive-throughs are associated with restaurants, banks, and pharmacies. The IDO contains design requirements associated with drive-throughs and has specific design requirements for drive-throughs within urban centers.

Meeting Information

This request will be considered by the Environmental Planning Commission on January 11th, 2024 which will be held as a remote meeting. You may listen and/or participate in this meeting through the following zoom link. The agenda will be posted on the Friday before the meeting.

- Website where agenda will be posted on the Friday before the meeting: https://tinyurl.com/CABQEPC2023
- Zoom link for December 14th EPC meeting. https://cabq.zoom.us/j/2269592859

You may provide written comment for the decision-making bodies to consider at any point in the process. Please provide written comment to:

abctoz@cabq.gov

This request is considered "quasi-judicial", which means that City Councilors should not communicate with constituents about this request outside of the public hearing process. If you have questions or concerns about this request, please direct those to City Council staff – you will find my contact information below if you have questions about the request.

Thank you,

Jona Shing

Shanna Schultz Council Planning Manager Albuquerque Council Services 505-768-3185 smschultz@cabq.gov

NOTICE – JANUARY 2024



OFFICIAL PUBLIC NOTIFICATION FORM FOR MAILED OR ELECTRONIC MAIL NOTICE **CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS					
Use <u>Table 6-1-1</u> in the Integrated Development Ordinance (IDO) to answer the following:					
Application Type: IDO Text Amendment Sm	all Mapped Area				
Decision-making Body: City Council					
Pre-Application meeting required:	XYes No				
Neighborhood meeting required:	□XYes □No				
Mailed Notice required:	E Yes □No				
Electronic Mail required:	I⊞ Yes □No				
Is this a Site Plan Application:	□Yes Œ No Note : if yes, see second page				
PART II – DETAILS OF REQUEST					
Address of property listed in application: V	olcano Heights Urban Center				
Name of property owner: Multiple					
Name of applicant: City Council Serv	ices				
Date, time, and place of public meeting or hea February 15, 2024	ring, if applicable:				
· · ·	nal information:				
Address, phone number, or website for addition Petra Morris 505 768 3161 pmorries	is@cabq.gov				
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE					
□xZone Atlas page indicating subject property					
□ Drawings, elevations, or other illustrations o	f this request.				
伐 Summary of pre-submittal neighborhood m	eeting, if applicable.				
贤 Summary of request, including explanations of deviations, variances, or waivers.					
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO					
SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO).					
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON					
APPLICATION.					

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Petra Morris_____ (Applicant signature) _____ January 25 2024_____ (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.

CITY OF ALBUQUERQUE, PLANNING DEPARTMENT, 600 2ND ST. NW, ALBUQUERQUE, NM 87102 505.924.3860

www.cabq.gov Printed 11/1/2020



OFFICIAL PUBLIC NOTIFICATION FORM FOR MAILED OR ELECTRONIC MAIL NOTICE CITY OF ALBUQUERQUE PLANNING DEPARTMENT



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

 $\hfill\square$ a. Location of proposed buildings and landscape areas.

 $\hfill\square$ b. Access and circulation for vehicles and pedestrians.

 \square c. Maximum height of any proposed structures, with building elevations.

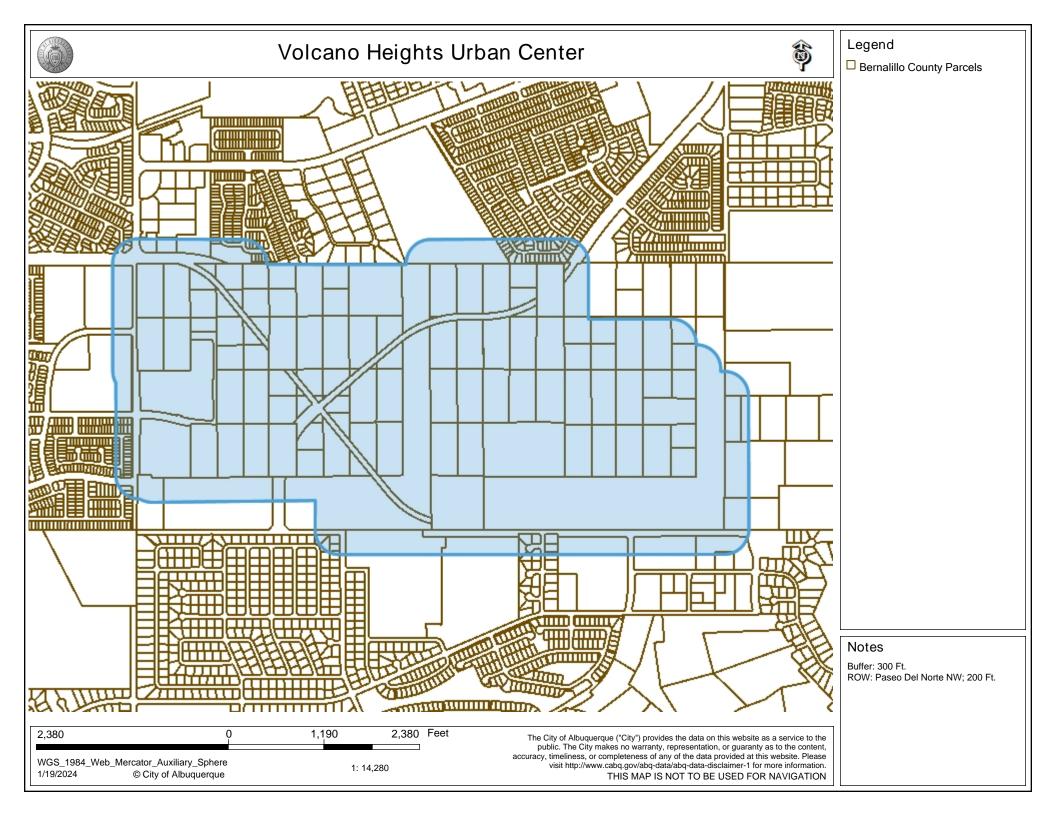
□ d. For residential development: Maximum number of proposed dwelling units.

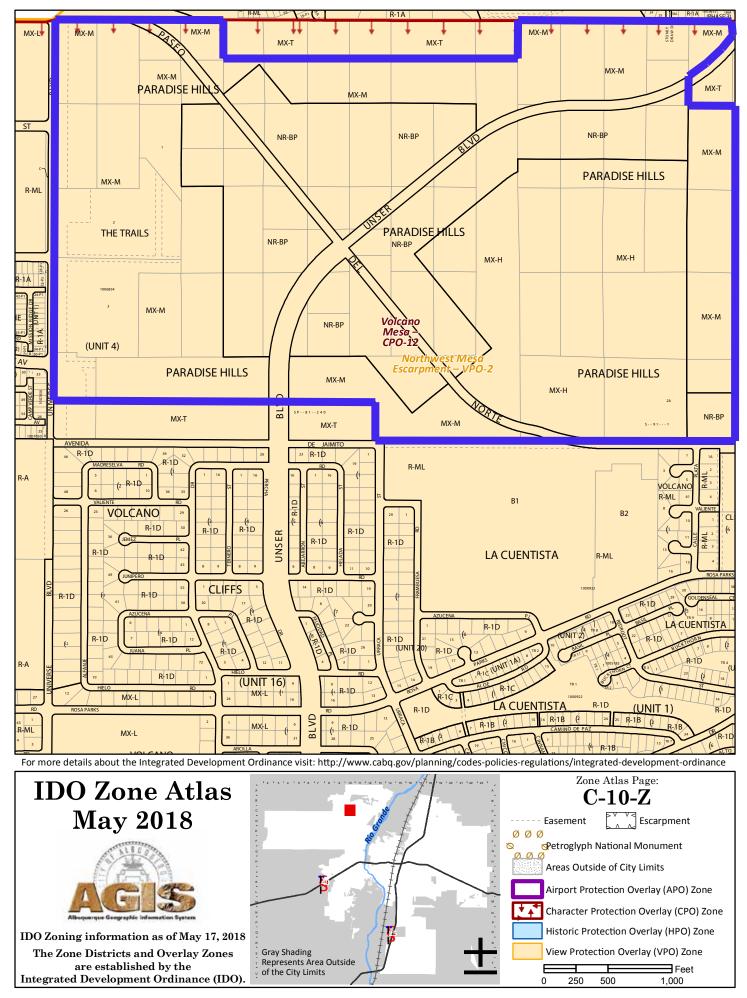
□ e. For non-residential development:

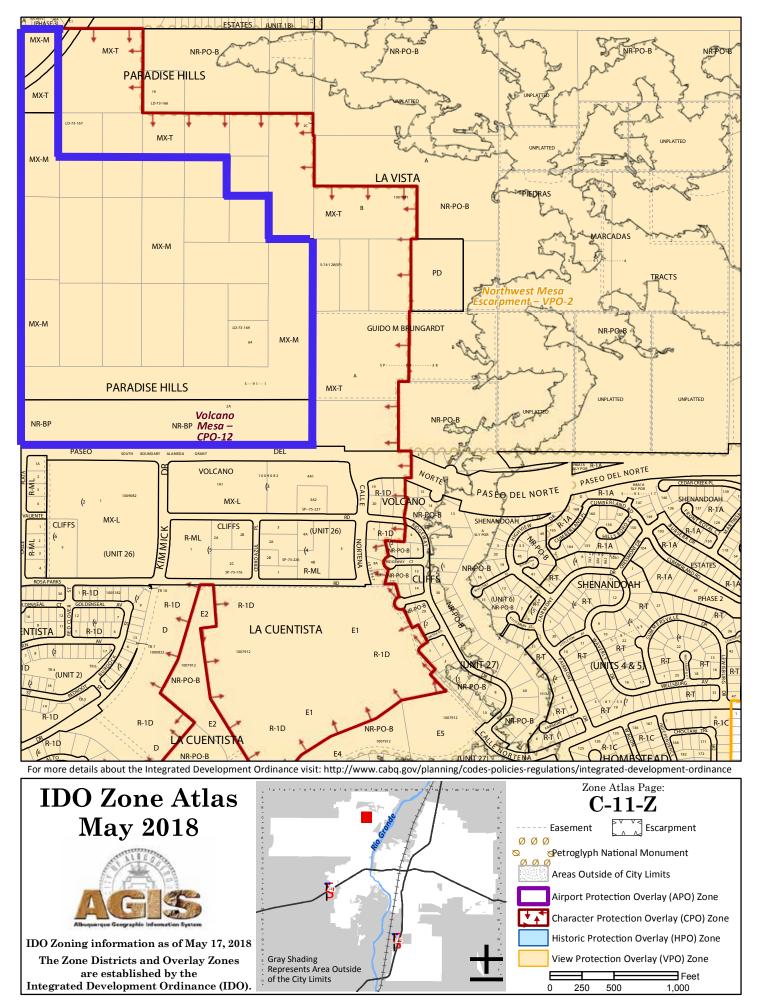
 $\hfill\square$ Total gross floor area of proposed project.

□ Gross floor area for each proposed use.

www.cabq.gov Printed 11/1/2020





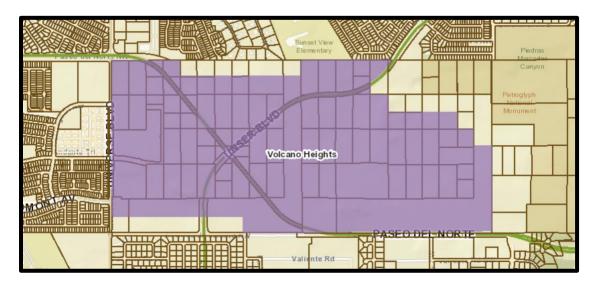


ALBUQUERQUE NEW MEXICO		CITY OF ALBUQUERQUE City Council				President Dan Lewis District 5	
		P.O. Box 1293 Albuquerque, NM 87103 Tel: (505) 768-3100 Fax: (505)768-3227 www.cabq.gov/council			Vice President Renée Grout District 9 Isaac Padilla Council Director		
							Louie Sanchez District 1

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Page 2

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Purpose: The proposed change will affect lots with mixed-use zoning within the Volcano Heights Urban Center area. This provision today prohibits lots with mixed-use zoning (MX-T, MX-L, MX-M, and MX-H) from having a drive-through facility. Removal of this prohibition will allow drive-throughs on mixed-use lots within the Urban Center area. Generally, drive-throughs are associated with restaurants, banks, and pharmacies. The IDO contains design requirements associated with drive-throughs and has specific design requirements for drive-throughs within urban centers.

Meeting Information

This request will be considered by the Environmental Planning Commission on February 15th 2024. This will be a remote meeting. You may listen and/or participate in this meeting through the following Zoom link. The agenda will be posted on the EPC website on Friday, February 9th.

- Website where agenda will be posted on February 9th: <u>https://tinyurl.com/CABQEPC2023</u>
- Zoom link for February 15th EPC meeting: https://cabq.zoom.us/j/2269592859

You may provide written comment for the decision-making bodies to consider at any point in the process. Please provide written comment to:

abctoz@cabq.gov

This request is considered "quasi-judicial," which means that City Councilors should not communicate with constituents about this request outside of the public hearing process. If you have questions or concerns about this request, please direct those to City Council staff – you will find my contact information below.

Thank you,

Petra Morris, AICP Associate Director of Planning & Policy Development Albuquerque City Council 505.768.3161 pmorris@cabq.gov

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner

¹ Attach additional information, as needed to explain the project/request.

² Physical address or Zoom link

CABQ Planning Dept. 1 Mailed Public Notice to Property Owners – Policy Decisions

Printed 11/1/2020

[Note: Items with an asterisk (*) are required.]

Agenda/meeting materials: <u>http://www.cabq.gov/planning/boards-commissions</u>

To contact staff, email <u>devhelp@cabq.gov</u> or call the Planning Department at 505-924-3860.

6. V	pere more information about the project can be found*3	
h	tos://0109-30Ne.COM/ido-annual-update-	2022
V-1	is more gove to wind - and that - apply e-	<u>add</u>

Project Information Required for Mail/Email Notice by IDO Subsection 6-4(K)(1)(b):

1. Zone Atlas Page(s)*4 C-10 + C-11

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: <u>Attached to notice or provided via website noted above</u>

3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s)	Variance(s)	□ Waiver(s)	
Explanation*: No deviation	rs, Variane	as or waivers Pop	vedred

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: Ves 🗆 No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

 ³ Address (mailing or email), phone number, or website to be provided by the applicant
 ⁴ Available online here: <u>http://data.cabq.gov/business/zoneatlas/</u>

[Note: Items with an asterisk (*) are required.]

Additional Information:

From the IDO Zoning Map⁵:

- 1. Area of Property [typically in acres] all of the VHUC
- 2. IDO Zone District Multiple
- 3. Overlay Zone(s) [if applicable] Northwest Mara VPO, Volcano Mara CPS
- 4. Center or Corridor Area [*if applicable*] WOOM () Current Land Use(s) [*vacant, if none*] [Magnelopp].

NOTE: For Zoning Map Amendment – EPC only, pursuant to <u>IDO Subsection 14-16-6-4(L)</u>, property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at <u>devhelp@cabq.gov</u> or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO): https://ido.abc-zone.com/

IDO Interactive Map

https://tinyurl.com/IDOzoningmap

⁵ Available here: <u>https://tinurl.com/idozoningmap</u>

GARCIA CARMEN R & PRESCILLA T 5514 CAMINO VIENTO NW ALBUQUERQUE NM 87120-1905

SEGURA JOSEPH 6451 MILNE RD NW ALBUQUERQUE NM 87120-1668

BRUNSON PAMELA R & BRUNSON TODD A TRUSTEES BRUNSON IRVT 8852 RAINBOW RIDGE DR LAS VEGAS NV 89117

ARMIJO ZARA 6323 ORFEO TRL NW ALBUQUERQUE NM 87114

HINDI SAMIA TRUSTEE HINDI RVT 213 CARLISLE BLVD SE ALBUQUERQUE NM 87106

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

RABADI SHARIF A & SAMIA S TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049

GILBERT MARY F 9504 LA ROCCA CT NW ALBUQUERQUE NM 87114-3449

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

ARCHULETA MIKE G & LUZ M 6704 TREELINE AVE NW ALBUQUERQUE NM 87114 BEDROCK PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

FALLS GERRY & CAROL & APODACA PATRICK V & APODACA DICK F & ISABELLE 1646 RANCHO GUADALUPE TRL NW ALBUQUERQUE NM 87107-3370

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

AMERICAN HOMES 4 RENT PROPERTIES NINE LLC ATTN: PROPERTY TAX DEPARTMENT 23975 PARK SORRENTO SUITE 300 CALABASAS CA 91302-4012

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

JONES JOHN & JONES NICHOLAS 9601 VIVALDI TRL NW ALBUQUERQUE NM 87114-5267

TRAILS TRACT 4 LLC 8201 GOLF COURSE RD NW SUITE D3-338 ALBUQUERQUE NM 87120-5842

BINDRA RUPINDER S & GURPREET K & MONTOYA ERNEST P TRUSTEE MONTOYA RVT 606 S OLIVE ST SUITE 1950 LOS ANGELES CA 90014-1623

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248 JCJ LLC 6762 CHAMA RIVER CT NE RIO RANCHO NM 87144-6418

KINLEN CHRISTOPHER & HENGER LESLIE 1908 GROVSENOR LN COLLEYVILLE TX 76034-0000

BEDROCK GENERAL PTNS ATTN: GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROP CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

ALL SAINTS LUTHERAN CHURCH 4800 ALL SAINTS RD NW ALBUQUERQUE NM 87120

DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903

RABADI SHARIF A & SAMIA S RABADI TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122

TRAN OLIVER L 6309 ORFEO TRL NW ALBUQUERQUE NM 87114-5266

BEDROCK GENERAL & BEDROCK INVESTORS LTD C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

MONCRIEFF ROBERT C & BEVERLY J TRUSTEES MONCRIEFF RVT 19270 GREENHORN RD GRASS VALLEY CA 95945-8627 RABADI SHARIF A & SAMIA S TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049

BEDROCK PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

MERKEL DANIEL L & SUE J TRUSTEES MERKEL RVT 9928 CIELITO OESTE WAY NE ALBUQUERQUE NM 87122-3223

WILMANN LIV HOLMASEN TERRASSE 1 1440 NORWAY

CHACON GENE 1508 GOLF COURSE RD RIO RANCHO NM 87124

ARANDA ARVINA D & PROCTOR JORDON A 6312 ORFEO TRL NW ALBUQUERQUE NM 87114-5265

FALLS GERRY & CAROL & APODACA PATRICK V & APODACA DICK F & ISABELLA 1646 RANCHO GUADALUPE TRL NW ALBUQUERQUE NM 87107-3370

VENTANA RANCH COMMUNITY ASSOC C/O HOAMCO PO BOX 67590 ALBUQUERQUE NM 87193

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457 JIMENEZ LEON & KURNIAWAN NITA 6700 TREE LINE AVE NW ALBUQUERQUE NM 87114-6194

DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903

NGUYEN CHI QUYEN & THI TUYET ETAL 8405 CALLE SOQUELLE NE ALBUQUERQUE NM 87113-2803

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

ARCHIBEQUE ALICIA A 6316 ORFEO TRL NW ALBUQUERQUE NM 87114-5265

BEDROCK PARTNERSHIP & BEDROCK LIMITED PARTNERSHIP 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

PADILLA HEIDI 9500 LA ROCCA CT NW ALBUQUERQUE NM 87114-3449

AMADOR SAMMY & SYLVIA 14429 CRYSTAL LANTERN DR HACIENDA HGTS CA 91745-2510

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457 BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

MARES AMADO E & GLORIA D 6315 ORFEO TRL NW ALBUQUERQUE NM 87114-5266

HOFFMAN JA III FAMILY LIMITED PARTNERSHIP 4606 FIREWHEEL DR GARLAND TX 75044-5105

BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

BANDI SAID A TRUSTEE BANDI E & C INC CPRP PO BOX 17424 IRVINE CA 92623

AJAMCH LLC ATTN: ANDERSON -SANCHEZ CHRISTINE 4312 RABBITBRUSH AVE NW ALBUQUERQUE NM 87120-2573

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

KW CANTATA TRAILS LLC ATTN: PHILLIP WINTNER 151 S EL CAMINO DR BEVERLY HILLS CA 90212-2704 VENTANA RANCH COMMUNITY ASSOC C/O HOAMCO PO BOX 67590 ALBUQUERQUE NM 87193

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248

VENTANA RANCH SELF STORAGE LLC C/O URBAN SELF STORAGE 918 S HORTON ST SUITE 1000 SEATTLE WA 98134-1955

BEDROCK PARTNERSHIP & N M GEN PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

ORTIZ DIEGO 9501 LA ROCCA CT NW ALBUQUERQUE NM 87114-3448 BRUNGARDT LLC 2204 SEDONA HILLS PKWY LAS CRUCES NM 88011-4137

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

AMADOR SAMMY & SYLVIA 14429 CRYSTAL LANTERN DR HACIENDA HGTS CA 91745-2510

GROS DAVID 6319 ORFEO TRL NW ALBUQUERQUE NM 87114-5266

SIGNATURE REAL ESTATE SERVICES LLC 4914 PASTURA PL NW ALBUQUERQUE NM 87107-3845

BEDROCK GENERAL PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BINDRA RUPINDER S & GURPREET K & MONTOYA ERNEST P TRUSTEE MONTOYA RVT 606 S OLIVE ST SUITE 1950 LOS ANGELES CA 90014-1623

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

MYSTIC LLC 5715 CENTRAL AVE NE ALBUQUERQUE NM 87108-1605

LUNA CRYSTAL M 6716 TREE LINE AVE NW ALBUQUERQUE NM 87114-6194 FALLS PROPERTY TRUST & APODACA PATRIC V & APODACA DICK F & ISABELLE PO BOX 14777 ALBUQUERQUE NM 87191-4777

EDWARDS THERESA & TREVOR RAINER ERNEST 9635 ADINA LN NW ALBUQUERQUE NM 87114-5264

BRADY RONALD L 6801 E 10TH AVE DENVER CO 80220-4805

ARIZAGA GILBERT S & MARIA PETRA 3060 HWY 180 E SILVER CITY NM 88061

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK PARTNERSHIP C/O CENTERFIRE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

MOWERY DANIEL R & MARSHA J 11632 WOODMAR LN NE ALBUQUERQUE NM 87111-6517

TECUMSEH PROFESSIONAL ASSOCIATES INC 5600 WYOMING BLVD NE SUITE 260 ALBUQUERQUE NM 87109

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

ROMANDIA FRANCISCO & ESQUISELA 9508 LA ROCCA CT NW ALBUQUERQUE NM 87114-3449

RANSOM RICHARD E TRSUTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

PRESBYTERIAN HEALTHCARE SERVICES ATTN: REAL ESTATE DEPT PO BOX 26666 ALBUQUERQUE NM 87125-6666

ARMENDARIZ MIGUEL & VALERIE 9601 PUCCINI TRL NW ALBUQUERQUE NM 87114

MONCRIEFF ROBERT C & BEVERLY J TRUSTEES MONCRIEFF RVT 19270 GREENHORN RD GRASS VALLEY CA 95945-8627

BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

MOE AMANDA L 6712 TREELINE AVE NE ALBUQUERQUE NM 87114-6194

SAVAGE JAMES P 2080 PASEO DEL ORO COLORADO SPRINGS CO 80904-1682

CROWLEY PAUL J ETUX 15 OLD WESTON RD WAYLAND MA 01778-2123

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

LEYBA ALAN ISSAC & LEYBA ROMOLO E A 6308 ORFEO TRL NW ALBUQUERQUE NM 87114-5265

ORBAN JOHN C 6304 ORFEO TRL NW ALBUQUERQUE NM 87114-5265

BEDROCK PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

NUNEZ JOSE ALONSO & AYIN HELAM 6708 TREELINE AVE NW ALBUQUERQUE NM 87114-6194

HOFFMAN J A III FAMILY LIMITED PARTNERSHIP 4606 FIREWHEEL DR GARLAND TX 75044-5105

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

FALLS PROPERTY TRUST & APODACA PATRICK V & APODACA DICK F & ISABELLE PO BOX 14777 ALBUQUERQUE NM 87191-4777

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457 J & A CRUZ HOLDINGS LLC 3616 SAN YGNACIO RD SW ALBUQUERQUE NM 87121-3400

BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BOARD OF EDUCATION PO BOX 25704 ALBUQUERQUE NM 87125-0704

WOWK VICTOR & ROSE 10117 TREVINO LP NW ALBUQUERQUE NM 87114

MARTINEZ CASIMIRO LLOYD & MARTINEZ CRYST AL CATHERINE CO-TRUSTEES MARTINEZ TRUST 10405 AVENTURA CT NW ALBUQUERQUE NM 87114-3837

HOFFMAN J A III FAMILY LIMITED PARTNERSHIP 4606 FIREWHEEL DR GARLAND TX 75044-5105

CAPITAL ADVANTAGE LLC PO BOX 92558 ALBUQUERQUE NM 87199-2558

BEDROCK GENERAL PARTNERSHIP ATTN: GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BRIGGS ALLAN D & JUANITA M TRUSTEES BRIGGS FAMILY TRUST 12301 CORONADO AVE NE ALBUQUERQUE NM 87122-1067

ESCHENBRENNER APRIL 6305 ORFEO TRL NW ALBUQUERQUE NM 87114 KW CANTATA TRAILS LLC ATTN: PHILLIP WINTNER 151 S EL CAMINO DR BEVERLY HILLS CA 90212-2704

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

BOARD OF EDUCATION PO BOX 25704 ALBUQUERQUE NM 87125-0704

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

LOVELL TIMOTHY G & STEPHANIE D 8912 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

GOLDTOOTH DOROTHY M & PHILBERT 8919 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

MARTINEZ FRANCISCO & BRIANA 8924 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

SANCHEZ DERIC & ARROYO DESIREE 6301 ALAMEDA BLVD NE UNIT 2076 ALBUQUERQUE NM 87113-2593

FOWLER ADAM C & AIHUA 8936 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500 LUNA TROY R & JACQUELINE J 6315 CASA BLANCA NW ALBUQUERQUE NM 87120-3290

BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

CAVENEE CRYSTAL & PEREZ FRANCIS 9600 PUCCINI TRL NW ALBUQUERQUE NM 87114-4698

BEDROCK INVESTORS LIMITED C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BRITO MONICA A 8904 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

NEUBAUER MICHAEL A & HEIKE 8916 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

ALTAMIRANO TONY 8920 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

DAVIS DAVID J TRUSTEE DAVIS TRUST 5127 HIGH DESERT PL NE ALBUQUERQUE NM 87111-9204

CORDOVA FABIAN M 8932 MISSION RIDGE DR NW RIO RANCHO NM 87144

JORDAN HEIDILIZA 8939 MISSION RIDGE DR NW ALBUQUERQUE NM 87114 BEDROCK INVESTORS LIMITED C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

GARRETT THEODORE E JR & KAREN SUE TRUSTEES GARRETT RVT 1130 LANES END NW ALBUQUERQUE NM 87114-1980

BEDROCK GENERAL & BEDROCK INVESTORS LTD C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

TECUMSEH PROFESSIONAL ASSOC INC 1717 QUAIL RUN CT NE ALBUQUERQUE NM 87122-1139

MAIER GREGORY E & JULIA M 8908 MISSION RIDGE DR NW ALBUQUERQUE NM 87114-5500

PITTS KAREN D 8915 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

GONZALEZ ISAIAS & MELISSA 8923 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

CHERESPOSY CRAIG & KRISTY M 8928 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

BURGOYNE ROBERT C 8935 MISSION RIDGE DR NW ALBUQUERQUE NM 87120-5525

WOODFORD SARAH ANNE 8940 MISSION RIDGE DR NW ALBUQUERQUE NM 87120 MICHALSKI MICHAEL & MITSUKO FUJIMOTO 8943 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

SANTIAGO ANTONIO 6705 KAYSER MILL RD NW ALBUQUERQUE NM 87114-6354

DELONG CHRISTOPHER J & JENNIFER 6715 KAYSER MILL RD NW ALBUQUERQUE NM 87114-6354

RCS-TAOS LLC 371 CENTENNIAL PKWY SUITE 200 LOUISVILLE CO 80027

PIETRUK MICHAEL A & CHARLENE PO BOX 284 ONEIDA IL 61467-0284

RABADI SHARIF A & SAMIA S TRUSTEES THE STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049

VOLCANO CLIFFS INC 4112 BLUE RIDGE PL NE ALBUQUERQUE NM 87111-4167

BOULDERS COMMUNITY ASSOC INC ATTN: AAM LLC 1600 W BROADWAY RD SUITE 200 TEMPE AZ 85282-1136

EVANS NICKI A TRUSTEE EVANS TRUST 6020 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

SIFUENTES RAUL JR & GARCIA KIMBERLY N 6032 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016 WILLIAMSON GREGORY DON & LALIE ROSE 8944 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

MILLER RODNEY K JR 6709 KAYSER MILL RD NW ALBUQUERQUE NM 87114

RCS-TAOS LLC 371 CENTENNIAL PKWY SUITE 200 LOUISVILLE CO 80027

PAREDES GREGORIO 6700 OASIS CANYON RD NW ALBUQUERQUE NM 87114-6373

HOFFMAN JA III FAMILY LIMITED PARTNERSHIP 4606 FIREWHEEL DR GARLAND TX 75044-5105

GROUP II U26 VC LLC C/O WRIGHT BILLY J 4112 BLUE RIDGE PL NE ALBUQUERQUE NM 87110-4167

MUFFETT WINFIELD F JR & HJORDIS J 9501 ANDESITE DR NW ALBUQUERQUE NM 87114-3011

APODACA SAMUEL L 9500 STONE RIDGE DR NW ALBUQUERQUE NM 87114

SILVER JENNIEFE MADICLUM 6024 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

MANGUS CALE J & KENDALL M 6036 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016 CISNEROS NICHOLAS I 6701 KAYSER MILL RD NW ALBUQUERQUE NM 87114-6354

TENORIO JAMI 6711 KAYSER MILL RD NW ALBUQUERQUE NM 87114-6354

HINDMAN DAVID B & AO YANYAN 8900 MISSION RIDGE DR NW ALBUQUERQUE NM 87114

GARCIA MELISSA R 6704 OASIS CANYON RD NW ALBUQUERQUE NM 87114-6373

RABADI SHARIF A & SAMIA S TRUSTEES THE STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049

GROUP I U26 VC LLC RM 115 2400 LOUISIANA BLVD NE BLDG 3 ALBUQUERQUE NM 87110-4303

MULLER NANCY B & MICHAEL J 9505 ANDESITE DR NW ALBUQUERQUE NM 87114

FLASH RESOURCES LLC 4461 IRVING RD NW ALBUQUERQUE NM 87114

WARD LONNIE SR 6028 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

CRICHLOW REYNOLD H & SARAH M 6040 BOULDER CANYON RD NW ALBUQUERQUE NM 87114 BROWN RENEE & HENDRICKSON KYLE M 6044 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

SHARMA SATISH & ASHA 6012 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

BOULDERS COMMUNITY ASSOCIATION INC C/O AAM LLC 1600 W BROADWAY RD SUITE 200 TEMPE AZ 85282-1136

WAGNER ARNOLD ALLEN & JANICE MARIE CO-TRUSTEES WAGNER TRUST 9501 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024

ARAGON ASHLEE & MOSS ROBERT 9500 BIG ROCK DR NW ALBUQUERQUE NM 87114-3018

HERRERA CATHERINE M 9515 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

ORTIZ JOHN E 9504 BIG ROCK DR NW ALBUQUERQUE NM 87114-3018

PHILLIPS DOUGLAS & KELLY 9519 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

SANCHEZ DIEGO & DELEON JAZZIE 6001 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

WALTER CHARLES B & RANDI 9512 BIG ROCK DR NW ALBUQUERQUE NM 87114-3018 PRINCE STEPHEN M & JUDITH L 773 W BROOMFIELD RD MOUNT PLEASANT MI 48858

GOODMAN EVERETT R & REBECCA M 9505 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

COCHRAN NEIL PATRICK 6004 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

RODRIGUEZ LUIS & ENRIQUEZ LYDIA 6000 BOULDER CANYON RD NW ALBUQUERQUE NM 87114

A & A FILIBECK LIVING TRUST 6023 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

SABORDO GRACE 6019 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

CHAVEZ NICOLE 6005 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

GARCIA NATHAN 9508 BIG ROCK DR NW ALBUQUERQUE NM 87114-3018

ZELLNER RANDAL WADE 9500 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3023

JOHNSON TORRENCE 9513 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024 COLLINS SYLVIA L & MATTHEW L 9501 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

POTTER SHELLEY A 6008 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016

RAMIREZ ROBERT ROY 9509 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

MCCLUSKEY PAULA 9513 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

CLARK WILLIAM C & SUSAN W TRUSTEES CLARK RVT 6009 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

VIGIL ROBERT A & JORDAN 6015 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

SMITH JASON A & CLAIRE M 9505 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024

LOPEZ ERIC & ELIZABETH 9509 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024

GARCIA JESSICA D & JOSHUA T 9523 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

MCGOVERN LINH T TRUSTEE MCGOVERN TRUST 8820 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

CHAVEZ BENNY & LUCERO FRED E 8828 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

SONATA GREEN OWNER LLC 170 S GREEN VALLEY PKWY SUITE 300 HENDERSON NV 89012-3145

ELK HAVEN LLC 21 VISTA VALLE CIR LAMY NM 87540-7506 BEDROCK INVESTORS LIMITED C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BOULDERS COMMUNITY ASSOCIATION INC C/O AAM LLC 1600 W BROADWAY RD SUITE 200 TEMPE AZ 85282-1136

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

ALLEN CALVIN W IV 8824 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

CHAVEZ CLARA & JOE B TRUSTEES CHAVEZ TRUST HC 72 BOX 31 RIBERA NM 87560-9659

SONATA GREEN OWNER LLC ATTN: MULTIGREEN PROPERTIES LLC 170 S GREEN VALLEY PKWY SUITE 300 HENDERSON NV 89012-3111 CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

TRAILS COMMUNITY ASSOCIATION INC PO BOX 67590 ALBUQUERQUE NM 87193-7590

SONATA TRAILS LLC 8201 GOLF COURSE RD NW SUITE D3-338 ALBUQUERQUE NM 87120-5842

PULTE HOMES 7601 JEFFERSON ST NE SUITE 320 ALBUQUERQUE NM 87109 Tity of Albuquerque

GARCIA CARMEN R & PRESCILLA T 5514 CAMINO VIENTO NW ALBUQUERQUE NM 87120-1905

SEGURA JOSEPH 6451 MILNE RD NW ALBUQUERQUE NM 87120-1668

BRUNSON PAMELA R & BRUNSON TODI A TRUSTEES BRUNSON IRVT 8852 RAINBOW RIDGE DR LAS VEGAS NV 89117

ARMIJO ZARA 6323 ORFEO TRL NW ALBUQUERQUE NM 87114

HINDI SAMIA TRUSTEE HINDI RVT 213 CARLISLE BLVD SE ALBUQUERQUE NM 87106

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

RABADI SHARIF A & SAMIA S TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122-1049

GILBERT MARY F 9504 LA ROCCA CT NW ALBUQUERQUE NM 87114-3449

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

ARCHULETA MIKE G & LUZ M 6704 TREELINE AVE NW ALBUQUERQUE NM 87114 BEDROCK PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

FALLS GERRY & CAROL & APODACA PATRICK V & APODACA DICK F & ISABELLE 1646 RANCHO GUADALUPE TRL NW ALBUOUERQUE NM 87107-3370

E & B INVESTORS LLC 2710 HARBOR HILLS LN LAS VEGAS NV 89117

> AMERICAN HOMES & RENT PROPERTIES NINE LLC ATTN: PROPERTY TAX DEPARTMENT 23975 PARK SORRENTO SUITE 300 CALABASAS CA 91302-4012

> RANSOM RICHARD E TRUSTEES RICHARI & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

JONES JOHN & JONES NICHOLAS 9601 VIVALDI TRL NW ALBUQUERQUE NM 87114-5267

TRAILS TRACT 4 LLC 8201 GOLF COURSE RD NW SUITE D3-338 ALBUQUERQUE NM 87120-5842

BINDRA RUPINDER S & GURPREET K & MONTOYA ERNEST P TRUSTEE MONTOYA RVT 606 S OLIVE ST SUITE 1950 LOS ANGELES CA 90014-1623

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248 JCJ LLC 6762 CHAMA RIVER CT NE RIO RANCHO NM 87144-6418

KINLEN CHRISTOPHER & HENGER LESLE 1908 GROVSENOR LN COLLEYVILLE TX 76034-0000

> BEDROCK GENERAL PTNS ATTN: GERALI GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROP CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

> ALL SAINTS LUTHERAN CHURCH 4800 ALL SAINTS RD NW ALBUQUERQUE NM 87120

> > DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903

RABADI SHARIF A & SAMIA S RABADI TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122

TRAN OLIVER L 6309 ORFEO TRL NW ALBUQUERQUE NM 87114-5266

BEDROCK GENERAL & BEDROCK INVESTORS LTD C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

> MONCRIEFF ROBERT C & BEVERLY J TRUSTEES MONCRIEFF RVT 19270 GREENHORN RD GRASS VALLEY CA 95945-8627



City of Albuquerque

VENTANA RANCH COMMUNITY ASSOC C/O HOAMCO PO BOX 67590 ALBUQUERQUE NM 87193

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248 e

VENTANA RANCH SELF STORAGE LLC C/O URBAN SELF STORAGE 918 S HORTON ST SUITE 1000 SEATTLE WA 98134-1955

> BEDROCK PARTNERSHIP & N M GEN PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

> BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

RANSOM RICHARD E TRUSTEES RICHAR & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

ORTIZ DIEGO 9501 LA ROCCA CT NW ALBUQUERQUE NM 87114-3448 BRUNGARDT LLC 2204 SEDONA HILLS PKWY LAS CRUCES NM 88011-4137

RANSOM RICHARD E TRUSTEES RICHARI & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457

AMADOR SAMMY & SYLVIA 14429 CRYSTAL LANTERN DR HACIENDA HGTS CA 91745-2510

GROS DAVID 6319 ORFEO TRL NW ALBUQUERQUE NM 87114-5266

SIGNATURE REAL ESTATE SERVICES LLC 4914 PASTURA PL NW ALBUQUERQUE NM 87107-3845

BEDROCK GENERAL PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

> BINDRA RUPINDER S & GURPREET K & MONTOYA ERNEST P TRUSTEE MONTOYA RVT 606 S OLIVE ST SUITE 1950 LOS ANGELES CA 90014-1623

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457

MYSTIC LLC 5715 CENTRAL AVE NE ALBUQUERQUE NM 87108-1605

LUNA CRYSTAL M 6716 TREE LINE AVE NW ALBUQUERQUE NM 87114-6194 FALLS PROPERTY TRUST & APODACA PATRIC V & APODACA DICK F & ISABELL PO BOX 14777 ALBUQUERQUE NM 87191-4777

> EDWARDS THERESA & TREVOR RAINER ERNEST 9635 ADINA LN NW ALBUQUERQUE NM 87114-5264

BRADY RONALD L 6801 E 10TH AVE DENVER CO 80220-4805

> ARIZAGA GILBERT S & MARIA PETRA 3060 HWY 180 E SILVER CITY NM 88061

RANSOM RICHARD E TRUSTEES RICHAR & CECILIA RANSOM RVT PO BOX 7437 ALBUQUERQUE NM 87194-7457

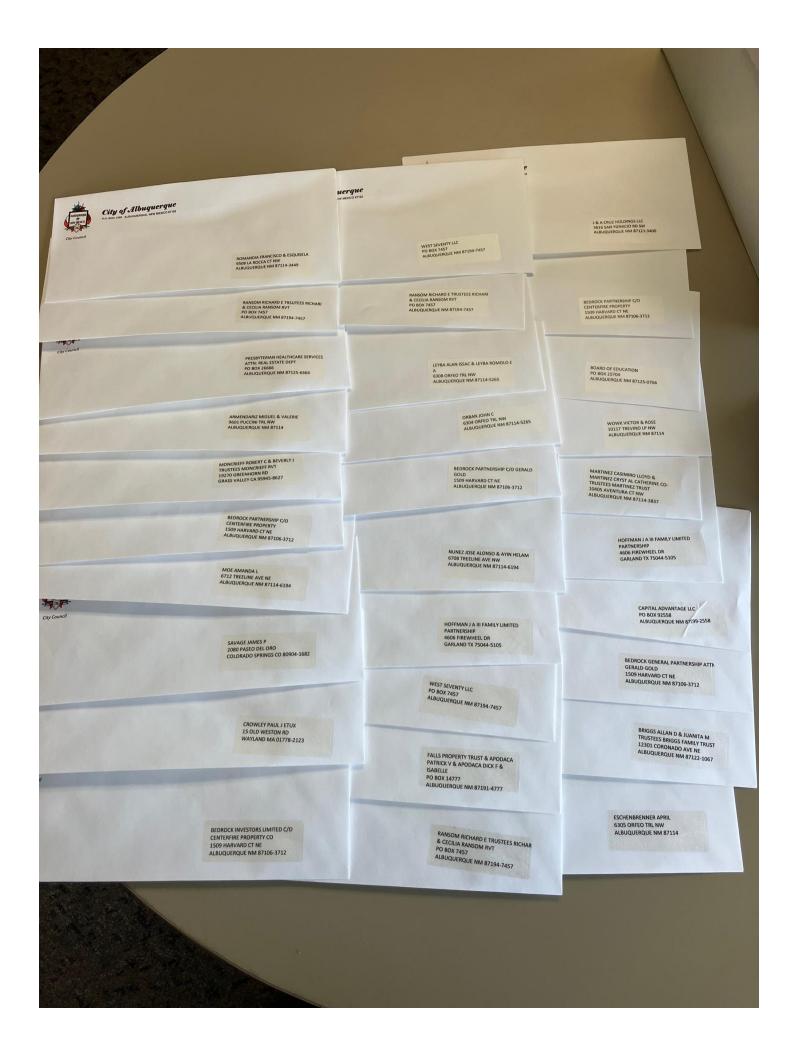
BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

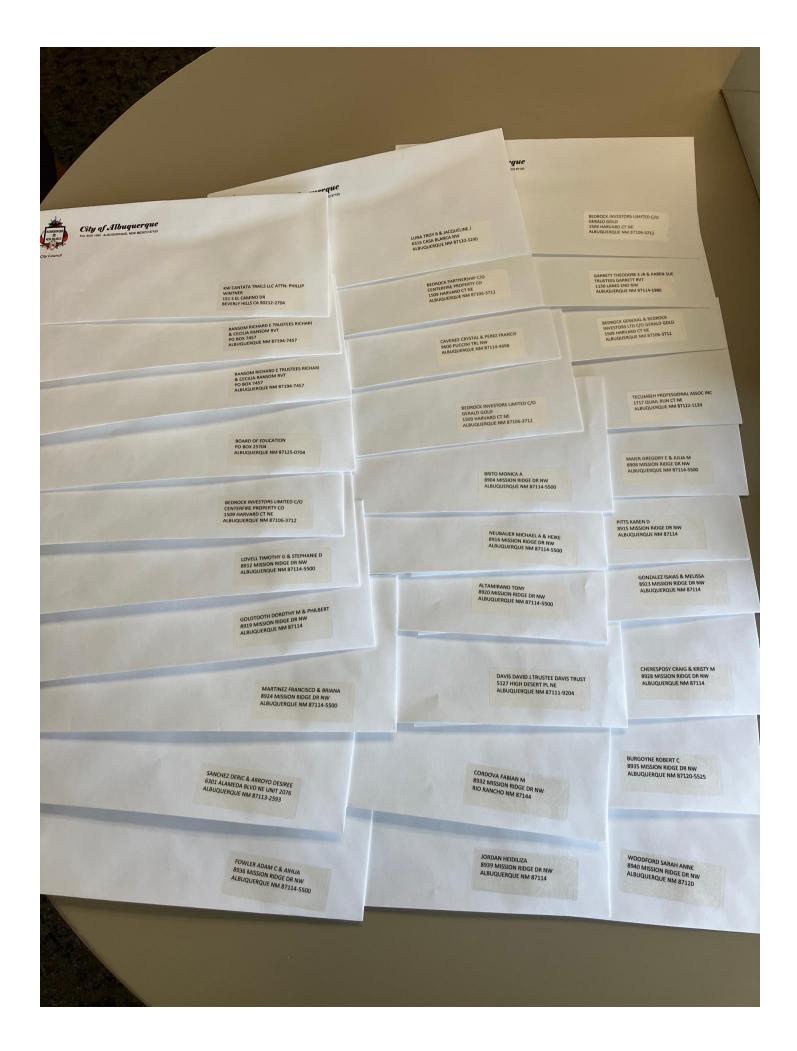
> BEDROCK PARTNERSHIP C/O CENTERFIRE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

MOWERY DANIEL R & MARSHA J 11632 WOODMAR LN NE ALBUQUERQUE NM 87111-6517

TECUMSEH PROFESSIONAL ASSOCIATES INC 5600 WYOMING BLVD NE SUITE 260 ALBUQUERQUE NM 87109

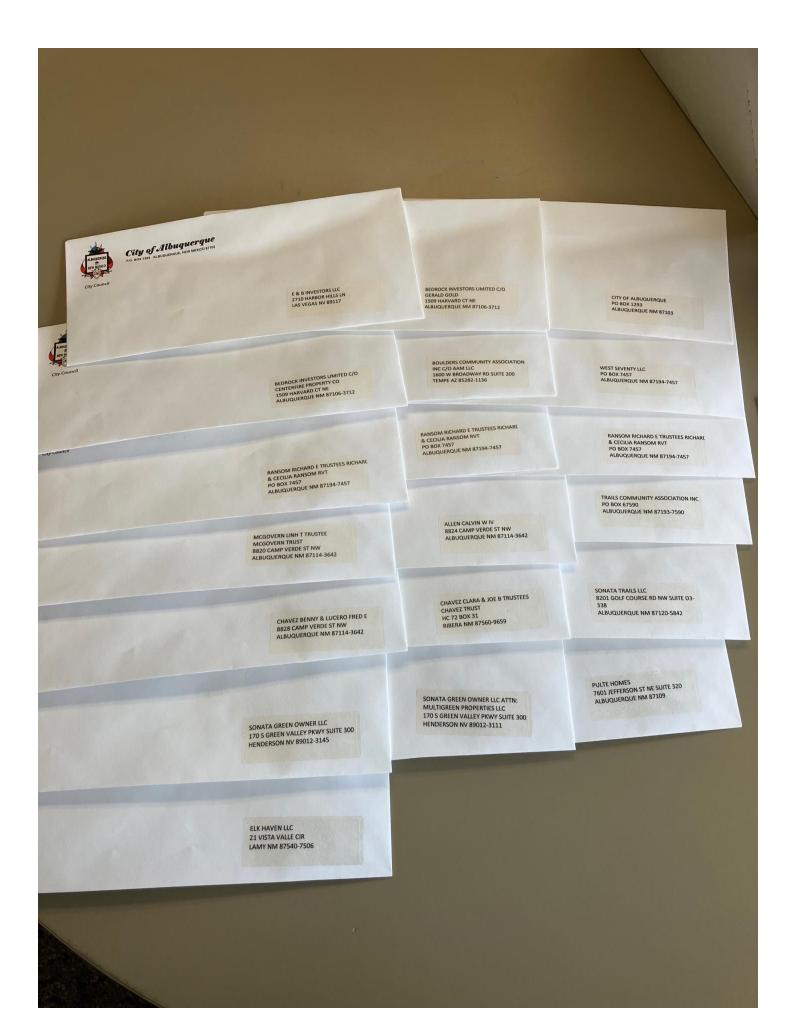
WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457











Division:	Activity: # 1710000
ALL MAIL MUST HAVE A RETURN	ADDRESS W/ DEPARTMENT NAME
NUMBER OF PIECES*	CLASS/PRICE*
229	
Councilor Lewis	
Volcano Heights	
Open Center.	1
If you have questions or need assist	earate. Face all envelopes in the same sealed please overlap the flaps.

Mr. Shahab Biazar City Engineer Planning Department City of Albuquerque 600 2nd St. NW Albuquerque, NM 87102

January 25, 2024

RE: Volcano Heights Urban Center - Public Mailed Notice Certification – Amendment to the IDO Text – Small Area – RZ-2023-00044

Dear Mr. Biazar,

Please accept this letter as certification of Mailed Notice as required by the IDO. I, Petra Morris, do hereby certify and attest that Council Services has mailed 229 letters. The list of property owners and their addresses was provided by the Planning Department on January 19th, 2024. The letters went to property owners within the Volcano Heights Urban Center, in addition to those within 300 feet of the Volcano Heights Urban Center. All property owners within the regulated area were properly notified. The letters were provided to the City of Albuquerque Mail Room on January 25th, 2024 and were mailed out within 24 hours of receipt. The full list of property owners who received a letter can be found within this EPC application.

Kind regards,

Petra Morris, AICP Associate Director of Planning and Policy Development Albuquerque City Council Services Office: 505-768-3161 pmorris@cabg.gov



FACILITATED MEETING REPORT

Facilitated Meeting Report CABQ ADR Office

Project #: tbd
Property Description: Volcano Heights Urban Center (VHUC)
Date Submitted: October 18, 2023
Submitted By: Tyson Hummell
Meeting Date/Time: October 17, 2023, 5:30-6:30 pm
Meeting Location: ZOOM (online)
Facilitator: Tyson Hummell
Applicants / Agent: Albuquerque City Council Planning Division

Background/Meeting Summary:

The Volcano Heights Urban Center (VHUC) is currently subject to drive-through business prohibition, pursuant to the IDO. The subject meeting was to address proposed removal of drive-through prohibitions within the VUHC.

This proposed change would first be heard by EPC. Therefore, the proposed change would be vetted by and subject to recommendations by CABQ Planning, DMD and others. If approved, it would again be vetted, this time by City Council. First, by sub-committee, then by full Council. Finally, proposed text amendments would be enacted through the Annual IDO Update process.

The purposes of this preliminary Facilitated Meeting were two-fold. First, was to provide Community Stakeholders with timely notice and education regarding the proposed removal of drive-through prohibition within VHUC. This specifically included discussion of ordinances and rules applicable to drive-through businesses; several of which mitigate community impact. Our second purpose was to harvest and report Community Stakeholder feedback, in order to spot issues and inform subsequent decision making processes.

This meeting report is primarily focused on EPC approval requirements, because EPC will serve as the first deciding body in this matter. Accordingly, Applicant devoted significant time to detail and explain said approval requirements. Community Stakeholder feedback not related to EPC requirements are addressed separately, below.

Please see attached, Applicant's PowerPoint Presentation for all specific information presented to Community Stakeholders.

<u>Outcome</u>: Community Stakeholder Participants objected to the proposed removal of drivethrough prohibitions within the VHUC.

1) Community Concerns Regarding Relevant and Applicable EPC Approval Criteria (*Please See Applicant's PowerPoint Presentation, Slide 6.*)

i) [Approval if] The proposed zone change is within an Area of Change and the existing zoning regulations are inappropriate because of at least one of the following:

- (a) Significant change in Neighborhood or Community conditions have occurred to justify the request.
 - (i) <u>Community Stakeholders</u> agree that significant changes have occurred in the neighborhood and community. However, they do not believe these changes justify removal of the drive-through prohibition. Rather, they believe removal of the subject prohibition will both create and exacerbate negative community impacts.
 - (ii) <u>Applicant</u> states that change, infill and growth is already occurring in this area. Thus, creating consumer demand and justifying an expansion of local businesses, goods and services; specifically including drive-through establishments.
- (b) The proposal will not allow permissive uses that would be harmful to adjacent properties, the neighborhood or the community unless there are use-specific standards that will mitigate any harmful impacts.
 - (i) <u>Community Stakeholders</u> voiced concern that the subject proposal will create unmitigated harmful impacts, if approved for permissive use. Community concern specifically includes but is not limited to:
 - 1. Drive-through business saturation, crowding and traffic problems, as seen near Starbucks, Bob's Burgers and other locations off of Golf Course Road.
 - 2. Environmental impacts on noise, light, air pollution, historical elements and aspirational Urban Center design characteristics.
 - 3. Community would prefer conditional use, not permissive use.
 - (ii) <u>Applicant</u> states that existing ordinances and rules will act to mitigate any harmful impacts, as demonstrated in numerous Albuquerque drive-through businesses, when operated in compliance with the IDO.
- (c) *The request is not based completely or predominately upon the cost of land or economic considerations.*
 - (i) Presented, but not specifically discussed
 - (ii) Applicant believes this proposal will meet said requirement

2) Other Community Concerns

- (a) Questions regarding the origin and impetus for this proposal, including identity of primary beneficiary
- (b) Perceived non-compliance with Quasi-Judicial Process laws, rules and other requirements
- (c) Community requested that Councilor Lewis recuse himself from any decision making, as related to this proposal
- (d) Walkability, pedestrian safety and accessibility may be compromised
- (e) The aggregate effect of pro-development rulemaking and decision making has eroded Community trust in this area
- (f) Negative impacts on historical and culturally significant elements, specifically those protected by the Petroglyph National Monument
- (g) Community Stakeholders would like to be included in collaborative planning to help create a better VHUC for all community members

Names & Affiliations of Invited Attendees (and additional Interested Parties):

Community Stakeholders	All required notice recipients pursuant to IDO / ONC registry
	All other known, interested Community Stakeholders
Nancy Hendricks	Superintendent, Petroglyph National Monument
Shanna Schultz	CABQ Council Planning Manager
Michael Vos	CABQ Regulatory Planning Team Lead
Tyson Hummell	CABQ ADR Office / Facilitator

PUBLIC COMMENT

From:	Jane Baechle
То:	City of Albuquerque Planning Department
Cc:	Renz-Whitmore, Mikaela J.; Vos, Michael J.
Subject:	Comments to EPC 2023 IDO
Date:	Wednesday, November 22, 2023 12:44:33 PM
Attachments:	2023 IDO Individual Comments.pdf

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[EXTERNAL] Forward to <u>phishing@cabq.gov</u> and delete if an email causes any concern.
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I am attaching a letter to EPC Chair Shaffer and request that it be included in the Planning Staff report to the EPC for review and consideration in the 2023 IDO Annual Review.

I understand the Planning Department offices will close today at 3 p.m. and remain closed until Monday, 11/27/2023 at 9:00 a.m. (which is also the deadline for submitting written comments to the EPC.)

In order to ensure that issues relevant to SFV are included, I am sending this letter as my individual comments. I have submitted these positions to members of the SFVNA Board. Initial responses from Board members support these positions.

I expect to send a follow up letter confirming SFVNA Board support.

I would appreciate confirmation that these comments have been received by the Planning Dept. and will be included.

Thank you for your time and attention.

Jane Baechle

Jane Baechle 7021 Lamar Avenue NW Albuquerque, NM 87120 Jane.Baechle@gmail.com

Date: November 22, 2023

To: David Shaffer Chair, EPC

From: Jane Baechle

Re: 2023 Annual Review of the IDO

The following comments reflect my recommendations to the Santa Fe Village Neighborhood Association (SFVNA) Board regarding selected proposed amendments to the Integrated Development Ordinance (IDO) put forth for consideration during the 2023 Annual Review. I am currently submitting them as an individual while the SFVNA Board has the opportunity to review and comment. Given that the deadline for comments to be included in the Planning Staff report is Monday, 11/27/2023, at 9 a.m., immediately after the Thanksgiving Holiday weekend, I want to be certain that issues relevant to Santa Fe Village are included.

As in prior comment on the IDO Annual Review, I again note that this process continues to be used by City Council and the City administration to make durable and substantial changes in zoning law in a manner that effectively circumvents the goals and policies of the ABC Comp Plan and significantly limits public engagement regarding consequential changes to neighborhood character and quality of life. The first purpose statement of the IDO calls for the IDO to "Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended", 1-3(A). Instead, the IDO Annual Review process is used to alter fundamental goals and policies of the Comp Plan yearly and ignores the Comp Plan's stated intent to update it through a process of Community Planning Assessments where Albuquerque residents have the opportunity to address their views and priorities.

2023 Amendment Proposals, Position and Rationale

IDO Citywide Amendments, Item 10, IDO 4-3(B)(5)(b), **Dwelling Two-Family Detached** (**Duplex**), Item 12, IDO Section 4, **Dwelling Live-Work**, and Item 13, IDO Section 4-3(B)(5), **Two-Family Detached (Duplex) Dwelling** These three proposals would permissively allow a single family dwelling to be converted to a two family dwelling on any corner lot of 5,000 s.f. or greater, permissively allow small retail and/ or restaurants to be added to a dwelling on any corner lot of 5,000 s.f. or greater and permissively allow an existing single family dwelling to be converted to a two family dwelling on any property zoned R-1 unless it is already a duplex or has an ADU. Position: *Oppose*

Rationale: These three proposals represent a de facto zone change in Santa Fe Village (SFV). Those who argue that converting a single family dwelling to a two family dwelling or adding small retail and restaurants to any R-1 zone is merely a redefinition of low density development are dissembling. These represent fundamental changes to property rights and entitlements of ABQ property owners. Further, if implemented, they would have a devastating effect on an already dense and compact neighborhood like SFV. On my review of the IDO interactive map, there are 82 properties in SFV which are corner lots 5,000 s.f. or greater. There is no way that if even a portion of these properties added a second dwelling unit or retail/restaurant use, the existing infrastructure of the neighborhood could support it. Any such change would profoundly damage the quality and character of SFV, negatively impact property values and create potential hazards.

As noted in last year's comments, SFV is unlikely to be the only low density residential neighborhood profoundly and deleteriously affected by this change. In addition to fundamental changes to neighborhood character, such a significant change makes no provision for consequent increased traffic flow, the need for parking and pedestrian safety on residential streets now carrying significantly increased traffic as well as potential traffic patronizing new commercial uses. Finally, any proposal to allow additional dwelling units should be a conditional use and include stringent development standards which protect neighborhood character and assure adherence to all elements of IDO development standards identified in IDO 14-16-5.

IDO Citywide Amendments, Item 23, IDO 5-7(D)(3)(a), **Walls and Fences-Front Yard Wall** Permissively allows front yard walls of 5 ft with the top two feet of view fencing, setback 5 ft. and landscaped.

Position-Oppose

Rationale: Santa Fe Village is a compact residential neighborhood with small to medium lots on curving streets which follow the natural contour of the land. The addition of view fencing on the upper 2 ft of a 5 ft foot wall still impede clear lines of sight, have a deleterious effect on the streetscape and sense of place and limit comfortable walking for 2 people at a time on 4 ft sidewalks. That will be the case with even a 5 ft setback. Landscaping the setback will not change the impact on the streetscape or walkability and the individual choice of how to landscape the setback my serve to detract from the awareness of the natural landscape.

The administrative demands of hearing requests for variances and waivers for non-conforming walls are not a reason to enact durable changes in the IDO, particularly changes which have been

consistently opposed by residents and neighborhood associations and for which there was only one comment out of 47 in support on the original spreadsheet of citywide changes.

IDO Citywide Amendments, Item 11, IDO 4-1(A)(4) (new), **Conditional Uses for City** Facilities

"Exempts city facilities from the conditional use process"

Position: Oppose

Rationale: This appears to be an effort by the City to limit public comment, disenfranchise ABQ residents and circumvent any opposition to or scrutiny of City projects. The conditional use process and the standards by which a conditional use request is to be evaluated are intended to protect the public from potentially objectionable and harmful uses. This is an unambiguous effort on the part of the City to avoid transparency and accountability for its facilities and land use decisions.

IDO Citywide Amendments, Item 9, IDO Section 4, Overnight Shelter

Allows overnight shelters permissively in zone districts where the use is now only allowed conditionally.

Position: *Oppose*

Rationale: As noted above, this appears to be an effort by the City to limit public comment, disenfranchise ABQ residents and circumvent any opposition to or scrutiny of overnight shelters. The conditional use process and the standards by which a conditional use request is to be evaluated are intended to protect the public from potentially objectionable and harmful uses. This is another unequivocal effort on the part of the City to avoid transparency and accountability in the development of overnight shelters.

Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, **Volcano Heights Urban Center** Removes prohibition on drive-throughs in the Volcano Heights Urban Center Position: *Oppose*

Rationale: This change is inconsistent with the intended design of an urban center as cited in the ABC Comp Plan, "Center, Urban – area intended to develop as a distinct, *walkable* district …" (Italics mine) This use is also inconsistent with the landscape of the NW mesa and the designated area. The Volcano Heights Urban Center area begins on the east as one crests the escarpment on Paseo del Norte and its northern and eastern edges are in close proximity to the boundary of the Petroglyph National Monument.

IDO Citywide Amendments, Item 40, IDO 6-6(O)(2), Variance-ZHE

Requires notification of the ABQ Open Space Superintendent with review and comment on any variance request on property adjacent to MPOS.

Position: Support

Rationale: Major public open space represents a significant value to all residents of ABQ and should be protected from private development which would potentially negatively impact the public's enjoyment and appreciation of it. Further it is my position that the requirement of

notification should include the Petroglyph National Monument (PETR) Superintendent when a property requesting a variance is adjacent to PETR. I appreciate that the City of ABQ and its officers cannot compel a review and response from the NPS but notification can be required.

IDO Citywide Amendments, Item 53, IDO 7-1, **Sensitive Lands Rock Outcropping** Revises the definition of rock outcropping to reflect existing rock outcroppings in ABQ. Position: *Support* Rationale: Rock outcroppings represent one of the most prevalent features of sensitive lands on

Rationale: Rock outcroppings represent one of the most prevalent features of sensitive lands on the NW mesa and in the area around SFV. The ABC Comp Plan goals and policies mandate the preservation of heritage landscapes as "features that contribute to the distinct identity of communities, neighborhoods, and cultural landscape" and represent a "community resource that provides physical, cultural, and economic benefits."

In summary, opposition, where outlined, reflects my assessment that these proposals will have deleterious impacts on Santa Fe Village, its residents and homeowners and on the experience of the City, its neighborhoods and cultural landscapes. In contrast, I support amendments which strengthen protections of SFV, public lands and the landscape of the NW mesa and escarpment. I recognize this letter is lengthy and also note that the current list of proposed changes to the IDO exceeds 60 changes including the citywide and small area amendments. I respectfully request the Commissioners thoughtful consideration of these views and concerns.

Thank you for your time and attention.

Sincerely,

Jane Baechle Resident of SFV and SFVNA Representative

From:	Jane Baechle
То:	City of Albuquerque Planning Department
Cc:	Renz-Whitmore, Mikaela J.; Vos, Michael J.; Jane Baechle
Subject:	SFVNA Board Comment for the EPC on IDO 2023 Proposals
Date:	Sunday, November 26, 2023 4:31:46 PM
Attachments:	2023 IDO EPC 11.22.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good afternoon,

I hope you all have enjoyed a lovely Thanksgiving holiday.

I am attaching the Written Public comments from the Santa Fe Village Neighborhood Association Board to be included in the Planning Staff Report to the Environmental Planning Commission for their consideration and yours in advance of the 12/14/2023 meeting to consider the 2023 proposals.

I respectfully request your assistance in ensuring they are provided to Chair Shaffer and members of the EPC.

I would also appreciate confirmation you have received these.

Thank you very much,

Jane Baechle



Santa Fe Village Neighborhood Association

5601 Bogart St. NW Albuquerque, NM 87120 sfvna2014@gmail.com

- Date: November 26, 2023
- To: David Shaffer Chair, EPC
- From: Jane Baechle, Representative Santa Fe Village Neighborhood Association
- Re: 2023 Annual Review of the IDO

The following comments reflect the views of the Santa Fe Village Neighborhood Association (SFVNA) Board regarding selected proposed amendments to the Integrated Development Ordinance (IDO) put forth for consideration during the 2023 Annual Review. Six of the seven elected SFVNA Board members have explicitly endorsed these comments; one member was unable to respond due to time constraints.

As in prior comment on the IDO Annual Review, we again note that this process continues to be used by City Council and the City administration to make durable and substantial changes in zoning law in a manner that effectively circumvents the goals and policies of the ABC Comp Plan and significantly limits public engagement regarding consequential changes to neighborhood character and quality of life. Nonetheless, as the elected representatives of our neighborhood association we are committed to engaging in this process, to represent the interests of our membership and neighborhood and address the consequences of these proposals.

2023 Amendment Proposals, SFVNA Position and Rationale

IDO Citywide Amendments, Item 10, IDO 4-3(B)(5)(b), **Dwelling Two-Family Detached** (**Duplex**), Item 12, IDO Section 4, **Dwelling Live-Work**, and Item 13, IDO Section 4-3(B)(5), **Two-Family Detached (Duplex) Dwelling**

These three proposals would permissively allow a single family dwelling to be converted to a two family dwelling on any corner lot of 5,000 s.f. or greater, permissively allow small retail and/ or restaurants to be added to a dwelling on any corner lot of 5,000 s.f. or greater and

permissively allow an existing single family dwelling to be converted to a two family dwelling on any property zoned R-1 unless it is already a duplex or has an ADU. SFVNA position: *Oppose*

Rationale: These three proposals represent a de facto zone change in Santa Fe Village (SFV). Those who argue that converting a single family dwelling to a two family dwelling or adding small retail and restaurants to any R-1 zone is merely a redefinition of low density development are dissembling. These represent fundamental changes to property rights and entitlements of ABQ property owners. Further, if implemented, they would have a devastating effect on an already dense and compact neighborhood like SFV. On my review of the IDO interactive map, there are 82 properties in SFV which are corner lots 5,000 s.f. or greater. There is no way that if even a portion of these properties added a second dwelling unit or retail/restaurant use, the existing infrastructure of the neighborhood could support it. Any such change would profoundly damage the quality and character of SFV, negatively impact property values and create potential hazards. Finally, any proposal to allow additional dwelling units should be a conditional use and include stringent development standards which protect neighborhood character and assure adherence to all elements of IDO development standards identified in IDO 14-16-5.

IDO Citywide Amendments, Item 23, IDO 5-7(D)(3)(a), **Walls and Fences-Front Yard Wall** Permissively allows front yard walls of 5 ft with the top two feet of view fencing, setback 5 ft. and landscaped.

SFVNA Position-Oppose

Rationale: Santa Fe Village is a low density residential neighborhood with small to medium lots on curving streets which follow the natural contour of the land. The addition of view fencing on the upper 2 ft of a 5 ft foot wall still impede clear lines of sight, have a deleterious effect on the streetscape and sense of place and limit comfortable walking for 2 people at a time on 4 ft sidewalks. That will be the case with even a 5 ft setback. Landscaping the setback will not change the impact on the streetscape or walkability and the individual choice of how to landscape the setback my serve to detract from the awareness of the natural landscape.

IDO Citywide Amendments, Item 11, IDO 4-1(A)(4) (new), **Conditional Uses for City** Facilities

"Exempts city facilities from the conditional use process"

SFVNA position: *Oppose*

Rationale: This appears to be an effort by the City to limit public comment, disenfranchise ABQ residents and circumvent any opposition to or scrutiny of City projects. The conditional use process and the standards by which a conditional use request is to be evaluated are intended to protect the public from potentially objectionable and harmful uses. This is an unambiguous effort on the part of the City to avoid transparency and accountability for its facilities and land use decisions.

IDO Citywide Amendments, Item 9, IDO Section 4, **Overnight Shelter** Allows overnight shelters permissively in zone districts where the use is now only allowed conditionally.

SFVNA position: Oppose

Rationale: As noted above, this appears to be an effort by the City to limit public comment, disenfranchise ABQ residents and circumvent any opposition to or scrutiny of overnight shelters. The conditional use process and the standards by which a conditional use request is to be evaluated are intended to protect the public from potentially objectionable and harmful uses. Again, this is an unequivocal effort on the part of the City to avoid transparency and accountability of overnight shelters.

Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, **Volcano Heights Urban Center** Removes prohibition on drive-throughs in the Volcano Heights Urban Center SFVNA position: *Oppose*

Rationale: This change is inconsistent with the purpose of this urban center described as intended to "support pedestrian-friendly and transit-supportive development with particular emphasis on employment, while buffering pre-existing single-family neighborhoods and sensitive lands on the borders of the Plan area from higher-density development toward the center of the Plan area. The Plan seeks to create a walkable, urban center with a sense of place rooted in its unique volcanic context and with development that respects the Petroglyph National Monument, which includes over 10,000 acres of open space preserved in perpetuity by an act of Congress in 1990."

IDO Citywide Amendments, Item 40, IDO 6-6(O)(2), Variance-ZHE

Requires notification of the ABQ Open Space Superintendent with review and comment on any variance request on property adjacent to MPOS.

SFVNA position: Support

Rationale: Major public open space represents a significant value to all residents of ABQ and should be protected from private development which would potentially negatively impact the public's enjoyment and appreciation of it. Further it is our position that the requirement of notification should include the Petroglyph National Monument (PETR) Superintendent when a property requesting a variance is adjacent to PETR. We appreciate that the City of ABQ and its officers cannot compel a review and response from the NPS but notification can be required.

IDO Citywide Amendments, Item 53, IDO 7-1, **Sensitive Lands Rock Outcropping** Revises the definition of rock outcropping to reflect existing rock outcroppings in ABQ. SFVNA position: Support

Rationale: Rock outcroppings represent one of the most prevalent features of sensitive lands on the NW mesa and in the area around SFV. The ABC Comp Plan goals and policies mandate the preservation of heritage landscapes as "features that contribute to the distinct identity of communities, neighborhoods, and cultural landscape" and represent a "community resource that provides physical, cultural, and economic benefits."

IDO Citywide Amendments, Item 17, IDO 5-5(B)(4)(d), **RV, Boat and Trailer Parking** and Item 42, 608(G)(2)(a)1.a, **Front Yard Parking**

Prohibits front yard parking of RVs, boats and trailers and use of angular crushed stone as a parking surface in front yards.

SFVNA position: Support

Rationale: Preserve the desirability and protect the visual appeal of neighborhoods, particularly a compact and modest neighborhood like SFV, where even improved front yards are too small and narrow to allow a large vehicle to be parked.

IDO Citywide Amendment #58, Tribal Engagement

Establishes a mechanism to include Tribal nations and their members in the development review and approval process.

SFVNA position: Support

Rationale: Acknowledges the responsibility of City Council to assure engagement with Tribal people and inclusion of their voices in land use matters. This is a particularly salient issue for land in and along the heritage landscape of ABQ's NW mesa escarpment.

In summary, SFVNA opposition, where outlined, reflects our assessment that these proposals will have deleterious impacts on Santa Fe Village, its residents and homeowners and on the experience of the City, its neighborhoods and cultural landscapes. In contrast, we support amendments which strengthen protections of SFV, public lands and the landscape of the NW mesa and escarpment. This letter is lengthy. There are more than 60 changes including the citywide and small area amendments to the IDO proposed. We respectfully request the Commissioners thoughtful consideration of our views and concerns.

Thank you for your time and attention.

Respectfully submitted,

Jane Baechle

From:	Jane Baechle
То:	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 and delete if an email causes any concern.
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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

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 or walkability. Specifically, this is what the Comp Plan states in subpolicy "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

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[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
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Good afternoon,

I am attaching written comments for both Citywide amendments and the proposed amendment to the VHUC. They are included in the same document. Please forward them to the Commissioners on both matters.

I am also including two photos of "corner lots >5,000 sf" within two lots of my home. Both of these would be eligible to become a commercial space under the Dwelling, Live/Work amendment. I hope these provide a visual example of how potentially harmful such a use would be in SFV.

Please share them also with the Commissioners.

Thank you,

Jane Baechle SFVNA



Santa Fe Village Neighborhood Association

5601 Bogart St. NW Albuquerque, NM 87120 SFVNA2014@gmail.com

Date: January 8, 2024

- To: David Shaffer Chair, EPC
- From: Jane Baechle Representative, SFVNA

Re: Comments for 1/11/2024

We appreciate the work of the Commissioners and the ABQ Planning Department staff in reviewing the proposed citywide amendments and the small area amendment to the Volcano Heights Urban Center and crafting the proposals to be heard on 1/11/2024. After review of the staff reports for the meeting of 1/11/2024, I am submitting the following comments on behalf of the Santa Fe Village Neighborhood Association Board. They are consistent with our prior positions. I will note where I comment as an individual on the "New" amendments.

- Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, Volcano Heights Urban Center-We are grateful for the Planning Department recommendation of *DENIAL* of this amendment. The SFVNA has submitted multiple written comments outlining our opposition to removing the prohibition on drive throughs in the VHUC. We have cited, as did Planning Department staff, the conflict that drive throughs represent in a "walkable" area and their conflict with the ABC Comp Plan. To quote Policy 11.3.6, sub policy d, "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*." (Emphasis mine.) This proposal represents an effort to rewrite the Comp Plan with IDO changes rather than respecting the purpose of the IDO to "Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended." Please accept the Planning Department recommendation and DENY this proposed amendment.
- Item 12, IDO Section 4, Dwelling Live-Work-We appreciate the removal of restaurants as an accepted use in this proposal. Likewise, making this a conditional use acknowledges the

potential harms to a neighborhood and provides a public hearing on those as well as requirements for mitigation. Nonetheless, these do *not* address our concerns regarding the public health and safety impacts of any commercial use which involves the delivery, serving or sale of food and handling and removal of waste. We have outlined these in previous and extensive written comments. We respectfully request the commissioners *DELETE* this amendment.

- 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-We appreciate the inclusion of multiple maps. They do not cover every area of the City where substituting a measure of distance for the standard of "adjacency" would potentially remove a neighborhood association or property owner from receiving notice. It is not acceptable to change the requirements regarding notice if they include "almost everyone." We recognize that Condition 18, B, Option 2 for Item 37 reflects the significant impact of reducing neighborhood association standing and the hugely impactful applications that would be included in the original amendment. This would be immensely more consequential on the westside, particularly on the NW mesa. We still believe that there should be *no* change to the distances for individual or neighborhood association notice and standing unless they include *everyone* currently included. As such, we request that the Commissioners DELETE Items 29, 32, 33, 34, 36 and 37.
- Item 58, Tribal Engagement-We strongly support this proposed amendment and will speak in support of including the area of the NW Mesa Escarpment VPO-2 at the meeting of 1/18/2024. Every effort should be made to ensure that Tribal nations have a seat at the table on development matters, particularly those in proximity to sacred cultural and natural landscapes. They should also be afforded ample time, not only to comment, but to take action to protect significant sites. As such, we support the requirement of a pre-submittal meeting as outlined in Condition 2 and prompt action to broaden the scope of Tribal entities receiving notice. Please APPROVE.

The following list includes a summary of our positions on multiple amendments. We remain opposed to each of these and request the EPC DELETE them from the Citywide amendments.

- Item 9, Overnight Shelter
- Item 10, Dwelling Two Family Detached (Duplex)
- Item 11, Conditional Uses for City Facilities
- Item 13, Two-Family Detached (Duplex) Dwelling
- Item 23, Walls and Fences-Front Yard Wall

We continue to support the following Citywide amendments and urge their adoption (ADOPT).

- Item 40, Variance-ZHE
- Item 53, Sensitive Lands Rock Outcropping.

Although I am commenting here as an individual, I anticipate the positions I outline would receive the endorsement of the SFVNA Board as well. I will comment on two of the "New" amendments.

I strongly OPPOSE the revised definition of "adjacent" which specifically excludes property located diagonally across an intersection. As an attendee in the LUHO hearings of an appeal of a proposed development approved by both the DRB and the DHO, I am well aware that the argument of the applicant was that the MPOS diagonally across from the subject property did not merit the protections outlined in the IDO because it was not adjacent. The first decision of the LUHO was subsequently appealed to District Court. In the second appeal, the LUHO ruled in favor of the appellants. This proposed amendment is, at best, a thinly disguised effort to create a barrier against requirements to consider the impact of development and the application of IDO provisions intended to protect MPOS. It is ludicrous on its face to argue that a property that is mere feet from a proposed development simply because it is diagonally across a street, particularly a residential street, has no interest in what is being proposed and no standing. Please DELETE this change.

Finally, I strongly SUPPORT the new amendment which would move the IDO review process to a Bi-annual cycle. More than five years after Council passed the IDO, it should not be necessary to make sweeping, significant and consequential changes to zoning law every year. The IDO review process has become a back door strategy to rewrite the Comprehensive Plan and in the service of development interests rather than a reflection of community engagement and vision as outlined in the Community Planning Assessment process. The time and resources of City staff, neighborhood associations and ABQ residents should be spent on the CPA process rather than making multiple changes to the IDO. Please ADOPT this proposal.

Thank you for your time and thoughtful attention.

Sincerely,

Jane Baechle IDO Representative, SFVNA







Santa Fe Village Neighborhood Association

5601 Bogart St. NW Albuquerque, NM 87120 SFVNA2014@gmail.com

Date:	February 7, 2024
To:	Jonathan Hollinger Chair, EPC
From:	Jane Baechle Representative, SFVNA
Re:	Volcano Heights Urban Center Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10

Dear Mr. Hollinger and Commissioners,

I am writing again on behalf of the Santa Fe Village Neighborhood Association (SFVNA) to reaffirm our strong *opposition* to the proposed small area amendment to the Volcano Heights Urban Center (VHUC) which would remove the prohibition on drive throughs in the VHUC. There has been no change in our position as outlined in our original written comments in our letter of 11/26/2023 and in every subsequent document from the SFVNA providing written comments regarding proposed changes as part of the 2023 IDO Annual Review. Those letters are now a matter of public record, included in every previous staff report on this matter. In our view, this proposal conflicts with ABC Comp Plan Goals and Policies that outline both the intent of an urban center to be designed as a walkable neighborhood and those that call for context sensitive development on the NW mesa escarpment and in the VHUC.

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 or walkability.

Specifically, this is what the Comp Plan states about the VHUC 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.

We respectfully request that the EPC support the ABC Comp Plan Goals and Policies outlined here and assure that the IDO continues to serve its purpose to "Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended." The IDO Annual Review should not be used as a mechanism to rewrite and undermine the Comp Plan as this proposal is clearly intended to do and at the expense of the character and sense of place of this area. The Planning Department staff report recommends *denial* and we ask the EPC to make the same recommendation.

Sincerely,

Jane Baechle SFVNA

From:	Daniel Doughty
То:	City of Albuquerque Planning Department
Subject:	Comments for EPC Meeting Jan 11, 2024
Date:	Tuesday, January 2, 2024 3:41:46 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear Sir/Madam,

I received notice and invitation to submit comments regarding a proposed change to the IDO for Volcano Heights Urban Center (VHUC), as we own property in the affected area.

I have reviewed the documents and here are my comments for the EPC Meeting on Jan 11, 2024.

I support the removal of the prohibition of drive-through facilities within the VHUC. Here are my reasons:

1. I use drive-throughs often because of the convenience. I mostly use them to pick up prescriptions at a pharmacy or visit my Credit Union.

2. Drive-through facilities will not significantly change the flow of traffic to businesses, as the customers will need to visit these businesses anyway. The only possible exception to this is a restaurant/coffee shop, but that effect should be small.

3. I would think residents in the area would be in favor of this change, as it adds convenience to their life.

I reviewed numerous prior comments submitted against the removal of the prohibition. As I read some statements, I was struck by their application of a double standard. Development and growth were fine with them as they moved into the neighborhood, as it allowed their neighborhood to be built and grow. But now that they are established, they disapprove of additional growth or changes. Not a very defendable position.

Thank you for your time in taking my comment.

Daniel H. Doughty 139 Big Horn Ridge Dr. NE Albuquerque, NM 87122

505-514-1717 dhdoughty@gmail.com

From:	<u>Gngold</u>
То:	City of Albuquerque Planning Department
Cc:	John Edward; Jennifer Ades
Subject:	IDO update 4 3(F)(5)(10)
Date:	Thursday, December 28, 2023 2:16:42 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern. For EPC Jan 11 meeting

We represent 250 acres in the volcano Heights district. We believe that the ruling against drive-through's does severely limit our abilities to include restaurants banks, and other facilities in planning for our land. We strongly support deleting that language from the IDO.

Gerald Gold Bedrock Investors

From:	Elizabeth Haley
То:	City of Albuquerque Planning Department; Salas, Alfredo E.; Jones, Megan D.
Subject:	48 Hour Rule Comments from WSCONA
Date:	Tuesday, January 9, 2024 8:15:23 AM
Attachments:	image.png
	Notice of Decision LUHO.pdf
	WSCONA IDO Amendments for the January 11 EPC Hearing pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

WSCONA West Side Coalition of Neighborhood Associations

January 9, 2024 Via email:

Re:

abctoz@cabq.gov

EPC Chair Shaffer

PR-2018-001843 / RZ-2023-00044– Small Area VHUC PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail PR-2018-001843 / RZ-2023-00040– Citywide

Chairman Shaffer,

The West Side Coalition of Neighborhood Associations (WSCONA) represented 28 neighborhood and homeowners' associations in the northwest quadrant of Bernalillo County located west of the Rio Grande River and a few miles south of I-40 to the Sandoval County Line. WSCONA has existed as a formal organization with bylaws since 1996 and is currently recognized by the City of Albuquerque and Bernalillo County. The Coalition aims to provide a venue for neighborhood and homeowners associations within its boundaries to achieve and maintain communications on civic and neighborhood matters. It endeavors to provide a means to preserve, protect, and enhance the residents' quality of life within its boundaries and to provide a unified voice on important issues. (WSCONA website: https://www.wsconanm.org/)

The West Side Coalition of Neighborhood Associations, WSCONA respectfully submits the following comments regarding the above-mentioned cases to be heard by the Environmental Planning Commission on January 11, 2024. WSCONA supports the comments of the ICC Working Group and the separate comments submitted by our Land Committee Members.

Regarding Finding 32. New Amendment: Revise the definition in section 7-1 for "Adjacent". We are not in favor of any reduction of notification.

The legal concepts of notification and adjacency are defined by the New Mexico State Zoning Statutes and legal precedent, the Comprehensive Plan and the IDO. These erroneous misapplications of common planning terms is an attempt to codify after the fact and to facilitate individual zoning applications

WSCONA requested an administrative review from the City of Albuquerque Land Hearing Officer and during that sworn testimony new facts were discovered concerning actual CABQ land review practices. In light of this information we feel that the following amendments are particularly problematic:

• RZ-2023-00044 – Text Amendments to IDO – Small Area VHUC

"The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote improved quality of life. The proposed Small Area text amendment to the IDO would not ensure that land is developed and used properly. The VHUC was established in the Comprehensive Plan to guide the most urban, walkable, mixed- use development to this area and suburban, auto-oriented development to areas outside of Urban Centers; therefore, Commissions, Boards, and Committees would not be able to facilitate effective administration of City policy in this area with the approval of this amendment."

As noted in the Small Area VHUC report, the Comprehensive Plan is the overriding guide. Changes to the IDO should not be project driven. We believe risk may still exist regarding the notification process in this matter. It is unclear how or if individual property owners were advised, to the extent that they fully comprehend (as per the definition of notification in our NM State Statutes), these proposed changes. The need to defer the Small Area VHUC from last month because of irregularities in the notification process is an example of the importance of proper notification.

• Items #59 and #60, Clerical and Editorial Changes: although these have been included in every past Annual Update, we do not support the continued inclusion of these amendments as they have no oversight and allow potential risk and mismanagement at the planning department level. .

CONDITION 16; Items #29, #32, and #36 – Neighborhood Association notification distances:

Please select Option 2: Delete the proposed amendment.

CONDITION 18; Item #37 – Appeals – Standing for Neighborhood Associations: Please select Option 2: Delete the proposed amendment.

WSCONA members representing our interest during EPC community comment testimony need your support. These proposed amendments matter and make a dramatic difference in outcomes as found during the AC-23-14 Appeal by WSCONA and others and the subsequent LUHO Proposed decision. Our recent Testimony was disputed by Mr. Voss of the Planning Department. Still, some practices are detrimental to future fair land review processes and procedures.

The LUHO conducted an extended quasi-judicial administrative appeal hearing on October 4, 2023. During the LUHO Administrative Hearing concerning the Quasi-judicial changes to the View overlay, it became clear that the City of Albuquerque Planning staff, under new abbreviated land review processes (DRB and DH0), changed IDO definitions and regulations

from the present IDO without public comment or legislative process. These unique interpretations violate New Mexico State Statute Zoning Ordinances and current legal precedents. The City of Albuquerque's Land Hearing Officer wrote in his opinion:

"The Appellee-Applicants, Jubilee Development, LLC and Group II U26 VC, LLC. The Applicants) sought and were granted final plat approval of an 18.23-acre development in a recent hearing before the Development Hearing Officer (DHO). It is undisputed that the Applicants never obtained EPC approval for a Site Plan-EPC for the development. In this appeal, Appellants primarily allege that without a Site Plan-EPC, the final plat approval is invalid. The Appellants also raise numerous other issues of alleged error in this appeal. After reviewing the record, listening to arguments of the parties, witness testimony, and crossexamination in an extended three-hour quasi-judicial appeal hearing, and after considering the applicable IDO provisions, I [the Land hearing Officer] respectfully conclude that city planning staff's "strict" interpretation and application of the term "adjacent" in the IDO is erroneous. The Appellants' appeal on this issue should be sustained. Until the Applicants obtain EPC approval of a Site Plan-EPC, the platting application and approval are premature and should be denied. Specifically, as detailed below, I find that the city staff's and the Applicants' narrow interpretation is inconsistent with the definition of "adjacent" and with its legislative purpose in the IDO, and it is inconsistent with the legislative intent of the City Council to protect major public open space."

In another section of the LUHO Decision, he states:

"The application included inaccurate area maps from the Albuquerque Geographic Information System (AGIS), a network of advanced mapping layers of land uses, including existing zoning statuses of the lands within the city's municipal boundary. The AGIS maps did not show the newly zoned MPOS lands at the caddy-corner intersection of Kimmick Drive and Rosa Parks Road. "

However, testimony in the appeal hearing (AC-23-14) indicates that the DRB knew of the MPOS rezoning. On October 26, 2022, the DRB held its first hearing on the application. After deferring a decision, the DRB approved the application request. An EPC condition of the rezoning approval was that the Applicants' plat results in lot lines that coincide with the internal rezoning boundaries as required by IDO, 6-7(G)(2)."

The Decision also states

"The evidence indicates that Consensus Planning was the agent for the city applicant in the rezoning that created the MPOS. Consensus Planning is also the agent for the Applicants in the preliminary plat, amended site plan, and final plat applications in this matter. Although new MPOS lands were created at the south side of 100 Kimmick Dr. and Rosa Parks Rd. NW intersection of the application site, the DRB had already concluded informally, outside of the public hearings, that the MPOS was not sufficiently adjacent to the application's site. In addition, the DRB and the Applicants did not address, acknowledge, or otherwise publicly discuss the inaccuracies in the AGIS zone maps submitted with the application."

The LUHO Decision points to planning staff developing unique findings rather than conforming to the Comprehensive Plan or IDO specified process. The changes proposed in these amendments would mean staff could interpret planning terms and zoning maps to match the needs of individual owners rather than the Ordinance and change the Ordinance after the fact. In this case, the advantage to the applicant was skipping the EPC review of the site plan.

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Plan-EPC was unnecessary. They argue that because the space separating the application site and the MPOS is a street intersection, the MPOS is insufficiently adjacent to satisfy the definition of adjacent under the IDO. The Applicants and city staff further argue that under their "strict" interpretation of the term "adjacent," a Site Plan-EPC is only required if the application site and the MPOS were separated by only "*one*" street rather than an intersection which is composed of two streets."

On November 28, 2022, these Appellants and others filed a timely administrative appeal of the DRB's November 9, 2022, Decision. The LUHO conducted an administrative Land Use appeal hearing in a scheduled public hearing on March 6, 2023. The City Council accepted the proposed findings, denying the appeal. The Appellants appealed the City Council's Decision to the Bernalillo County District Court on April 3, 2023 (*Westside Coalition of Neighborhood Associations and Michael Vorhees v. City of Albuquerque*, et al., No. D-202-CV-2023-02637.) On June 22, 2023, the Applicants filed an application to the Development Hearing Officer (DHO) for Major- Final Plat approval.

"Then, on July 12, 2023, the DHO held a public hearing on the application and subsequently approved and essentially replaced the design regulations that were adopted into the site plan from the Volcano Cliffs Sector Development Plan.

The entire LUHO report is attached and follows. Please read it. The IDO has yet to help the City of Albuquerque economically. Still, the proposed IDO Amendments listed in these comments would exclude many Administrative Appeals due to lack of standing, inadequate notification and timely access to appeals. The quasi-judicial process disclosed the errors found by the LUHO. Once revealed in the hearing, those errors and omissions made the LUHO reverse his earlier opinion. The District Court has yet to issue a final opinion (as reported by Mr. Voss in the last hearing.) A decision is only final once the court decides on our current motion for rehearing (based on the LUHO's Final Decision and reversal of the prior LUHO approval) and the appeal period is over. Neither event has happened as of January 8, 2024.

Our thanks to the Planning Staff and the EPC for their work.

Sincerely, Elizabeth Kay Haley, M Arch, WSCONA President

WSCONA

West Side Coalition of Neighborhood Associations

January 9, 2024 Via email:

Re:

abctoz@cabq.gov

EPC Chair Shaffer

PR-2018-001843 / RZ-2023-00044– Small Area VHUC PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail PR-2018-001843 / RZ-2023-00040– Citywide

Chairman Shaffer,

The West Side Coalition of Neighborhood Associations (WSCONA) represented 28 neighborhood and homeowners' associations in the northwest quadrant of Bernalillo County located west of the Rio Grande River and a few miles south of I-40 to the Sandoval County Line. WSCONA has existed as a formal organization with bylaws since 1996 and is currently recognized by the City of Albuquerque and Bernalillo County. The Coalition aims to provide a venue for neighborhood and homeowners associations within its boundaries to achieve and maintain communications on civic and neighborhood matters. It endeavors to provide a means to preserve, protect, and enhance the residents' quality of life within its boundaries and to provide a unified voice on important issues. (WSCONA website: https://www.wsconanm.org/)

The West Side Coalition of Neighborhood Associations, WSCONA respectfully submits the following comments regarding the above-mentioned cases to be heard by the Environmental Planning Commission on January 11, 2024. WSCONA supports the comments of the ICC Working Group and the separate comments submitted by our Land Committee Members.

Regarding Finding 32. New Amendment: Revise the definition in section 7-1 for "Adjacent". We are not in favor of any reduction of notification.

The legal concepts of notification and adjacency are defined by the New Mexico State Zoning Statutes and legal precedent, the Comprehensive Plan and the IDO. These erroneous misapplications of common planning terms by department staff is an attempt to codify after the fact to facilitate an individual application

WSCONA requested an administrative review from the City of Albuquerque Land Hearing Officer and during that swore testimony new facts were discovered concerning the actual practices by some planning staff. In light of this information we feel that the following amendments are particularly problematic:

• RZ-2023-00044 – Text Amendments to IDO – Small Area VHUC We wholeheartedly agree with the recommendation of DENIAL for this amendment and applaud staff for recognizing the need to follow the Comprehensive Plan, noting this excerpt from Staff Report on Page 11:

"The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote improved quality of life. The proposed Small Area text amendment to the IDO would not ensure that land is developed and used properly. The VHUC was established in the Comprehensive Plan to guide the most urban, walkable, mixeduse development to this area and suburban, auto-oriented development to areas outside of Urban Centers; therefore, Commissions, Boards, and Committees would not be able to facilitate effective administration of City policy in this area with the approval of this amendment."

As noted in the Small Area VHUC report, the Comprehensive Plan is the overriding guide. Changes to the IDO should not be project driven—we have seen how various Administrations' pet projects have had unintended consequences. We believe risk may still exist regarding the notification process in this matter. It is unclear how or if individual property owners were advised, to the extent that they fully comprehend (as per the definition of notification in our NM State Statutes), these proposed changes. The need to defer the Small Area VHUC from last month because of irregularities in the notification process is an example of the importance of proper notification.

• Items #59 and #60, Clerical and Editorial Changes: although these have been included in every past Annual Update, we do not support the continued inclusion of these amendments as they have no oversight and allow potential risk and mismanagement at the planning department level.

CONDITION 16; Items #29, #32, and #36 – Neighborhood Association notification distances:

Please select Option 2: Delete the proposed amendment.

CONDITION 18; Item #37 – Appeals – Standing for Neighborhood Associations: Please select Option 2: Delete the proposed amendment.

WSCONA members representing our interest during EPC community comment testimony need your support. These proposed amendments matter and make a dramatic difference in outcomes. We attempted to notify the EPC members of the **AC-23-14 Appeal by WSCONA and others and the subsequent LUHO Proposed decision.** Our Testimony was disputed by Mr. Voss of the Planning Department. Still, some practices are detrimental to future fair land review processes and procedures.

The LUHO conducted an extended quasi-judicial administrative appeal hearing on October 4, 2023. During the LUHO Administrative Hearing concerning the Quasijudicial changes to the View overlay, it became clear that the City of Albuquerque Planning staff, under new abbreviated land review processes (DRB and DH0), changed IDO definitions and regulations from the present IDO without public comment or legislative process. These unique interpretations violate New Mexico State Statute Zoning Ordinances and current legal precedents. The City of Albuquerque's Land Hearing Officer wrote in his opinion:

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The entire LUHO report is attached and follows. Please read it. The IDO has yet to help the City of Albuquerque economically. Still, the proposed IDO Amendments listed in these comments would exclude many Administrative Appeals due to lack of standing, inadequate notification and timely access to appeals. The quasi-judicial process disclosed the errors found by the LUHO. Once revealed in the hearing, those errors and omissions made the LUHO reverse his earlier opinion. The District Court has yet to issue a final opinion (as reported by Mr. Voss in the last hearing.) A decision is only final once the court decides on our current motion for rehearing (based on the LUHO's Final Decision and reversal of the approval) and the appeal period is over. Neither event has happened as of January 8, 2024.

Our thanks to Planning Staff and the EPC for their work.

Sincerely,

Elizabeth Kay Haley, M Arch, WSCONA President

Notice of Decision City Council City of Albuquerque November 13, 2023

AC-23-14 (VA-2023-00196) PR-2022-007712, SI-2023-00127 The Westside Coalition of Neighborhood Associations and Michael Voorhees appeal the Development Hearing Officer decision to approve a final plat, for all or a portion of Lot 5, Block 6 Volcano Cliffs Unit 26 & Lot 1, Block 2, Volcano Cliffs Unit 26 zoned MX-L & MX-M, located on Rosa Parks Rd. between Paseo Del Norte and Rosa Parks Rd. containing approximately 18.23 acre(s). (C-11)

Decision

On November 8, 2023, by a vote of 8 FOR 0 AGAINST the City Council voted to accept the withdrawal by the Applicant.

Excused: Benton

IT IS THEREFORE ORDERED THAT THIS MATTER IS WITHDRAWN.

Attachments

- 1. Land Use Hearing Officer's Findings and Recommendation
- 2. Action Summary from the November 8, 2023 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.

Date: <u>11/13/2023</u>

Pat Davis, President City Council

Received by: Gabry Illa Williams Date: 11/13/2023 City Clerk's Office

Page 1 of 1

1 2	CITY OF ALBUQUERQUE LAND USE APPEAL UNDER THE IDO				
3	BEFORE AN INDEPENDENT				
4	LAND USE HEARING OFFICER				
5					
6 7	ADDEAL NO AC 23.14				
8	<u>APPEAL NO. AC-23-14</u>				
9	VA-2023-00196; PR 2022-007712 and SD-2023-00127				
10					
11	Michael Voorhees, and				
12	The Westside Coalition of Neighborhood Associations,				
13					
14	Appellants,				
15 16	and,				
10	Jubilee Development, LLC and Group II U26 VC, LLC,				
18	Sublice Development, ELC and Group II 020 VC, ELC,				
19	Appellees-Applicants.				
20					
21					
22	PROPOSED DECISION				
23					
24	INTRODUCTION				
25	RELEVANT BACKGROUND				
26	ISSUES PRESENTED				
27	STANDARD OF REVIEW				
28	DISCUSSION				
29	PROPOSED FINDINGS				
30					
31					
32	I. INTRODUCTION				
33 34	Under sections $5-4(C)(6)$ and $5-2(J)(2)$ of the IDO, "prior to any platting action," any				
35	development on lots 5-acres or larger that is "adjacent" to Major Public Open Space (MPOS)				
36	requires a Site Plan-EPC. The crux of this appeal turns on whether the Appellee-Applicants'				
37	proposed development is "adjacent" to the La Cuentista MPOS.				
38	The Appellee-Applicants, Jubilee Development, LLC and Group II U26 VC, LLC (the				

Applicants) sought and were granted final plat approval of an 18.23-acre development in a recent hearing before the Development Hearing Officer (DHO). It is undisputed that the Applicants did not ever obtain EPC approval of a Site Plan-EPC for the development. In this appeal, Appellants primarily allege that without a Site Plan-EPC, the final plat approval is invalid. The Appellants also raise numerous other issues of alleged error in this appeal, all of which are discussed below.

The Applicants and the city Planning Department staff, on the other hand, contend that a Site Plan-EPC was unnecessary. They argue that because the space separating the application site and the MPOS is a street intersection, the MPOS is insufficiently adjacent to satisfy the definition of adjacent under the IDO. The Applicants and city staff further argue that under their "strict" interpretation of the term "adjacent," a Site Plan-EPC is only required if the application site and the MPOS were separated by only "*one*" street rather than an intersection which is comprised of two streets.

52 After reviewing the record, listening to arguments of the parties, witness testimony, and 53 cross-examination in an extended three-hour quasi-judicial appeal hearing, and after 54 considering the applicable IDO provisions, I respectfully conclude that city planning staff's 55 "strict" interpretation and application of the term "adjacent" in the IDO is erroneous and the 56 Appellants' appeal on this issue should be sustained. Until the Applicants obtain EPC approval 57 of a Site Plan-EPC, the platting application and approval are premature and should be denied. 58 Specifically, as detailed below, I find that city staffs' and the Applicants' narrow interpretation is inconsistent with the definition of "adjacent" and with its legislative purpose 59 60 in the IDO, and it is inconsistent with the legislative intent of the City Council to protect major public open space. On all other issues presented by Appellants in this appeal, I respectfully
find that those issues are either not ripe, are mooted by the proposed findings below, or that
they should be denied on their merits.

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II. RELEVANT BACKGROUND

66 The relevant procedural background associated with the application site is multifaceted 67 and entangled with various layers of approvals over the course of several years. In this appeal, 68 the Appellants and the Applicants stipulated that the record should be supplemented to include 69 records of those approvals. The parties also supplemented the record with written arguments 70 and additional exhibits which by stipulation are also included in the record. Because of the 71 numerous additions to the record, I have re-Bates stamped the record.¹

In September 2017, the Development Review Board (DRB) approved the Applicants' application for a site plan, encompassing the then entire 18.79-acre site which is the subject of this appeal. **[R. 313]**. That site plan apparently encompassed three lots between Paseo Del Norte N.W. and Rosa Parks Road, along Kimmick Drive **[R. 313]**. At the time, the original site plan for the site was subject to the design regulations in the Volcano Cliffs Sector Plan which was subsequently repealed and replaced by the IDO **[R. 639]**.

The Applicants then sought a rezoning for 8.7 acres of the site from MX-L to MX-M which at the time encompassed the lot 1 (Tract 1-A in the 2022 amended site plan described below) **[R. 004]**. On October 10, 2019, the Environmental Planning Commission (EPC)

^{1.} Throughout this recommendation, for clarity, when I reference the record, I will be referencing the re-Bates stamped record only.

81 approved the Applicants' rezoning application. **[R. 223]**.²

Significant to this appeal, on June 16, 2022, the EPC had approved a rezoning of 35acres of land from R-1D to NR-PO-B which is considered under the IDO as MPOS land [**R**. **011, 104**]. Under IDO, § 6-7(G)(1), the EPC is the final decision-maker in approving NR-PO-B zone map amendments and the rezoning that created the MPOS was effective on June 16, 2022, when the EPC approved the application. The rezoning resulted in newly created MPOS land directly caddy-corner to the application site at the south side of the intersection of Kimmick Drive, and Rosa Parks Road N.W. [**R**. **011, 104**].³

Then, on August 4, 2022, the Applicants applied to the DRB to amend the September 89 2017 site plan, submitted a proposed amended site plan, and also requested approval of a 90 91 preliminary plat for the site [R. 497]. The application included inaccurate area maps from the 92 Albuquerque Geographic Information System (AGIS), a network of advanced mapping layers 93 of land uses, including existing zoning statuses of the lands within the city's municipal 94 boundary. The AGIS maps did not show the newly zoned MPOS lands at the caddy-corner 95 intersection of Kimmick Drive and Rosa Parks Road [R. 032, 496, 500, 509]. However, testimony in the appeal hearing (AC-23-14) shows that the DRB knew of the MPOS rezoning 96 97 [R. 927-928]. On October 26, 2022, the DRB held its first hearing on the application [R. 602-98 **625**]. After deferring a decision, the DRB approved the application requests at its November

^{2.} An EPC condition of the rezoning approval was that the Applicants' plat results in lot lines that coincide with the internal rezoning boundaries as required by IDO, 6-7(G)(2).

^{3.} The evidence indicates that Consensus Planning was the agent for the city applicant in the rezoning that created the MPOS. Consensus Planning is also the agent for the Applicants, in the preliminary plat, amended site plan, and final plat applications in this matter.

99 9, 2022, hearing [R. 628-672].⁴ Although new MPOS lands were created at the south side of 100 Kimmick Dr. and Rosa Parks Rd. NW intersection of the application site, the DRB had already 101 concluded informally, outside of the public hearings, that the MPOS was not sufficiently 102 adjacent to the application site [R. 926-927]. In addition, the DRB and the Applicants did not 103 address, acknowledge, or otherwise publicly discuss the inaccuracies in the AGIS zone maps 104 submitted with the application. [R. 628-672].

On November 28, 2022, these Appellants and others filed a timely administrative appeal of the DRB's November 9, 2022, decision. An administrative Land Use appeal hearing was subsequently held and in a scheduled public hearing on March 6, 2023, the City Council accepted the proposed findings, denying the appeal.⁵ The Appellants appealed the City Council's decision to the Bernalillo County District Court on April 3, 2023.⁶ the District Court appeal to this day remains undecided.

- 111 Next, the record shows that on June 22, 2023, the Applicants filed an application to the
- 112 Development Hearing Officer (DHO) for Major-Final Plat approval [R. 029]. Then, on July
- 113 12, 2023, the DHO held a public hearing on the application and subsequently approved the

^{4.} The amendments also essentially replaced the design regulations that were adopted into the site plan from the Volcano Cliffs Sector Development Plan. In addition, because lands were also dedicated for additional right-of-way for Paseo Del Norte, the application site was reduced to 18.23 acres from 18.7 acres.

^{5.} The city administrative appeal (AC-23-1) was about the amended site plan, not the preliminary plat. And issues about whether the La Cuentista MPOS was adjacent to the application site was not presented in that appeal.

^{6.} Westside Coalition of Neighborhood Associations and Michael Vorhees v. City of Albuquerque, et al., No. D-202-CV-2023-02637.

114	final plat application in a written decision [R. 068-092 and 026-027 respectively]. This
115	administrative appeal under the IDO was subsequently timely filed [R. 017-025]. An extended
116	quasi-judicial administrative appeal hearing was held on October 4, 2023 [R. 808].

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III. APPEAL ISSUES

119 In this appeal, Appellants presented nine (9) issues of error in the reviews and approvals of the amended site plan, the preliminary plat, and the final plat.⁷ Appellants first contend that 120 121 when the DRB reviewed and then finally approved the amended site plan and the preliminary plat, it lacked authority to conduct a quasi-judicial hearing and therefore the subsequent 122 123 approval by the DHO is also invalid **[R. 022]**. As detailed below, I find that the DRB review 124 process was flawed for other reasons. Appellants also contend that the final plat does not 125 conform to the original 2017 site plan and therefore, the plats are both invalid [R. 023]. 126 Notably, the 2017 site plan was amended on November 9, 2022, with the DRB's decision. The 127 final plat must conform to the amended site plan, not the 2017 site plan. Appellants next contend that the Applicants presented "incorrect and misleading" evidence to the DRB 128 129 regarding the zoning of the MPOS land [R. 023]. The evidence in the record supports this 130 claim.

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Regarding the DHO hearing, Appellants argue that the DHO erred because Appellants

^{7.} Under the July 15, 2022, IDO in effect at the time, Appellants were unable to administratively appeal the preliminary plat. Although this appeal is from a decision of the DHO, because the IDO prevented Appellants from appealing the preliminary plat decision of the DRB, and because the preliminary plat and the final plat are substantially connected procedurally and factually (discussed below), the Appellants are raising the flaws in the preliminary plat approval now.

132 raised the above issues regarding the MPOS at the hearing and the DHO failed to address any 133 of them in the written decision [R. 023]. Appellants also claim that the DHO should have 134 recused himself from hearing the applicant's final plat application because he allegedly has a 135 bias against Appellant Michael Voorhees and/or a conflict of interest [R. 023]. Appellants 136 further argue that the DHO decision is invalid because even though Mr. Voorhees requested a 137 copy of the DHO's final decision, it was apparently not sent to him. [R. 024]. Next, Appellants 138 suggest that because the preliminary plat approvals were appealed to the District Court, the 139 final plat review and decision should have been stayed (deferred) by the DHO until the District 140 Court appeal is resolved [R. 023].

141 The last set of issues presented concern the MPOS land which is situated caddy-corner 142 from the application site at the southeast side of the intersection of Rosa Parks Road and 143 Kimmick Drive, NW. Appellants claim that the MPOS is "adjacent" to the application site and 144 therefore a Site Plan-EPC must first be submitted and approved by the EPC before the 145 preliminary and final plats could have been approved. Appellant also argue the DHO erred 146 when he did not make any official findings on whether the MPOS is adjacent to the final plat 147 application site. Finally, Appellants claim that city planning staff violated the IDO when they 148 informally made a "declaratory like" decision behind closed doors to decide that the MPOS is 149 not adjacent to the application site. They suggest that issue of adjacency and the decision-150 making to conclude that the MPOS was not adjacent to the application site should have been 151 carried out in a public quasi-judicial setting or in the public hearings on the preliminary and 152 final plats [R. 022].

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The Applicant-Appellees (Applicants) deny the Appellants' claims of error, but they

also take the position that based on IDO, § 6-4(V)(2), Appellant Michael Voorhees does not have standing to appeal the DHO's decision. The Applicants stipulate that the Westside Coalition of Neighborhood Associations (WSCNA) have standing to appeal, but they challenge whether the WSCNA leadership have approved the appeal.

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IV. STANDARD OF REVIEW

A review of an administrative appeal under the IDO is a whole record review to determine whether the decision-maker's decision was fraudulent, arbitrary, or capricious under the IDO; or whether the decision is not supported by substantial evidence; or if in approving the application, the decision-maker erred in the facts, or in applying any applicable IDO provisions, policy, or regulation. IDO, § 6-4(V)(4). At the time the final plat application was submitted and reviewed, the July 2022 IDO was in effect; therefore, it is appropriate that the same IDO version also be applicable to adjudicate this administrative appeal.

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168 V. DISCUSSION

The core issue in this appeal turns on the meaning of "adjacent" in the IDO and relates to whether the DRB and the DHO could lawfully approve the plats under the IDO without the Applicants first having obtained approval of a Site Plan-EPC. If the definition of "adjacent" under the IDO brings into its fold the subject MPOS lands, then the platting approvals by the DRB and the DHO are premature without a Site-Plan EPC. It is undisputed that the Applicants have not applied for a Site Plan-EPC.⁸ After the threshold issue of standing is addressed, the bigger issue regarding the adjacency question will be discussed in detail as it may be dispositive of the appeal. However, discussions of the other issues will follow.

177

A. Appellant Michael Voorhees has standing to appeal the DHO decision.

In response to this appeal, the Applicants through counsel argue that Mr. Voorhees lacks standing to appeal the DHO's decision because he does not reside or own property within 330-feet of the application site [**R. 208**]. See IDO, § 6-4(V)(2)(a)5 and the associated Table 6-4-2 for standing, which essentially requires an appellant to have a property interest within 330-feet of an application site. Mr. Voorhees did not dispute that he resides over 2,000 feet from the application site. It is clear that Mr. Voorhees lacks standing based on his proximity to the application site.

The Applicants also contend that Mr. Voorhees lacks standing arising from a "legal 185 right" that is "specially and adversely affected by the decision" in this matter. IDO, § 6-186 187 4(V)(2)(a)4. I respectfully disagree. Mr. Voorhees' sworn testimony at the administrative appeal hearing demonstrates that as a resident of the Petroglyphs Estates he personally utilizes 188 189 the nearby La Cuentista MPOS lands for recreation [R. 825-826]. Although, the enjoyment of 190 someone else's private property is normally not a legal right Mr. Voorhees can claim for 191 standing, in this case the decision implicates public open space. The La Quentista MPOS is 192 "City-owned or managed property" and it is set aside "primarily for facilitating recreation" by 193 the public. See IDO, § 7-1, Definitions, MPOS and Extraordinary Facility.

^{8.} Note that the EPC did approve a site plan for the site in 2017; however, that site plan was replaced with an amended site plan when the DRB approved the Applicants' amended site plan and preliminary plat in November 2022.

194 Entwined in the objective of and purpose for creating major public open space is an 195 implied interest or right for Albuquerque residents to lawfully use it. Certainly, under the 196 United States Constitution, Mr. Voorhees has a constitutional First Amendment right to 197 *lawfully* exercise free speech on public open space land. Similarly, at least for purposes of 198 standing to have an interest in a decision that arguably impacts the La Cuentista MPOS, Mr. 199 Voorhees, as a member of the public, has a somewhat analogous legal right to recreate on 200 public lands that are specifically dedicated for that purpose. As $\S 6-4(V)(2)(a)4$ demands, Mr. 201 Voorhees' legal right to utilize the open space is arguably "specially and adversely affected" 202 by the platting decisions in this matter. That is, because of the close proximity of the 203 application site to the MPOS, it is conceivable and rational that the platting decisions do in 204 fact impact the Mr. Voorhees' interest in that MPOS land—an interest to assure that the IDO 205 regulations pertaining to MPOS are met. In addition, under the related earlier appeal (AC-23-206 1) which is now pending in the District Court, the Applicants and their same legal counsel 207 stipulated that Mr. Voorhees' had standing in that matter which concerned the same application 208 site [R. 231].

Accordingly, because the application site and the decision appealed has an obvious and sufficient connection to the MPOS, I find that Mr. Voorhees' legal right to make use of the MPOS, is *"specially affected by the decision."* Thus, Mr. Voorhees has standing under § 6-4(V)(2)(a)4.

There is no dispute that the WSCNA appellants have standing. The testimony of WSCNA President, Elizabeth K. Haley during the appeal hearing confirms that the WSCNA Executive Board approved the filing of the administrative appeal. 216

B. The DRB's review of the preliminary plat was flawed.

217 The record of the DRB's review of the amended site plan and the preliminary plat 218 shows that the DRB and the Applicants did not *publicly* disclose or otherwise overtly 219 acknowledge in as late as November 9, 2022, that Consensus Planning submitted with their 220 application inaccurate zone maps of the area. The area zone maps that the Applicants did 221 submit with their application did not show the rezoned 35-acres of new NR-PO-B (MPOS) 222 zoned lands. Consensus Planning was the city's agent for the MPOS rezoning and is the agent 223 in the platting and site plan application in this matter. Despite this fact, Consensus Planning Principal, Jackie Fishman testified that until the DRB brought it up at the hearing on the 224 225 Applicants' application, she was unaware of the June 2022 rezoning that created 35-acres of 226 new MPOS land near the application site **[R. 885-887]**. Ms. Fishman explained that she was 227 unaware because the rezoning was not personally handled by her but by another employee of 228 her firm, Consensus Planning [R. 884-885].

Associate Planning Director Jolene Wolfley testified in the administrative appeal hearing that she knew there was a newly created MPOS caddy-corner to the application site [**R. 927-928**].⁹ Since it was determined informally (prior to the hearings) that the MPOS was not pertinent to the issue of whether it was adjacent to the application site, the matter was not substantively discussed at the preliminary plat hearings [**R. 929**].

The Appellants take the position that Ms. Fishman should have known or did know of the June 2022 rezoning and that the inaccurate submission is more than a mistake. Specifically,

^{9.} Ms. Wolfley was the Chairperson of the DRB when the DRB was tasked with reviewing the amended site plan and preliminary plat application.

Appellants argue that Ms. Fishman had to have known that the area zoning maps she submitted with the amended site plan and preliminary plat application were inaccurate since her firm represented the city in the MPOS rezoning. Appellants further contend that the inaccurate maps submitted with the application required the DRB to conclude that the application was either "incomplete" or that the submission of inaccurate maps was cause for the DRB to deny the application.

Irrespective of who knew what, it is a fact that the Applicants did submit inaccurate area zoning maps to the DRB with its application **[R. 032, 496, 500, 509]**. The maps submitted by the Applicants showed that the 35-acres of MPOS land was R-1D zoned land not NR-PO-B (MPOS). In addition, the record supports that, as a result of discretionary decision-making that occurred outside of a public hearing, the DRB considered that the inaccuracies in the application were unimportant to their decision-making under the IDO.

248 These multiple flaws were not harmless error. Although the inaccurate maps came 249 from the AGIS network which apparently was not updated to reflect the June 2022 rezoning, 250 because city DRB staff knew of the rezoning, it must have also known that the maps submitted 251 with the application were inaccurate. The DRB had a duty under the IDO, § 1-7(C) to ensure 252 that "based on conditions that exist...when the application was accepted" the application was 253 in fact "complete." Inaccuracies in an application are tantamount to an incomplete application. 254 Similarly, and perhaps more importantly, the DRB had a duty to the public to disclose the 255 inaccuracy in its public hearing.

256 I find that the Applicants, through their agent, Consensus Planning, with minimal due 257 diligence, should have known that their preliminary plat application maps were inaccurate. As

258	the agent for the MPOS rezoning, they were mailed notice of the rezoning decision a few				
259	months before the DRB application was submitted [R. 807]. I also find that the DRB had a				
260	duty to the public and to the Applicants to disclose in a public meeting what they knew about				
261	the inaccuracy. ¹⁰ Remaining silent about the whole matter is inconsistent with the fundamental				
262	principles of justice and the procedural due process due to the public and necessary in				
263	administrative hearings. See generally State Ex Rel. Battershell v. City of Albuquerque, 1989-				
264	NMCA-045. Thus, the DRB erred. However, as I describe below, I also find that the				
265	preliminary and final plats, were not properly before the DRB or the DHO in the first place.				
266 267 268 269	C. The Applicants' and city planning staffs' interpretation of the definition of "adjacent" in the IDO is unreasoned, inconsistent, and erroneous.				
	Turning now to the crux of this appeal, the determination that a parcel of land is				
270	adjacent to MPOS under the IDO is consequential. If a site encompassing 5-acres or more is				
270 271	adjacent to MPOS under the IDO is consequential. If a site encompassing 5-acres or more is adjacent to MPOS, a Site Plan-EPC is required " <i>prior</i> to any platting action." Subsection 5-				
271	adjacent to MPOS, a Site Plan-EPC is required "prior to any platting action." Subsection 5-				

^{10.} In the past, Planning Staff with the city have officially notified applicants of deficiencies in applications by sending an applicant a "deficiency Notice." Deficiency notices are a formal request that the applicants correct deficiencies found in applications. These deficiency notices are included in the records of applications. At the very least, this normally routine process should have occurred in this matter to advise the Applicants that the area zone maps they submitted are inaccurate and to resubmit accurate information.

Thus, if this provision is applicable to the application site, the preliminary and final plats should not have been approved without the Applicants first obtaining the EPC's approval of a Site Plan-EPC. There is no dispute that the application site is greater than 5 acres in size and that it comprises of the subdividing of lots. Setting aside the adjacency issue for a moment, the Applicants contend that the preliminary and final platting of the site is not "development" for purposes of IDO, § 5-4(C)(6) above. The Applicants are clearly wrong.

287 IDO, § 5-4 contains the general provisions for "promoting the public health, safety, and 288 general welfare" through the regulation of subdivisions of land in the city. The definition of "development" in the IDO expressly includes "any activity that alters...lot lines on a 289 290 property." IDO, Definition of Development, §7-1. It cannot be disputed that the Applicants' 291 applications were in part to obtain approval to "alter lot lines" within the application site. Thus, the Applicants' platting applications meet the definition of both subdivision and development 292 293 under the IDO. And although arguably the altering of lot lines was partly to fulfill an October 294 9, 2019, EPC condition for the rezoning at the application site, it was the Applicants who 295 sought the rezoning amendment to rezone 8.7 acres of the site from MX-L to MX-M [R. 004]. 296 Just because the submission of the preliminary plat was partly to satisfy an EPC condition, the 297 EPC condition cannot be seized as a basis to argue that the platting was compulsory and is 298 somehow not development under IDO, § 5-4(C)(6) as suggested in this appeal.

Moving now to whether the MPOS is adjacent to the application site, the definition of the term "adjacent" in the IDO states in full:

301Adjacent302Those properties that are abutting or separated only by a street, alley, trail,303or utility easement, whether public or private. See also Alley, Multi-use304Trail, Private Way, Right-of-way, and Street.

305 IDO, § 7-1, p. 541.

306 Under New Mexico law, if an ordinance makes sense as it is written, language which 307 is not there should not be read into it. *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 308 1998-NMSC-050, ¶ 5. In interpreting language of an ordinance, another rule of construction 309 is that the entire ordinance is to be read as a whole and each part is to be construed in 310 connection with every other part so as to produce a harmonious whole. *Burroughs v. Board of* 311 County Comm'rs, 1975-NMSC-05, ¶ 14. Consequently, the "plain language" of the definition of adjacent is the "primary indicator of legislative intent." High Ridge Hinkle Joint Venture v. 312 313 City of Albuquerque, 1998-NMSC-050, ¶ 5. Applying these rules of statutory interpretation to 314 this matter, it is clear that the interpretation that the city staff relied upon to determine that the 315 application site is not adjacent to the MPOS is unreasonable.

Associate Planning Director Wolfley testified in the administrative appeal hearing that city staff believe that the IDO should be interpreted "strictly" with regard to the definition of "adjacent" **[R. 924]**. Meanwhile, in Planning Staff's strict interpretation, lands caddy-corner, separated only by an intersection of *two* streets is not considered adjacent to one another. City staff and the Applicants essentially take the position that the phrase "*separated only by a street*" in the definition of adjacent means that that MPOS and another parcel must be separated only by "*one*" street to be considered adjacent to one another.

Associate Planning Director Wolfley further testified that parcels of land caddy-corner to one another that are separated by only an intersection of two streets have only "one point in space" of "tangency" in which they are geometrically adjacent to one another **[R. 924]**. Evidently, in city staff's' assessment, the physical space of adjacency in the street intersection of Kimmick Dr. and Rosa Parks Rd. is insufficient or too small to meet the definition of adjacent in the IDO. Implicit in this complicated interpretation is (1) a concession that, even if it is a small amount of physical space, there is adjacency between the MPOS and the application site, and (2) staff are reading into the IDO's definition that a certain unidentified measure of physical adjacency is necessary to satisfy the IDO's definition of the term "adjacent."

Notwithstanding that the strict interpretation is unreasoned, I find that even under the strict interpretation proffered by city staff and the Applicants in this appeal, the MPOS is adjacent to the application site. On this basis alone, it should have been determined by the DRB that the preliminary plat application was submitted prematurely because a Site Plan-EPC had not been applied for, much less approved.

Associate Planning Director Wolfley also testified that a strict interpretation is 338 339 necessary because "there's quite a bit of implication for a property owner if they are 340 determined to be adjacent" [R. 924]. I find this rationale irrelevant to interpreting IDO 341 definitions. Potential impact on property rights is not a basis for city planning staff to decide 342 whether provisions of the IDO should be ignored or not enforced. These are considerations 343 normally associated with the enactment of ordinances, not their enforcement. However, I do find that protecting MPOS is a significant legislative intent and purpose for § 5-2(J)(2) and § 344 345 5-4(C)(6) of the IDO.

Furthermore, I find that not only is staffs' "strict" interpretation erroneous with the plain meaning of the IDO's definition of adjacent, but I also find that city staff abused their authority under the IDO when they determined under this strict interpretation that the measure 349 or quantum of physical adjacency required is too small to meet the IDO's definition. Briefly 350 stated, it is obvious that the definition of adjacent in the IDO does not contemplate that there 351 be a certain measure of physical adjacent space for properties to be considered adjacent to each 352 other. It is an arbitrary and capricious interpretation because the definition of "adjacent" in 353 the IDO does not have or contemplate any minimal measurement thresholds. Staff's 354 interpretation violates basic rules of statutory construction. See *Burroughs v. Board of Countv* 355 *Comm'rs*, 1975-NMSC-05, ¶14, and *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 356 1998-NMSC-050, ¶ 5.

In addition, staff's strict interpretation is problematic because it discounts or disregards 357 358 other terms in the definition which must be harmonized with any interpretation. For example, 359 in the definition, properties that are separated only by "utility easement" are also considered to be adjacent. However, under the city staffs' strict interpretation, if there is more than "one" 360 361 utility easement that separates the properties at issue, or if the properties are separated only by 362 two intersecting utility easements (both examples can be a regular occurrence), then the properties cannot be considered to be adjacent. As shown in the next subsection, the meaning 363 364 of adjacent can easily be defined without resorting to adding words or reading subjective 365 measurement proportions into the definition.

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D. Under a plain reading of the IDO's definition of the term "adjacent," the application site is adjacent to the La Cuentista MPOS.

In the IDO's definition of adjacent, the word "a" in the phrase "*separated only by a* street, alley, trail, or utility easement" is grammatically used as an indefinite article. As an indefinite article, it operates to signal that the labels "*a street, alley, trail, or utility easement*" are descriptions of general groups of the nouns (street, alley, trail, and utility easement). The Page 17 of 27 labels are not referents of these nouns in the singular but *any* version of these nouns. In other
words, grammatically, the phrase "separated only by *a* street, alley, trail, or utility easement"
does not mean "separated by only *one* street, *one* alley, *one* trial, or *one* utility easement."

376 Furthermore, how "a street, alley, trail, or utility easement" are classified in the IDO 377 cannot be lost in their meaning as they apply to the definition of adjacent in the IDO. These 378 labels are nomenclature that are all classified in the IDO as public or private "right-of-way" of 379 which is explicitly also unambiguously and distinctly referenced in the second sentence in the 380 definitional language of the term "adjacent." This is integral to any interpretation of the term adjacent and cannot be ignored. Of particular importance is the second sentence of the 381 382 definition of Adjacent. It states: "See also Alley, Multi-use Trail, Private Way, Right-of-way, 383 and Street." Because these terms are expressly referenced in the definition, they are part of the 384 definition, and these terms must be reconciled with any interpretation of the term "adjacent" 385 in the IDO. The binding connection between the terms "Alley, Multi-use Trail, Private Way, 386 Right-of-way, and Street" is that they are all considered public or private rights-of-way under IDO, § 7-1. 387

388 In the IDO, the definitions of "right-of-way" and "street" includes "public right-of-

389 way." Public right-of-way is defined as:

390 "Land deeded, reserved or dedicated by plat, or otherwise acquired by any
391 unit of government for the purposes of movement of vehicles, bicycles,
392 pedestrian traffic, and/or for conveyance of public utility services and
393 drainage."

- How the term "street" is defined in the IDO is also crucial. Under the IDO, "street" means:
- 396The portion of a public right-of-way or private way, from curb to curb (or397from edge of paving to edge of paving if there is no curb, or from edge of

398 399 visible travel way to edge of visible travel way, if there is no paving), that is *primarily devoted to vehicular use.* (Emphasis added).

400

401 IDO, § 7-1, p. 600.

Turning back now to the definition of adjacent, the phrase "separated only by a street" in the definition is consistent with the grammatical use of the term as an indefinite article and it is consistent with the definition of "right-of-way." Put another way, "street" is a general description of public right-of-way "primarily devoted for vehicular use." In simple terms, land dedicated for vehicular use is considered street and vice versa. It is incontrovertible that street intersections are "primarily devoted to vehicular use" and are public right-of-way.

Only from giving meaning to all terms in the definitional language of "adjacent" can the correct meaning be properly interpreted, and the legislative intent identified. Thus, properties separated only by the referenced types of private or public right-of-way ("street, alley, trail, or utility easement") are considered adjacent to one another and specifically, the phrase "separated only by a street" refers to all parts of public right-of way; street encompasses the land primarily devoted to vehicular use which inevitably includes street intersections unless otherwise noted in the IDO.

Under this interpretation, words and unidentified measurement expanses of physical space are not read into the definition. Moreover, this interpretation, as it relates to MPOS, is consistent with the legislative intent in the IDO to protect MPOS. Simply stated, development separated "only by" the public right-of-way encompassing "street, alley, trail, or utility easement" must meet the additional IDO provisions (§ 5-2(J)(2)) designed to protect MPOS.

In applying the proper interpretation to the facts of this case, it is clear that what separates the MPOS land and the application site on the south-east side of the site is only public 422 right-of-way-the intersection of Kimmick Dr. and Rosa Parks Rd. The MPOS and the 423 application site are in fact adjacent to one another and because of this simple fact, the 424 Applicants should not have and cannot obtain platting approval without first obtaining 425 approval of a Site Plan-EPC as required by IDO, § 5-4(C)(6).

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E. Prior to all platting of the application site, the Applicants must first apply for a Site Plan-EPC.

To expeditiously resolve this appeal, the amended site plan, and the preliminary plat 429 430 approval should be revoked and the final plat denied. After the June 2022 EPC rezoning, 431 MPOS land became adjacent to the Applicants' site requiring a Site Plan-EPC under IDO, § 432 5-4(C)(6). The DRB and the subsequent DHO approvals were not only premature, but they 433 violated IDO procedure and are invalid without a Site Plan-EPC.

434 Associate Planning Director Wolfley testified in the appeal hearing that if city staff had concluded that IDO, § 5-4(C)(6) was applicable, only a small "buffer in an arc" on the 435 436 application site near the street intersection would be required to protect the MPOS [R. 941]. 437 Respectfully, whatever is required cannot be a justification for circumventing IDO processes. 438 Notwithstanding though, it is evident that the IDO requires more when development under \S 439 5-4(C)(6) is adjacent to MPOS land. First, it is the EPC that will evaluate the site plan in a 440 quasi-judicial hearing open to the public. Second, under \S 5-2(J)(2)(b), the Applicants must 441 design access, circulation, parking, and aesthetics, to minimize any impacts on the MPOS. 442 With the clear understanding that the application site is adjacent to MPOS, design protections 443 must be reviewed by the staff of the Open Space Division of the City Parks and Recreation 444 Department as well as city Planning staff. Protection of the MPOS will be publicly discussed in terms of it being formally determined that it is adjacent to the application site. Moreover, 445 Page 20 of 27

the EPC has authority under the IDO to set any other reasonable conditions necessary toaccomplish the intent of protecting MPOS.

448	Next, the Appellants are correct that the Applicants do not have a vested right to the		
449	approved preliminary plat especially since it was based on inaccurate evidence and was		
450	approved in violation of IDO procedure. And whether the Applicants relied on the AGIS or		
451	not in their submission of the inaccurate maps, the Applicants' agents, with due diligence,		
452	should have known of the MPOS since they were also the agents for the city in creating the		
453	MPOS and were sent mailed notice of the EPC's approval [R. 807].		
454 455 456	administrative applications, their review, and administrative adjudication under the IDO should continue.		
457 458	Appellants take the position in this appeal that the City should defer all decisions on		
450			

459 the application site until the District Court finally resolves the issues in the District Court 460 appeal. The Appellants concede that a City Council stay on the matter would be discretionary 461 and is not required **[R. 122].** Unless the District Court issues an Order compelling the City to 462 stay the application process, there is no compelling reason to defer a decision on this matter or 463 to prevent the Applicants from following the correct application process.

464 465

G. The record of the DHO hearing.

Appellant Michael Voorhees believes that the DHO holds a grudge against him or has "personal animus" for him **[R. 124]**. He also contends that the DHO has an actual conflict of interest or that there is an appearance of a conflict of interest. I respectfully disagree that there is any evidence of animosity, a conflict, or an appearance of a conflict of interest.

470	Specifically, Appellant contends as the basis for the conflict that "several years ago"				
471	when the DHO (David Campbell) was the Planning Director for the City, Mr. Voorhees filed				
472	an appeal and, in that appeal, he made "numerous allegations of misconduct" (presumably				
473	against Mr. Campbell) [R. 068-071]. Appellant Voorhees also claims that he "met in person				
474	on two previous occasions and had extensive conversations" again presumably with Mr.				
475	Campbell [R. 071-072].				
476	In the DHO hearing, Mr. David Campbell responded, advising Mr. Voorhees that he				
477	could not recall either meeting with him and he could not recall the allegations Mr. Voorhees				
478	made against him several years ago [R. 070-071]. The DHO then responded to Mr. Voorhees'				
479	request that he recuse himself from hearing the application [R. 072]. The DHO said:				
480 481 482 483 484 485 486 487	that you're talking about and don't have a I think what you're saying is that this it doesn't relate to the case at issue here; is that correct? All right. Thank you for raising that. And you say you have one other the DHO does not have a conflict on this, and there is no personal animus. 				
488 489	something that I have no recollection of.				
490	[R. 070-071].				
491	Establishing a conflict of interest or an appearance of a conflict of interest requires				
492	more than what is in this record. Other than the allegation from Appellant, there is no evidence				
493	whatsoever that the DHO holds any animosity for Mr. Voorhees, nor is there objective				
494	evidence of a conflict. Furthermore, there is no evidence that the DHO prejudged the facts of				
495	the Applicants' application. For a detailed discussion on what evidence is necessary to				
496	disqualify a tribunal See Las Cruces Profl Fire Fighters v. City of Las Cruces, 1997-NMCA-				

497 031. The fact that Mr. Voorhees perceives that the allegations he made in a previous case 498 "years ago" create an appearance of a conflict, does not in and of itself make it so. The 499 allegations in that previous case have nothing to do with the facts in this matter. In fact, Mr. 500 Campbell was not even a hearing officer when Mr. Voorhees complained of Mr. Campbell. In 501 addition, there is no evidence of the truth of the allegations when Mr. Campbell was the 502 Planning Director, and if there were, that would likely be insufficient to disgualify him from 503 sitting in judgment on this matter. As stated above the evidentiary requirements under law are 504 more nuanced to disqualify the DHO.

505 Appellants next contend that the DHO staff failed to send Appellant Voorhees a copy 506 of the DHO's final written decision and therefore the decision should be reversed as a 507 consequence. Appellants cite to the most recent iteration of the IDO effective July 27, 2023, § 6-4(M)(6) which essentially requires decision making bodies to, among other things, send 508 509 "each party to the matter and to any other person who has entered an appearance and 510 requested a copy of the decision." Notably, this language is not in the July 15, 2022, version 511 of the IDO, which is applicable in this appeal. Although, anyone requesting a copy of a 512 decision should be sent the decision, the error in this matter is harmless because Appellants, 513 including Mr. Voorhees, filed a timely appeal of the DHO's decision.

- 514
- 515

VI. PROPOSED FINDINGS

- 516 Pursuant to IDO, § 6-4(V)(3)(d)5, I respectfully find that the below findings are warranted,
 517 supported by substantial evidence, and I recommend that they be adopted.
- 518 1. This is an appeal of a July 12, 2023, decision approving a final plat based on a

519 preliminary plat and amended site plan by the DHO.

520 2. Appellant WSCNA has standing to pursue this appeal under § 6-4(V)(2)(a)5.

521 3. Appellant Michael Voorhees has standing to pursue this appeal under § 6522 4(V)(2)(a)4.

4. The DRB's November 9, 2022, decision approving the preliminary plat was not
appealable under § 6-4(U)(1) of IDO update, effective July 15, 2022.

525 5. The DHO's July 12, 2023, decision approving the final plat is appealable under the 526 July 15, 2022 IDO which was in effect when the final decision was made.

527 6. Pursuant to IDO, § 6-6(L)(3)(c), the final plat must conform to the preliminary plat.
528 7. Pursuant to IDO, § 6-6(L)(2)(g) the final plat and the preliminary plat are required
529 to meet all applicable regulations and conditions of approvals, including previous approvals.

8. Pursuant to IDO, § 5-2(J)(2) and § 5-4(C)(6), prior to all platting of any development
greater than 5-acres in size, a Site Plan-EPC is required when the proposed plat site is adjacent
to any MPOS.

533 9. It is undisputed that the Applicants did not apply for or ever obtain Site-Plan EPC
534 approval for development at the 18.23-acre application site.

535 10. On June 16, 2022, the EPC approved an application by the City to rezone 35 acres
536 of land to NR-PO-B (MPOS). This MPOS is known as the La Quentista MPOS, and it is
537 located between Kimmick Dr. NW and Ridgeway Dr. NW and on the south side of Rosa Parks
538 Rd. NW.

539 11. The agent for the City in the rezoning application was Consensus Planning who is540 also the agent for the Applicants of the amended site plan, preliminary, and final plat

541 applications.

542 12. The La Quentista MPOS is situated caddy-corner to the Applicants' application site
543 at the southwest intersection of Kimmick Dr. NW and Rosa Parks Rd. NW.

544 13. The La Quentista MPOS is adjacent to the Applicants' application site because it is
545 separated from the Applicants' application site by only street public right-of-way.

546 14. The DRB erred in approving the amended site plan and preliminary plat in547 November 2022.

548 15. In its approval of the amended site plan and the preliminary plat, the DRB failed to 549 acknowledge at its public hearing that the Applicants' application site is situated adjacent to 550 the La Quentista MPOS as that term is defined in the IDO.

551 16. In addition, at some point in time prior to the two hearings on the amended site plan 552 and preliminary plat (October 26, and November 9, 2022, hearings), the DRB unofficially 553 concluded (not in the DRB public hearings) that the La Quentista MPOS was not adjacent to 554 the application site and in doing so, they misinterpreted and misapplied the IDO.

555 17. The amended site plan and the preliminary plat do not account for the adjacent 556 MPOS, and the amended site plan and preliminary plat do not in any manner demonstrate that 557 the applicable IDO provisions of § 5-2(J)(2), are satisfied.

558 18. With the amended site plan and preliminary plat application, the Applicants 559 submitted to the DRB inaccurate zone maps of the area which did not show the rezoned 35-560 acres as NR-PO-B zoned lands.

561 19. Because the DRB was aware of the EPC's previous rezoning, the DRB knew or562 should have known that the Applicants' area zone-map submission was inaccurate.

563 20. The DRB disregarded or otherwise did not make any public disclosure in its public
564 hearings of the Applicants' inaccurate area zone map.

565 21. Without an approved Site Plan-EPC, as required by IDO, § 5-2(J)(2) and § 5-4(C)(6),
566 the DRB did not have authority to approve the Applicants' preliminary plat.

567 22. Because the DRB did not have authority to approve the preliminary plat, the 568 appropriate remedy is to revoke the preliminary plat.

569 23. Because there is no evidence in the amended site plan that the regulations for 570 protecting MPOS have been satisfied under IDO, § 5-2(J)(2) and § 5-4(C)(6), the amended site 571 plan should also be revoked.

572 24. Because the preliminary plat is factually and legally entwined with the final plat 573 under the IDO, the decision approving the final plat should be reversed.

574 25. Contrary to Appellant Voorhees' claim in this appeal, the record of the DHO hearing 575 on the final plat demonstrates that the DHO held no animosity for Mr. Voorhees.

576 26. Contrary to Appellants' claims, the DHO does not have a conflict of interest and 577 there is not sufficient evidence of an appearance of one in this matter.

578 27. Unless the District Court orders a stay on all administrative proceedings related to 579 the application site, which at this time there is no evidence of, this matter may run its course.

580 28. The amended site plan and the preliminary plat shall be revoked and the decision581 approving the final plat shall be reversed.

582 Repectfully Submitted:

583
584 Steven M. Chavez, Esq.
585 Land Use Hearing Officer

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586	October 18, 2023			
587				
588	Copies to:			
589	City Council			
590	Appellants			
591	Appellees/ Party Opponents			
592	Planning Staff			
593				
594	Notice to the Parties regarding City Council rules.			
595				
596	When the Council receives the Hearing Officer's proposed disposition of an appeal, the			
597	Council shall place the decision on the agenda of the next regular full Council meeting			
598	provided that there is a period of at least 10 days between the receipt of the decision and the			
599	Council meeting. The parties may submit comments to the Council through the Clerk of the			
600	Council regarding the Hearing Officer's decision and findings provided such comments are in			
601	writing and received by the Clerk of the Council and the other parties of record four (4)			
602	consecutive days prior to the Council "accept or reject" hearing. Parties submitting comments			
603	in this manner must include a signed, written attestation that the comments being submitted			
604	were delivered to all parties of record within this time frame, which attestation shall list the			
605	individual(s) to whom delivery was made. Comments received by the Clerk of the Council that			
606	are not in conformance with the requirements of this Section will not be distributed to			
607	Councilors.			



City of Albuquerque

Action Summary

City of Albuquerque Government Center One Civic Plaza Albuquerque, NM 87102

City Council

Council President, Pat Davis, District 6 Council Vice-President, Renée Grout, District 9

Louie Sanchez, District 1; Isaac Benton, District 2 Klarissa J. Peña, District 3; Brook Bassan, District 4 Dan Lewis, District 5; Tammy Fiebelkorn, District 7 Trudy E. Jones, District 8

Wednesday, November 8, 2023	5:00 PM	Vincent E. Griego Chambers
		One Civic Plaza NW
		City of Albuquerque Government Center

TWENTY-FIFTH COUNCIL - FORTIETH MEETING

1. ROLL CALL

Present 9 - Brook Bassan, Isaac Benton, Pat Davis, Tammy Fiebelkorn, Renee Grout, Trudy Jones, Dan Lewis, Klarissa Peña, and Louie Sanchez

2. MOMENT OF SILENCE

Councilor Peña led the Pledge of Allegiance in English. Councilor Bassan led the Pledge of Allegiance in Spanish.

3. PROCLAMATIONS & PRESENTATIONS

4. ADMINISTRATION QUESTION & ANSWER PERIOD

5. APPROVAL OF JOURNAL

October 16, 2023

6. COMMUNICATIONS AND INTRODUCTIONS

7. **REPORTS OF COMMITTEES**

Finance and Government Operations Committee - October 23, 2023

8. CONSENT AGENDA: {Items may be removed at the request of any Councilor}

a. <u>EC-23-376</u> City of Albuquerque Vision Zero Year-in-Review/Action Plan Update

A motion was made by Vice-President Grout that this matter be Receipt Be Noted. The motion carried by the following vote:

- For: 8 Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- Excused: 1 Benton
- b. <u>EC-23-378</u> Approval of Outside Counsel for Workers Compensation Legal Services Agreement with YLAW, P.C.

A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:

- For: 8 Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- **Excused:** 1 Benton
- c. <u>EC-23-379</u> Approval of the Farolito Senior Community Development Agreement with Greater Albuquerque Housing Partnership to Utilize HUD HOME Funds Towards the New Construction of a Senior Rental Housing Project

A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

d. <u>EC-23-380</u> Authorization of Social Service Agreement with Youth Development Inc. to Provide Violence Intervention & Prevention Services to youth/young adults who are high risk of engaging in gun violence or violent crimes

A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:

- For: 8 Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- Excused: 1 Benton
- e. <u>AC-23-14</u> (VA-2023-00196) PR-2022-007712, SI-2023-00127 The Westside Coalition of Neighborhood Associations and Michael Voorhees appeal the Development Hearing Officer decision to approve a final plat, for all or a portion of Lot 5, Block 6 Volcano Cliffs Unit 26 & Lot 1, Block 2, Volcano Cliffs Unit 26 zoned MX-L & MX-M, located on Rosa Parks Rd. between Paseo Del Norte and Rosa Parks Rd. containing approximately 18.23 acre(s). (C-11)

A motion was made by Vice-President Grout that this matter be Withdrawn by Applicant. The motion carried by the following vote:

- For: 8 Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- Excused: 1 Benton
- 9. ANNOUNCEMENTS

10. FINANCIAL INSTRUMENTS

11. GENERAL PUBLIC COMMENTS

12. APPEALS

13. APPROVALS: {Contracts, Agreements, and Appointments}

a. <u>EC-23-377</u> Mayor's Recommendation of Award to Fresquez Concessions Inc. for "Food and Beverage Concessions Program at the Albuquerque International Sunport"

A motion was made by President Davis that this matter be Approved. The motion carried by the following vote:

For: 7 - Bassan, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Against: 1 - Davis

Excused: 1 - Benton

14. FINAL ACTIONS

f. 0-23-88 Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

A motion was made by President Davis that this matter be Tabled. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

15. OTHER BUSINESS: {Reports, Presentations, and Other Items}

a. Executive Session relating to the matter of LaDella Williams, et al. v City of Albuquerque, which is subject to attorney-client privilege pertaining to threatened or pending litigation as permitted by Section 10-15-1.H(7), NMSA 1978

> A motion was made by President Davis that they move into Executive Session. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

President Davis affirmed that matters discussed in executive session were limited to those specified in the motion for closure.

14. FINAL ACTIONS

f. 0-23-88 Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

> A motion was made by President Davis that O-23-88 be removed from the table. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by President Davis that this matter be Amended. President Davis moved Amendment No. 1. President Davis withdrew Amendment No. 1.

A motion was made by Councilor Bassan that the rules be suspended for the purpose of extending the meeting to 12:00 a.m. The motion carried by the following vote:

- For: 9 Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
- f. 0-23-88 Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 2. The motion failed by the following vote:

- For: 3 Benton, Davis, and Peña
- Against: 6 Bassan, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 3. The motion carried by the following vote:

For: 6 - Bassan, Davis, Grout, Lewis, Peña, and Sanchez

Against: 3 - Benton, Fiebelkorn, and Jones

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 4. The motion failed by the following vote:

- For: 3 Grout, Peña, and Sanchez
- Against: 6 Bassan, Benton, Davis, Fiebelkorn, Jones, and Lewis

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 5. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Peña, and Sanchez

Against: 1 - Lewis

A motion was made by Councilor Lewis that this matter be Passed as Amended. The motion carried by the following vote:

- For: 5 Bassan, Grout, Jones, Lewis, and Sanchez
- Against: 4 Benton, Davis, Fiebelkorn, and Peña

 g. <u>R-23-176</u> Establishing A Moratorium For The Albuquerque-Bernalillo County Air Quality Control Board To Act Under Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance Until February 1, 2024 (Lewis)

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 1. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Lewis that this matter be Passed as Amended. The motion carried by the following vote:

- For: 5 Bassan, Grout, Jones, Lewis, and Sanchez
- Against: 4 Benton, Davis, Fiebelkorn, and Peña

a. <u>0-23-87</u> Directing The Tax Revenue Generated By Legal Recreational Marijuana Sales To A Permanent Marijuana Equity And Community Reinvestment Fund For The Benefit, Health, Safety, Welfare, And Quality Of Life For Those Who Have Been Negatively Impacted By The Criminalization Of Marijuana (Peña)

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 1. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 2. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Peña that this matter be Passed as Amended. The motion carried by the following vote:

- For: 8 Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez
- Against: 1 Jones

		A motion was made by Councilor Lewis that the rules be suspended for the purpose of extending the meeting to 1:00 a.m. The motion carried by the following vote:
		For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez
		Against: 1 - Jones
b.	<u>O-23-89</u>	Amending Sections §7-2-1-1 Through §7-2-1-3 Of The Transit System Ordinance, Creating A Zero-Fare Structure (Fiebelkorn, Davis, Peña)
		A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion carried by the following vote:
		For: 6 - Bassan, Benton, Davis, Fiebelkorn, Jones, and Peña
		Against: 3 - Grout, Lewis, and Sanchez
d.	<u>R-23-178</u>	Suspending Administrative Appeals To Safe Outdoor Space Applications In Response To Court Injunction Restricting Removing Encampments From Public Land (Fiebelkorn)
		A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 1. The motion failed by the following vote:
		For: 4 - Benton, Davis, Fiebelkorn, and Jones
		Against: 5 - Bassan, Grout, Lewis, Peña, and Sanchez
		A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion failed by the following vote:
		For: 4 - Benton, Davis, Fiebelkorn, and Jones
		Against: 5 - Bassan, Grout, Lewis, Peña, and Sanchez
e.	<u>RA-23-3</u>	Amending Article I, Sections 8(C) And 8(H); And Article III, Sections 4(A), 4(B), 24(12), And 24(13) Of The City Council Rules Of Procedure Relating To The Order Of Business And Public Comment On Quasi-Judicial Matters (Davis)
		A motion was made by President Davis that this matter be Passed. The motion carried by the following vote:
		For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez
c.	<u>R-23-177</u>	Designating Fund '305 Misc.' As The 'Housing Forward Fund' And Requiring The Administration To Provide An Annual Report (Benton)
		A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 1. The motion carried by the

following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Benton that this matter be Passed as Amended. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

*h. <u>R-23-180</u> Approving And Authorizing The Acceptance Of Grant Awards From The Federal Emergency Management Agency (FEMA) And Providing For An Appropriation To The Department Of Finance And Administration For Fiscal Years 2024, 2025 And 2026 (Fiebelkorn, by request)

A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

Excused: 1 - Jones

*i.R-23-181Directing The City Of Albuquerque Transit Department And Rio Metro
Regional Transit District To Conduct A Study For Considering
Consolidation; Appropriating Funding For The Study (Benton)

A motion was made by Councilor Benton that this matter be Passed. The motion carried by the following vote:

- For: 5 Benton, Davis, Fiebelkorn, Grout, and Lewis
- Against: 3 Bassan, Peña, and Sanchez

Excused: 1 - Jones

*j. <u>R-23-182</u> Establishing Legislative And Budget Priorities For The City Of Albuquerque For The Second Session Of The 56th New Mexico State Legislature (Fiebelkorn, Peña, Bassan)

A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

Excused: 1 - Jones

From:	Hoffman, Jim
To: <u>City of Albuquerque Planning Department</u>	
Subject:	Volcano Heights Urban Center - Small Area IDO Update Attention Chair Shaffer
Date:	Friday, November 24, 2023 11:24:17 AM
Attachments:	image001.png

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Chair Shaffer,

I would like to express my support for the Volcano heights Urban Center Small Area IDO Update to allow drive-through uses.

Volcano Heights is a developing area of change that lacks local amenities.

The facilitated review meeting held on 10/18/23 did not include "all other known, interested Community Stakeholders", as may directly impacted mixed-use property owners were not notified. As such, the meeting minutes cannot be construed as representing all community stakeholder views.

- The minutes state that allowing drive-through uses in Volcano Heights would lead to harmful impacts such as'
 - Drive-through business saturation, crowding and traffic problems, as seen near Starbucks, Bob's Burgers and other locations off of Golf Course Road.
 - Environmental impacts on noise, light, air pollution.
- Actually, it is the lack of local amenities in Volcano Heights that contribute to these situations.
 - Residents north and west of Volcano Heights (e.g. Ventana Ranch, etc.) must drive along Unser and Paseo del Norte to locations below the escarpment rather than accessing local amenities. This contributes to the drive-through business saturation with longer driving distances which increase traffic congestion, noise, and pollution.

Volcano Heights is an area of great potential for the City of Albuquerque. The area has gone through extensive planning with all community stakeholders over 15+ years. The Volcano Heights Sector Development Plan (VHSDP) that resulted from this extensive planning allowed for drive-through uses in mixed use areas with certain conditional use limitations based on the type of street frontage.

Character Zone	Town Center	Regional Center	Village Center	Mixed-Use	Escarpment Transition	Neighborhood Transition
Commercial Uses (Office, Retail, Sales, and Service Uses)						
Retail Sales or Service with no drive through facility (includes alcohol sales). Excluded from this category are retail sales and service establishments geared toward the automobile.		Р	Р	Р	С	NP
Auto-related Sales or Service establishments	C	Р	C	С	NP	NP

The IDO which replaced the VHSDP did it's best to carry over the zoning / allowable use requirements in the VHSDP; however, there was not a one-to-one correspondence. The prohibition of drive-through in the Volcano Heights mixed use zones is an example of a provision that was not carried over to the IDO.

I urge your support for the Volcano Heights Urban Center Small Area IDO Update.

Respectfully,

James Hoffman 817-689-4897 January 8, 2024

Re: IDO Citywide and Small area Amendment VHUC.

Dear Mr. Shaffer and fellow EPC members,

A lot of good points were raised by the Community and EPC during the Dec. 14, 2023 hearing, in written and oral testimony. <u>We support the ICC Inter-Coalition letter</u>, that is responding to community input. I would also like to emphasize attention to several amendments.

At the December 14th EPC hearing the Neighborhoods have expressed that there are too many amendments to review at once. In addition the IDO Annual Update should not take place during the holidays. At the December 14th EPC hearing the EPC members and the public spent 10 hours reviewing 60 IDO amendments, plus a small area amendment. For the January 11th Hearing written comments were due January 2nd, the day after New Year's Day, in order to be included in the staff report. Comments were due on January 9th to meet the 48 hour rule. Again, this is a difficult time to get comments in, especially for 60 plus amendments, right after the holidays. As mentioned before, the process needs to be scheduled to avoid the holidays.

After reading the staff report for the January 11th meeting, it looks like staff has added changes to the amendments. This required substantially more review. Will the community be allowed to comment on these new changes at the January 11th EPC hearing?

The public is very interested in maintaining the unique character of Albuquerque along with its unique natural, cultural and historic resources which is why we spend so much time reviewing the zoning amendments. We are proud of Albuquerque and don't want to undermine all the past work to preserve these resources.

Comments for Small Area Amendment VHUC Volcano Heights Urban Center:

The Westside Land Use Committee supports the Staff's recommendation to maintain the prohibition on drive-throughs in the Volcano Heights Urban Center in the mixed use zones. The goal is to make the urban center walkable. This would be similar to the Uptown Urban Center, next to Coronado Mall, which is a walkable design. This area is very sensitive due to its adjacency to the Monument. We want to maintain good design features and walkability for this area. Therefore we support the staff's recommendation to deny this request.

Comments for Citywide Amendments: (Our Comments are italicized below)

Amendment #2. Public: Outdoor Amplified Sound: Adds Outdoor Sound as an Accessory Use to enable a curfew between 10pm to 7 am. This amendment would allow Outdoor Amplified Sound as a "<u>permissive</u>" <u>Accessory Use</u> to the following zone districts: (MXL, MXM, MXH, NRC, NR-BP, NR-LM, NR-GM). It would be conditional in MXT zones. Relates to IDO amendments: #2, 7, & 50: *There is*

already an ordinance that has a 10pm to 7am curfew. It does not address daytime amplified sound which has caused unresolved conflicts. Shouldn't Amplified sound be reserved for indoor use not outdoors. Until we know how this would make things better, we support EPC's Dec. 14th decision to vote <u>NO</u>, in making outdoor amplified sound a permissive Accessory Use.

Walls and Fences:

Amendment #4. & #5. Administration: General Retail and Light Vehicle Refueling Stations Walls and Fences: 4-3(D)(37)(a), pg. 186: Require a perimeter wall for general retail & refueling stations to control pedestrian access to deter crime. <u>We support deleting this</u> <u>amendment</u> and let the businesses decide if they want a wall or fence to deter crime.

#24. & #25.: Front yard walls and fences: To increase the Front yard wall height for a Taller Front or Side yard Wall: *The <u>Community does not support</u> changing the front yard wall design which will negatively change the character of neighborhoods. We support the December 14th EPC's decision to vote <u>NO.</u>*

Utilities and Waste management:

#6: Battery storage landscape: *EPC is waiting for staff to talk with PNM.* (Introducing BESS as a **new use**)

55: Battery storage: one hour of generator sound, no more than 60 DBA with distance 330 ft. of residential. <u>Agree with staff that there needs to be a distance separation</u> between <u>homes and the battery</u> storage, due to noise and potential dangers associated with the battery storage.

#15: Exempt 30 yr. site from land fill gas mitigation: We agree with EPC to vote <u>NO.</u>

#8: Councilor Grout's amendment to maintain a distance separation between Cannabis 660 ft.
Retail stores, with no exceptions. <u>We support</u> a <u>distance requirement of 660ft. between</u> <u>stores</u>. This will help to slow down over-saturation of the cannabis businesses. We also recommend a distance requirement between residents and cannabis retail/consumption. This is starting to become an issue, especially with concerns regarding odor control. A distance separation between cannabis retails and residential is something we should consider as well.
#9: Overnight Shelter: change from conditional to permissive. (Note: Overnight shelters are currently conditional in MXM, MXH, NRC, NR-BP, NR-LM, NR-GM): Agree with the EPC and staff to <u>maintain overnight shelters as a conditional use</u>, not permissive.

10 Allow Duplex's on corner lots/ 5000 sf: A <u>small corner lot is not big enough for a duplex</u>. **S**upport the ICC letter that <u>both amendments should be deleted</u>.

S

#13: Allow duplex in all R-1 zones not just R-1A: Agree with EPC comments that changing R-1 to allow duplexes permissively, <u>changes the R-1 status</u>. This is why the community does not support it. <u>Agree with EPC to not Support</u>! Note: home additions are allowed with kitchens, therefore there is <u>no need</u> for duplexes.

#12) Live work/corner lot/5000 sf.: Most R-1 lot sizes are too small for live work. Agree with EPC members that parking space would be lacking. While Live work is a good concept, it is permissive in R-ML and all Mixed use zones where it is appropriate. <u>Agree with ICC letter</u> to <u>maintain existing zoning.</u>

#11: Exempt city facilities from conditional use process: <u>Agree with EPC to maintain</u> the <u>conditional use process</u> for city facilities. <u>Don't support</u>!

#17: RV/ Boat/ Trailer Front yard Parking: Agree that front yard parking needs to be addressed. Agree with the ICC letter that <u>Option one is the better Option</u>. Utility vehicles need to set back further from the street, 11 ft. or more.

#18: Parking maximums 330 ft. of transit: Agree with the EPC and ICC letter to <u>delete this</u> <u>amendment</u>. <u>Parking spaces are critical</u>. The West side does not have the transit service to replace vehicle parking requirements. 4 Bus lines have been suspended on the west side. We also need extra parking space at shopping centers to park and catch the bus, <u>Don't support!</u>
#20: Landscape & parking reduction by 20 %: <u>Don't support parking reduction</u>!

We also opposed the six amendments which would reduce neighborhood notification of development applications - (see below): This is very important!!

Currently, the distance is 660 ft. for neighborhood associations for notification and appeal standing. Staff wants to reduce it to 330 ft. distance for notification. This will not work for many neighborhoods. The lack of notification is becoming a problem for us and many other Neighborhood Associations. We need to maintain adjacency & the distance requirement. Do not support changing any of the notification requirements below:

29: pre-submittal notification: replaces adjacency to 330 ft: *Pre-submittal notification are very important in order to participate in the facilitated meetings. 330 ft. does not cover freeways. Also Neighborhoods should not been used to notify everyone as they do not have everyone's email.*

32: Public notice: Affects adjacency: Maintain adjacency requirement.

#33: Mailed notice: Adjacency: Agree with EPC members to <u>maintain existing notification</u> <u>requirements.</u> Do not eliminate adjacency. It is important to maintain.

34: Notice for Small area amendment: Removes adjacency: Don't support!

36: Facilitated meetings: contact NA within 330 ft.: replaces adjacency. *Facilitated meetings are important. 330 ft. is not enough.* <u>*Maintain the 660 ft. and the adjacency requirement.*</u>

37: Appeal Standing: Replaces adjacency & 660 ft. to 330ft. This is a taking. We have lots of development on the west side, and lots of Major Public Open space that are Albuquerque's unique natural and cultural landscape features that we are trying to protect through sensitive design. Neighborhoods work hard to try to get sensitive development to support protective

regulations to protect these areas. This is to the benefit of everyone! We recommend increasing the distance requirement to 1000 ft. otherwise it should not be changed or reduced.

58: Tribal engagement*: We* support tribal engagement. Have not had time to review all the options listed. But it is important to have their input for areas they have historically been a part of.

59 & 60) Clerical & Editorial changes: The community has noticed over the years, that changes made to the IDO regulations, were incorrect, such as the solar access chart. This is why the community has concerns about substantive changes being made without more careful review.

These comments reflect the comments we sent in for the December 14th hearing, for the 48 hour rule. We hope the comments we sent in for the December 14th hearing (to meet the 48 hour rule) are also included in the record for this IDO update. We have not had time to include all those comments in this letter. But we continue to support those views.

As mentioned before, good planning, zoning, and design is important to preserve Albuquerque's unique character.

Thank you, for taking our comments under consideration. We appreciate it!

Rene' Horvath Land Use Director for WSCONA **[EXTERNAL]** Forward to <u>phishing@cabq.gov</u> and delete if an email causes any concern.

Dear David Shaffer,

I just sent you my precious email regarding the upcoming January 11 meeting. I oppose the drive-thru cafe in the VHUC, not the Santa Fe Village. Thank you.

Kathryn McSorley

From:	Kathryn McSorley
То:	City of Albuquerque Planning Department
Subject:	To: David Shaffer, EPC chair of Planning Dept.
Date:	Friday, January 5, 2024 6:04:54 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Greetings,

This email is in regards to my support of City-wide changes in allowing tribal nations to comment on any proposed developments or changes near or abutting Petroglyph National Monument. It is about time that they can freely make comments/decisions about the land that was once theirs.

Also, I am vehemently against a drive-thru coffee shop in the Santa Fe Village that abuts Petroglyph National Monument. What are you thinking? Increasing gas fumes in a neighborhood right next to a National Monument where people go to breathe fresh air while they're hiking? That's downright wrong.

Thank you for considering my comments. I wish you a fair meeting on January 11.

Sincerely,

Kathryn McSorley

From:	Dan Regan
То:	City of Albuquerque Planning Department
Cc:	"P. Davis Willson"; reynolds@unm.edu; anvanews@aol.com; lxbaca@gmail.com; "Mildred Griffee"; dwillems2007@gmail.com; Marlene Willems; dlreganabq@gmail.com
Subject:	FW: EPC IDO Hearing #2; 48 hour comments
Date:	Monday, January 8, 2024 4:38:48 PM
Attachments:	ICC LTR to EPC 1 8 24Final.pdf
	Untitled attachment 00193.htm

[EXTERNAL] Forward to <u>phishing@cabq.gov</u> and delete if an email causes any concern.

Attn: EPC Chair David Shaffer,

I write in strong support of the attached Inter-Coalition Council letter to your recommending EPC. I have been following the development of the contents of the attached letter over the past 4+ months of ICC meetings.

I have been involved with the IDO processes since the night it was passed in Nov. 2017. I am an active member of the Knapp Heights Neighborhood Association and the District 4 Coalition of NAs.

To all EPC members: Please read carefully and give consideration to the all of the recommendations of the attached letter.....they were painfully (as in with a great deal of effort and focus.....cuz none of this fits into the category of FUN) developed by many voices from throughout our fair city.

Thanks

Dan Regan, member of KHNA and D4C

From: icc-working-group@googlegroups.com [mailto:icc-working-group@googlegroups.com] On
Behalf Of P. Davis Willson
Sent: Monday, January 8, 2024 4:22 PM
To: City of Albuquerque Planning Department <abctoz@cabq.gov>
Cc: MIchael Brasher <eastgatewaycoalition@gmail.com>
Subject: EPC IDO Hearing #2; 48 hour comments

Attn: EPC Chair Shaffer

Please accept the following letter from the Inter-Coalition Council (ICC) IDO Working Group for the IDO Hearing #2 on Thursday, January 11, 2024. I have Cc'd the ICC President Michael Brasher.

Thank you,

Patricia Willson

Victory Hills NA: President District 6 Coalition: Treasurer --

You received this message because you are subscribed to the Google Groups "ICC Working Group" group.

To unsubscribe from this group and stop receiving emails from it, send an email to <u>icc-working-group+unsubscribe@googlegroups.com</u>.

To view this discussion on the web visit <u>https://groups.google.com/d/msgid/icc-working-group/AE16E43A-F445-445E-BA2F-955449A096E3%40willsonstudio.com</u>. For more options, visit <u>https://groups.google.com/d/optout</u>.

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural and historic needs and interests of all residents.

January 8, 2024

Via email:	<u>abctoz@cabq.gov</u> EPC Chair Shaffer
Re:	PR-2018-001843 / RZ-2023-00044- Small Area VHUC
	PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail
	PR-2018-001843 / RZ-2023-00040- Citywide

Chairman Shaffer,

The Inter-Coalition Council (ICC) respectfully submits the following comments regarding the abovementioned cases to be heard by the Environmental Planning Commission on January 11, 2024. Kudos to Staff for their excellent Supplemental Staff Reports on all three of the Agenda items.

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As noted in the Small Area VHUC report, the Comprehensive Plan is the overriding guide. Changes to the IDO should not be project driven—we have seen how various Administrations' pet projects have had unintended consequences. We believe risk may still exist regarding the notification process in this matter. It is unclear how or if individual property owners were advised, to the extent that they fully comprehend (as per the definition of notification in our NM State Statutes), these proposed changes. The need to defer the Small Area VHUC from last month because of irregularities in the notification process is an example of the importance of proper notification.

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"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."

In general, we agree with the recommendation of APPROVAL and agree with most of the CONDITIONS presented. However, we have some concerns about the following specific items: • Item #1 Contextual Standards for HPO Zones, we have concern that there is no process for appeal

to the Landmarks Commission, as there is for ZHE.

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For CONDITIONS that have Options, we support the following Options:

<u>CONDITION 2; Items #2, #7, and #50 – Outdoor Amplified Sound:</u> Option 4: Delete all proposed amendments in their entirety.

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Our thanks to Planning Staff and the EPC for their work on this always-Herculean effort

Sincerely, Michael Brasher

Michael Brasher Inter-Coalition Council President

and members of the ICC IDO working group including: Patricia Willson; Victory Hills NA Jane Baechle; Santa Fe Village NA Rene' Horvath; Taylor Ranch NA Julie Dreike; Embudo Canyon NA Merideth Paxton; Spruce Park NA Evelyn Rivera; Taylor Ranch NA Peggy Neff; University Heights and Summit Park NAs

From:	Mike T. Voorhees
То:	City of Albuquerque Planning Department
Cc:	René Horvath
Subject:	PR-2018-001843 / RZ-2023-00044– Small Area VHUC 48 Hour Comments
Date:	Tuesday, January 9, 2024 3:09:17 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Attn: EPC Chairman Shaffer

EPC Chair Shaffer and Commissioners,

I write in support of the Planning Department's recommendation for denial of the proposed Small Area Amendment IDO 14-16-4-3(F)(5)(f)10 Volcano Heights Urban Center. While such a change would be bad policy and contrary to the goals and vision expressed the Comprehensive Plan, the process that has brought it before you is flawed and highly unethical.

Thus, to ensure the details are placed in the record, this proposal is being sponsored by Councilor Dan Lewis, after he admittedly was contacted in ex parte communication by real estate developer Mark Edwards. This was testified to by Shanna M. Shultz in the facilitated meeting. While Councilor Lewis allegedly informed Mr. Edwards that he couldn't discuss it, due to ex parte rules, he then instructed Mr. Edwards on how to skirt those provisions by submitting the request via Council Services, whereupon Councilor Lewis would then sponsor the proposal. This is highly unethical, and follows the same pattern of behavior exhibited by Councilor Lewis in his sponsored small area amendment for the VPO-2 View Protection Overlay. In that amendment, Councilor Lewis not only refused to recuse himself, he put forward the motions in LUPZ and before the Council to override the requirement to be an impartial arbiter in a quasi-judicial proceeding. That action is being review in District Court.

Please recommend denial once again for this improperly introduced proposal.

Respectfully,

Michael T. Voorhees

6320 Camino Alto NW

Albuquerque, NM 87120

 From:
 P. Davis Willson

 To:
 City of Albuquerque Planning Department

 Subject:
 Re: EPC IDO Hearing #2; 48 hour comments

 Date:
 Monday, January 8, 2024 9:20:26 PM

 Attachments:
 ICC LTR to EPC 18 24.pdf

[EXTERNAL] Forward to phishing@cabg.gov and delete if an email causes any concern.

Dear Ms. Bloom,

Thanks so much for the confirmation. Additional ICC IDO Working Group committee members have asked to have their signatures added. If it's not too much trouble; please substitute this revision in place of the one sent earlier (and I promise I won't send any more tomorrow!)

Sincerely,

Patricia Willson

Victory Hills NA: President District 6 Coalition: Treasurer Inter-Coalition Council Representative

On Jan 8, 2024, at 7:18 PM, City of Albuquerque Planning Department abctoz@cabq.gov> wrote:

January 8, 2024

Dear Ms. Wilson:

Good evening. Thank you for submitting your comments as they were received and will be attached to the staff report in accordance with the 48 hour rule.

Thank you and have a wonderful evening.

Respectfully submitted,

<image001.png> MISA K. BLOOM (she / hers) associate planner urban design & development o 505.924.3662 e mbloom@cabq.gov cabq.gov/planning

From: P. Davis Willson <<u>info@willsonstudio.com</u>>
Sent: Monday, January 8, 2024 4:22 PM
To: City of Albuquerque Planning Department <<u>abctoz@cabq.gov</u>>
Cc: Mlchael Brasher <<u>eastgatewaycoalition@gmail.com</u>>
Subject: EPC IDO Hearing #2; 48 hour comments

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

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Please accept the following letter from the Inter-Coalition Council (ICC) IDO Working Group for the IDO Hearing #2 on Thursday, January 11, 2024. I have Cc'd the ICC President Michael Brasher.

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Patricia Willson

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From:	P. Davis Willson
To:	City of Albuquerque Planning Department
Cc:	MIchael Brasher
Subject:	EPC IDO Hearing #2; 48 hour comments
Date:	Monday, January 8, 2024 4:24:14 PM
Attachments:	ICC LTR to EPC 1 8 24Final.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

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