



**Environmental
Planning
Commission**

**Agenda Number: 01
Project #: 2018-001843
Case #: RZ-2019-00046
Hearing Date: January 23, 2019**

Fifth Supplemental Staff Report

Applicant City of Albuquerque Planning Department

Request Amendment to the Integrated Development Ordinance (IDO) Text for the 2019 Annual Update

Location Citywide

Staff Recommendation

That a recommendation of APPROVAL of Project 2018-001843, Case RZ-2019-00046 based on the FINDINGS beginning on page 5, and the RECOMMENDED CONDITIONS OF APPROVAL beginning on page 26, be forwarded to the City Council.

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Summary of Analysis

The request is for a legislative amendment to the text of the Integrated Development Ordinance (IDO) to adopt revisions as part of the Annual Update process to identify needed changes through a regular cycle of discussion among residents, City staff, businesses, and decision makers (14-16-6-3(D)). Proposed Technical Edits and Council Amendments are the main body of the application for this request.

The Environmental Planning Commission (EPC) heard the request for the first time on September 12, 2019. Staff presented the case, and public comment was taken. Approximately 26 people testified, primarily about Council Amendment J proposing to make liquor retail conditional in the MX-M zone and Council Amendment G proposing to revise drive-through design regulations, particularly staff's proposed condition removing exemptions proposed by the amendment. The public also gave comments at a second hearing September 19, 2019 and a third hearing on October 10, 2019.

The EPC took comments on Technical Edits at a fourth hearing to December 12, 2019 and finished reviewing them at a fifth hearing on January 9, 2019.

This supplemental staff report includes new and revised conditions based on public and staff comments and EPC discussion to date.

Please see staff report from the first hearing, September 12, 2019, the first Supplemental Staff Report dated September 19, 2019, the second Supplemental Staff Report dated October 10, 2019, and the third Supplemental Staff Report for December 12, 2019 for additional analysis, public comments, and agency comments.

EPC voted on December 12th not to accept additional written materials. Comments received after December 10th at 9 am (less than 48 hours before the hearing) have been added to the official record for review by City Council at the next step in the City's review/decision process.

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I. INTRODUCTION

Request

This is a request for an Amendment to the Integrated Development Ordinance (IDO) Text for the Annual Update required by IDO Subsection 14-16-6-3(D).

The IDO annual update process was established to require a regular cycle for discussion among residents, City staff, businesses, and decision-makers to consider any needed changes that were identified over the course of the year. As this is the first annual update, a notable number of changes are proposed. Each proposed change provides the page and section of the effective draft of the IDO that would be modified, the text that is proposed to change, and an explanation of the purpose or intent of the change.

The proposed text amendment consists of two documents:

- “Proposed Technical Edits” are adjustments in language to clarify the intent and improve implementation of adopted regulations. These edits were requested by residents, project designers, land developers, other agencies, and City staff. There are several exhibits that provide more detail related to the Technical Edits.
- “Council Amendments” are substantive additions that change the intent or scope of an adopted regulation or add a new regulation with new intent and scope. Each amendment is sponsored by a City Councilor.

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

See staff report for hearing on September 12, 2019.

III. ANALYSIS OF RELEVANT EXISTING DOCUMENTS

See staff report for hearing on September 12, 2019.

IV. KEY ISSUES & DISCUSSION / ANALYSIS OF COUNCIL AMENDMENTS

See staff report for hearing on September 12, 2019.

V. PUBLIC OUTREACH

See staff report for hearing on September 12, 2019.

VI. NOTICE

See staff report for hearing on September 12, 2019.

VII. AGENCY & NEIGHBORHOOD COMMENTS

Comments Received Prior to September 17 (and reflected in Sept. 19, 2019 Supplemental Staff Report & 48 Hour Rule Materials)

See Staff Report for hearings on September 12, 2019 and September 19, 2019.

Comments Received after September 17 (but not reflected in Sept. 19, 2019 Supplemental Staff Report & 48 Hour Rule Materials)

See Staff Report for hearing on October 10, 2019.

See Staff Report for hearing on December 12, 2019.

Comments Raised at the EPC Hearing on October 10, 2019

See Staff Report for hearing on December 12, 2019.

Comments Received after October 10 (but not reflected in Oct. 10, 2019 Second Supplemental Staff Report & 48 Hour Rule Materials)

See Staff Report for December 12, 2019.

VIII. CONCLUSION

See Staff Report for September 12, 2019.

RECOMMENDED FINDINGS – RZ-2019-00046, January 23, 2020 – Text Amendment to the IDO

Findings highlighted blue are new or revised from January 9, 2020 4th supplemental staff report.

1. This is a request for an amendment to the IDO text and meets all of the application and procedural requirements in Subsection 14-16-6-7(D) of the IDO.
2. The IDO applies citywide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.
3. The EPC’s task is to make a recommendation to the City Council regarding the amendment to the IDO text. As the City’s Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. Adoption of this amendment to the IDO text is a legislative matter.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. After the first year of implementing the IDO as the City’s new land use and zoning framework, staff compiled approximately 300 technical edits to further improve the clarity and implementation of the IDO. These proposed amendments to the IDO text are required to promote economic growth and investment in the City as a whole. The proposed changes respond to challenges in implementing new regulations and neighborhood protections in a real-world context with real-world projects. Changes in market demands for housing and business needs, coupled with the imperative of protecting existing neighborhoods are also addressed in the proposed edits and amendments.
6. The request furthers the following relevant City Charter articles:
 - A. Article I, Incorporation and Powers. Amending the Integrated Development Ordinance (IDO) is an act of maximum local self-government and is consistent with the purpose of the City Charter. The updated regulatory language and processes in the IDO will help implement the updated Comprehensive Plan and help guide future legislation.

- B. Article IX, Environmental Protection. Amending the IDO will better provide for orderly and coordinated development patterns and encourage conservation and efficient use of water and other natural resources. The IDO will help protect and enhance quality of life for Albuquerque’s citizens by promoting and maintaining a high-quality and humane built environment. Commissions, Boards, and Committees will have up-to-date procedural guidance to better administer City policy and regulations.
- C. Article XVII, Planning. Amending the IDO is an instance of the Council exercising its role as the City’s ultimate planning and zoning authority. The IDO will help implement the updated Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts. Amending the IDO will help the Administration realize the Comprehensive Plan’s vision for future growth and development and aid in the enforcement and administration of land use plans.

7. The request furthers the following applicable Comprehensive Plan goals and policies:

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

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

If approved, the request would further the Community Identity Character Goal (4.1) and the Neighborhoods policy (4.1.4). It would make zoning and land use entitlements in our community more transparent, accurate, and contextually compatible, which would help to enhance, protect, and preserve distinct communities, neighborhoods, and traditional communities.

- B. Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

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

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.

If approved, the request would further the Land Use Centers & Corridors Goal (5.1) along with the Desired Growth and Development Areas policies (5.1.1 and 5.1.2). The IDO is the regulatory tool to realize and implement the “Centers and Corridors” community vision set out in the Comprehensive Plan in a coordinated, citywide context so that existing communities can benefit from appropriate new development, while being protected from potential adverse effects. The IDO regulations operationalizes the City’s Development Areas – Areas of Change and Consistency – that work together to direct growth to appropriate locations and ensure protections for low-density residential neighborhoods, parks, and Major Public Open Space. The IDO implements the Comprehensive Plan through regulations tailored to the City’s designated Centers and Corridors. The IDO regulations are also coordinated with transportation and urban design

policies in the updated Comprehensive Plan, as well as updated technical standards for infrastructure in the Development Process Manual, currently under City review. Council Amendments E, F, and G address regulations that specifically apply in designated Centers & Corridor locations, which were developed to implement this goal and policies.

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

If approved, the request would further the Efficient Development Patterns Goal (5.3). The intent of many of the proposed changes is the clarify how to read and apply provisions in the IDO, which will result in a more predictable development outcomes and consistent decision-making. Technical Edits are proposed for Sensitive Lands (IDO Section 14-16-5-2) and Subdivision regulations (IDO Section 14-16-5-4) to improve the clarity and enforceability of those provisions. Council Amendments E, F, H, I, N, and T include new regulations intended to promote efficient development patterns and maximize the utility of existing infrastructure and public facilities.

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

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

If approved, the request would further the Land Use Implementation Processes Goal (5.7) and the Regulatory Alignment policy (5.7.2). The IDO's procedures and processes have been developed to effectively and equitably implement the Comprehensive Plan. In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO established an annual update requirement into the regulatory framework.

- E. Policy 5.7.5 Public Engagement: Provide regular opportunities for residents and stakeholders to better understand and engage in the planning and development process.

If approved, the request would further the Land Use Implementation Goal (5.7) and the Public Engagement policy (5.7.5). The IDO Annual Update process was established to provide a regular cycle for discussion among residents, City staff, and decision-makers to consider any needed changes that were identified over the course of the year. As this is the first annual update, there are a substantial number of both minor and more substantial changes proposed.

- F. Policy 5.7.6 Development Services: Provide high-quality customer service with transparent approval and permitting processes.

If approved, the request would further the Implementation Goal (5.7) and the Development Services policy (5.7.6). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which will result in a more predictable development outcomes and consistent decision-making. In the Proposed Technical Edits, the application notification requirements are modified to respond to

comments from neighborhood association representatives about over-notification of requests with small impacts. For applications with larger potential impacts, the pre-submittal Neighborhood Meeting will be required to be facilitated by the City's Alternative Dispute Resolution Office, responding to concerns about potential bias in the existing procedure that allows the applicant to summarize the meeting contents. In Council Amendment Q, the determination of whether requested facilitated meetings will be required before a decision can be made on an application is removed from the purview of the Planning Director.

8. Council Amendment A furthers the following applicable Comprehensive Plan policies:

A. Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

Policy 7.3.5 Development Quality: Encourage innovative and high-quality design in all development.

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

This amendment would prohibit barbed/razor wire in more locations, which is generally positive for urban character. This amendment would improve the quality of neighborhoods by further limiting the use of barbed/razor wire in all Mixed-use zone districts, which are generally intended for more walkable and pedestrian-oriented development. It also extends the prohibitions to apply to public utility structures as well as police and transit department properties, removing an exemption that currently exists in the IDO. Although the amendment allows barbed wire facing streets in Non-residential zones, the amendment adds design standards that require minimum setbacks and heights for walls and fences with razor/barbed wire, which would improve safety for pedestrians. These design standards would contribute to more comfortable pedestrian travel where barbed/razor wire is used along streets.

9. Council Amendment A could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 7.2.1 Walkability, Policy 7.2.2 Walkable Places, Policy 7.3.5 Development Quality, and Policy 8.1.5 Available Land.

10. Council Amendment B furthers the following applicable Comprehensive Plan policies:

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

Policy 13.5.1 Land Use Impacts: Prevent environmental hazards related to land uses.

Policy 13.5.1.b: Protect public health, safety, and welfare by discouraging incompatible land uses in close proximity, such as housing and industrial activity.

This amendment would address potential conflicts between residential and cannabis-related uses. Cannabis-related uses might not be wanted by nearby residents and this amendment would ensure protections by specifying zone districts where these uses are allowed and distance separations from residential zone districts, schools, and daycares (1,000 feet for manufacturing and cultivation and 330 ft. for cannabis retail where consumption is allowed on premises).

- B. 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.

Policy 8.2.3 Sustainable Business: Provide incentives for development projects and businesses that have sustainable economic characteristics.

Policy 8.2.3.a Sustainable Businesses: Cluster compatible businesses to allow for more efficient movement of goods, services, and workers.

This amendment would encourage development of a resilient economy by increasing the location quotient of medical/recreational marijuana. Allowing these cannabis uses in only four on-residential zone districts offers the opportunity for economic gardening, a development strategy that seeks to foster entrepreneurship within the community, instead of recruiting companies that are not local. As a result of economic gardening, the location quotient of the cannabis industry situated in Albuquerque has the opportunity to grow.

11. Council Amendment C implements Comprehensive Plan policies about regulatory alignment and mitigating potential adverse land use impacts:

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

This amendment would provide a civil enforcement procedure as a first step to remedy violations of the IDO. If notices of violation are unsuccessful in remedying IDO violation(s), the Zoning Enforcement Officer (ZEO) would be able to initiate a hearing before the City's Administrative Office of Hearings. After determination that there is a violation, the hearing officer could issue a civil fine and order to pay the City's costs for the enforcement action and administrative hearing. If the property owner does not remedy the violation after that hearing, additional civil actions, including a lien on the property, or criminal proceedings may take place. This process is more likely to result in effective enforcement actions, than the present criminal enforcement procedures, thereby improving the City's regulatory alignment.

- B. Policy 13.5.1 Land Use Impacts: Prevent environmental hazards related to land uses.
- a) Remediate sites that pose a detriment to public health, safety, and welfare to return them to productive use.

- b) Protect public health, safety, and welfare by discouraging incompatible land uses in close proximity, such as housing and industrial activity.
- c) Mitigate potential adverse impacts – including noise, emissions, and glare – of new development on surrounding land uses during and after construction through land use regulations, environmental permitting, and enforcement.

This amendment is much-needed and highly anticipated improvement recommended by neighborhood leaders frustrated by the constraints on current enforcement efforts. It would lead to improved mitigation of potential adverse land use impacts that arise from zoning violations.

12. Council Amendment D furthers the following applicable Comprehensive Plan policy:

- A. Policy 9.2.3 Cluster Housing: Encourage housing developments that cluster residential units in order to provide community gathering spaces and/or open space.

This amendment is intended to result in cluster development with houses surrounded by common open space.

13. Council Amendment D could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Goal 5.3 Efficient Development Patterns, Policy 5.3.3 Compact Development, Policy 5.3.4 Conservation Development, Policy 9.2.3 Cluster Housing, and Policy 7.3.1 Natural and Cultural Features.

14. Council Amendment E furthers the following applicable Comprehensive Plan goal and policies:

- A. Policy 5.1.1.c Desired Growth: Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

Policy 5.1.1.g Desired Growth: Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Policy 9.1.2.c Development Areas: Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

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

This amendment would allow for new investment in neighborhoods in appropriate locations, which can help enhance existing neighborhoods.

The amendment allows for infill and increased density in UC-MS-PT areas and the surrounding area within ¼ mile (typically a 15-minute walk). UC-MS-PT areas are identified in the Comprehensive Plan as places where development and growth are desirable and where walkable and pedestrian-oriented development is encouraged. This amendment would allow more residential units within walking distance from these Center/Corridor areas, which allows more people to live in areas that can benefit from additional services in these areas as well as more people to support the retail, services, and transit encouraged in these Center/Corridor areas.

The existing contextual standard limits subdivision of properties in low-density residential areas by requiring that the lots that are created be at least 75% of the size of average lots in the area. This amendment would allow property owners to subdivide residential properties over 10,000 sf into lots that can be 50% or more of the size of average lots in the area, which would facilitate the creation of more varied housing types, while also maintaining a single-family development pattern.

The amendment would allow for slightly more dense development in areas with relatively large lots (over 10,000 sf), which would generally use and help maximize existing infrastructure and public facilities. Such development would encourage efficient use of land in already developed areas, which reduces the reliance on less efficient greenfield development.

15. Council Amendment E could further the following applicable Comprehensive Plan policy if the Recommended Conditions of Approval are implemented: Policy 4.1.4 Neighborhoods.

16. Council Amendment F furthers the following applicable Comprehensive Plan policies:

A. Policy 5.1.1.c Desired Growth: Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

Policy 5.1.1.g Desired Growth: Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

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

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Policy 9.1.2.c Development Areas: Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

This amendment would allow for infill and increased density in UC-MS-PT areas and the surrounding area within ¼ mile. This amendment allows for infill with a transitional form of residential development, which is not as dense as desired in Centers and Corridors, but brings more people within walking distance of goods, services, and transit encouraged in these Centers and Corridors.

The amendment would allow for slightly more dense development in areas with relatively large lots (over 10,000 sf), which would generally use and help maximize existing infrastructure and public facilities. Such development would encourage efficient use of land in already developed areas, which reduces the reliance on less efficient greenfield development.

The amendment would allow for more infill development than allowed by the existing cottage development rules, which have a 1-acre minimum lot size. Most of the land where infill residential development might occur is less than one acre, so the cottage development use cannot be applied in many infill situations. This amendment would allow for the use of cottage development, which is an innovative way to allow for slightly increased residential density that remains in scale with low-density residential development patterns in existing neighborhoods.

This amendment would allow for more use of cottage development, which is a tool to allow for a different mix of dwelling sizes and types, often with shared infrastructure, open space, and facilities for the residents. The dwelling types (single-family detached vs. duplex or townhouse) allowed in cottage development are the same as would be allowed in the underlying zone district, but the development intensity is measured based on gross floor area instead of the number of dwellings allowed. This type of development would provide more variety in certain areas, while maintaining the general scale and type of residential development environment.

- B. Policy 5.3.3 Compact Development: Encourage development that clusters buildings and uses in order to provide landscaped open space and/or plazas and courtyards.

This amendment encourages cottage development, which allows for slightly more density than is normally allowed in zones like R-A and R-1. There is an existing requirement that in R-A and R-1, cottage developments must include 30% of the site as usable open space, which would continue apply to properties that become available for

this type of development based on this change. Cottage developments are intended to include smaller dwellings than would normally be built, which allows for more clustering of those dwellings.

17. Council Amendment G furthers the following applicable Comprehensive Plan policies:

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

This amendment addresses a concern that some of the design requirements for drive-throughs in AC-UC-MS-PT-MT areas are too restrictive and are discouraging or rendering impossible that type of development in Center and Corridor areas, where development is generally desired.

This amendment would allow for flexibility on certain lots where the circumstances of the lot size, location, or orientation do not allow for a site layout that is accessible or, in some cases, safe. Providing certain exemptions to the requirements for locating drive-through lanes away from the street for small lots and corners would provide additional flexibility for development on lots with those specific circumstances.

The requirement for screening would help mitigate potential negative impacts and would help maintain a consistent street wall, even where a drive-through lane is between a building and the street.

The revised language about the placement of service windows is an appropriate revision because it allows for some flexibility, but still protects residential neighborhoods from the sounds and other negative impacts, like idling vehicles, associated with the service window. As written, the proposed language that the window be “parallel with” includes some ambiguity and is open to interpretation. This regulation would be clearer if the language were adjusted to say either “perpendicular to” or “facing.”

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

Drive-throughs are a common form of development in Albuquerque, where most areas remain fairly auto-oriented. Most of this amendment, except for the portion that removes design guidelines for Activity Centers and Major Transit Corridors, provides flexibility to support development in Centers and Corridors, while also preserving certain protections from some negative impacts of drive-throughs.

18. Council Amendment G could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.1 Desired Growth, Policy 5.7.2 Regulatory Alignment, Policy 5.1.4.b Urban Centers, Policy 5.1.8 Premium Transit Corridors, Policy 5.1.9 Main Streets, Policy 6.1.3 Auto Demand, Goal 7.2 Pedestrian-Accessible Design, Policy 7.2.1 Walkability, Policy 7.2.2 & 7.2.2b Walkable Places, Policy 5.1.6 & 5.1.6.d Activity Centers, and Policy 7.1.2 & 7.1.2.a Development Form.

19. Council Amendment H furthers the following applicable Comprehensive Plan goal and policies:

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

Policy 5.2.1.a: Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

Policy 5.2.1.e: Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

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

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

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

The amendment would support these policies. MX-L is intended to be mapped near residential neighborhoods. The amendment would therefore allow more retail nearer to neighborhoods. Much MX-L is mapped in areas with existing infrastructure, and this amendment would allow larger retail establishments that could support additional growth and accommodate additional market demands.

20. Council Amendment H could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.1 Desired Growth, Policy 5.1.2 Development Areas, Policy 5.2.1.h & 5.2.1.g Land Uses, and Policy 8.1.1 & 8.1.1b Diverse Places.

21. Council Amendment I furthers the following applicable Comp Plan policy:

- A. Policy 5.7.6 Development Services: Provide high-quality customer service with transparent approval and permitting processes.

The amendment would further this policy. In the majority of instances, the amendment replaces the phrase with a dimensional standard that makes compliance clear or removes the provision altogether if compliance cannot be regulated. In those instances where the proposed change did not result in an enforceable regulation, staff has proposed edits. See attached exhibit.

For instances of the phrase in Subsection 5-2 Sensitive Lands, the amendment would replace an administrative review process of assessing whether an application meets the standards to the maximum extent practicable with a discretionary review process that would rely on the Environmental Planning Commission to approve a site plan for

applications that cannot avoid sensitive lands, and the Environmental Planning Commission would be responsible for determining whether the applicant was meeting the standards to the maximum extent practicable. Since “maximum extent practicable” is defined with regard to feasibility, this change relies on the EPC to have the technical expertise to judge whether a feasible or prudent alternative exists. Many of the instances where the phrase has been used rely on some engineering knowledge related to the engineering feasibility of compliance with the regulation. The engineering expertise of staff is relevant to these determinations. The Council amendment posits that “maximum extent practicable” goes beyond what staff can determine and requires a discretionary decision at a public hearing.

22. Council Amendment I could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.7.4 Streamlined Development, Policy 5.7.4.d Streamlined Development, Policy 5.7.5.a Public Engagement, and Policy 10.4.4.b Arroyos and Drainage.

23. Council Amendment J furthers the following applicable Comprehensive Plan policies:

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

Policy 5.2.1.h: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

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

This amendment would address potential conflicts between residences and locally unwanted land uses by adding an extra layer of consideration through making the use conditional in the MX-M zone. By making liquor retail a conditional use in the MX-M zone unless accessory to a grocery store this amendment would address neighborhoods’ and residents’ concerns about nuisance traffic or activity that may disrupt adjacent land uses.

24. Council Amendment J could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.1 Desired Growth, Policy 5.1.2 Development Areas, Policy 5.2.1 Land Uses, Policy 5.7.2 Regulatory Alignment, and Policy 8.1.1 Diverse Places.

25. Council Amendment K furthers the following applicable Comprehensive Plan policies:

A. Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

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

Policy 7.2.2.b: Encourage building and site design that activates the pedestrian environment through building frontage, entrances, parking areas, and gathering spaces.

Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

Policy 7.3.4.b: Promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood-scale, well-designed, appropriately located, and consistent with the existing development context and neighborhood character.

This amendment would contribute to appropriate transitions between Areas of Change and Areas of Consistency by allowing developers to locate parking closer to residential lots while still creating a buffer between parking and low-density residential uses. It would also affectively allow smaller sites the creativity to develop buildings closer to the street, rather than being forced to move parking to the front. Neighborhoods have expressed that having some parking between low density residential is preferable to a multi-story building being located closer to the Protected Lot.

The amendment would promote a high-quality pedestrian-oriented neighborhood and district by encouraging building and site design that activates the pedestrian environment. This change would also promote infill that enhances the built environment with surrounding structures and the streetscape of the block in which it is located by promoting buildings and massing of commercial and offices uses adjacent to single-family neighborhoods that are neighborhood-scale and appropriately located in a manner consistent with the existing development context and neighborhood character.

26. Council Amendment L furthers the following applicable Comprehensive Plan goals and policies:

- A. Policy 6.1.1 Matching Land Use: When designing and improving streets, prioritize transportation-related accommodations and amenities to match the desired development context (e.g. urban, suburban, or rural) and/or the intended intensity of land uses.

Goal 7.2 Pedestrian-Accessible Design: 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.

Policy 7.2.1.a: Ensure the location and design of sidewalks reflects the existing or planned character and intensity of surrounding land uses.

Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

Policy 7.3.2.a: Design development to reflect the character of the surrounding area and protect and enhance views.

Policy 7.3.2.b: Encourage development and site design that incorporates CPTED principles.

Policy 7.3.5 Development Quality: Encourage innovative and high-quality design in all development.

The amendment would maintain a safe and comfortable pedestrian environment, by allowing visibility between the street and the abutting development, while reflecting the character and security needs of the surrounding land uses.

The proposed amendment strikes a balance between the prior rules, which allowed taller walls or fences between the building and the street, with the IDO's regulations that required shorter fences. By requiring any fence over 3 feet tall to be view fencing, the visibility between the street and the building is maintained, while allowing businesses to have a more secure site. Allowing taller walls in the NR-C and NR-BP zone reflects the existing or desired development context and character of the land uses.

This amendment would also adjust outdoor seating standards, which were intended more for big-box retail than for large warehouses, to a lower rate for Transportation and Industrial Uses that might not have many workers or any customers. This is consistent with Comprehensive Plan policies to recognize the unique character of different types of development and land uses and provide different regulatory approaches to keep places safe and attractive.

27. Because Council Amendment M proposes to create a new Character Protection Overlay zone, this amendment is being withdrawn from consideration as part of the IDO Text Amendment and will be submitted separately as a Zoning Map Amendment – Council, pursuant to IDO Subsection 6-7(G). A Recommended Condition of Approval could address the building articulation concerns that lead to some of the regulations in this proposed CPO as a Technical Edit that would apply citywide in Center and Corridor areas, thereby making building design standards unique to a new North 4th Street CPO unnecessary.

28. Council Amendment N furthers the following applicable Comprehensive Plan policies:

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

Policy 5.2.1.c: Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.

Policy 5.2.1.h: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

This amendment would contribute to creating healthy, sustainable, and distinct communities with a mix of uses by allowing a contractor's yard to be permissive on lots zoned NR-C that are not located within 330 feet of a Residential zone. This change would also encourage infill development that is complementary to surrounding uses and scale.

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

Policy 5.4.2.a: Ensure adequate capacity of land zoned for commercial, office, and industrial uses west of the Rio Grande to support additional job growth.

This amendment would ensure adequate capacity of land zoned for commercial and industrial uses west of the Rio Grande to support additional job growth by increasing the number of properties zoned NR-C where this use is permissive, while maintaining protections for residentially zoned properties.

29. Council Amendment O furthers the following applicable Comprehensive Plan goals and policies:

A. Policy 5.1.3.a Downtown: Support pedestrian-oriented development.

Policy 5.1.3.e Downtown: Encourage plazas and other open spaces to provide an inviting atmosphere for pedestrians and support a diversity of uses.

Policy 5.1.8.c Premium Transit Corridors: Encourage active public spaces and plazas within 660 feet of identified transit station locations and balconies and decks overlooking transit station areas.

Policy 5.1.9 Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood-oriented businesses.

Policy 5.1.9.c: Prioritize street and walkway improvements, such as street trees, landscaping, lighting, wayfinding, and wide sidewalks, to create safe and comfortable pedestrian environments.

Policy 6.2.4 Pedestrian Network: Prioritize pedestrian travel, safety, and amenities above all other transportation modes on Main Street Corridors and streets within Downtown, Urban Centers, and Activity Centers.

Policy 6.2.4.c: Develop and maintain a safe, convenient, and visually pleasing pedestrian environment, ensuring adequate facilities for all users, especially children, senior citizens, and people with disabilities.

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

Policy 7.2.2.g: Design streetscapes to incorporate street trees, landscape elements, and enhanced sidewalks to support vibrant pedestrian environments.

Policy 7.2.2.h: Encourage building and site design that activates the pedestrian environment through building frontage, entrances, parking areas, and gathering spaces.

Policy 7.2.2.i: Support pedestrian activity along streets, including sidewalk dining, parquitos/parklets, and open streets events.

The amendment would further these Comprehensive Plan by removing the requirement for a wall or fence in the public right-of-way around outdoor dining areas – unless one is required by the State to delineate the area where alcohol is consumed. The amendment retains the requirement to provide a minimum pedestrian clear passage area. These changes can help enhance pedestrian-oriented development, contribute to an inviting atmosphere for pedestrians, encourage active places, and support vibrant pedestrian environments.

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

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

Reducing the sidewalk encroachment permit fee allows the city to incentivize and subsidize the creation of outdoor dining spaces in the public right-of-way, which generally contribute to a more vibrant and diverse streetscape. This supports a regulatory alignment of our city goals and priorities with incentives to increase this use in the public right-of-way.

- C. Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

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

Reducing the sidewalk encroachment permit fee and removing the requirement for wall to demarcate outdoor dining space on public right-of-way will support the economic viability of cafés, restaurants, bars, nightclubs, and tasting and tap rooms. Outdoor dining patios expand seating capacity, show off the restaurant from a distance, and provide a comfortable space for customers to enjoy. Removing the requirement for providing a wall or fence in the public right-of-way will increase the locations where outdoor patios are viable, while retaining requirements to protect the pedestrian walkway.

30. Council Amendment O would further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.3.a & 5.1.3.e Downtown, Policy 5.1.8.c Premium Transit Corridors, Policy 5.1.9 Main Streets, Policy 6.2.4 Pedestrian Network, and Policy 7.2.2 Walkable Places.

31. Council Amendment P furthers the following applicable Comprehensive Plan policies:

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

Policy 5.1.1.a: Create walkable places that provide opportunities to live, work, learn, shop, and play.

This amendment would make it easier to put outdoor seating and dining areas in front of or next to buildings in UC-MS-PT areas. The existing regulation is intended to maintain an active street frontage in these more urban Center and Corridor areas. Outdoor seating and dining areas can be just as effective, if not more so in some cases, than buildings in activating the street frontage. This amendment provides additional options for development in UC-MS-PT areas and supports walkability in those areas.

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

This amendment would encourage more walkable urban environments – outdoor seating and dining areas encourage people to walk and spend time outdoors, which may draw residents from the surrounding neighborhoods. This amendment would also allow for a wider mix of uses than would otherwise developers because property owners have more options.

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

Policy 7.2.2.b: Encourage building and site design that activates the pedestrian environment through building frontage, entrances, parking areas, and gathering spaces.

Policy 7.2.2.c: Support pedestrian activity along streets, including sidewalk dining, parquitos/parklets, and open streets events.

This amendment would promote pedestrian-oriented streetscapes by encouraging outdoor gathering and dining areas that activate the pedestrian environment along streets.

32. Council Amendment Q furthers the following applicable Comprehensive Plan policies:

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

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

Policy 5.7.6 Development Services: Provide high-quality customer service with transparent approval and permitting processes.

Policy 5.7.4.a Streamlined Development: Encourage and facilitate meetings between developers and residents to identify and address issues prior to the official submittal of projects for approval.

The amendment would support these policies to the extent that the amendment ensures facilitated meetings to anyone who requests one and clarifies the notification process.

The language requiring forms for notice seems too detailed for the IDO, which generally does not delve into the details of how to administer the code. The Planning Department is willing to make forms, and the use of the forms, if posted on the Planning webpage, would be required by existing language in Subsection 6-4(F)(1). If the Councilor still wants the amendment to direct the Planning Department to create forms, staff respectfully requests that the language be moved to an Actions section at the top, similar to the approach in Amendment O for Outdoor Dining, which directs the Planning Department to establish procedures for an outdoor dining sidewalk encroachment permit. Staff would also recommend adding an item to the list of required information an explanation of any deviations, variances, or waivers being requested. Staff has received input from Neighborhood Associations that this information is useful in understanding the request.

33. Council Amendment Q could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.7.4 & 5.7.4.d Streamlined Development, and Policy 5.7.6 Development Services.

34. Council Amendment R furthers the following applicable Comprehensive Plan policies:

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

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

Policy 13.5.1 Land Use Impacts: Prevent environmental hazards related to land uses.

Policy 13.5.1.a: Mitigate potential adverse impacts – including noise, emissions, and glare – of new development on surrounding land uses during and after construction through land use regulations, environmental permitting, and enforcement.

This amendment would limit light pollution onto adjacent properties from the interior of brightly lit buildings, which would protect existing residential neighborhoods from the potentially intense interior lighting of non-residential development, thereby promoting long-term health and vitality of the existing City.

This amendment would encourage design strategies to limit excessive interior night lighting to be more compatible with neighborhoods that typically have less night lighting.

B. Policy 8.2.3 Sustainable Business: Provide incentives for development projects and businesses that have sustainable economic characteristics.

Policy 13.1.1 Resource-Efficient Development: Promote development in the city and county that works with nature to slow global climate change.

This amendment would decrease energy use for development projects and businesses, which would lower costs and result in more sustainable practices and decrease carbon emissions from electricity that causes climate change.

35. Council Amendment R could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 6.3.2.a Pedestrians and Policy 7.3.2 Community Character.

36. Council Amendment S furthers the following applicable Comprehensive Plan policies:

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

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

Policy 6.1.1 Matching Land Use: When designing and improving streets, prioritize transportation-related accommodations and amenities to match the desired development context (e.g. urban, suburban, or rural) and/or the intended intensity of land uses.

Policy 6.2.1 Complete Networks: Design and build a complete, well-connected network of streets and trails that offer multiple efficient and safe transportation choices for commuting and daily needs.

This amendment would add a new 100 ft. limit for the length of streets that end in cul-de-sacs and reduce the length of permanent stub streets from 150 ft. to 100 ft. This amendment would be consistent with Comp Plan policies that aim to protect and contribute to the identity and cohesiveness of neighborhoods by promoting general access to the mix of uses on commercial streets through a complete well-connected network of streets to offer a multiple of efficient and safe transportation choices for commuting and daily needs. Long cul-de-sacs require driving longer distances to connect to goods and services and decrease the pedestrian connectivity of a neighborhood. The amendment would conflict with new DPM standards. If the DPM standards are sufficient to limit cul-de-sac lengths and stub streets, then this amendment is unnecessary. If the amendment establishes appropriate limits, then the draft DPM needs to be updated. Potentially, limits between what the amendment proposes and what the DPM reflects should be considered.

37. Council Amendment S could further the following applicable Comprehensive Plan policies if the Recommended Conditions of Approval are implemented: Policy 5.1.1.c & 5.1.1.g, Policy 5.2.1 & 5.2.1.n Land Uses, Policy 5.3.1 Infill Development, Policy 7.2.1 & 7.2.1.f Walkability, Policy 7.3.1 Natural and Cultural Features, and Policy 11.4.5 Private Protections.

38. Council Amendment T furthers the following applicable Comprehensive Plan policies:

- A. Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.
- Policy 5.1.1 - Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.
- Policy 5.1.10 - Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.
- Policy 5.1.11 - Multi-Modal Corridors: Design safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and pedestrian-oriented over time.
- Policy 5.2.1 - Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
- Policy 5.3.1 - Infill Development: Support additional growth in areas with existing infrastructure and public facilities.
- Policy 6.1.1 Matching Land Use: When designing and improving streets, prioritize transportation-related accommodations and amenities to match the desired development context (e.g. urban, suburban, or rural) and/or the intended intensity of land uses
- Policy 6.1.2 Transit-Oriented Development: Prioritize transit-supportive density, uses, and building design along Transit Corridors.
- Policy 6.1.3 Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs
- Policy 6.2.7 Transit Network: Prioritize transit travel and pedestrian safety, especially near transit stops and stations and intersections.
- Policy 6.5.1 Equitable Transportation Systems: Consider the needs of people of all ages and abilities in the design, construction, and operation of transportation systems.
- Policy 6.6.4 Redevelopment: Leverage transportation investments to spur redevelopment and private investment along commercial corridors and Interstates.
- Policy 6.7.1 Public-Private Coordination: Coordinate public and private sector investment, development, and transportation decisions so that future investments are consistent with the vision and principles of the Comp Plan and the regional MTP.
- Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.
- Policy 7.4.2 Parking Requirements: Establish off-street parking requirements based on development context.
- Policy 7.4.2.a: Discourage oversized parking facilities.

This amendment would allow a reduction of required parking on more properties to include those located on a transit route with service that is at a higher level than other locations in the City. The requested regulation would expand the definition of high-frequency transit service to 30-minute headways during peak service. Transit routes with a 30-minute frequency are still a higher frequency than most routes in the City and are located on corridors with more existing activity, mix of uses, and existing infrastructure. Less parking would be required on more transit routes, therefore encouraging transit ridership.

This incentive prioritizes development in areas with transportation-related accommodations and amenities and generally matches the desired development context with the intended intensity of land uses. The request will prioritize transit-supportive density, uses, and building types along transit corridors.

This change would protect the identity and cohesiveness of the existing neighborhoods by promoting development with less parking at appropriate locations, thereby encouraging pedestrian activity in neighborhoods where transit is more frequent, and activating the streetscape in those areas, thereby promoting safety for pedestrians and economic benefit for local businesses. The result would be to allow more density closer to already established neighborhoods.

The proposed regulation will allow denser development for properties on more transit routes. Since high-volume transit routes are more likely to be located on Comprehensive Plan designated Corridors that connect Centers, this regulation would encourage a sustainable development pattern rather than a sprawling pattern that would limit future transit options.

The requested regulation would contribute to the safe design of multi-modal corridors by allowing denser development with less required on-site surface parking, which will reduce conflict between pedestrians and vehicles, thereby encouraging high-frequency transit corridors to become more mixed-use and pedestrian-oriented over time.

Because this regulation requires less on-site parking on high-frequency transit routes, denser development will result, which is inherently more pedestrian-oriented. Walking is a more feasible transportation option when the distances between services and activities are closer and easier to access with less danger from crashes with vehicles.

The requested regulation encourages transit use and does not encourage automobile use; therefore, more equitable systems are promoted because automobiles are one of the most costly household expenses.

39. Because Council Amendment U proposes to create a new Character Protection Overlay zone, this amendment is being withdrawn from consideration as part of the IDO Text Amendment and will be submitted separately as a Zoning Map Amendment – Council, pursuant to IDO Subsection 6-7(G).

40. The required notice for an Amendment to IDO Text is published, mailed, and posted on the web. The City published notice of the EPC hearing in the ABQ Journal legal ads. First class mailed notice was sent to the two representatives of each neighborhood organization registered with the Office of Neighborhood Coordination (ONC). Notice was posted on the Planning Department website and on the project website.
41. Additional notification consisted of an article published in the Neighborhood News in June and July 2019, a banner on the Library webpage, announcements on the Planning Department webpage, and email notice sent to approximately 10,000 subscribers to the ABC-Z project update email list on July 26, 2019.
42. Though a neighborhood meeting is not required for an Amendment to IDO Text, Planning staff held a series of 12 public meetings and 4 open houses on the proposed IDO Annual Update text amendments. In these meetings, staff presented the proposed amendments, solicited input for new changes, and listened to participants' feedback about the proposed changes.
43. The request for the IDO Annual Update text amendment was announced in the Albuquerque Journal, the Neighborhood News, and on the Planning Department's web page and social media. The Planning Department mailed notification to each of listed neighborhood representatives.
44. As of this writing, Staff has received multiple comments, expressing support, opposition, and recommended changes. While there are comments in opposition to individual Tech Edits and Council Amendments, there is general support for this request as a whole. The recommended Conditions of Approval address some of the issues raised in public and agency comments.
45. Since the first EPC hearing, Staff has continued coordination with several departments, including Municipal Development, Transit, and Council Services. These discussions have resulted in several additional EPC Recommended Conditions of Approval.
46. Regulations that include parapet height in building height and that require a minimum ground floor clear height interact with each other to potentially limit the number of stories that can be accommodated in a building. EPC finds that requiring a 12-foot minimum floor height unduly constrains development and the ability to create useful commercial buildings. The EPC concurs that parapet heights be included in the height of a building. Reducing the minimum floor height to 10 feet or removing the limitations on minimum floor height would result in more viable commercial buildings.

RECOMMENDATION – RZ-2019-00046 – January 23, 2020 – Text Amendment to the IDO

That a recommendation of APPROVAL of Project #: 2018-001843, RZ-2019-00046, a request for Amendment to the IDO Text, be forwarded to the City Council based on the preceding Findings.

***RECOMMENDED CONDITIONS OF APPROVAL – RZ-2019-00046 – January 23, 2020 –
Amendment to the IDO Text***

The Recommended Conditions of Approval have been reorganized since earlier Staff Reports to group all Technical Edits together and all Council Amendments together. The Technical Edit conditions are generally organized in order of the IDO. Council Amendments conditions are organized alphabetically by Amendment.

Conditions highlighted blue are new or revised conditions from January 9, 2020 4th supplemental staff report or other conditions that EPC wanted to review specifically. See also a revised version of Exhibit 1 – Technical Edits dated 1/23/20 that notes the number of any corresponding condition, date of the staff report that a condition was first proposed, and EPC action.

Technical Edits

The following conditions of approval are submitted for the EPC's consideration based on the policy analysis above. Those noted with [R] are recommended by staff. Those noted with [O] are options for EPC consideration [O].

1. The Proposed Technical Edits included as “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019” and “Proposed Technical Edits - Attachments” shall be adopted, except as modified by any recommended conditions of approval below.
2. Staff Comment: Technical Edit [new]: [R] On IDO page 2, in Subsection 14-16-1-6(B), revise to read as follows: “The Official Zoning Map is the latest version of the zoning map as approved or amended by City Council or its designee the Environmental Planning Commission and maintained in electronic form by the City Planning Department. The zones and boundaries of zones as established and shown on the map are incorporated herein and designated as the Official Zoning Map of the city.”
3. Staff Comment: Technical Edit [new]: [R] On page 2, Subsection 14-16-1-7(A)(2) replace text to read as follows: “Indoor uses allowed under this IDO must be located within buildings that meet the standards in Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code, Fire Code, and Uniform Housing Code) and other applicable technical codes adopted by the City. Allowable uses conducted in buildings that are not in compliance with this requirement are a violation of this IDO.”
4. Staff Comment: Technical Edit [new]: [R] On page 4, Section 14-16-1-7 Compliance Required, move Subsection 14-16-1-10(B) to a new Subsection 14-16-1-7(C) and replace text as follows:

“Applications shall be reviewed and decided based on conditions that exist and rules and procedures in effect when the application was accepted as complete by the City Planning Department, including, but not limited to the following:

1. Land uses that exist or have received a building permit on adjacent properties.
 2. Zoning in effect on properties adjacent to the subject property.
 3. Any adopted standards or regulations that would apply to the subject property.
 4. Any relevant City processes or decision criteria that would apply to the application.”
5. Staff Comment: Technical Edit [new]: [R] On page 4, Section 14-16-1-7 Compliance Required, move Subsection 1-10(C) to a new Subsection 1-7(D) and replace text as follows:
- “Any application that has not been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, or that is submitted after that effective date, shall be processed, reviewed, and decided based on the requirements of this IDO in effect when the application is accepted as complete. See also Section 1-10 Transitions from Previous Regulations.”
6. Staff Comment: Revise Technical Edit: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the first row on page 6 of 101 labeled Area-specific Standards for a new Subsection 14-16-1-8(A)(3) on page 4 to read: “When area-specific regulations (i.e. Centers, Corridors, or small areas) conflict or differ from any citywide regulation in Parts 4, 5, and 6, the area-specific regulations prevail for development within the specified area regardless of whether the area-specific regulation is more or less restrictive than the citywide regulation. The area-specific regulations apply instead of, not in addition to, the citywide regulations, unless specified otherwise. Where area-specific regulations are silent, citywide regulations in Parts 4, 5, and 6 apply.”
7. Public Comment: Revised Technical Edit: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the first row on page 7 of 101 labeled Usable Open Space for IDO Table 2-4-11 on page 34. Replace with the following text: “Add a note to allow the amount of usable open space to be reduced by 50% in UC-MS-PT areas in the MX-FB-ID and MX-FB-FX subzones.”
8. Staff Comment: Revised Technical Edits regarding small area regulations: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” strike all proposed edits to regulations in a small area, as these cannot be approved through this legislative action and must be re-submitted as text amendments to the IDO for a small area and decided through a quasi-judicial process with mailed notice to all affected property owners. This includes all edits in Section 14-16-3 on pages 10 through 16 of 101.
9. New and revised Technical Edits in response to Council Amendment D: [R]

- a. On IDO page 130, in Table 4-2-1, add a new use called “Dwelling, conservation development” with the same allowances as Dwelling, cluster development.
- b. Add a use-specific standard with the same language as currently in Section 14-16-4-3(B)(2), replacing the term “cluster development” with “conservation development” with the following exceptions:
 - i. On page 136, revise the language in Subsection 14-16-4-3(B)(2)(c) to read: “...shall not exceed 50 per conservation development...”
 - ii. On page 136, revise the language in Subsection 14-16-4-3(B)(2)(d) to read: “...shall include common open space set aside...”
 - iii. On page 136, revise the language in Subsection 14-16-4-3(B)(2)(d)(1) to read: “The total area of common open space shall be 30 percent of the gross area of each cluster development or 100 percent...”
 - iv. On page 136, revise the language in Subsection 14-16-4-3(B)(2)(d)(2) to read: “Each common open space shall...”
 - v. On page 136, in Subsection 14-16-4-3(B)(2)(d)3 and 14-16-4-3(B)(2)(d)4 delete “the” in front of “common open space” consistent with the revisions proposed above that multiple common open space areas are allowed.
 - vi. On page 136, create a new Subsection in 4-3(B)(2)(d) to read as follows: “Up to 25 percent of the common open space may be provided as a park, pursuant to location restrictions in Subsection 14-16-5-2(H)(2)(a)2 if the project site is adjacent to Major Public Open Space.”
 - vii. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the Technical Edit in the second row labeled Major Public Open Space / Cluster Development on page 32 of 101 for IDO page 205, Subsection 14-16-5-2(H)(2)(a)2, to read as follows: “For conservation development, locate at least 75 percent of common open space to be contiguous with Major Public Open Space. For cluster development and multi-family development, locate at least 25 percent of common open space or ground-level usable open space to be contiguous with Major Public Open Space. Any portion of the common open space that is provide as parks shall not be contiguous with Major Public Open Space. These areas shall be made accessible from the remaining land via trails or sidewalks. Access to the Major Public Open space is not allowed unless approved by the Open Space Division of the City Parks and Recreation Department.”
 - viii. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the Technical Edit in the first row on page 97 of 101 labeled Common Open Space / Cluster Development for Section 14-16-7-1 on IDO page 479 in the Open Space Definitions to revise the definition of Common

Open Space to read as follows: "For the purposes of the common open space calculation in cluster development and conservation development, parks count as common open space, pursuant to use-specific standards."

- c. On IDO page 136, Subsection 14-16-4-3(B)(2)(d), add a new subsection for Cluster Development to read as follows: "Up to 25 percent of the common open space may be provided as a park, pursuant to location restrictions in Subsection 14-16-5-2(H)(2)(a)2 if the project site is adjacent to Major Public Open Space."
- d. On IDO page 192, Subsection 14-16-5-1(C)(2)(a)1, add "Conservation development" as a new subsection c, renumbering subsequent subsections accordingly.
- e. On IDO page 198, Subsection 14-16-5-2(C)(4), add "conservation" to the change proposed in "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," for this subsection consistent with the proposal to make all of these uses options for preserving sensitive lands (not to be used in combination for more reductions in lot size than would be allowed with either option).
- f. On IDO page 458, add the following sentence to the end of the existing definition of "Dwelling, Cluster Development": "The intent of cluster development is to create an innovative development pattern that is sensitive to natural features and topography and creates more area for open space, recreation, and social interaction." Add cross reference to "Dwelling, Conservation Development."
- g. On IDO page 458, revise the existing definition of "Dwelling, Cluster Development" to be a new definition for "Dwelling, Conservation Development" with the following additional sentence: "The intent of conservation development is to protect environmentally sensitive areas of the development site and to decrease the extent of infrastructure built to serve the development through a more compact development pattern than would otherwise be allowed by that zone." Add cross reference to "Dwelling, Cluster Development."

10. Revise Technical Edit regarding overnight shelters: In "Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019," delete the second row on page 17 of 101, labeled Allowable Uses, for Table 4-2-1 on IDO page 130, so that an overnight shelter remains conditional in all zones.

11. Staff Comment: Technical Edit [new]: [R] On IDO page 134, in Table 4-2-1 revise the "A" in the R-MC column for "Family home daycare" to "CA" to be consistent with the process for other low-density residential development.

12. Public Comment: Technical Edit [new]: [R] On IDO page 137, in Subsection 14-16-4-3(B)(3), add a new use-specific standard requiring a community building with a kitchen accessible to all residents if individual cottage dwellings do not have kitchens.

13. Revise Technical Edit: In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” on page 20 of 101, in the row labeled Cottage Development for Subsection 14-16-4-3(B)(3)(f) on IDO page 137, the text of subsection 4 should read as follows: “If the cottage development includes community building space, such building area is not included in the maximum square footage calculation total residential gross floor area.”
14. Staff Comment: Technical Edit [new]: [R]
- On page 133, Table 4-2-1, revise “Dwelling unit, accessory” to “Dwelling unit, accessory with kitchen.”
 - On page 176, Subsection 14-16-4-3(F)(5)(a), revise text as follows: “Where this use is allowed, only one (1) accessory dwelling unit is allowed per lot. See Table 4-2-1 for the zones where this use is allowed and Subsection 14-16-4-3(F)(5)(i) for the small areas where accessory dwelling units with kitchens are allowed in R-1.”
 - On page 127, revise the second sentence in Section 4-1(A) to read as follows: “Use-specific Standards in Section 14-16-4-3 establish restrictions, requirements, or review procedures.” Add a new Subsection 14-16-4-1(A)(1) to read as follows: “Table 4-2-1 may indicate that a use is allowed in a particular zone district, while the Use-specific Standard may restrict that use in particular contexts or in specified areas. For example, a use may be allowed citywide but not next to residential uses, or a use may be allowed in a small area but not citywide in the same zone district.”
15. Public Comment: Technical Edit [new] regarding light vehicle fueling: [R] On page 148, Subsection 14-16-4-3(D)(17), strike (d) as unnecessary, given the edit recommended by “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” for the same Subsection that would allow light vehicle fueling stations on local roads in industrial areas, as local roads do not have multiple lanes or turning lanes, while collectors and above do.
16. Public Comment: Revise Technical Edit regarding buffering required for auto sales: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the first row on page 23 of 101, labeled Auto Sales, for Subsection 14-16-4-3(D)(19)(a) on IDO page 149, replace “abutting” with “abutting or across an alley.”
17. Public Comment: Revise Technical Edit regarding R-MH: In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the fourth row on page 28 of 101, labeled Workforce Housing Bonus – R-MH, for Table 5-1-1 on IDO page 191, delete “in UC-MS-PT-MT areas” so that the workforce housing bonus applies in the R-MH zone district citywide.
18. Staff Comment: Technical Edit [new]: [R] On page 194, in Table 5-1-2, add a note to the Front, minimum setback for UC-MS-PT areas to read as follows: “In UC-MS-PT areas where sidewalks are less than 10 feet wide, the minimum front setback shall be 10 feet.”

19. Staff Comment: Technical Edit [new]: [R] On page 198, add a new Subsection 14-16-5-2(C)(1) Applicability to read as follows:

“This section applies when an applicant initiates the approval process for any of the following:

5-2(C)(1)(a) A preliminary plat for any subdivision that includes more than 5 acres of land that has never been issued a grading a permit.

5-2(C)(1)(b) A Site Plan for a project site that includes more than 5 acres of land that has never been issued a grading a permit.

5-2(C)(1)(b) A Master Development Plan or Framework Plan.”

20. Public Comment: Technical Edit [new]: [R] On IDO page 205, in Subsection 14-16-5-2(H)(2)(a), revise the required landscape buffer from 20 ft. to 45 ft.

21. Public Comment: Revise Technical Edit regarding street lights: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the second row on page 33 of 101, labeled Street Lights, for Subsection 14-16-5-3(E)(1)(e)2 on IDO page 213, replace “at locations approved by the DRB” with “and provided as approved in the Infrastructure Improvements Agreement.”

22. Revise Technical Edit: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” on page 33 of 101, on the fourth row, labeled Storm Drains, for a new Subsection 14-16-5-3(E)(1)(e)4 on IDO page 213, the final word, which was inadvertently cut off in the spreadsheet cell, is “facility.” This subsection would read: “All storm drain systems within private ways shall remain private unless they receive water from public facilities and the runoff is drained downstream to another public facility.”

23. Public Comment: Revise Technical Edit regarding downtown parking exemption: In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the first row on page 36 of 101, strike proposed edit for Subsection 14-16-5-5(B)(2)(a)(1) on IDO page 226 so that the map and text stay as adopted in the IDO and in the Downtown 2025 Sector Development Plan.

24. Staff Comment: Technical Edit [new] regarding transit parking reductions: [R]

- a. On IDO page 235, Subsection 14-16-5-5(C)(5)(a), revise as follows:

“General Reductions for ~~Urban Centers and Main Street~~ Corridor Areas

Where Table 5-5-1 and Table 5-5-2 do not indicate a different parking requirement for ~~UC or MS~~ UC-AC-EC-MS Areas and MT in Areas of Change, a ~~40 percent~~ 20 percent reduction in required off-street parking requirements shall apply to properties in those ~~Center and Corridor~~ areas.”

- b. On IDO page 475, Section 14-16-7-1, under the Measurement definitions, add a new definition for “peak service frequency” that clarifies that transit route frequency is per

Transit data available on the Advanced Map Viewer and provided by Transit to the Planning Department annually. Frequency is to be based on an average in both directions for routes that are not circular.

25. Staff Comment: Technical Edit [new]: [R] On page 236, move language from IDO Subsection 14-16-5-5(C)(5)(d)2 to a new Subsection 14-16-5-5(C)(8) with the header “Electric Vehicle Charging Stations” and revise to read as follows: “When more than 200 off-street vehicle parking spaces are constructed, at least 2 percent of the vehicle parking spaces shall include electric vehicle charging stations with a rating of 240 volts or higher.”
26. Staff Comment: Technical Edit [new]: [R] On page 242, revise Subsection 14-16-5-5(F)(2)(a)2.b. as follows: “In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no carport wall may be built within ~~any~~ the required front or side setback area in a front or side yard without a Permit - Carport in a Required Front or Side Setback pursuant to Subsection 14-16-6-6(L).”
27. Staff Comment: Technical Edit [new]: [R] On page 247, revise Subsection 14-16-5-5(G)(3)(c) to read as follows: “Each façade facing a public street shall be designed to screen all parked vehicles to a height of 4 feet to conceal internal light sources when viewed from the public street.”
28. Public Comment: Revised Technical Edit regarding landscaping in a public utility easement: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” delete the third row labeled “Landscaping / Utility Easements” on page 42 of 101 for IDO Subsection 14-16-5-6(C)(15)(c) on IDO page 258 as unnecessary.
29. Revise Technical Edit regarding edge buffers: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” on the last row of page 42 of 101 for a new Subsection in Subsection 14-16-5-6(E)(1) on IDO page 260, add the following sentence: “Where there is an existing opaque wall on the property line of the property where a landscape buffer would be required, any required landscaping shall be substituted with one (1) deciduous or evergreen tree at least 8 feet high at the time of planting provided for every 15 linear feet of lot line, with spacing designed to minimize sound and light impacts.”
30. Staff Comment: Revised and New Technical Edit regarding Drainage facilities: [R]
 - a. New Technical Edit: On IDO page 263, Subsection 14-16-5-6(E)(4)(b), create new subsections 1-3 as follows:
 - i. “(1) A landscape buffer area at least 25 feet wide shall be provided along the adjacent property line. For Drainage facility utilities, a landscape buffer of at least 15 feet wide shall be provided along the adjacent property line, unless a smaller buffer area is approved by the City Engineer as necessary on a particular lot.”

ii. (2) One (1) deciduous or evergreen tree at least 8 feet high at the time of planting and 5 shrubs shall be provided for every 20 linear feet of lot line, with spacing designed to minimize sound and, light, and noise impacts.

b. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the third row on page 88 of 101 labeled Drainage Facility for page 458, Section 14-16-7-1, to add the following sentence: “On-site drainage ponding areas that manage stormwater generated by uses on the lot are not considered drainage facility utilities.”

31. Staff Comment: Revised Technical Edit regarding walls: [R]

- a. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the third row on page 44 of 101 labeled Walls for IDO Table 5-7-1, page 272. Replace with the following text: “Add a new Note [2] for “Wall in the front yard or street side yard” as follows: For multi-family development, if view fencing is used for the portion of a wall above 3 feet, the maximum height is 6 feet.”
- b. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the fourth row on page 44 of 101, labeled Walls, for Subsection 14-16-5-7(D)(3)(a) on IDO page 274, strike the proposed change from 5 feet to 2 feet so that the maximum width remains 5 feet.
- c. Create a new procedure for a new decision type “Permit – Wall or Fence – Major” and move the applicability text from subsection 14-16-6-6(N)(1)(b). Add a new subsection with text as follows: “Variances to set back distances for taller side yard walls require a Variance – ZHE approval.”
- d. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” delete the second two rows on page 82 and the first row on page 83, labeled Variance – ZHE, for Subsection 14-16-6-6(N)(3)(c) on page 414 and replace as follows:
 - i. Move Subsection 14-16-6-6(N)(3)(c) to the new procedure and revise as follows: “An application for a ~~Variance~~ Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(d) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if it meets all of the following criteria...”
 - ii. Revise Subsection 14-16-6-6(N)(3)(c)3.c. as follows: “For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the

analysis shall include properties on both sides of the street. See graphic below for an illustration of this measurement.”

- iii. Add a new Subsection 14-16-6-6(N)(3)(c)3.d. as follows: “For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property’s lot line, and the analysis shall include properties on both sides of the street. See graphic below for an illustration of this measurement.”

32. Public Comment: Revised Technical Edit regarding required glazing: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the fifth row on page 47 of 101 for a new IDO Subsection 14-16-5-11(E)(2)(b)1.c on page 293 to reduce the required glazing on the primary façade from 60% to 50% for consistency with the row above.

33. Staff Comment: Technical Edit [new]: [R] On IDO page 299, in Subsection 14-16-5-12(E)(4)(d) revise to read as follows: “Building-mounted signs, with the exception of wall signs, shall not extend more than 2 feet above the wall of a building, except in the following mapped areas, as noted.”

34. **Revise Technical Edit regarding email notice for administrative decisions:**
 - a. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” on page 50 of 101, fourth row, labeled “Notice” for Table 6-1-1 on IDO page 327, strike the edit proposed that would remove requirement for email notice for Sign Permit, Site Plan – Admin, and Wall/Fence Permit – Minor so that email is still required for these administrative decisions.

 - b. [R] In Table 6-1-1 on page 327, add a note on Site Plan – Administrative to read: “For 2 years after a Major Subdivision is approved, a Site Plan – Administrative for low-density residential development within that subdivision is exempt from the email notice requirement. After that time, email notice is required.”

35. Staff Comment: Technical Edit [new] and Revised Technical Edit: [R]
 - a. On page 328, create a new decision for “Bulk Land Subdivision” in Table 6-1-1 under Subdivision – Major as shown in Exhibit – Bulk Land Subdivision.

 - b. Move edits proposed in “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019” on the first row, labeled Waivers, on page 80 of 101 proposing to amend Subsection 14-16-6-6(L)(2)(b) on IDO page 407 to be moved to Subsection 14-

16-6-6(J) as shown in Exhibit – Bulk Land Subdivision, which reflects related Tech Edits about subdivisions and waivers.

- c. On page 382, revise Subsection 14-16-6-6(J) as shown in Exhibit – Bulk Land Subdivision.
- d. In Exhibit – Bulk Land Subdivision, replace the cross reference in Subsection 14-16-6-6(J)(3)(a) to the applicability subsection to be 14-16-6-6(J)(1)(c) instead of (b).

36. Revise Technical Edit regarding timing of the Neighborhood Meeting: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the first row, labeled Neighborhood Meeting, on page 55 of 101 for Subsection 14-16-6-4(C)(4) on page 339 to read as follows: “...within 30 consecutive calendar days of the meeting request being accepted by the Neighborhood Association but no fewer than 15 calendar days after the Neighborhood Association accepts the meeting request, unless an earlier date is agreed upon.”

37. Revise Technical Edit regarding additional application materials: In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” strike the first row of page 59 of 101 labeled “Applications” proposing a new Subsection 14-16-6-4(F)(4) on IDO page 342.

38. Staff Comment: New and Revised Technical Edit related to Notice and Appeal Distances: [R]

- a. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the fourth row, labeled “Notice,” on page 59 of 101 to amend Subsection 14-16-6-4(K)(2)(b)2 on page 345 to read as follows: "All owners, as listed in the records of the County Assessor, of property located partially or completely within 100 feet of the property listed in the application. Where the edge of that area falls within a public right-of-way, adjacent properties shall be included."
- b. Add a new Technical Edit to amend Subsection 14-16-6-4(U)(2)(a)5.a on IDO page 355 to read as follows: “Distances noted in feet in Table 6-4-3 are measured from the nearest lot line of the subject property. Where the edge of that area falls within a public right-of-way, adjacent properties shall be included.”

39. Public Comment: Revise Technical Edit: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the second row on page 60 of 101, labeled Notice, for Subsection 14-16-6-4(K)(3) on IDO page 346, revise 1 year to 2 years so that signs may be posted in a kiosk up to 2 years after a Major Subdivision approval.

40. Revise Technical Edit regarding conditions of approval: In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the third row of page 64 of 101 for a new Subsection 14-16-6-4(P)(3) on IDO page 352, replace “6 months” with “12 months” in both places it appears.

41. **Revise Technical Edit: [R]** In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the fourth row of page 68 of 101 for Subsection 14-16-6-4(W)(4)(a)1.b on IDO page 363, replace “decision-maker” with “decision-making body.”

42. Staff Comment: Technical Edit [new]: [R] On IDO page 367, in Table 6-4-5, add a new line under “Any other numerical standard” as follows:

Standard	General	Lot < 10,000 sq. ft....
Any other addition or revision that would otherwise be decided as a Sign Permit, Site Plan – Administrative, or Wall or Fence Permit – Minor	Any amount that meets requirements specified in the approved site plan or permit or, if the site plan/permit is silent, the IDO.	

43. **Revise Technical Edit regarding major amendments:** In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the last row of page 70 of 101, labeled Amendments, for a new Subsection 14-16-6-4(Y)(1)(c) on IDO page 368, strike “or Major” so that deviations and variances are allowable for major amendments of site plans approved prior to the IDO.

44. **Staff Comment: Revised Technical Edit and Technical Edit [new] regarding the threshold for Site Plan - DRB: [R]**

a. **Revise Subsection 14-16-6-5(G)(1)(b) on IDO page 378 to read as follows: “A Site Plan – Administrative may only be approved for development that does not require major public infrastructure or an Infrastructure Improvement Agreement to comply with IDO or DPM Standards.”**

b. **In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” revise the first row, labeled Site Plan - DRB, on page 75 of 101 for Subsection 14-16-6-6(G)(1)(a) on page 395 to delete “or complex circulation patterns on the site”, strike the proposed subsection #2, and add a new Subsection 2 as follows: “Any application that requires an Infrastructure Improvements Agreement in order to comply with IDO or DPM standards.”**

45. Staff Comment: Technical Edit [new]: [R] On IDO page 379, add a new Subsection in 14-16-6-5(G)(2)(g) to read as follows: “Any appeals related to compliance with IDO regulations go to City Council through the Land Use Hearing Officer for the Site Plan – Administrative that accompanies the building permit. Appeals of the building permit related to compliance with Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) go to the Technical Standards Review Committee, or as otherwise required by those codes.”

46. **Revise Technical Edit regarding conditional uses that require variances: [R]**

a. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” replace language proposed in the last row of page 72 of 101 for a new Subsection 14-16-6-6(A)(2)(c) on IDO page 385 as follows: “Variance requests may be submitted concurrently with a conditional use application. A conditional use application shall be decided before any requested variance for the subject property is decided. However, if a variance is needed to comply with any applicable provisions of this IDO; the DPM; other adopted City regulations, the conditional use decision shall be conditioned on approval of any such necessary variances. If the conditional use is denied, any necessary variances shall also be denied. If any variance is required in order to make a conditional use comply with all City regulations, and such a variance is denied, the conditional use approval is invalidated.”

b. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” replace the second row of page 73 of 101 proposing a new subsection in 14-16-6-6(A)(3)(c) on IDO page 385 to instead add a second sentence to Subsection 14-16-6-6(A)(3)(b) on IDO page 385 as follows: “If a variance will be needed to comply with any of these provisions, the approval of the conditional use shall be conditioned on the approval of any necessary variance. If any necessary variance is not approved, the conditional use approval is invalidated.”

47. Revise Technical Edit regarding variances from use-specific standards, Neighborhood Edge, and Edge Buffers:

a. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the first row on page 73 of 101 for Subsection 14-16-6-6(A)(3)(b) on IDO page 385, strike the last sentence so that variances may be allowed associated with a conditional use.

b. In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” strike the third row on page 81 of 101 labeled Variance – ZHE for Subsection 14-16-6-6(N)(2)(a) on IDO page 413 so that variances to all IDO standards are allowable.

48. Public Comment: Revise Technical Edit: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the third row on page 73 of 101, labeled Conditional Use, for Subsection 14-16-6-6(A)(3)(e) on IDO page 386, replace 8 p.m. with 10 p.m. to be consistent with the City’s Noise Ordinance.

49. Staff Comment: Technical Edit [new]: [R] On IDO page 387, in Subsection 14-16-6-6(B)(2)(a), delete “approve the demolition administratively or to.” Add a new 14-16-6-6(B)(2)(c) as follows and renumber the subsequent standards: “The applicant after receiving notice from the Historic Preservation planner to provide the required public notice and meetings per Table 6-1-1.”

50. Staff Comment: Revised Technical Edit related to sidewalk waiver: In “Exhibit 1 – Proposed Technical Edits – Attachments,” restore the text from IDO Subsection 14-16-6-6(L)(3)(b)a on IDO page 408 removed by Exhibit A-1 to R-19-150 as a new 14-16-6-6(L)(3)(j) to read as follows: “If the request is a waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property or area.”
51. Staff Comment: Revised Technical Edits related to Small Area regulations: [R]
- a. In “Exhibit 1 – Proposed Technical Edits – Attachments,” replace the recommended text for Subsection 14-16-6-7(E) [new] Amendment to IDO Text for a Small Area with the new version dated October 10, 2019.
 - b. New Technical Edit on IDO page 503, Section 14-16-7-1, to revise the definition for Overlay Zone to add a new sentence as follows: “Character Protection and View Protection Overlay zones adopted after May 17, 2018 shall be no smaller than 10 acres, shall include no fewer than 50 lots, and shall include properties owned by no fewer than 25 property owners.”
52. Public Comment: Revised Technical Edits related to building height: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” strike the first row on page 94 of 101 labeled Building Height that would have revised the definition of Building Height in IDO Section 14-16-7-1 on page 473.
53. Public Comment: Revise Technical Edit: [R] In “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” in the third row on page 96 of 101, labeled Natural Grade, for Section 14-16-7-1 on IDO page 477, replace the proposed edit with the following: “Grade based on the site contours of land that has never been issued a grading permit, prior to any grading or addition or removal of earth. See also Finished Grade and Measurement Definitions, Grade.”
54. Staff Comment: Technical Edit [new]: [R] On IDO page 489, in Subsection 14-16-7-1 add a new sentence to the end of the Electronic Sign definition to read as follows: “Any sign that meets the definition of a Neon sign is not considered to be an electronic sign.”

Council Amendments

The following conditions of approval are submitted for the EPC's consideration based on the policy analysis above. They are noted as recommended [R] or as optional [O].

55. The Council Amendments included as Exhibit 2 shall be adopted, except as modified by any Conditions below.
56. Council Amendment A: [R] On page 276, in IDO Subsection 5-7(E)(1)(c), replace “abutting” with “adjacent to” so that barbed wire is not allowed facing a Residential or Mixed-use zone district.
57. Council Amendment A: EPC recommends one of the following changes:
 - a. [R] Remove the sunset language proposed for IDO Subsection 14-16-6-8(D)(8)(b).
 - b. [O] Edit the proposed language to end with removed and then to create two subsections as follows:
 - i. In Residential and Mixed-use zones, these materials must be removed within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner.
 - ii. In Non-residential zones, these materials must be removed by January 1st, 2023.
58. Public Comment: Council Amendment A: [O] Retain the exemption for public utilities to allow barbed wire regardless of the zone or location.
59. Public Comment: Council Amendment A: [O] On page 276, in IDO Subsection 5-7(E)(1)(c), revise language to add “on walls facing streets, City parks or trails, or Major Public Open Space” so that barbed wire is allowed in Residential and Mixed-use zones in other locations on the site.
60. Council Amendment B: [R] Revise proposed language for a new use-specific standard in Subsection 14-16-4-3 related to Cannabis Retail to replace “school” with “elementary, middle, or high school,” to clarify that vocational school and university or college uses would not be included in this regulation. Revise the definition of “School” to read: “An accredited public or private institution offering a course of education recognized by the state as leading to a high school diploma or equivalent, but excluding Vocational schools. Accessory uses may include...”
61. Council Amendment E: [R] Revise proposed language for page 192, Subsection 5-1(C)(2)(b)(1) to add “no less than” before “50 percent” to signal that the lot does not have to be exactly 50% smaller.
62. Council Amendment G: [R] Revise language proposed for page 250, Subsection 5-5(I)(1)(b) to read “... shall not be located facing residentially zoned areas.”

63. Council Amendment G: [R] Restore language proposed for deletion on page 250, Subsection 5-5(I)(1)(e): “For corner sites, delivery service windows or facilities shall be located on the non-corner side of the site and/or at the rear of the building.”
64. Council Amendment G: [R] Move and revise language proposed for page 250, Subsection 5-5(I)(1)(f) to the use-specific standard for drive-through in Subsection 4-3(F)(4)(e) that prohibits drive-throughs in small areas as a new 1, numbering subsequent subsections accordingly: “This use is prohibited in the MX-H zone district and UC-MS-PT-AC-MT areas unless the following criteria are all met:
- a. No drive-through lanes are located between the front façade of the primary building and the front lot line or within a required side setback abutting a street.
 - b. The lot is 21,780 feet or greater.
 - c. The lot has vehicular access to the street that the front façade of the primary building faces.
 - d. Enhanced pedestrian crossings, such as a raised crosswalk, are provided where the drive-through lane crosses a pedestrian pathway to the primary entrance of the building.
65. Council Amendment H: Revise the following:
- a. [R] Revise the language proposed for page 156, Subsection Section 4-3(D)(34) to instead create a new subsection (a), renumbering subsequent subsections accordingly, with the following language: “This use is limited to the sizes in Table 4-3-X in these zone districts and in these locations.”

“Table 4-3-X General Retail Sizes”

Sizes	MX-T	MX-L in Areas of Consistency	MX-L in Areas of Change and MX-M, MX-H, and Non-residential Zone Districts
General retail, small	10,000 sf or less	15,000 sf or less	25,000 sf or less
General retail, medium	Not allowed	> 15,000 sf – 50,000 sf	> 25,000 sf – 50,000 sf
General retail, large	Not allowed	> 50,000 sf	> 50,000 sf

- b. [R] If the above condition is approved, revise the language proposed for page 464, Section 7-1 Definitions, General Retail, to leave the existing numbers but add to the end of the definitions for Small and Medium the following: “unless otherwise specified in this IDO.”

66. Council Amendment H: [R] Revise the language proposed for page 159, Subsection Section 4-3(D)(35), and replace existing subsections (b) and (c), with a new subsection (a), renumbering subsequent subsections accordingly, with the following language: “This use is limited to the sizes in Table 4-3-X in these zone districts and in these locations.”

“Table 4-3-X Grocery Store Sizes”

Sizes	MX-L in Areas of Consistency	MX-L in Areas of Change	MX-M	MX-H and Non-residential Zone Districts
Grocery Store	15,000 sf or less	30,000 sf or less	70,000 sf or less	No maximum size

67. Council Amendment I: [R] Revise language proposed in Exhibit 3 as recommended by staff, as well as the following edits:

- a. The following language from the definition of maximum extent practicable is to be added to variance and waiver review/decision criteria in Subsections 6-6(L)(3), 6-6(M)(3), and 6-6(N)(3): “The applicant has taken all feasible steps to comply with the standards or regulations and to adequately mitigate potential harmful or adverse impacts.”
- b. Subsection 5-2(C)(1) on page 198 is to be revised per changes proposed by Condition #13.
- c. Subsection 5-4(E)(1)(b) is to be revised to remove the phrase “maximum extent practicable.”
- d. Subsection 5-4(E)(2)(b) is to be revised to remove the phrase “maximum extent practicable.”
- e. Add a definition of steep slopes as proposed in Exhibit 3.
- f. [New] Revise the definition in the “Maximum Extent Practicable” City Council Exhibit A and/or Planning Department Exhibit 3 for Arroyo to read “flow in excess of one thousand (1,000) cubic feet per second...”

68. Council Amendment J: [R] Revise the following:

- a. Leave liquor retail as permissive (P) in Table 4-2-1 on page 132.
- b. Add a new Subsection 4-3(D)(36)(c) to read: “This use shall be located a minimum of 500 feet from any other liquor retail establishment not accessory to a grocery store.”
- c. Revise the language proposed for page 161, Subsection 4-3(D)(36)(f), to read: “In the MX-M zone district, this use is permissive in UC-MS-PT-AC-EC-MT areas, except in the following mapped areas, where it is prohibited unless accessory to a grocery store.

Outside of these areas, this use is conditional in the MX-M zone district unless accessory to a grocery store.”

69. Public Comment: Council Amendment K: [R] Add new language on page 286, Subsection 5-9(C)(1) limiting the allowed 30 feet of building height to 2 stories.
70. Council Amendment M: EPC acknowledges that this amendment has been withdrawn and has been resubmitted as a Zone Map Amendment – Council pursuant to Subsection 6-7(G).
71. Council Amendment M: [R] Create a new amendment that uses the building design standards proposed in Council Amendment M as a new Subsection 3-9(E)(4) to replace Subsection 5-11(E)(2)(b)(1) on page 293 but leaving Subsections a and b.
72. Council Amendment O: [R] Revise the language proposed for Subsection 4-3(F)(14)(c)1 on IDO page 182 and create subsections a-d as follows: “Any outdoor dining area must maintain a minimum clear path as follows in order to maintain use of the public sidewalk for all users:
 - a. In UC-MS-PT-AC-EC-MT areas on streets of any classification per Section 6-5-5-14 Code of Ordinances, the minimum clear path shall be 6 feet wide.
 - b. In the DT area, the minimum clear path shall be 8 feet wide.
 - c. On streets classified as collector and above per Section 6-5-5-14 Code of Ordinances ROA 1994, the minimum clear path shall be 6 feet wide.
 - d. On local streets outside of designated Centers and Corridors, the clear path shall be no less than 4 feet wide.”
73. Council Amendment O: [R] Add the following sentence to the language proposed for Subsection 4-3(F)(14)(c)2 on IDO page 182: “The permitted area shall be visibly demarcated to distinguish the area under private liability from the area insured by the City as public right-of-way.”
74. Council Amendment O: [R] Add a new 4-3(F)(14)(d) as follows: “If the use is located entirely on private property: (1) A decorative wall, fence, or similar barrier between 3 and 4 feet in height shall be erected and maintained along the perimeter of the use. (2) The decorative wall or fence shall be located at least 6 feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.”
75. Council Amendment Q: [R] Replace edits proposed for IDO Section 6-4(C)(3) on IDO page 339 and 6-4(K)(6) on IDO page 346 by Council Amendment Q and “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019” on pages 54 and 61 out of 101 with Exhibit – Notice.

76. Council Amendment Q: [R] Replace edits proposed for IDO Section 6-4(D) on IDO page 340 by Council Amendment Q and “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019” on pages 55 and 58 out of 101 with Exhibit – Facilitated Meetings.
77. Council Amendment R: The EPC recommends one of the following options:
- a. [R] EPC does not recommend the adoption of Council Amendment R.
 - b. [O] Delete the language proposed for Subsection 14-16-5-8(D)(2). Add a new Subsection 14-16-5-8(C)(5) to read as follows: “Where non-residential development is within 500 feet of low-density residential development in a Residential zone district, interior lighting on upper floors shall be extinguished between 11 p.m. and sunrise outside of normal business hours. Lighting set to turn on when motion is detected is exempt from this requirement.” Add a cross-reference to this subsection from Neighborhood Edges, IDO Section 14-16-5-9.
 - c. [O] Add a new Subsection 6-8(D)5 with the heading “Interior Lighting Nonconformance” to read as follows: “Interior lighting that does not comply with Subsection 14-16-5-8(C)(5) is considered illegal and must be remedied to come into compliance within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner.”
78. Public Comment: Amendment R: [O] Revise Subsection 14-16-5-8(B)(1) to add at the end: “~~The New Mexico Gas Company is~~ Public utilities are exempt from complying with the ~~Outdoor~~ lighting regulations.”
79. Council Amendment S: The EPC recommends one of the following options:
- a. [R] The EPC does not recommend adopting Amendment S, as the proposed standards in the updated DPM, together with the existing IDO standards, provide adequate limits on cul-de-sacs and stub streets to protect access and connectivity.
 - b. [O] Revise the amendment to limit cul-de-sac lengths to 250 feet serving no more than 20 dwellings where adjacent to MPOS. The DPM shall also be updated to replace substantive standards with a cross reference to the IDO.
 - c. [O] Revise the amendment to limit cul-de-sac lengths to 250 feet serving no more than 20 dwellings. The DPM shall also be updated to replace substantive standards with a cross reference to the IDO.
80. Staff Comment: Council Amendment T: [R] Revise the proposed language from 30-minute frequency to 25-minute frequency. Review the proposed change against Transit data to ensure that this parking requirement reduction applies to appropriate streets and adjust as necessary.
81. Council Amendment U: [R] EPC acknowledges that this amendment has been withdrawn.

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82. Public Comment: Council Amendment [new]: [R] Consider creating a new amendment that would establish contextual setbacks as appropriate for individual CPOs and HPOs so that setbacks match surrounding development for all uses. This would prevail over contextual standards in Subsection 5-1(C) that only apply for residential uses in Areas of Consistency. This would also prevail over any setback standards established in any particular CPO or HPO.
83. Public Comment: Council Amendment [new]: [O] Consider a new amendment that would establish density limits for multi-family development in zones meant to be lower-density and lower-intensity as a new use-specific standard in Subsection 4-3(B)(7) as follows: “In the R-ML, MX-T, and MX-L zone districts, on lots adjacent to a low-density residential use in an R-A, R-1, or R-T zone district but not within a UC-AC-EC-MS-PT-MT area, density shall not exceed 30 dwelling units per acre.”
84. Mayor Comment: Council Amendment [new]: [O] Consider a new amendment that would adopt regulations for massage parlors and smoke shops, including definitions for each in Section 14-16-7-1, and use-specific standards for each in Section 14-16-4-3.
85. Council Amendment [new]: Consider a new amendment that would remove regulations related to a minimum ground floor clear height in the IDO. The need for retail spaces is decreasing, and these regulations add too much cost for a building that may never need to accommodate retail.
- a. An amendment to remove the ground floor height requirements in the following Subsections should be considered:
 - i. Table 2-4-11 on page 34 – MX-FB zone districts
 - ii. 14-16-5-5(G)(4)(a) on page 247 – parking structures in all Centers + MS-PT areas
 - iii. 14-16-5-11(E)(1) on page 291 – MX zone districts in UC-MS-PT areas
 - b. Note that this amendment would strike edits proposed in the Technical Edits on page 47 of 101, third row, labeled “Building Design” for Subsection 5-11(E)(1) on IDO page 291 and 7-1 on IDO page 474.
 - c. Note that this amendment would strike the edit proposed in “Exhibit 1 – Proposed Technical Edits, EPC Review – Hearing #1 September 12, 2019,” first row on page 95 of 101 labeled Ground Floor Height for the definition of “Ground Floor Height” on IDO page 474.
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Russell Brito



Mikaela Renz-Whitmore, AICP

UD&D Manager

Long Range Manager

Notice of Decision cc list:

See Staff Report from September 12, 2019