

Staff Report

Agenda Number: 1 Project #: 2018-001843 Case #: RZ-2023-00044

Hearing Date: January 11, 2024

Applicant City of Albuquerque Counsel Services

Agent City of Albuquerque Planning

Department

Amendment to the Integrated

Development Ordinance (IDO) Text -Request

Small Area for the 2023 Annual

Update

Volcano Heights Urban Center Location

Staff Recommendation

That a recommendation of DENIAL of Project 2018-001843, Case RZ-2023-00044 based on the FINDINGS beginning on page 30, be forwarded to the City Council.

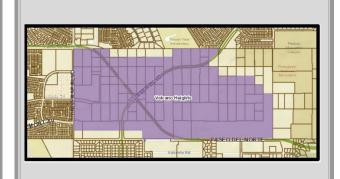
Staff Planner Mikaela Renz-Whitmore, Division Manager

Summary of Analysis

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

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

As of this writing, Staff has received one comment in opposition and three in support. Staff recommends that a recommendation of denial be forwarded to the City Council.



Comments received before January 2nd at 9 AM are attached to and addressed in this Staff Report. Comments received before January 5th at 12 PM are attached, but not addressed. Clarifying materials received before January 9th at 9 AM (after publication of this report and more than 48 hours before the hearing) will be forwarded to the EPC for consideration at the hearing and are not attached to this report.



Figure 1: Volcano Heights Urban Center Boundary



Figure 2: Volcano Heights Zoning Districts

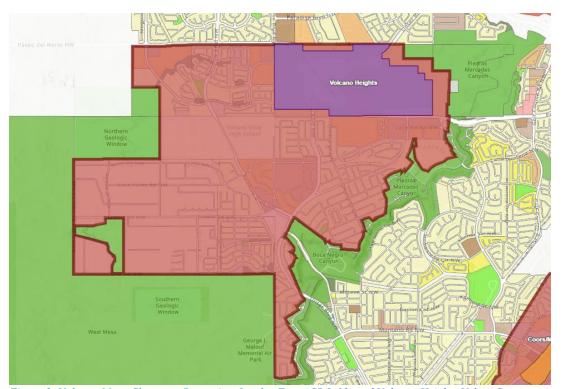


Figure 3: Volcano Mesa Character Protection Overlay Zone (CPO-13) and Volcano Heights Urban Center

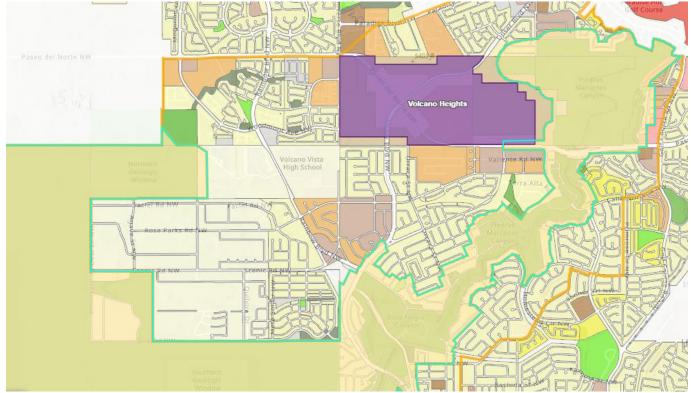


Figure 4: Northwest Mesa View Protection Overlay Zone (VPO-2) Height Restriction Sub-area and Volcano Heights Urban Center

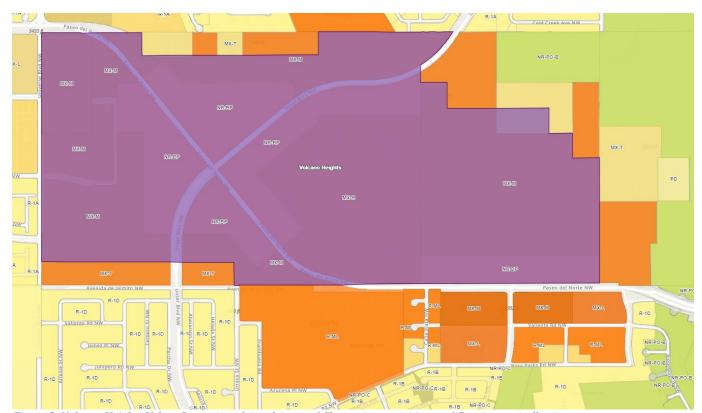


Figure 5: Volcano Heights Urban Center (purple) and Areas of Change (orange) / Areas of Consistency (yellow)

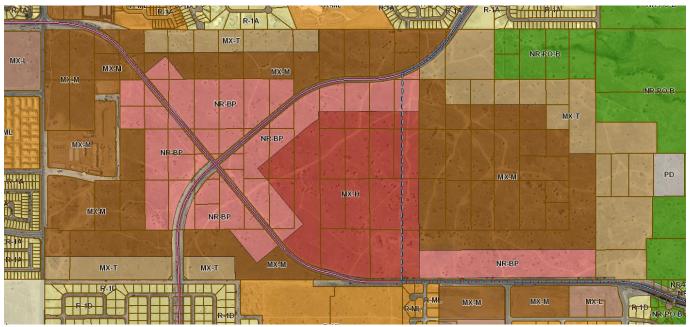


Figure 6: Commuter Corridors (red) and Premium Transit Corridors (dotted blue) in Volcano Heights

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CITY OF ALBUQUERQUE ENVIRONMENTAL PLANNING COMMISSION PLANNING DEPARTMENT Project #2018-001843 Case #2023-00044 URBAN DESIGN & DEVELOPMENT DIVISION January 11. 2024 Page 6

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I. INTRODUCTION

Request

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

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

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

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

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

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

Background

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

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

History & Purpose

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

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

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

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

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

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

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

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

The 2020 Annual Update allowed restaurant drive-throughs as a conditional use within 330 feet of Louisiana Boulevard between I-40 and Indian School Road. (See IDO Subsection 14-16-4-3(F)(5)(f)9.) Louisiana Boulevard is designated as a Major Transit Corridor in the Comprehensive Plan.

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

Applicability

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

Environmental Planning Commission (EPC) Role

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

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

II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

Charter of the City of Albuquerque

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

Article I, Incorporation and Powers

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

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

Article IX, Environmental Protection

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

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

Article XVII, Planning

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

Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO's purpose is to implement the Comprehensive Plan and ensure that development in the city is consistent with the intent of any other plans and ordinances that the Council adopts. This text amendment conflicts with a preponderance of Comp Plan goals and policies; therefore, the Council would not be able to implement the Comp Plan with the approval of this amendment.

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

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

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

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

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

The amendment furthers the following Comprehensive Plan goal and policies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Goal 4.1 Character: Enhance, protect, and preserve distinct communities.
- <u>Policy 4.1.1 Distinct Communities</u>: Encourage quality development that is consistent with the distinct character of communities.
- <u>Policy 4.1.2 Identity and Design:</u> Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.
- <u>Policy 4.1.3 Placemaking</u>: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.
- <u>Goal 5.1 Centers & Corridors</u>: Grow as a community of strong Centers connected by a multi-modal network of Corridors.
- <u>POLICY 5.1.1 Desired Growth</u>: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.
- <u>Policy 5.1.4 Urban Centers</u>: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.
 - Policy 5.1.4.a: Encourage mixed-use development.

- <u>Policy 5.1.4.b.</u>: Encourage pedestrian-oriented design, transit-oriented development, and infrastructure improvements that make Urban Centers more walkable over time.
- <u>Policy 5.1.8 Premium Transit Corridors</u>: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.
- <u>Goal 5.3 Efficient Development Patterns</u>: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.
- <u>Policy 5.7.2 Regulatory Alignment</u>: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.
- <u>Policy 6.1.2 Transit-oriented Development</u>: Prioritize transit-supportive density, uses, and building design along Transit Corridors.
- <u>Policy 6.1.3 Auto Demand</u>: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.
- <u>Goal 7.2 Pedestrian-Accessible Design</u>: Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.
- <u>Policy 7.2.1 Walkability</u>: Ensure convenient and comfortable pedestrian travel.
- <u>Policy 7.2.2 Walkable Places</u>: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.
- <u>Policy 11.3.1 Natural and Cultural Features</u>: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.
- <u>Policy 11.3.1.a</u>: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment.
- <u>Policy 11.3.4 Petroglyph National Monument</u>: Regulate adjacent development to protect and preserve the Petroglyph National Monument its volcanoes, petroglyphs, and Northwest Mesa Escarpment as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits.
- <u>Policy 11.3.4.c</u>: Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.
 - If approved, this amendment would conflict with the Character Goal (4.1), Distinct Communities Policy (4.1.1), Identity and Design Policy (4.1.2), Placemaking (4.1.3), Centers & Corridors Goal (5.1), Desired Growth Policy (5.1.1) Urban Centers Policy (5.1.4, 5.1.4.a, and 5.1.4.b), Premium Transit Corridors Policy (5.1.8), Efficient Development Patterns Goal (5.3), Regulatory Alignment (5.7.2), Transit-oriented Development (6.1.2), Auto Demand Policy (6.1.3), Pedestrian-Accessible Design Policy (7.2), Walkability Policy (7.2.1), Walkable

Places Policy (7.2.2.), Natural and Cultural Places Policy (11.3.1 and 11.3.a), and Petroglyph National Monument Policy (11.3.4 and 11.3.4.c)

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

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

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

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

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

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

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

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

It is important to note that other than Paseo and Unser themselves, which are both limited-access roadways, there is no development in this area. Non-residential uses with drive-throughs may be the first development in, given the strong market for convenient services. The infrastructure would need to be provided to support this development, and the City would not be able to require more capacity than such a facility would require. If, on the other hand, mixed-use development were the first to go in, more infrastructure would likely to be needed, and future development would be easier to serve and scale up based on a more urban development pattern. The proposed change does not support an efficient development pattern, given the intent and purpose of the Urban Center, so it conflicts with Goal 5.3.

Similarly, if drive-through facilities are the first to go in along the segments of Paseo and Unser that are also designated as Premium Transit Corridors, the auto-oriented pattern and infrastructure will be set, which will complicate and undermine the feasibility and viability of any future transit-oriented development. The amendment therefore conflicts with the policies encouraging transit-oriented development (5.1.8 and 6.1.2).

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

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

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

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

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

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

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

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

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

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

- Policy 5.4.2 West Side Jobs
- Policy 8.1.2 Resilient Economy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant Response (summarized by Planning Staff):

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

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

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

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

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

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

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

III. KEY ISSUES & DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

IV. PUBLIC OUTREACH

Meetings and Presentations

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

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

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

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

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

No post-application facilitated meeting request has been received.

V. NOTICE

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

Published Notice

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

Posted Notice

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

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

Mailed Notice to Property Owners

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

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

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

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

Neighborhood Association Notice

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

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

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

VI. AGENCY & NEIGHBORHOOD COMMENTS

Reviewing Agencies

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

Neighborhood/Public

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

Summary of Public Comments

Pre-submittal Neighborhood Meeting

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

Written Comments

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

CITY OF ALBUQUERQUE ENVIR PLANNING DEPARTMENT Pro URBAN DESIGN & DEVELOPMENT DIVISION

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VII. CONCLUSION

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

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

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

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

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RECOMMENDED FINDINGS – RZ-2023-00044, January 11, 2024 - Text Amendment to the IDO – Small Area

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

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

Community Identity policies work in tandem and rely on goals and policies related to Centers and Corridors to result in special places and distinct communities that provide a range of development patterns in the built environment with a mix of uses. To the extent that the request undermines the intent of creating walkable Urban Centers with mixed-use development pattern, the request also conflicts with the Community Identity policies encouraging distinct communities, mix of uses, and placemaking.

Further, Community Identity policies work in tandem and rely on goals and policies related to Heritage Conservation to protect the natural and cultural features that help make communities distinct. To the extent that the request allows an intense auto-oriented use close to the Petroglyph National Monument, particularly an auto-oriented use that does so much to set the pattern and demand for auto-oriented development in surrounding areas, the request also conflicts with the Community Identity policies encouraging distinct communities and placemaking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed IDO text amendment for a small area generally meets Criterion 14-16-6-7(E)(3)(d) because the Integrated Development Ordinance includes use-specific standards for drive-throughs and development standards for drive-throughs in Urban Centers that adequately mitigate harmful impacts on pedestrians due to traffic conflicts.

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

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

- 16. For a Text Amendment to IDO Small Area, the required notice must be emailed, mailed, published, and posted on the web. (See Table 6-1-1.) Email notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination (ONC) as required by IDO Subsection 14-16-6-4(K)(2)(a). On October 25, mailed notice was sent to 143 property owners within 100 feet of the Volcano Heights Urban Center (VHUC), but not to property owners within the boundary, which was an error. To correct this error and complete the required mailed notice, a new letter was mailed on December 19 to 236 property owners within the VHUC boundary and within 100 feet of the VHUC boundary. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. Notice was posted on the Planning Department website and on the project website.
- 17. For a Text Amendment to IDO Small Area, a pre-submittal neighborhood meeting must be offered to Neighborhood Associations that include or are adjacent to the small area. A neighborhood meeting was held on October 17, 2023 via Zoom.
- 18. City staff held public review meetings about the IDO Annual Update, including small area amendments, on October 12-13 and November 17, 2023 via Zoom.
- 19. The EPC held a study session regarding the proposed 2023 IDO amendments on December 7, 2023. This was a publicly-noticed meeting, but public comments were not taken.

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

RECOMMENDATION – RZ-2023-00044 – January 11, 2024 – Text Amendment to the IDO – Small Area

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



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

Notice of Decision cc list:

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

Agency Comments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No comment received.

Long Range Planning

No comment received.

CITY ENGINEER

Transportation Development

No comment received.

Hydrology Development

No comment received.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

No comment received.

Traffic Engineering Operations

No comment received.

Street Maintenance

No comment received.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No comment received.

Environmental Services Division

No comment received.

PARKS AND RECREATION

Planning and Design

No comment received.

Open Space Division

No comment received.

City Forester

No comment received.

POLICE DEPARTMENT/Planning

No comment received.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No comment at this time.

FIRE DEPARTMENT/Planning

No comment received.

TRANSIT DEPARTMENT

No comment received.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comment received.

ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY

Utility Services

No Adverse Comments

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY (AMAFCA)

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

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

ALBUOUEROUE PUBLIC SCHOOLS

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

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comment received.

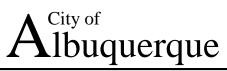
NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

No comment received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment received.







DEVELOPMENT REVIEW APPLICATION

Effective 7/18/23

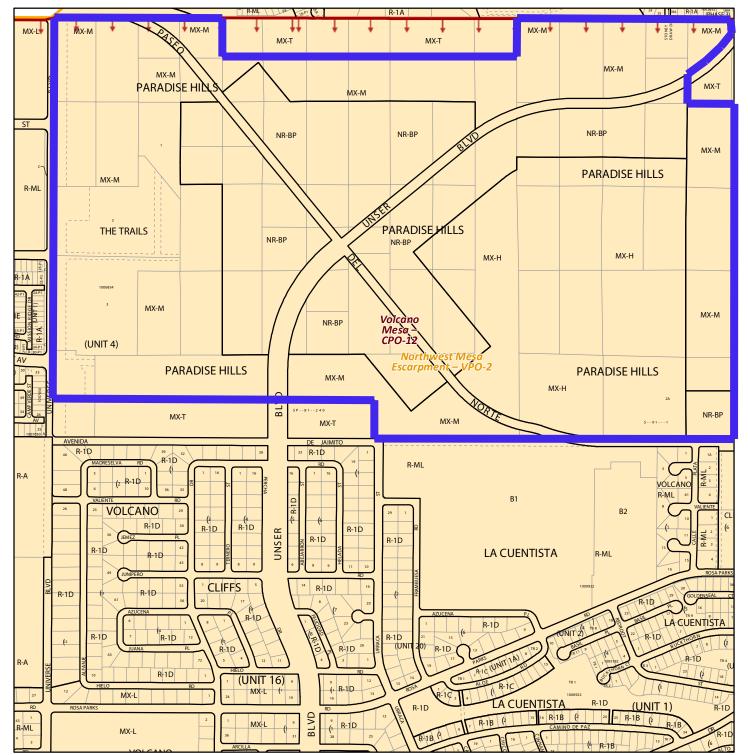
Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.								
Administrative Decisions	De	ecisions Red	quiring a Pu	blic Meeting or Hearing	Policy	Decisions		
☐ Archaeological Certificate (Form P3)		☐ Site Plan – EPC including any Variances – EPC (Form P1)				ption or Amendment of Facility Plan (Form Z)	Comprehensive	
☐ Historic Certificate of Appropriatenes (Form L)	ss – Minor	☐ Master Development Plan (Form P1)				ption or Amendment of ation (Form L)	Historic	
☐ Alternative Signage Plan (Form P3)		☐ Historic Certificate of Appropriateness – Major (Form L)			XI Ame	endment of IDO Text (F	orm Z)	
☐ Minor Amendment to Site Plan (Form	n P3) □	☐ Demolition Outside of HPO (Form L)			☐ Ann	exation of Land (Form 2	<u>Z</u>)	
☐ WTF Approval (Form W1)		Historic Des	sign Standard	ds and Guidelines (Form L)	□ Ame	Amendment to Zoning Map – EPC (Form Z)		
☐ Alternative Landscaping Plan (Form		Wireless Te Form W2)	lecommunica	ations Facility Waiver	□ Ame	☐ Amendment to Zoning Map – Council (Form Z)		
					Appea	ls		
					☐ Dec	ision by EPC, DHO, LC A)	, ZHE, or City Staff	
APPLICATION INFORMATION								
Applicant: Shanna Schultz, Council	Planning Mana	ger <i>on behal</i>	f of City Cou	ncilor Dan Lewis	Ph	one: 505-768-3185		
Address: 1 Civic Plaza NW				,	Em	Email: smschultz@cabq.gov		
City: Albuquerque				State: New Mexico	Zip	Zip: 87102		
Professional/Agent (if any):					Phone:			
Address:					Email:			
City:		State:			Zip	Zip:		
Proprietary Interest in Site: N/A List all owners: N/A								
BRIEF DESCRIPTION OF REQUEST								
SITE INFORMATION (Accuracy of the	e existing lega	l description	n is crucial!	Attach a separate sheet if	necessa	ry.)		
Lot or Tract No.: Various - see attached zone atlas Block:				Block:	Un	t:		
Subdivision/Addition:				MRGCD Map No.:	UPC Code:			
Zone Atlas Page(s):		Existing Zo	ning:		Proposed Zoning:			
# of Existing Lots:		# of Propos	sed Lots:		Total Area of Site (acres):			
LOCATION OF PROPERTY BY STREE	ETS				-			
Site Address/Street: Various - see attack	hed zone atlas	Between:			and:			
CASE HISTORY (List any current or p	prior project a	nd case nun	nber(s) that	may be relevant to your re	quest.)			
Signature:				Da	te: October 26, 2023			
Printed Name: Shanna Schultz								
FOR OFFICIAL USE ONLY								
Case Numbers	Action		Fees	Case Numbers		Action	Fees	
Meeting/Hearing Date: Fee Total:								
Staff Signature: Date:				Project #				

Form Z: Policy Decisions

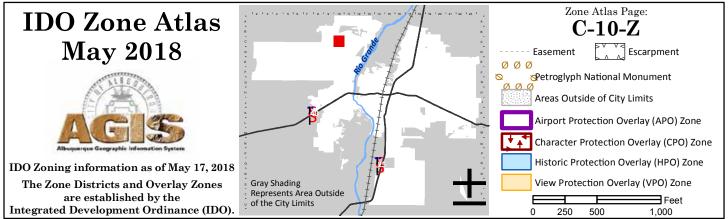
Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

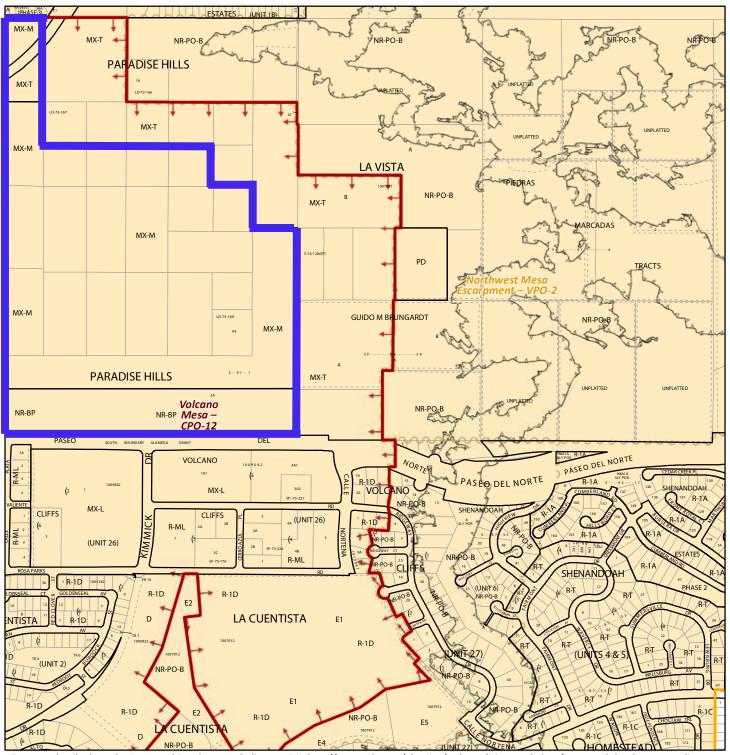
A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

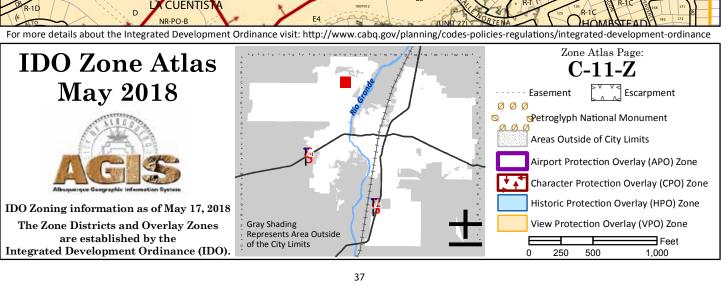
	N/A Traffic Impact Study (TIS) t ✓ Zone Atlas map with the er	aring? if yes, indicate leeting with City staff per ID the property owner if app form (not required for Amentire site/plan amendment	e language: DO Section 14-16-6-4(B) lication is submitted by an agent endment to IDO Text)	Inot required for Amendment to IDO ous to City limits.
	applicable Required notices with cont Office of Neighborhood Proof of emailed notice	TOF FACILITY PLAN amended with changes no ng, and justifying the reque tent per IDO Section 14-16 Coordination notice inquir to affected Neighborhood	oted and marked est per the criteria in IDO Sections of 6-6-4(K)(6) by response, notifying letter, and pro Association representatives	14-16-6-7(A)(3) or 14-16-6-7(B)(3), as oof of first class mailing y), notifying letter, and proof of first
	Justification letter describinRequired notices with contOffice of Neighborhood	ng, explaining, and justifyin tent per IDO Section 14-16 Coordination notice inquir	ry response, notifying letter, and pro	O Section 14-16-6-7(D)(3)
_	7(G)(3), as applicable Required notices with cont Office of Neighborhood Proof of emailed notice	eting per IDO Section 14-1 ng, and justifying the reque tent per IDO Section 14-16 Coordination notice inquir to affected Neighborhood	est per the criteria in IDO Section 14 6-6-4(K)(6) by response, notifying letter, and pro Association representatives	
_ _	Petition for Annexation For	rm and necessary attachmeng, and justifying the reque	ents est per the criteria in IDO Section 14	multaneously with Annexation of Land. 4-16-6-7(E)(3)
			nformation is not submitted with the wise processed until it is complete.	is application, the application will not be
Sign	nature:			Date: October 26, 2023
rin	nted Name: Shanna Schultz			☑ Applicant or ☐ Agent
OR	R OFFICIAL USE ONLY			
Staff	Project Number: ff Signature:		Case Numbers	TO THE WAY TO SERVICE THE PARTY OF THE PARTY



For more details about the Integrated Development Ordinance visit: http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance







October 26, 2023

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



Dear Chair MacEachen,

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

The Volcano Heights Urban Center (VHUC)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-7(E)(3)(B) IF THE PROPOSED SMALL AREA AMENDMENT IS LOCATED PARTIALLY OR COMPLETELY IN AN AREA OF CONSISTENCY (AS SHOWN IN THE ABC COMP PLAN, AS AMENDED), THE APPLICANT MUST DEMONSTRATE THAT THE PROPOSED AMENDMENT WOULD CLEARLY REINFORCE OR STRENGTHEN THE ESTABLISHED CHARACTER OF THE SURROUNDING AREA OF CONSISTENCY AND WOULD NOT ALLOW DEVELOPMENT THAT IS SIGNIFICANTLY DIFFERENT FROM THAT CHARACTER. THE

APPLICANT MUST ALSO DEMONSTRATE THAT THE EXISTING ZONING REGULATIONS ARE INAPPROPRIATE BECAUSE THEY MEET ANY OF THE FOLLOWING CRITERIA:

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

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

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

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

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

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

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

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

<u>Use-Specific Standards 4-3(F)(5)</u>

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

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

Design Standards 5-5(I)

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

	Minimum Required Stacking Spaces, per Establishment ^[1]		Measured from End of
Activity	General	UC-MS	Queuing Lane To:
Bank or Automated Teller Machine (ATM)	4	3	Teller window / ATM
Light Vehicle Fueling Station	1	1	End of fuel pump island
Car Wash, Conveyor-operated	12	6	Outside of washing bay
Car Wash, Self-service	3	2	Outside of washing bay
Restaurant	12	6	Pick-up window
Retail Store	4	3	Pick-up window
Other	Determined by the City Engineer base anticipated demand		

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

Neighborhood Edge 5-9(D)

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

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

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

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

Public Outreach

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

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

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

Conclusion

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

Sincerely,

Shanna Schultz, Council Planning Manager Albuquerque Council Services



Subject: Volcano Heights Urban Center_Public Notice Inquiry Sheet Submission_EPC

Date: Wednesday, September 27, 2023 at 1:46:42 PM Mountain Daylight Time

From: Office of Neighborhood Coordination

To: Schultz, Shanna M.

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

PLEASE NOTE:

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

Dear Applicant:

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

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

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

Please note the following:

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

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

 $\underline{\text{http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance}$

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

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

 $\underline{https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1\&outline-name=6-1\%20 Procedures\%20 Summary\%20 Table Procedures\%20 Summary\%20 Summary\%20$

Thank you.



Vanessa Baca

Manager

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque (505) 768-3331 Office

E-mail: vanessabaca@cabq.gov

Website: www.cabq.gov/neighborhoods



PROOF OF NOTICE







MAIL ROUTING SLIP

		143	NUMBER OF PIECES*	ALL MAIL MUST HAVE A RETURN ADDRESS W/ DEPARTMENT NAME	Division: 1710000	Department: C1+4 Council
	0	HaCl.	CLASS/PRICE*	ADDRESS W/ DEPARTMENT NAME	Activity: # Q(()	Date: 10/25/23

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

REVISED 02/17

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

Subject: Notification of EPC Hearing

Date: Wednesday, October 25, 2023 at 4:53:19 PM Mountain Daylight Time

From: Schultz, Shanna M.

BCC: pmnaabq@gmail.com, rlawlor619@gmail.com, pmnaabq@gmail.com,

debbie.a.koranyi@gmail.com, wscona0@gmail.com, aboard111@gmail.com, wscona0@gmail.com, elizabethkayhaley@gmail.com, phcassoc@gmail.com,

phcassoc@gmail.com, Irromero@comcast.net

Attachments: image001.png, Notice_NAEmail.pdf Dear Neighborhood Association Representative,

Please see attached notice.

Thank you, Shanna



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



CITY OF ALBUQUERQUE

City Council

P.O. Box 1293 Albuquerque, NM 87103 Tel: (505) 768-3100 Fax: (505)768-3227 www.cabq.gov/council President Pat Davis
District 6

Vice President Renée Grout District 9

> Isaac Padilla Council Director

Louie Sanchez
District 1

Isaac BentonDistrict 2

Klarissa J. Peña District 3 Brook Bassan District 4 **Dan Lewis**District 5

Tammy Fiebelkorn District 7 Trudy E. Jones
District 8

Dear Neighborhood Association Representative,

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

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



History

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

Proposed changes

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

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

Page 2

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

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

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

Meeting Information

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

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

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

abctoz@cabq.gov

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

Thank you,

Shanna Schultz

Council Planning Manager Albuquerque Council Services 505-768-3185

Jama Short

smschultz@cabq.gov

From: **PLNBufferMaps** Schultz, Shanna M. To:

Subject: RE: Volcano Heights Urban Center / EPC Hearing - Address request

Date: Monday, October 23, 2023 2:10:10 PM

Attachments: image002.png

Volcano Heights Urban Center - Labels-1.docx Volcano Heights Urban Center - Labels-1.csv

October 23, 2023

Shanna:

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

Thank you and have a wonderful day.

Respectfully submitted,



Planning Buffer Maps email plnbuffermaps@cabq.gov

From: Schultz, Shanna M. <smschultz@cabq.gov>

Sent: Monday, October 23, 2023 12:13 PM **To:** PLNBufferMaps <plnbuffermaps@cabq.gov>

Subject: Re: Volcano Heights Urban Center / EPC Hearing - Address request

Hi there,

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

Thank you, Shanna



Shanna Schultz, AICP | Council Planning Manager

Albuquerque City Council Services

Office: (505) 768-3185

From: PLNBufferMaps <<u>plnbuffermaps@cabq.gov</u>>

Date: Friday, October 13, 2023 at 6:40 AM

To: Schultz, Shanna M. <<u>smschultz@cabq.gov</u>>, PLNBufferMaps <<u>plnbuffermaps@cabq.gov</u>>

Subject: RE: Volcano Heights Urban Center / EPC Hearing - Address request

October 13, 2023

Shanna:

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

Thank you and have a wonderful day.

Respectfully submitted,



Planning Buffer Maps email plnbuffermaps@cabq.gov

From: Schultz, Shanna M. <smschultz@cabq.gov>
Sent: Wednesday, October 11, 2023 11:22 AM
To: PLNBufferMaps <plnbuffermaps@cabq.gov>

Subject: Volcano Heights Urban Center / EPC Hearing - Address request

Hello,

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

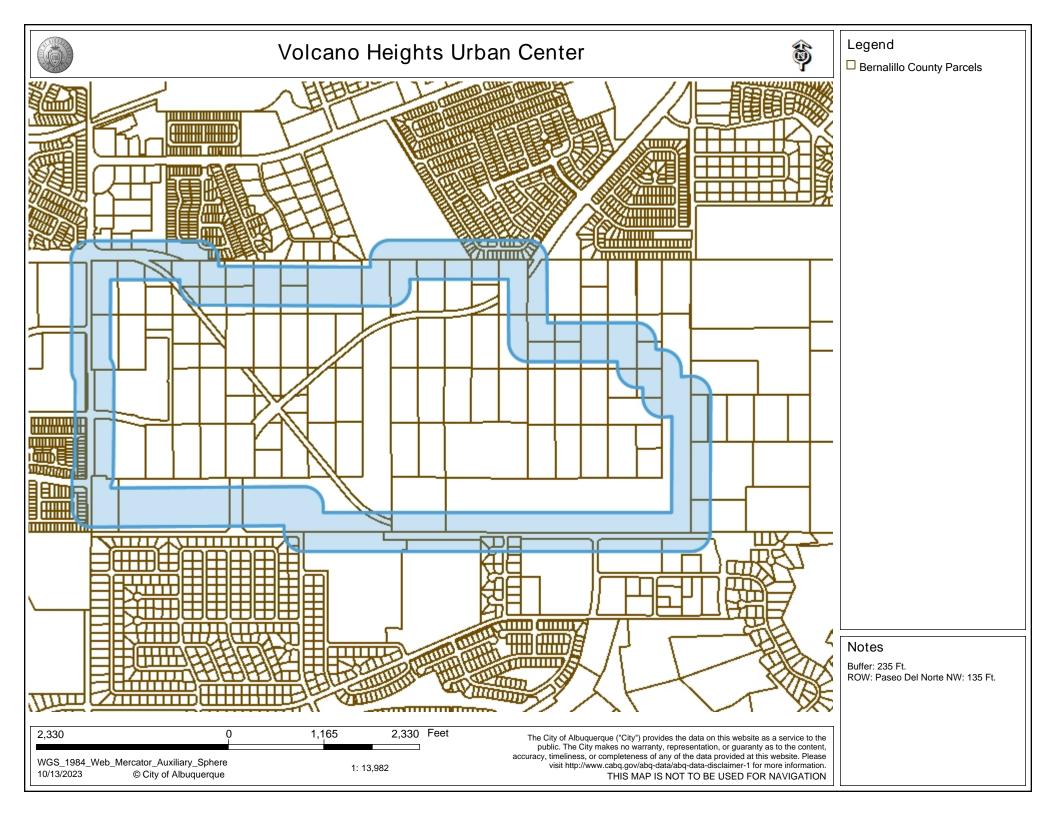
Thank you, Shanna



Shanna Schultz, AICP | Council Planning Manager

Albuquerque City Council Services

Office: (505) 768-3185



WILMANN LIV HOLMASEN TERRASSE 1 1440 NORWAY CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103 CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103 CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248

PO BOX 1293 ALBUQUERQUE NM 87103-2248

CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248 CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248 BEDROCK PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

BEDROCK GENERAL PTNS ATTN: GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROP CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712

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

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

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

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BEDROCK PARTNERSHIP C/O GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 BEDROCK PARTNERSHIP C/O CENTERFIRE PROPERTY 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 BEDROCK GENERAL PARTNERSHIP ATTN: GERALD GOLD 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 BEDROCK INVESTORS LIMITED C/O BEDROCK PARTNERSHIP C/O BEDROCK GENERAL & BEDROCK CENTERFIRE PROPERTY CO INVESTORS LTD C/O GERALD GOLD **GERALD GOLD** 1509 HARVARD CT NE 1509 HARVARD CT NE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 BEDROCK INVESTORS LIMITED C/O BEDROCK INVESTORS LIMITED C/O BEDROCK INVESTORS LIMITED C/O **GERALD GOLD** CENTERFIRE PROPERTY CO **GERALD GOLD** 1509 HARVARD CT NE 1509 HARVARD CT NE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 BEDROCK INVESTORS LIMITED C/O BEDROCK INVESTORS LIMITED C/O BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO CENTERFIRE PROPERTY CO CENTERFIRE PROP CO 1509 HARVARD CT NE 1509 HARVARD CT NE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 BEDROCK GENERAL & BEDROCK BEDROCK INVESTORS LIMITED C/O BEDROCK INVESTORS LIMITED C/O INVESTORS LTD C/O GERALD GOLD CENTERFIRE PROPERTY CO CENTERFIRE PROPERTY CO 1509 HARVARD CT NE 1509 HARVARD CT NE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 BEDROCK PARTNERSHIP & BEDROCK BEDROCK PARTNERSHIP & N M GEN BEDROCK PARTNERSHIP C/O PARTNERSHIP C/O GERALD GOLD LIMITED PARTNERSHIP CENTERFIRE PROPERTY 1509 HARVARD CT NE 1509 HARVARD CT NE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 BEDROCK INVESTORS LIMITED C/O BEDROCK INVESTORS LIMITED C/O BEDROCK INVESTORS LIMITED C/O CENTERFIRE PROPERTY CO CENTERFIRE PROPERTY CO **GERALD GOLD** 1509 HARVARD CT NE 1509 HARVARD CT NE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 BEDROCK INVESTORS LIMITED C/O BEDROCK INVESTORS LIMITED C/O BEDROCK INVESTORS LIMITED C/O **GERALD GOLD CENTERFIRE PROPERTY CO GERALD GOLD** 1509 HARVARD CT NE 1509 HARVARD CT NE 1509 HARVARD CT NE ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 ALBUQUERQUE NM 87106-3712 FALLS GERRY & CAROL & APODACA BEDROCK INVESTORS LIMITED C/O FALLS GERRY & CAROL & APODACA CENTERFIRE PROPERTY CO PATRICK V & APODACA DICK F & PATRICK V & APODACA DICK F & 1509 HARVARD CT NE **ISABELLA ISABELLE** ALBUQUERQUE NM 87106-3712 1646 RANCHO GUADALUPE TRL NW 1646 RANCHO GUADALUPE TRL NW ALBUQUERQUE NM 87107-3370 ALBUQUERQUE NM 87107-3370 SIGNATURE REAL ESTATE SERVICES LLC SIGNATURE REAL ESTATE SERVICES LLC MYSTIC LLC 4914 PASTURA PL NW 4914 PASTURA PL NW **5715 CENTRAL AVE NE** ALBUQUERQUE NM 87107-3845 ALBUQUERQUE NM 87107-3845 ALBUQUERQUE NM 87108-1605 **TECUMSEH PROFESSIONAL ASSOCIATES TECUMSEH PROFESSIONAL ASSOCIATES** MYSTIC LLC **5715 CENTRAL AVE NE**

5600 WYOMING BLVD NE SUITE 260

ALBUQUERQUE NM 87109

ALBUQUERQUE NM 87108-1605

5600 WYOMING BLVD NE SUITE 260

ALBUQUERQUE NM 87109

PULTE HOMES 7601 JEFFERSON ST NE SUITE 320 ALBUQUERQUE NM 87109	GROUP II U26 VC LLC C/O WRIGHT BILLY J 4112 BLUE RIDGE PL NE ALBUQUERQUE NM 87110-4167	GROUP I U26 VC LLC RM 115 2400 LOUISIANA BLVD NE BLDG 3 ALBUQUERQUE NM 87110-4303
VOLCANO CLIFFS INC	MOWERY DANIEL R & MARSHA J	NGUYEN CHI QUYEN & THI TUYET ETAL
4112 BLUE RIDGE PL NE	11632 WOODMAR LN NE	8405 CALLE SOQUELLE NE
ALBUQUERQUE NM 87111-4167	ALBUQUERQUE NM 87111-6517	ALBUQUERQUE NM 87113-2803
WOWK VICTOR & ROSE	ARMIJO ZARA	ARCHULETA MIKE G & LUZ M
10117 TREVINO LP NW	6323 ORFEO TRL NW	6704 TREELINE AVE NW
ALBUQUERQUE NM 87114	ALBUQUERQUE NM 87114	ALBUQUERQUE NM 87114
WOWK VICTOR & ROSE 10117 TREVINO LP NW ALBUQUERQUE NM 87114	CHERESPOSY CRAIG & KRISTY M 8928 MISSION RIDGE DR NW ALBUQUERQUE NM 87114	WILLIAMSON GREGORY DON & LALIE ROSE 8944 MISSION RIDGE DR NW ALBUQUERQUE NM 87114
MILLER RODNEY K JR	HINDMAN DAVID B & AO YANYAN	CRICHLOW REYNOLD H & SARAH M
6709 KAYSER MILL RD NW	8900 MISSION RIDGE DR NW	6040 BOULDER CANYON RD NW
ALBUQUERQUE NM 87114	ALBUQUERQUE NM 87114	ALBUQUERQUE NM 87114
RODRIGUEZ LUIS & ENRIQUEZ LYDIA 6000 BOULDER CANYON RD NW ALBUQUERQUE NM 87114	GARRETT THEODORE E JR & KAREN SUE TRUSTEES GARRETT RVT 1130 LANES END NW ALBUQUERQUE NM 87114-1980	EVANS NICKI A TRUSTEE EVANS TRUST 6020 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016
SILVER JENNIEFE MADICLUM 6024 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016	WARD LONNIE SR 6028 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016	SIFUENTES RAUL JR & GARCIA KIMBERLY N 6032 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016
MANGUS CALE J & KENDALL M	BROWN RENEE & HENDRICKSON KYLE M	SHARMA SATISH & ASHA
6036 BOULDER CANYON RD NW	6044 BOULDER CANYON RD NW	6012 BOULDER CANYON RD NW
ALBUQUERQUE NM 87114-3016	ALBUQUERQUE NM 87114-3016	ALBUQUERQUE NM 87114-3016
POTTER SHELLEY A	COCHRAN NEIL PATRICK	A & A FILIBECK LIVING TRUST
6008 BOULDER CANYON RD NW	6004 BOULDER CANYON RD NW	6023 BOULDER CANYON RD NW
ALBUQUERQUE NM 87114-3016	ALBUQUERQUE NM 87114-3016	ALBUQUERQUE NM 87114-3017
CLARK WILLIAM C & SUSAN W TRUSTEES CLARK RVT 6009 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017	SABORDO GRACE 6019 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017	VIGIL ROBERT A & JORDAN 6015 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017

CHAVEZ NICOLE	ARAGON ASHLEE & MOSS ROBERT	ORTIZ JOHN E
6005 BOULDER CANYON RD NW	9500 BIG ROCK DR NW	9504 BIG ROCK DR NW
ALBUQUERQUE NM 87114-3017	ALBUQUERQUE NM 87114-3018	ALBUQUERQUE NM 87114-3018
COLLINS SYLVIA L & MATTHEW L	GOODMAN EVERETT R & REBECCA M	RAMIREZ ROBERT ROY
9501 BIG ROCK DR NW	9505 BIG ROCK DR NW	9509 BIG ROCK DR NW
ALBUQUERQUE NM 87114-3019	ALBUQUERQUE NM 87114-3019	ALBUQUERQUE NM 87114-3019
MCCLUSKEY PAULA	HERRERA CATHERINE M	PHILLIPS DOUGLAS & KELLY
9513 BIG ROCK DR NW	9515 BIG ROCK DR NW	9519 BIG ROCK DR NW
ALBUQUERQUE NM 87114-3019	ALBUQUERQUE NM 87114-3019	ALBUQUERQUE NM 87114-3019
WAGNER ARNOLD ALLEN & JANICE MARIE CO-TRUSTEES WAGNER TRUST 9501 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024	SMITH JASON A & CLAIRE M 9505 FLINT ROCK DR NW ALBUQUERQUE NM 87114-3024	GILBERT MARY F 9504 LA ROCCA CT NW ALBUQUERQUE NM 87114-3449
PADILLA HEIDI	HALL AMY CHRISTINE & JESSE LEE	PARROTT LEE ANN
9500 LA ROCCA CT NW	6700 TEMPE AVE NW	6704 TEMPE AVE NW
ALBUQUERQUE NM 87114-3449	ALBUQUERQUE NM 87114-3618	ALBUQUERQUE NM 87114-3618
NELSON JASON A & JENNIFER L 6709 TEMPE AVE NW ALBUQUERQUE NM 87114-3621	DELOACH LORRIE A & SEAN M 8800 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642	MACPHAIL MEGAN ANN & MACPHAIL ALAN 8804 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642
MICELOTTI JOSEPH S & HAMILTON EMMA L 8808 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642	MARTINEZ HECTOR A & RUTH 8812 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642	SWIFT STEPHEN HALES & MEGAN RENEE 8816 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642
MCGOVERN LINH T TRUSTEE MCGOVERN TRUST 8820 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642	ALLEN CALVIN W IV 8824 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642	CHAVEZ BENNY & LUCERO FRED E 8828 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642
PEREA JESSICA A 6708 ORO VALLEY RD NW ALBUQUERQUE NM 87114-3870	ARCHIBEQUE ALICIA A 6316 ORFEO TRL NW ALBUQUERQUE NM 87114-5265	ARANDA ARVINA D & PROCTOR JORDON A 6312 ORFEO TRL NW ALBUQUERQUE NM 87114-5265
LEYBA ALAN ISSAC & LEYBA ROMOLO E	ORBAN JOHN C	MARES AMADO E & GLORIA D
A	6304 ORFEO TRL NW	6315 ORFEO TRL NW
6308 ORFEO TRL NW	ALBUQUERQUE NM 87114-5265	ALBUQUERQUE NM 87114-5266

ALBUQUERQUE NM 87114-5265

GROS DAVID	BRITO MONICA A	MAIER GREGORY E & JULIA M
6319 ORFEO TRL NW	8904 MISSION RIDGE DR NW	8908 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114-5266	ALBUQUERQUE NM 87114-5500	ALBUQUERQUE NM 87114-5500
LOVELL TIMOTHY G & STEPHANIE D	NEUBAUER MICHAEL A & HEIKE	ALTAMIRANO TONY
8912 MISSION RIDGE DR NW	8916 MISSION RIDGE DR NW	8920 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114-5500	ALBUQUERQUE NM 87114-5500	ALBUQUERQUE NM 87114-5500
MARTINEZ FRANCISCO & BRIANA	FOWLER ADAM C & AIHUA	JIMENEZ LEON & KURNIAWAN NITA
8924 MISSION RIDGE DR NW	8936 MISSION RIDGE DR NW	6700 TREE LINE AVE NW
ALBUQUERQUE NM 87114-5500	ALBUQUERQUE NM 87114-5500	ALBUQUERQUE NM 87114-6194
NUNEZ JOSE ALONSO & AYIN HELAM	CISNEROS NICHOLAS I	SANTIAGO ANTONIO
6708 TREELINE AVE NW	6701 KAYSER MILL RD NW	6705 KAYSER MILL RD NW
ALBUQUERQUE NM 87114-6194	ALBUQUERQUE NM 87114-6354	ALBUQUERQUE NM 87114-6354
PAREDES GREGORIO	ALL SAINTS LUTHERAN CHURCH	WOODFORD SARAH ANNE
6700 OASIS CANYON RD NW	4800 ALL SAINTS RD NW	8940 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114-6373	ALBUQUERQUE NM 87120	ALBUQUERQUE NM 87120
GARCIA CARMEN R & PRESCILLA T 5514 CAMINO VIENTO NW ALBUQUERQUE NM 87120-1905	AJAMCH LLC ATTN: ANDERSON - SANCHEZ CHRISTINE 4312 RABBITBRUSH AVE NW ALBUQUERQUE NM 87120-2573	AJAMCH LLC ATTN: ANDERSON - SANCHEZ CHRISTINE 4312 RABBITBRUSH AVE NW ALBUQUERQUE NM 87120-2573
LUNA TROY R & JACQUELINE J 6315 CASA BLANCA NW ALBUQUERQUE NM 87120-3290	SONATA TRAILS LLC 8201 GOLF COURSE RD NW SUITE D3- 338 ALBUQUERQUE NM 87120-5842	TRAILS TRACT 4 LLC 8201 GOLF COURSE RD NW SUITE D3- 338 ALBUQUERQUE NM 87120-5842
SONATA TRAILS LLC 8201 GOLF COURSE RD NW SUITE D3- 338 ALBUQUERQUE NM 87120-5842	J & A CRUZ HOLDINGS LLC 3616 SAN YGNACIO RD SW ALBUQUERQUE NM 87121-3400	RABADI SHARIF A & SAMIA S RABADI TRUSTEES STAR TRUST 11201 SAN ANTONIO DR NE ALBUQUERQUE NM 87122
RABADI SHARIF A & SAMIA S RABADI	RABADI SHARIF A & SAMIA S TRUSTEES	RABADI SHARIF A & SAMIA S TRUSTEES
TRUSTEES STAR TRUST	STAR TRUST	STAR TRUST
11201 SAN ANTONIO DR NE	11201 SAN ANTONIO DR NE	11201 SAN ANTONIO DR NE
ALBUQUERQUE NM 87122	ALBUQUERQUE NM 87122-1049	ALBUQUERQUE NM 87122-1049
RABADI SHARIF A & SAMIA S TRUSTEES	RABADI SHARIF A & SAMIA S TRUSTEES	RABADI SHARIF A & SAMIA S TRUSTEES
THE STAR TRUST	THE STAR TRUST	THE STAR TRUST
11201 SAN ANTONIO DR NE	11201 SAN ANTONIO DR NE	11201 SAN ANTONIO DR NE
ALBUQUERQUE NM 87122-1049	ALBUQUERQUE NM 87122-1049	ALBUQUERQUE NM 87122-1049

BRIGGS ALLAN D & JUANITA M TRUSTEES BRIGGS FAMILY TRUST 12301 CORONADO AVE NE ALBUQUERQUE NM 87122-1067	TECUMSEH PROFESSIONAL ASSOC INC 1717 QUAIL RUN CT NE ALBUQUERQUE NM 87122-1139	DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903
DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903	DOUGHTY DANIEL H & ELIZABETH CHRISTINE CO TRUSTEES DOUGHTY TRUST 139 BIG HORN RIDGE RD NE ALBUQUERQUE NM 87122-1903	MERKEL DANIEL L & SUE J TRUSTEES MERKEL RVT 9928 CIELITO OESTE WAY NE ALBUQUERQUE NM 87122-3223
BOARD OF EDUCATION PO BOX 25704 ALBUQUERQUE NM 87125-0704	BOARD OF EDUCATION PO BOX 25704 ALBUQUERQUE NM 87125-0704	BOARD OF EDUCATION PO BOX 25704 ALBUQUERQUE NM 87125-0704
PRESBYTERIAN HEALTHCARE SERVICES ATTN: REAL ESTATE DEPT PO BOX 26666 ALBUQUERQUE NM 87125-6666	FALLS PROPERTY TRUST & APODACA PATRIC V & APODACA DICK F & ISABELLE PO BOX 14777 ALBUQUERQUE NM 87191-4777	VENTANA RANCH COMMUNITY ASSOC C/O HOAMCO PO BOX 67590 ALBUQUERQUE NM 87193
VENTANA RANCH COMMUNITY ASSOC C/O HOAMCO PO BOX 67590 ALBUQUERQUE NM 87193	TRAILS COMMUNITY ASSOCIATION INC PO BOX 67590 ALBUQUERQUE NM 87193-7590	RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457
WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457	RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457	WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457
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ALBUQUERQUE NM 87194-7457

ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC RANSOM RICHARD E TRUSTEES RICHARD RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 & CECILIA RANSOM RVT ALBUQUERQUE NM 87194-7457 PO BOX 7457 PO BOX 7457 ALBUQUERQUE NM 87194-7457 ALBUQUERQUE NM 87194-7457 RANSOM RICHARD E TRUSTEES RICHARD WEST SEVENTY LLC RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 & CECILIA RANSOM RVT PO BOX 7457 PO BOX 7457 ALBUQUERQUE NM 87194-7457 ALBUQUERQUE NM 87194-7457 ALBUQUERQUE NM 87194-7457 RANSOM RICHARD E TRUSTEES RICHARD RANSOM RICHARD E TRUSTEES RICHARD RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT & CECILIA RANSOM RVT & CECILIA RANSOM RVT PO BOX 7457 PO BOX 7457 PO BOX 7457 ALBUQUERQUE NM 87194-7457 ALBUQUERQUE NM 87194-7457 ALBUQUERQUE NM 87194-7457 RANSOM RICHARD E TRUSTEES RICHARD RANSOM RICHARD E TRUSTEES RICHARD RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT & CECILIA RANSOM RVT & CECILIA RANSOM RVT PO BOX 7457 PO BOX 7457 PO BOX 7457 ALBUQUERQUE NM 87194-7457 ALBUQUERQUE NM 87194-7457 ALBUQUERQUE NM 87194-7457 WEST SEVENTY LLC RANSOM RICHARD E TRSUTEES RICHARD WEST SEVENTY LLC PO BOX 7457 & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457 PO BOX 7457 ALBUQUERQUE NM 87194-7457 ALBUQUERQUE NM 87194-7457 KW CANTATA TRAILS LLC ATTN: PHILLIP KW CANTATA TRAILS LLC ATTN: PHILLIP CAPITAL ADVANTAGE LLC PO BOX 92558 WINTNER WINTNER ALBUQUERQUE NM 87199-2558 151 S EL CAMINO DR 151 S EL CAMINO DR BEVERLY HILLS CA 90212-2704 BEVERLY HILLS CA 90212-2704 KINLEN CHRISTOPHER & HENGER LESLIE SAVAGE JAMES P HOFFMAN JA III FAMILY LIMITED 1908 GROVSENOR LN 2080 PASEO DEL ORO **PARTNERSHIP** COLORADO SPRINGS CO 80904-1682 COLLEYVILLE TX 76034-0000 4606 FIREWHEEL DR GARLAND TX 75044-5105 HOFFMAN J A III FAMILY LIMITED HOFFMAN J A III FAMILY LIMITED HOFFMAN JA III FAMILY LIMITED **PARTNERSHIP PARTNERSHIP PARTNERSHIP** 4606 FIREWHEEL DR 4606 FIREWHEEL DR 4606 FIREWHEEL DR GARLAND TX 75044-5105 GARLAND TX 75044-5105 GARLAND TX 75044-5105 MONCRIEFF ROBERT C & BEVERLY J **AMADOR SAMMY & SYLVIA AMADOR SAMMY & SYLVIA** TRUSTEES MONCRIEFF RVT 14429 CRYSTAL LANTERN DR 14429 CRYSTAL LANTERN DR 19270 GREENHORN RD HACIENDA HGTS CA 91745-2510 HACIENDA HGTS CA 91745-2510 GRASS VALLEY CA 95945-8627 SONATA GREEN OWNER LLC ATTN: SONATA GREEN OWNER LLC SONATA GREEN OWNER LLC MULTIGREEN PROPERTIES LLC 170 S GREEN VALLEY PKWY SUITE 300 170 S GREEN VALLEY PKWY SUITE 300

HENDERSON NV 89012-3145

HENDERSON NV 89012-3145

170 S GREEN VALLEY PKWY SUITE 300

HENDERSON NV 89012-3111

BANDI SAID A TRUSTEE BANDI E & C INC BANDI SAID A TRUSTEE BANDI E & C INC **ELK HAVEN LLC CPRP** 21 VISTA VALLE CIR PO BOX 17424 PO BOX 17424 LAMY NM 87540-7506 **IRVINE CA 92623 IRVINE CA 92623 BRUNGARDT LLC BRUNSON PAMELA R & BRUNSON TODD E & B INVESTORS LLC** 2204 SEDONA HILLS PKWY A TRUSTEES BRUNSON IRVT 2710 HARBOR HILLS LN LAS CRUCES NM 88011-4137 8852 RAINBOW RIDGE DR LAS VEGAS NV 89117 LAS VEGAS NV 89117 **E & B INVESTORS LLC E & B INVESTORS LLC E & B INVESTORS LLC** 2710 HARBOR HILLS LN 2710 HARBOR HILLS LN 2710 HARBOR HILLS LN LAS VEGAS NV 89117 LAS VEGAS NV 89117 LAS VEGAS NV 89117 BINDRA RUPINDER S & GURPREET K & BINDRA RUPINDER S & GURPREET K & **RCS-TAOS LLC** MONTOYA ERNEST P TRUSTEE MONTOYA ERNEST P TRUSTEE 371 CENTENNIAL PKWY SUITE 200 MONTOYA RVT MONTOYA RVT **LOUISVILLE CO 80027** 606 S OLIVE ST SUITE 1950 606 S OLIVE ST SUITE 1950 LOS ANGELES CA 90014-1623 LOS ANGELES CA 90014-1623 **RCS-TAOS LLC** PRINCE STEPHEN M & JUDITH L PIETRUK MICHAEL A & CHARLENE 371 CENTENNIAL PKWY SUITE 200 773 W BROOMFIELD RD PO BOX 284 **LOUISVILLE CO 80027 MOUNT PLEASANT MI 48858** ONEIDA IL 61467-0284 PIETRUK MICHAEL A & CHARLENE **CHAVEZ CLARA & JOE B TRUSTEES CHACON GENE CHAVEZ TRUST** 1508 GOLF COURSE RD PO BOX 284 ONEIDA IL 61467-0284 HC 72 BOX 31 **RIO RANCHO NM 87124** RIBERA NM 87560-9659 **CHACON GENE** CORDOVA FABIAN M JCJ LLC 1508 GOLF COURSE RD 8932 MISSION RIDGE DR NW 6762 CHAMA RIVER CT NE **RIO RANCHO NM 87124 RIO RANCHO NM 87144 RIO RANCHO NM 87144-6418** VENTANA RANCH SELF STORAGE LLC ARIZAGA GILBERT S & MARIA PETRA **BOULDERS COMMUNITY ASSOCIATION** C/O URBAN SELF STORAGE 3060 HWY 180 E INC C/O AAM LLC 918 S HORTON ST SUITE 1000 SILVER CITY NM 88061 1600 W BROADWAY RD SUITE 200 SEATTLE WA 98134-1955 TEMPE AZ 85282-1136

CROWLEY PAUL J ETUX

WAYLAND MA 01778-2123

15 OLD WESTON RD

BOULDERS COMMUNITY ASSOCIATION

1600 W BROADWAY RD SUITE 200

INC C/O AAM LLC

TEMPE AZ 85282-1136



City of Albuquerque

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



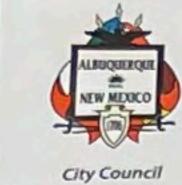
City of Albuquerque

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



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

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



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87183

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



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



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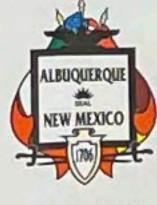
CORDOVA FABIAN M 8932 MISSION RIDGE DR NW ALBUQUERQUE NM 87114



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City Council

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



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City Council

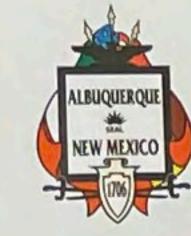
PAREDES GREGORIO 6700 OASIS CANYON RD NW ALBUQUERQUE NM 87114-6373



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City Council

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



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City Council

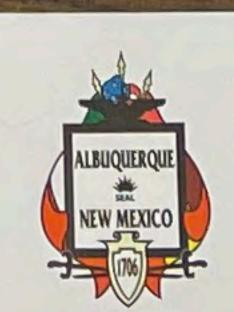
GROUP II U26 VC LLC C/O WRIGHT BILLY J 4112 BLUE RIDGE PL NE ALBUQUERQUE NM 87110-4167



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City Council

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



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City Council

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



City of Albuquerque

WOODFORD SARAH ANNE 8940 MISSION RIDGE DR NW ALBUQUERQUE NM 87120



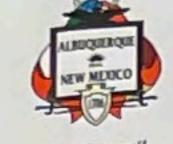
City of Albuquerque

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



City of Albuquerque

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



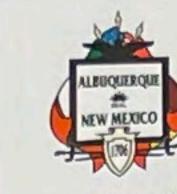
City of Albuquerque

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



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

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



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



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City Council

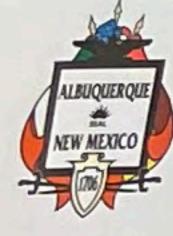
SANTIAGO ANTONIO 6705 KAYSER MILL RD NW ALBUQUERQUE NM 87114-6354



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City Council

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



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City Council

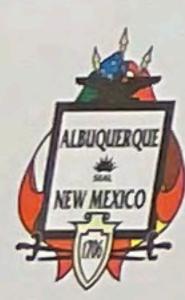
COLLINS SYLVIA L & MATTHEW L 9501 BIG ROCK DR NW ALBUQUERQUE NM 87114-3019



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

City Council

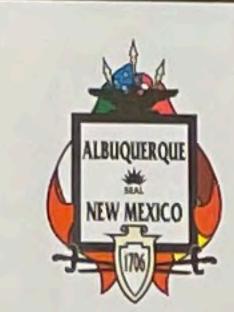
WARD LONNIE SR 6028 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3016



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City Council

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



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City Council

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



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R.O. BOX 1283 ALBUQUERQUE, NEW MEXICO 87103

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



City of Albuquerque

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



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P.O. BOX 1283 ALBUQUERQUE, NEW MEXICO 87103

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



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City Council

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



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City Council

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



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City Council

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



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City Council

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



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



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City Council

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



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



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City Council

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



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City Council

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



City of Albuquerque

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



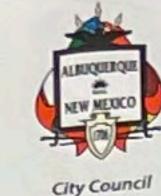
City of Albuquerque

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



City of Albuquerque

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



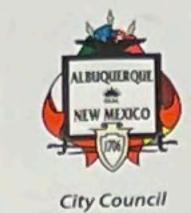
City of Albuquerque

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



City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87163

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



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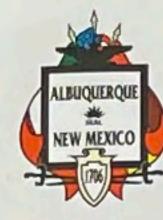
SABORDO GRACE 6019 BOULDER CANYON RD NW ALBUQUERQUE NM 87114-3017



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

ORTIZ JOHN E 9504 BIG ROCK DR NW ALBUQUERQUE NM 87114-3018



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

City Council

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



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



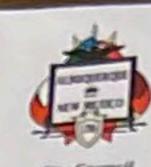
City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103



City of Albuquerque

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



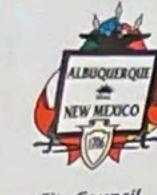
City of Albuquerque

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



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

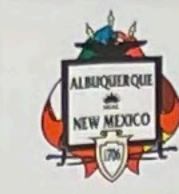
NELSON JASON A & JENNIFER L 6709 TEMPE AVE NW ALBUQUERQUE NM 87114-3621



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City Council

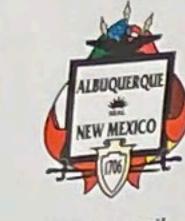
PEREA JESSICA A 6708 ORO VALLEY RD NW ALBUQUERQUE NM 87114-3870



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P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO B7103

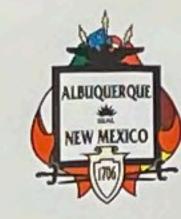
City Council

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



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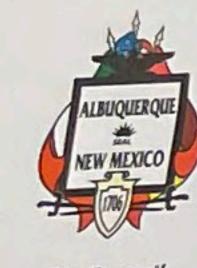
DELOACH LORRIE A & SEAN M 8800 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642



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



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



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



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



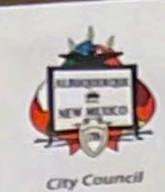
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ALLEN CALVIN W IV 8824 CAMP VERDE ST NW ALBUQUERQUE NM 87114-3642

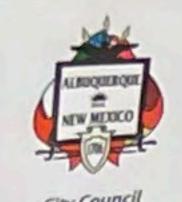


ELK HAVEN LLC 21 VISTA VALLE CIR LAMY NM 87540-7506



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



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



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



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



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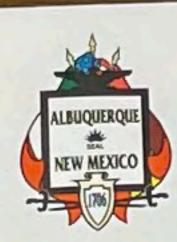
City Council

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



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



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PULTE HOMES
7601 JEFFERSON ST NE
SUITE 320
ALBUQUERQUE NM 87109



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



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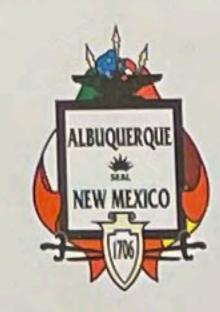
DOUGHTY DANIEL H & ELIZABETH
CHRISTINE
CO TRUSTEES DOUGHTY TRUST
139 BIG HORN RIDGE RD NE
ALBUQUERQUE NM 87122-1903



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ARMIJO ZARA 6323 ORFEO TRL NW ALBUQUERQUE NM 87114



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



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



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



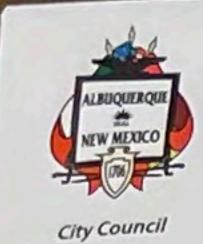
City of Albuquerque

WEST SEVENTY LLC PO BOX 7457 ALBUQUERQUE NM 87194-7457



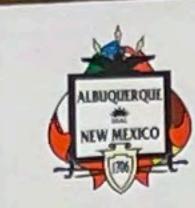
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MARES AMADO E & GLORIA D 6315 ORFEO TRL NW ALBUQUERQUE NM 87114-5266



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

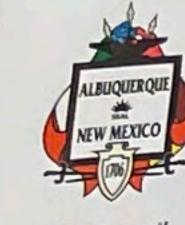


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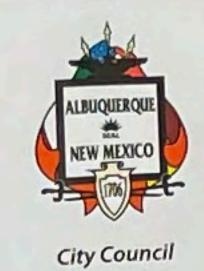
LEYBA ALAN ISSAC & LEYBA ROMOLO E A 6308 ORFEO TRL NW ALBUQUERQUE NM 87114-5265



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CAPITAL ADVANTAGE LLC
PO BOX 92558
ALBUQUERQUE NM 87199-2558



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WOWK VICTOR & ROSE 10117 TREVINO LP NW ALBUQUERQUE NM 87114

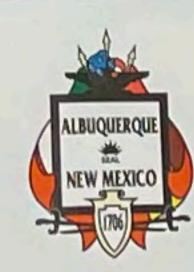


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SIGNATURE REAL ESTATE SERVICES
LLC
4914 PASTURA PL NW
ALBUQUERQUE NM 87107-3845



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GROS DAVID
6319 ORFEO TRL NW
ALBUQUERQUE NM 87114-5266



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



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



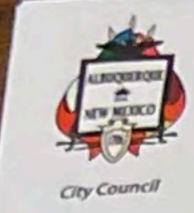
MONCRIEFF ROBERT C & BEVERLY J TRUSTEES MONCRIEFF RVT 19270 GREENHORN RD GRASS VALLEY CA 95945-8627



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BOARD OF EDUCATION PO BOX 25704 ALBUQUERQUE NM 87125-0704

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City of Albuquerque

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



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



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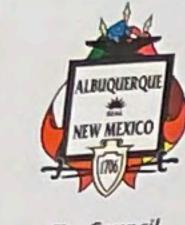
GARRETT THEODORE E JR & KAREN SUE TRUSTEES GARRETT RVT 1130 LANES END NW ALBUQUERQUE NM 87114-1980



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



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



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



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



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



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



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



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



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



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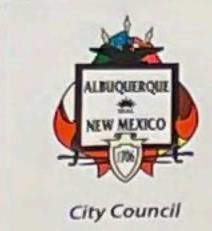
BANDI SAID A TRUSTEE BANDI E & C INC CPRP PO BOX 17424 IRVINE CA 92623



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



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



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



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



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



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



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



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



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



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



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P.O. BOX 1283 ALBUQUERQUE, NEW MEXICO 87103

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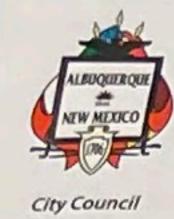
RANSOM RICHARD E TRUSTEES RICHARD & CECILIA RANSOM RVT PO BOX 7457 ALBUQUERQUE NM 87194-7457



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



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CHACON GENE

1508 GOLF COURSE RD

RIO RANCHO NM 87124



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CITY OF ALBUQUERQUE PO BOX 1293 ALBUQUERQUE NM 87103-2248



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



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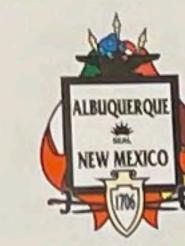
FALLS PROPERTY TRUST &
APODACA PATRIC V & APODACA
DICK F & ISABELLE
PO BOX 14777
ALBUQUERQUE NM 87191-4777



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



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



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



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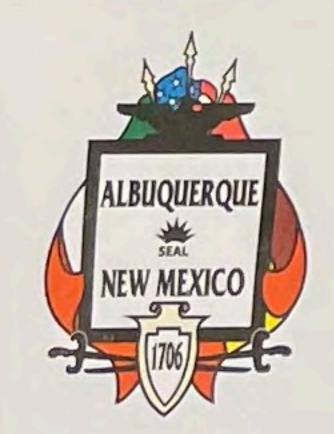
FALLS GERRY & CAROL & APODACA PATRICK V & APODACA DICK F & ISABELLE 1646 RANCHO GUADALUPE TRL NW ALBUQUERQUE NM 87107-3370



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



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MYSTIC LLC 5715 CENTRAL AVE NE ALBUQUERQUE NM 87108-1605



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City Council

P.O. Box 1293 Albuquerque, NM 87103 Tel: (505) 768-3100 Fax: (505)768-3227 www.cabq.gov/council President Pat Davis
District 6

Vice President Renée Grout District 9

> Isaac Padilla Council Director

Louie Sanchez
District 1

Isaac BentonDistrict 2

Klarissa J. Peña District 3 Brook Bassan District 4 **Dan Lewis**District 5

Tammy Fiebelkorn District 7 Trudy E. Jones
District 8

Dear Property Owner,

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

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



History

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

Proposed changes

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

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

Page 2

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

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

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

Meeting Information

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

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

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

abctoz@cabq.gov

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

Thank you,

Shanna Schultz

Council Planning Manager Albuquerque Council Services 505-768-3185

Jama Short

smschultz@cabq.gov

FACILITATED MEETING REPORT

Facilitated Meeting Report CABQ ADR Office

Project #: tbd

Property Description: Volcano Heights Urban Center (VHUC)

Date Submitted: October 18, 2023 **Submitted By:** Tyson Hummell

Meeting Date/Time: October 17, 2023, 5:30-6:30 pm

Meeting Location: ZOOM (online)

Facilitator: Tyson Hummell

Applicants / Agent: Albuquerque City Council Planning Division

Background/Meeting Summary:

The Volcano Heights Urban Center (VHUC) is currently subject to drive-through business prohibition, pursuant to the IDO. The subject meeting was to address proposed removal of drive-through prohibitions within the VUHC.

This proposed change would first be heard by EPC. Therefore, the proposed change would be vetted by and subject to recommendations by CABQ Planning, DMD and others. If approved, it would again be vetted, this time by City Council. First, by sub-committee, then by full Council. Finally, proposed text amendments would be enacted through the Annual IDO Update process.

The purposes of this preliminary Facilitated Meeting were two-fold. First, was to provide Community Stakeholders with timely notice and education regarding the proposed removal of drive-through prohibition within VHUC. This specifically included discussion of ordinances and rules applicable to drive-through businesses; several of which mitigate community impact. Our second purpose was to harvest and report Community Stakeholder feedback, in order to spot issues and inform subsequent decision making processes.

This meeting report is primarily focused on EPC approval requirements, because EPC will serve as the first deciding body in this matter. Accordingly, Applicant devoted significant time to detail and explain said approval requirements. Community Stakeholder feedback not related to EPC requirements are addressed separately, below.

Please see attached, Applicant's PowerPoint Presentation for all specific information presented to Community Stakeholders.

<u>Outcome</u>: Community Stakeholder Participants objected to the proposed removal of drive-through prohibitions within the VHUC.

- 1) Community Concerns Regarding Relevant and Applicable EPC Approval Criteria (*Please See Applicant's PowerPoint Presentation, Slide 6.*)
 - i) [Approval if] The proposed zone change is within an Area of Change and the existing zoning regulations are inappropriate because of at least one of the following:

- (a) Significant change in Neighborhood or Community conditions have occurred to justify the request.
 - (i) <u>Community Stakeholders</u> agree that significant changes have occurred in the neighborhood and community. However, they do not believe these changes justify removal of the drive-through prohibition. Rather, they believe removal of the subject prohibition will both create and exacerbate negative community impacts.
 - (ii) <u>Applicant</u> states that change, infill and growth is already occurring in this area. Thus, creating consumer demand and justifying an expansion of local businesses, goods and services; specifically including drive-through establishments.
- (b) The proposal will not allow permissive uses that would be harmful to adjacent properties, the neighborhood or the community unless there are use-specific standards that will mitigate any harmful impacts.
 - (i) <u>Community Stakeholders</u> voiced concern that the subject proposal will create unmitigated harmful impacts, if approved for permissive use. Community concern specifically includes but is not limited to:
 - 1. Drive-through business saturation, crowding and traffic problems, as seen near Starbucks, Bob's Burgers and other locations off of Golf Course Road.
 - 2. Environmental impacts on noise, light, air pollution, historical elements and aspirational Urban Center design characteristics.
 - 3. Community would prefer conditional use, not permissive use.
 - (ii) <u>Applicant</u> states that existing ordinances and rules will act to mitigate any harmful impacts, as demonstrated in numerous Albuquerque drive-through businesses, when operated in compliance with the IDO.
- (c) The request is not based completely or predominately upon the cost of land or economic considerations.
 - (i) Presented, but not specifically discussed
 - (ii) Applicant believes this proposal will meet said requirement

2) Other Community Concerns

- (a) Questions regarding the origin and impetus for this proposal, including identity of primary beneficiary
- (b) Perceived non-compliance with Quasi-Judicial Process laws, rules and other requirements
- (c) Community requested that Councilor Lewis recuse himself from any decision making, as related to this proposal
- (d) Walkability, pedestrian safety and accessibility may be compromised
- (e) The aggregate effect of pro-development rulemaking and decision making has eroded Community trust in this area
- (f) Negative impacts on historical and culturally significant elements, specifically those protected by the Petroglyph National Monument
- (g) Community Stakeholders would like to be included in collaborative planning to help create a better VHUC for all community members

Names & Affiliations of Invited Attendees (and additional Interested Parties):

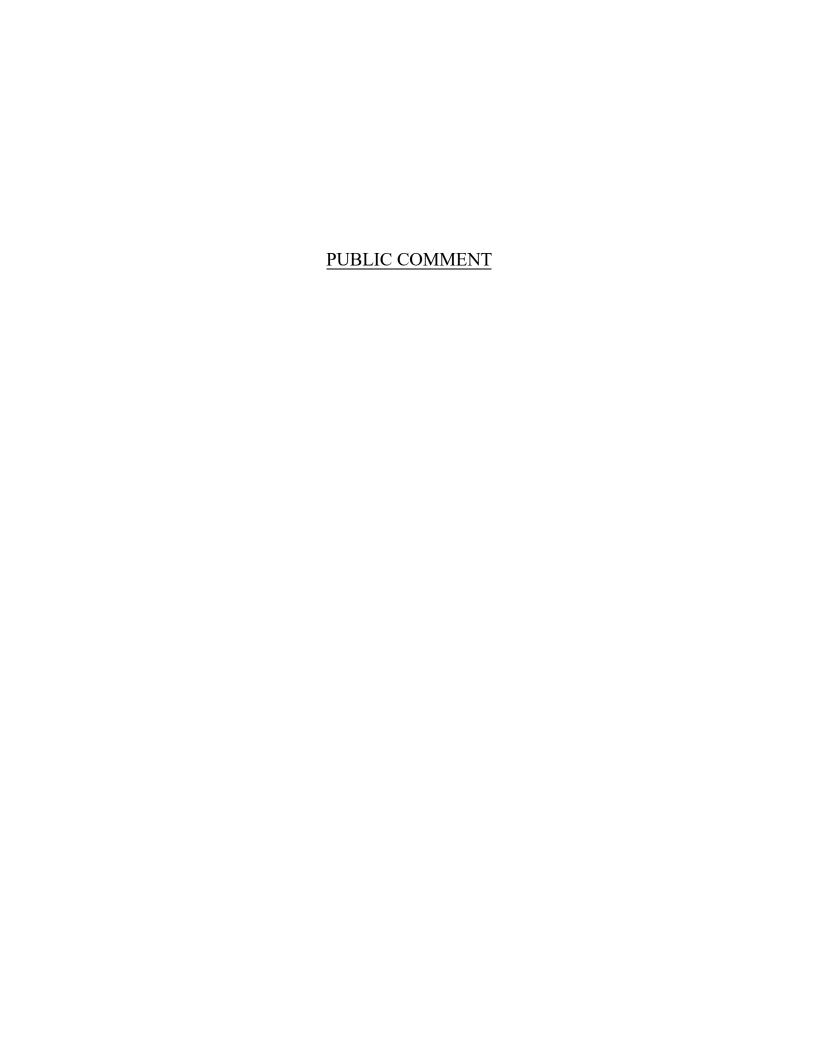
Community Stakeholders All required notice recipients pursuant to IDO / ONC registry

All other known, interested Community Stakeholders

Nancy Hendricks Superintendent, Petroglyph National Monument

Shanna Schultz CABQ Council Planning Manager
Michael Vos CABQ Regulatory Planning Team Lead

Tyson Hummell CABQ ADR Office / Facilitator



From: <u>Jane Baechle</u>

To: <u>City of Albuquerque Planning Department</u>
Cc: <u>Renz-Whitmore, Mikaela J.; Vos, Michael J.</u>

Subject: Comments to EPC 2023 IDO

Date: Wednesday, November 22, 2023 12:44:33 PM

Attachments: 2023 IDO Individual Comments.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

I am attaching a letter to EPC Chair Shaffer and request that it be included in the Planning Staff report to the EPC for review and consideration in the 2023 IDO Annual Review.

I understand the Planning Department offices will close today at 3 p.m. and remain closed until Monday, 11/27/2023 at 9:00 a.m. (which is also the deadline for submitting written comments to the EPC.)

In order to ensure that issues relevant to SFV are included, I am sending this letter as my individual comments. I have submitted these positions to members of the SFVNA Board. Initial responses from Board members support these positions.

I expect to send a follow up letter confirming SFVNA Board support.

I would appreciate confirmation that these comments have been received by the Planning Dept. and will be included.

Thank you for your time and attention.

Jane Baechle

Jane Baechle 7021 Lamar Avenue NW Albuquerque, NM 87120 Jane.Baechle@gmail.com

Date: November 22, 2023

To: David Shaffer Chair, EPC

From: Jane Baechle

Re: 2023 Annual Review of the IDO

The following comments reflect my recommendations to the Santa Fe Village Neighborhood Association (SFVNA) Board regarding selected proposed amendments to the Integrated Development Ordinance (IDO) put forth for consideration during the 2023 Annual Review. I am currently submitting them as an individual while the SFVNA Board has the opportunity to review and comment. Given that the deadline for comments to be included in the Planning Staff report is Monday, 11/27/2023, at 9 a.m., immediately after the Thanksgiving Holiday weekend, I want to be certain that issues relevant to Santa Fe Village are included.

As in prior comment on the IDO Annual Review, I again note that this process continues to be used by City Council and the City administration to make durable and substantial changes in zoning law in a manner that effectively circumvents the goals and policies of the ABC Comp Plan and significantly limits public engagement regarding consequential changes to neighborhood character and quality of life. The first purpose statement of the IDO calls for the IDO to "Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended", 1-3(A). Instead, the IDO Annual Review process is used to alter fundamental goals and policies of the Comp Plan yearly and ignores the Comp Plan's stated intent to update it through a process of Community Planning Assessments where Albuquerque residents have the opportunity to address their views and priorities.

2023 Amendment Proposals, Position and Rationale

IDO Citywide Amendments, Item 10, IDO 4-3(B)(5)(b), **Dwelling Two-Family Detached** (**Duplex**), Item 12, IDO Section 4, **Dwelling Live-Work**, and Item 13, IDO Section 4-3(B)(5), **Two-Family Detached (Duplex) Dwelling**

These three proposals would permissively allow a single family dwelling to be converted to a two family dwelling on any corner lot of 5,000 s.f. or greater, permissively allow small retail and/ or restaurants to be added to a dwelling on any corner lot of 5,000 s.f. or greater and permissively allow an existing single family dwelling to be converted to a two family dwelling on any property zoned R-1 unless it is already a duplex or has an ADU.

Rationale: These three proposals represent a de facto zone change in Santa Fe Village (SFV). Those who argue that converting a single family dwelling to a two family dwelling or adding small retail and restaurants to any R-1 zone is merely a redefinition of low density development are dissembling. These represent fundamental changes to property rights and entitlements of ABQ property owners. Further, if implemented, they would have a devastating effect on an already dense and compact neighborhood like SFV. On my review of the IDO interactive map, there are 82 properties in SFV which are corner lots 5,000 s.f. or greater. There is no way that if even a portion of these properties added a second dwelling unit or retail/restaurant use, the existing infrastructure of the neighborhood could support it. Any such change would profoundly damage the quality and character of SFV, negatively impact property values and create potential hazards.

As noted in last year's comments, SFV is unlikely to be the only low density residential neighborhood profoundly and deleteriously affected by this change. In addition to fundamental changes to neighborhood character, such a significant change makes no provision for consequent increased traffic flow, the need for parking and pedestrian safety on residential streets now carrying significantly increased traffic as well as potential traffic patronizing new commercial uses. Finally, any proposal to allow additional dwelling units should be a conditional use and include stringent development standards which protect neighborhood character and assure adherence to all elements of IDO development standards identified in IDO 14-16-5.

IDO Citywide Amendments, Item 23, IDO 5-7(D)(3)(a), **Walls and Fences-Front Yard Wall** Permissively allows front yard walls of 5 ft with the top two feet of view fencing, setback 5 ft. and landscaped.

Position-Oppose

Position: *Oppose*

Rationale: Santa Fe Village is a compact residential neighborhood with small to medium lots on curving streets which follow the natural contour of the land. The addition of view fencing on the upper 2 ft of a 5 ft foot wall still impede clear lines of sight, have a deleterious effect on the streetscape and sense of place and limit comfortable walking for 2 people at a time on 4 ft sidewalks. That will be the case with even a 5 ft setback. Landscaping the setback will not change the impact on the streetscape or walkability and the individual choice of how to landscape the setback my serve to detract from the awareness of the natural landscape.

The administrative demands of hearing requests for variances and waivers for non-conforming walls are not a reason to enact durable changes in the IDO, particularly changes which have been

consistently opposed by residents and neighborhood associations and for which there was only one comment out of 47 in support on the original spreadsheet of citywide changes.

IDO Citywide Amendments, Item 11, IDO 4-1(A)(4) (new), Conditional Uses for City Facilities

"Exempts city facilities from the conditional use process"

Position: *Oppose*

Rationale: This appears to be an effort by the City to limit public comment, disenfranchise ABQ residents and circumvent any opposition to or scrutiny of City projects. The conditional use process and the standards by which a conditional use request is to be evaluated are intended to protect the public from potentially objectionable and harmful uses. This is an unambiguous effort on the part of the City to avoid transparency and accountability for its facilities and land use decisions.

IDO Citywide Amendments, Item 9, IDO Section 4, Overnight Shelter

Allows overnight shelters permissively in zone districts where the use is now only allowed conditionally.

Position: Oppose

Rationale: As noted above, this appears to be an effort by the City to limit public comment, disenfranchise ABQ residents and circumvent any opposition to or scrutiny of overnight shelters. The conditional use process and the standards by which a conditional use request is to be evaluated are intended to protect the public from potentially objectionable and harmful uses. This is another unequivocal effort on the part of the City to avoid transparency and accountability in the development of overnight shelters.

Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, **Volcano Heights Urban Center** Removes prohibition on drive-throughs in the Volcano Heights Urban Center Position: *Oppose*

Rationale: This change is inconsistent with the intended design of an urban center as cited in the ABC Comp Plan, "Center, Urban – area intended to develop as a distinct, *walkable* district ..." (Italics mine) This use is also inconsistent with the landscape of the NW mesa and the designated area. The Volcano Heights Urban Center area begins on the east as one crests the escarpment on Paseo del Norte and its northern and eastern edges are in close proximity to the boundary of the Petroglyph National Monument.

IDO Citywide Amendments, Item 40, IDO 6-6(O)(2), Variance-ZHE

Requires notification of the ABQ Open Space Superintendent with review and comment on any variance request on property adjacent to MPOS.

Position: Support

Rationale: Major public open space represents a significant value to all residents of ABQ and should be protected from private development which would potentially negatively impact the public's enjoyment and appreciation of it. Further it is my position that the requirement of

notification should include the Petroglyph National Monument (PETR) Superintendent when a property requesting a variance is adjacent to PETR. I appreciate that the City of ABQ and its officers cannot compel a review and response from the NPS but notification can be required.

IDO Citywide Amendments, Item 53, IDO 7-1, **Sensitive Lands Rock Outcropping** Revises the definition of rock outcropping to reflect existing rock outcroppings in ABQ. Position: Support

Rationale: Rock outcroppings represent one of the most prevalent features of sensitive lands on the NW mesa and in the area around SFV. The ABC Comp Plan goals and policies mandate the preservation of heritage landscapes as "features that contribute to the distinct identity of communities, neighborhoods, and cultural landscape" and represent a "community resource that provides physical, cultural, and economic benefits."

In summary, opposition, where outlined, reflects my assessment that these proposals will have deleterious impacts on Santa Fe Village, its residents and homeowners and on the experience of the City, its neighborhoods and cultural landscapes. In contrast, I support amendments which strengthen protections of SFV, public lands and the landscape of the NW mesa and escarpment. I recognize this letter is lengthy and also note that the current list of proposed changes to the IDO exceeds 60 changes including the citywide and small area amendments. I respectfully request the Commissioners thoughtful consideration of these views and concerns.

Thank you for your time and attention.

Sincerely,

Jane Baechle Resident of SFV and SFVNA Representative From: <u>Jane Baechle</u>

To: <u>City of Albuquerque Planning Department</u>

Cc: Renz-Whitmore, Mikaela J.; Vos, Michael J.; Jane Baechle

Subject: SFVNA Board Comment for the EPC on IDO 2023 Proposals

Date: Sunday, November 26, 2023 4:31:46 PM

Attachments: 2023 IDO EPC 11.22.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good afternoon,

I hope you all have enjoyed a lovely Thanksgiving holiday.

I am attaching the Written Public comments from the Santa Fe Village Neighborhood Association Board to be included in the Planning Staff Report to the Environmental Planning Commission for their consideration and yours in advance of the 12/14/2023 meeting to consider the 2023 proposals.

I respectfully request your assistance in ensuring they are provided to Chair Shaffer and members of the EPC.

I would also appreciate confirmation you have received these.

Thank you very much,

Jane Baechle



Santa Fe Village Neighborhood Association

5601 Bogart St. NW Albuquerque, NM 87120 sfvna2014@gmail.com

Date: November 26, 2023

To: David Shaffer

Chair, EPC

From: Jane Baechle, Representative

Santa Fe Village Neighborhood Association

Re: 2023 Annual Review of the IDO

The following comments reflect the views of the Santa Fe Village Neighborhood Association (SFVNA) Board regarding selected proposed amendments to the Integrated Development Ordinance (IDO) put forth for consideration during the 2023 Annual Review. Six of the seven elected SFVNA Board members have explicitly endorsed these comments; one member was unable to respond due to time constraints.

As in prior comment on the IDO Annual Review, we again note that this process continues to be used by City Council and the City administration to make durable and substantial changes in zoning law in a manner that effectively circumvents the goals and policies of the ABC Comp Plan and significantly limits public engagement regarding consequential changes to neighborhood character and quality of life. Nonetheless, as the elected representatives of our neighborhood association we are committed to engaging in this process, to represent the interests of our membership and neighborhood and address the consequences of these proposals.

2023 Amendment Proposals, SFVNA Position and Rationale

IDO Citywide Amendments, Item 10, IDO 4-3(B)(5)(b), **Dwelling Two-Family Detached** (**Duplex**), Item 12, IDO Section 4, **Dwelling Live-Work**, and Item 13, IDO Section 4-3(B)(5), **Two-Family Detached (Duplex) Dwelling**

These three proposals would permissively allow a single family dwelling to be converted to a two family dwelling on any corner lot of 5,000 s.f. or greater, permissively allow small retail and/ or restaurants to be added to a dwelling on any corner lot of 5,000 s.f. or greater and

permissively allow an existing single family dwelling to be converted to a two family dwelling on any property zoned R-1 unless it is already a duplex or has an ADU.

SFVNA position: *Oppose*

Rationale: These three proposals represent a de facto zone change in Santa Fe Village (SFV). Those who argue that converting a single family dwelling to a two family dwelling or adding small retail and restaurants to any R-1 zone is merely a redefinition of low density development are dissembling. These represent fundamental changes to property rights and entitlements of ABQ property owners. Further, if implemented, they would have a devastating effect on an already dense and compact neighborhood like SFV. On my review of the IDO interactive map, there are 82 properties in SFV which are corner lots 5,000 s.f. or greater. There is no way that if even a portion of these properties added a second dwelling unit or retail/restaurant use, the existing infrastructure of the neighborhood could support it. Any such change would profoundly damage the quality and character of SFV, negatively impact property values and create potential hazards. Finally, any proposal to allow additional dwelling units should be a conditional use and include stringent development standards which protect neighborhood character and assure adherence to all elements of IDO development standards identified in IDO 14-16-5.

IDO Citywide Amendments, Item 23, IDO 5-7(D)(3)(a), **Walls and Fences-Front Yard Wall** Permissively allows front yard walls of 5 ft with the top two feet of view fencing, setback 5 ft. and landscaped.

SFVNA Position-Oppose

Rationale: Santa Fe Village is a low density residential neighborhood with small to medium lots on curving streets which follow the natural contour of the land. The addition of view fencing on the upper 2 ft of a 5 ft foot wall still impede clear lines of sight, have a deleterious effect on the streetscape and sense of place and limit comfortable walking for 2 people at a time on 4 ft sidewalks. That will be the case with even a 5 ft setback. Landscaping the setback will not change the impact on the streetscape or walkability and the individual choice of how to landscape the setback my serve to detract from the awareness of the natural landscape.

IDO Citywide Amendments, Item 11, IDO 4-1(A)(4) (new), Conditional Uses for City Facilities

"Exempts city facilities from the conditional use process"

SFVNA position: *Oppose*

Rationale: This appears to be an effort by the City to limit public comment, disenfranchise ABQ residents and circumvent any opposition to or scrutiny of City projects. The conditional use process and the standards by which a conditional use request is to be evaluated are intended to protect the public from potentially objectionable and harmful uses. This is an unambiguous effort on the part of the City to avoid transparency and accountability for its facilities and land use decisions.

IDO Citywide Amendments, Item 9, IDO Section 4, **Overnight Shelter** Allows overnight shelters permissively in zone districts where the use is now only allowed conditionally.

SFVNA position: *Oppose*

Rationale: As noted above, this appears to be an effort by the City to limit public comment, disenfranchise ABQ residents and circumvent any opposition to or scrutiny of overnight shelters. The conditional use process and the standards by which a conditional use request is to be evaluated are intended to protect the public from potentially objectionable and harmful uses. Again, this is an unequivocal effort on the part of the City to avoid transparency and accountability of overnight shelters.

Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, **Volcano Heights Urban Center** Removes prohibition on drive-throughs in the Volcano Heights Urban Center SFVNA position: *Oppose*

Rationale: This change is inconsistent with the purpose of this urban center described as intended to "support pedestrian-friendly and transit-supportive development with particular emphasis on employment, while buffering pre-existing single-family neighborhoods and sensitive lands on the borders of the Plan area from higher-density development toward the center of the Plan area. The Plan seeks to create a walkable, urban center with a sense of place rooted in its unique volcanic context and with development that respects the Petroglyph National Monument, which includes over 10,000 acres of open space preserved in perpetuity by an act of Congress in 1990."

IDO Citywide Amendments, Item 40, IDO 6-6(O)(2), Variance-ZHE

Requires notification of the ABQ Open Space Superintendent with review and comment on any variance request on property adjacent to MPOS.

SFVNA position: Support

Rationale: Major public open space represents a significant value to all residents of ABQ and should be protected from private development which would potentially negatively impact the public's enjoyment and appreciation of it. Further it is our position that the requirement of notification should include the Petroglyph National Monument (PETR) Superintendent when a property requesting a variance is adjacent to PETR. We appreciate that the City of ABQ and its officers cannot compel a review and response from the NPS but notification can be required.

IDO Citywide Amendments, Item 53, IDO 7-1, **Sensitive Lands Rock Outcropping** Revises the definition of rock outcropping to reflect existing rock outcroppings in ABQ. SFVNA position: Support

Rationale: Rock outcroppings represent one of the most prevalent features of sensitive lands on the NW mesa and in the area around SFV. The ABC Comp Plan goals and policies mandate the preservation of heritage landscapes as "features that contribute to the distinct identity of communities, neighborhoods, and cultural landscape" and represent a "community resource that provides physical, cultural, and economic benefits."

IDO Citywide Amendments, Item 17, IDO 5-5(B)(4)(d), **RV, Boat and Trailer Parking** and Item 42, 608(G)(2)(a)1.a, **Front Yard Parking**

Prohibits front yard parking of RVs, boats and trailers and use of angular crushed stone as a parking surface in front yards.

SFVNA position: Support

Rationale: Preserve the desirability and protect the visual appeal of neighborhoods, particularly a compact and modest neighborhood like SFV, where even improved front yards are too small and narrow to allow a large vehicle to be parked.

IDO Citywide Amendment #58, Tribal Engagement

Establishes a mechanism to include Tribal nations and their members in the development review and approval process.

SFVNA position: Support

Rationale: Acknowledges the responsibility of City Council to assure engagement with Tribal people and inclusion of their voices in land use matters. This is a particularly salient issue for land in and along the heritage landscape of ABQ's NW mesa escarpment.

In summary, SFVNA opposition, where outlined, reflects our assessment that these proposals will have deleterious impacts on Santa Fe Village, its residents and homeowners and on the experience of the City, its neighborhoods and cultural landscapes. In contrast, we support amendments which strengthen protections of SFV, public lands and the landscape of the NW mesa and escarpment. This letter is lengthy. There are more than 60 changes including the citywide and small area amendments to the IDO proposed. We respectfully request the Commissioners thoughtful consideration of our views and concerns.

Thank you for your time and attention.

Respectfully submitted,

Jane Baechle

From: <u>Jane Baechle</u>

To: <u>City of Albuquerque Planning Department</u>

Cc: Renz-Whitmore, Mikaela J.; Vos, Michael J.; Schultz, Shanna M.

Subject: IDO Written Comments

Date: Monday, January 1, 2024 11:42:25 AM
Attachments: EPC Comments for 1112024.pdf

EPC VPO-2.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good morning,

I am attaching two documents to be provided to the EPC and Chair Shaffer re: upcoming meetings addressing proposed amendments to the IDO as part of the 2023 annual review.

The first letter is submitted to be appended to the Staff report for the meeting of 1/11/2024. It covers further comment on several citywide amendments including those for which additional information or options will be introduced at this meeting and on the proposed small area amendment for the Volcano Heights Urban Center.

The second letter covers my individual comments regarding the proposed small area amendments to the NW Mesa Escarpment VPO-2. This proposal is to be heard at the EPC meeting of 1/18/2024. Please assure these are included in the Planning Staff report to the EPC for the meeting of 1/18/2024.

I recognize this remains a busy time for Planning Dept. staff. I would also appreciate confirmation that these letters have been received and included in the relevant reports.

Thank you,

Jane Baechle

Jane Baechle 7021 Lamar Avenue NW Albuquerque, NM 87120 Jane.Baechle@gmail.com

Date: January 1, 2024

To: David Shaffer, Chair

EPC

From: Jane Baechle

Member, SFVNA

Re: IDO 2023 Agenda Items

Meeting of 1/11/2024

Commissioners,

I am writing to reiterate positions taken by the SFVNA Board and/or myself in prior written communications and public comment. Some of these represent items which were discussed in the meeting of 12/14/2023 but will come before the EPC for a vote on 1/11/2024. Others reflect our written comments on the proposed change to the Volcano Heights Urban Area which will be heard for the first time on 1/11/2024. Our *opposition* has not changed but several points merit repeating based on the anticipated changes to be presented on 1/11/2024.

• Item 12, IDO Section 4, Dwelling Live-Work-this remains a profoundly deleterious change for Santa Fe Village and most modest residential neighborhoods. The proposal fails to adequately or even minimally consider the likely negative impacts or provide any protections of the neighborhood or adjacent property. The fact that a corner lot has two street facing sides will not prevent on street parking in front of nearby property. There is no reason to think that a retail or restaurant space will rely only on the residents of the property to provide service; they will assuredly hire additional people who will also need to park. There is zero evidence it will only be patronized by people who can walk to the business. A corner lot offers no provisions for deliveries or waste storage and removal. These are particularly significant issues for either a small grocery or restaurant. Nothing in the language of this proposal requires the property owner to also be the business owner and resident(s). Instead, the proponents paint a picture of a quaint little coffee shop or corner grocery carrying milk and bread at affordable prices, ignore potential uses or impacts which conflict with a residential neighborhood and make this use permissive which effectively removes neighborhood scrutiny and opportunity for public comment.

- Item 29, 6-4(B), Pre-submittal Neigh Meeting, Item 32, 6-4(K) Public Notice to Neighborhood Associations, Item 36, 6-4(L)(3)(a), Post-submittal Facilitated Meeting and Item 37, 6-4(V)(2)(a), Appeals - Standing Based on Proximity for Neighborhood Associations-these fundamentally redefine the standing of individuals and neighborhoods and their right to notice and appeal of proposed developments which may significantly impact neighborhood character, quality of life and property values. Replacing "adjacent," a term clearly defined in the IDO, with a set distance from a proposed development as a matter of expediency for applicants and the Planning Department is indefensible. It is simply not adequate to capture "almost everyone" or approximate the boundaries of those entitled to notice of zoning and development matters. Item 37 effectively disenfranchises neighborhood associations by reducing the required notice to those neighborhood associations within 660' of certain developments and zoning changes to those within 330'. Among the issues where notice would be removed from neighborhood associations by virtue of reducing the area where notice is required are multiple, highly consequential matters including conditional use applications, variances, small area amendments and zoning map amendments. This represents a fundamental taking from neighborhood associations and the residents they serve, serve at the behest of the NARO charged to "engage with community and land use planning, protect the environment, and promote the community welfare" and "foster communication between the recognized neighborhood association ... and city government on plans, proposals, and activities affecting their area." Any limitations of the software the City plans to use are not a justification for disenfranchising individuals or neighborhood associations.
- Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, Volcano Heights Urban Center-this change is inconsistent with the intended design of an urban center which is to create and support a walkable neighborhood. Nothing could conflict more profoundly with a walkable neighborhood than drive throughs. They exist solely to accommodate motor vehicles and the occupants unwilling to leave their vehicles. The ABC Comp Plan calls for Centers to have or strive for a high degree or walkability. Specifically, this is what the Comp Plan states in subpolicy "d" of Policy 11.3.6, "Protect the area's natural and archaeological resources, including the Monument and significant rock outcroppings, while encouraging urban development in the Volcano Heights Urban Center to create a vibrant, walkable district with an identity, character, and sense of place inextricably linked to the volcanic landscape." (Italics mine) The VHUC is currently undeveloped, a clear and optimal opportunity to ensure that the Center is developed with a high degree of walkability. There is no adequate justification for removing from the IDO the protections against the development of drive throughs in the VHUC. It is also important to note that the VHUC sits on the NW Mesa Escarpment and lies within the NW Mesa Escarpment VPO-2 which mandates design standards to ensure that structures reflect the natural colors of the natural landscape. This area begins on the east as one crests the escarpment on Paseo del Norte and its northern and eastern edges are approximately the boundary of the Petroglyph National Monument. Many of the mixed use properties are a short walk from the escarpment and the Petroglyph National Monument boundary. Not only would drive throughs, almost always franchise, fast food restaurants, conflict with the

intended walkability of an urban center, they would conflict with provisions of the VPO which call for development to respect the character of the area.

Item 58, **Tribal Engagement**-the integration of potentially impacted Tribal nations and their members into the development review and approval process and the establishment of a formal process to ensure they have adequate notice of proposed development and architectural reviews and a voice in development decisions represents a basic and fundamentally just action. Tribal lands, the Petroglyph National Monument and much of the MPOS in ABQ have profound significance to Native people. These amendments are long overdue to "ensure opportunities for input by affected parties," specifically Tribal nations and people. I strongly *support* this amendment.

Finally, the SFVNA has vehemently *opposed* the removal of multiple developments from the conditional use process or the establishment of new uses as permissive. These include the proposals regarding City projects, shelters for those homeless and duplexes. Designation as a conditional use indicates that a development may reasonably be expected to "create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community" and subjects the decision to grant a conditional use to a public meeting. Removing a designation which ensures notification and opportunity for comment disenfranchises those affected and effectively negates IDO purpose statement 1-3(R) "Provide processes for development decisions that balance the interests of the City, property owners, residents, and developers and ensure opportunities for input by affected parties."

Thank you for your	time and	l consic	leration.
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Sincerely,

Jane Baechle

Jane Baechle 7021 Lamar Avenue NW Albuquerque, NM 87120 Jane.Baechle@gmail.com

Date: January 1, 2024

To: David Shaffer, Chair

EPC

From: Jane Baechle

Member, SFVNA

Re: NW Mesa Escarpment VPO-2

Meeting of 1/18/2024

Commissioners,

I am writing to express my strong *support* for the proposed changes to the NW Mesa Escarpment VPO-2 which would add Tribal nations as commenting agencies for development proposals within 660 feet of the NW Mesa VPO-2. I am commenting as an individual, a resident of Santa Fe Village (SFV) which lies wholly within the VPO-2 and as a member of the Santa Fe Village Neighborhood Association (SVFNA). I have submitted this letter to the SFVNA Board and seek their endorsement as well. I participated in the pre-submittal facilitated meeting and clearly understand the purpose and scope of this proposed amendment.

I was in Council chambers for the June 2023 meeting where Councilors passed the 2022 IDO amendments. I listened to the many comments from Native people citing their exclusion from hearings and meetings considering consequential development proposals in the NW Mesa Escarpment VPO, a natural and cultural landscape and one held sacred by Native people. It is fundamentally just and right to ensure that tribal nations have every opportunity to engage on development proposals and to ensure they have all of the information they need to do so.

I have participated in multiple Planning Department meetings where Mikaela Renz-Whitmore begins her presentation with a slide acknowledging that we are meeting on the lands of Pueblo people, lands they lived on for hundreds of years before any of us became property owners in this city. Surely, we owe them a place at the table on development and land use proposals.

My support for this proposal is also grounded in my personal respect for this natural and cultural landscape. The public record of multiple meetings of the ZHE, EPC, LUPZ and City Council reflects my individual comments and those of the SFVNA advocating for protections of this landscape or opposing measures which would materially undermine them. The ABC Comp Plan is clear:

• Goal 11.3 Cultural Landscapes

Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

- POLICY 11.3.4 Petroglyph National Monument: Regulate adjacent development to protect and preserve the Petroglyph National Monument its volcanoes, petroglyphs, and Northwest Mesa Escarpment as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits.
- POLICY 11.3.6 Volcano Mesa: Preserve open space, natural and cultural landscapes, and other features of the natural environment within Volcano Mesa.

In the interest of brevity, I will refrain from listing the multiple sub-policies which add detail to these goal and policies. In my view, however, they underscore the central importance of ensuring the protection of all heritage landscapes and the requirement that the provisions of the IDO, whose first purpose is to "implement the ABC Comp Plan as adopted", align with these goals and policies.

The entirety of the NW Mesa Escarpment, including the Petroglyph Monument and escarpment, the volcanoes and *surrounding area*, represents a priceless heritage for all of the people of Albuquerque. It represents a fundamental and sacred element of the identity of Native people. It is incumbent upon all of us to respect the views and voices of Tribal people and ensure they are fully informed of development proposals so that those views are included in development and land use decisions.

I respectfully request your support of the proposed amendment to the NW Mesa Escarpment VPO-2.

Sincerely,

Jane Baechle

From: <u>Daniel Doughty</u>

To: City of Albuquerque Planning Department
Subject: Comments for EPC Meeting Jan 11, 2024
Date: Tuesday, January 2, 2024 3:41:46 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear Sir/Madam.

I received notice and invitation to submit comments regarding a proposed change to the IDO for Volcano Heights Urban Center (VHUC), as we own property in the affected area.

I have reviewed the documents and here are my comments for the EPC Meeting on Jan 11, 2024.

I support the removal of the prohibition of drive-through facilities within the VHUC. Here are my reasons:

- 1. I use drive-throughs often because of the convenience. I mostly use them to pick up prescriptions at a pharmacy or visit my Credit Union.
- 2. Drive-through facilities will not significantly change the flow of traffic to businesses, as the customers will need to visit these businesses anyway. The only possible exception to this is a restaurant/coffee shop, but that effect should be small.
- 3. I would think residents in the area would be in favor of this change, as it adds convenience to their life.

I reviewed numerous prior comments submitted against the removal of the prohibition. As I read some statements, I was struck by their application of a double standard. Development and growth were fine with them as they moved into the neighborhood, as it allowed their neighborhood to be built and grow. But now that they are established, they disapprove of additional growth or changes. Not a very defendable position.

Thank you for your time in taking my comment.

Daniel H. Doughty 139 Big Horn Ridge Dr. NE Albuquerque, NM 87122

505-514-1717 dhdoughty@gmail.com

From: <u>Gngold</u>

To: <u>City of Albuquerque Planning Department</u>

Cc: <u>John Edward; Jennifer Ades</u>
Subject: IDO update 4 3(F)(5)(10)

Date: Thursday, December 28, 2023 2:16:42 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern. For EPC Jan 11 meeting

We represent 250 acres in the volcano Heights district. We believe that the ruling against drive-through's does severely limit our abilities to include restaurants banks, and other facilities in planning for our land. We strongly support deleting that language from the IDO.

Gerald Gold Bedrock Investors From: Hoffman, Jim

To: <u>City of Albuquerque Planning Department</u>

Subject: Volcano Heights Urban Center - Small Area IDO Update ... Attention Chair Shaffer

Date: Friday, November 24, 2023 11:24:17 AM

Attachments: <u>image001.png</u>

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Chair Shaffer,

I would like to express my support for the Volcano heights Urban Center Small Area IDO Update to allow drive-through uses.

Volcano Heights is a developing area of change that lacks local amenities.

The facilitated review meeting held on 10/18/23 did not include "all other known, interested Community Stakeholders", as may directly impacted mixed-use property owners were not notified. As such, the meeting minutes cannot be construed as representing all community stakeholder views.

- The minutes state that allowing drive-through uses in Volcano Heights would lead to harmful impacts such as'
 - Drive-through business saturation, crowding and traffic problems, as seen near Starbucks, Bob's Burgers and other locations off of Golf Course Road.
 - Environmental impacts on noise, light, air pollution.
- Actually, it is the lack of local amenities in Volcano Heights that contribute to these situations.
 - Residents north and west of Volcano Heights (e.g. Ventana Ranch, etc.) must drive along Unser and Paseo del Norte to locations below the escarpment rather than accessing local amenities. This contributes to the drive-through business saturation with longer driving distances which increase traffic congestion, noise, and pollution.

Volcano Heights is an area of great potential for the City of Albuquerque. The area has gone through extensive planning with all community stakeholders over 15+ years. The Volcano Heights Sector Development Plan (VHSDP) that resulted from this extensive planning allowed for drive-through uses in mixed use areas with certain conditional use limitations based on the type of street frontage.

Character Zone	Town Center	Regional Center	Village Center	Mixed-Use	Escarpment Transition	Neighborhood Transition
Land Use						
Commercial Uses (Office, Retail, Sales, and Service Uses)						
Retail Sales or Service with no drive through facility (includes alcohol sales). Excluded from this category are retail sales and service establishments geared toward the automobile.		P	P	P	С	NP
Auto-related Sales or Service establishments		P	C	C	NP	NP

The IDO which replaced the VHSDP did it's best to carry over the zoning / allowable use requirements in the VHSDP; however, there was not a one-to-one correspondence. The prohibition of drive-through in the Volcano Heights mixed use zones is an example of a provision that was not carried over to the IDO.

I urge your support for the Volcano Heights Urban Center Small Area IDO Update.

Respectfully,

James Hoffman 817-689-4897