

From: [Jane Baechle](#)
To: [City of Albuquerque Planning Department](#)
Subject: PR-2018-001843-RZ-2022-00054 Citywide General Amend
Date: Monday, January 16, 2023 4:47:13 PM

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I am submitting the following comments as an individual.

Walls & Fences – IDO Subsection 14-16-5-7(D)(3)

I respectfully ask the EPC Commissioners to oppose any permissive increase in wall heights in low density residential zones. It is clear from the Staff report that, to date, no one has come forward to provide written or public comment in support of this proposal. Multiple individuals and neighborhood associations, however, have spoken and written in opposition.

Demolition Outside of an HPO – IDO Subsection 14-16-6-6(B)(1) and (B)(2)

I respectfully ask the EPC to support this amendment as presented. ABQ has developed across the city from a number of areas with a rich history not merely in a few, central parts of the city. There are historic structures whose history will be lost if not acknowledged and documented prior to being torn down.

Thank you for your consideration.

Jane Baechle

From: [Debbie-South Los Altos](#)
To: [City of Albuquerque Planning Department](#)
Subject: 48 Hour Rule Submission - EPC Hearing Jan. 19, 2023
Date: Monday, January 16, 2023 6:35:09 PM

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EPC Chair Timothy MacEachen

48 Hour Rule Submission - EPC Hearing Jan. 19, 2023

Chairman MacEachen and Commissioners:

As I've stated in prior emails, I am opposed to allowing ADUs and walls/fences over three feet as being permissive in R-1 zones. I am also opposed to duplexes as permissive in R-1.

I won't bore you by repeating everything I've already said. And I wish I could give you this input in-person or via zoom. However, I work for a living and have work meetings which conflict with this January 19 (and often other) hearings.

Today I want to expand on one thing that I mentioned before, and perhaps this is the most important thing. And this is the fact that the City of Albuquerque's Code Enforcement is not adequately staffed and never has been. In regard to walls and fences, it is this understaffing that has led homeowners to believe that walls and fences over three feet are permissively allowed. This then leads to them building something over three feet, being reported to Code Enforcement by a more knowledgeable neighbor, and then having to go before the ZHE to request a variance. Many or most of these, even if they allow a partial view over three feet, result in safety issues because they violate the clear-sight triangle and the mini-clear-sight triangle. The ZHE then often allows them to stand, regardless of whether they are in compliance or have been permitted, because there are others on nearby properties and because the homeowner has already spent money. Many of these homeowners would not have built these walls or fences over three feet to begin with if they knew they were not permissive. The City needs to educate homeowners.

I fear that allowing ADUs and duplexes as permissive in R-1 will result in ADUs being built that are not in compliance with setbacks, easements, and other requirements. And without adequate staffing of Code Enforcement, very little will be done. Code Enforcement needs staffing that is adequate to respond to reports of ADUs or duplexes being built without permits and not in compliance. And the staffing needs to be enough that they are able to respond on weekends and evenings. In some neighborhoods, such as mine, many structures, including walls and fences, are built by homeowners themselves in the evenings during the summer and on weekends year-round. They also need to have staff to regularly drive through neighborhood and notice and cite issues themselves instead of only relying on neighbor reporting neighbor.

Allowing walls and fences, even with partial views over three feet, in addition to destroying the sense of community in neighborhoods, will enable the "hiding" of illegal structures, and

more cars than allowed in front yards. Speaking of cars in front yards - this is another area which Code Enforcement has not enforced. The aesthetics of neighborhoods such as mine are being destroyed by this lack of enforcement. There are homes in my neighborhood that have four vehicles parked in a small front yard, with no green space left. Reporting to 311 has not resulted in action.

I have a friend who lives in San Francisco, a city that has dense housing. But it is also a beautiful city. How do they have both density and beauty? They enforce building and other codes. Here are two examples from my friend: (1) He topped a street tree, which was not allowed. He was fined \$1800 and made to replace the tree with another mature tree. (2) A client of his started building an accessory dwelling unit on his property. He was reported because of the noise and a code enforcement person went out immediately, found the unpermitted structure, fined him \$25,000, and made him tear it out. Large fines? Yes. But the fines are what pay for adequate code enforcement staff.

The bottom line - until Code Enforcement is adequately staffed, and the City has the funds and desire to educate homeowners of the codes, the City should not make ADUs and duplexes permissive in R-1 and should not make walls and fences over three feet permissive.

Respectfully,

Debbie Conger

A 40+ year resident of the South Los Altos neighborhood (Wyoming-Eubank, Central-Copper)

From: [JULIE DREIKE](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Sanchez, Louie E.](#); [MacEachen, Brandon](#); [Benton, Isaac](#); [Molina, Nathan A.](#); [Pena, Klarissa J.](#); [Hernandez, Rachael M.](#); [Bassan, Brook](#); [Emillio, Dawn Marie](#); [Lewis, Dan P.](#); [Alvarez, Giselle M.](#); [Davis, Pat](#); [Foran, Sean M.](#); [Fiebelkorn, Tammy](#); [Rummler, Laura W.](#); [Jones, Trudy](#); [Chavez, Aziza](#); [Grout, Renee](#); [Miller, Rachel R.](#)
Subject: IDO update regarding duplexes in R-1
Date: Monday, January 16, 2023 8:44:43 PM

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On Saturday the Embudo Canyon Neighborhood Association met for our annual meeting.

I placed in informal poll on a board to receive feedback on 4 of the items being considered.

I am sharing the results with you as the President of ECNA. Obviously this is NOT a scientific sample. It is the result of engaged neighbors who came to the meeting. Not all members there participated.

- 1) Increasing the height of front fences.--50% against, 25% no opinion, 25% in favor
- 2) Motel/Hotel conversions with lesser kitchens--62.5% against lesser kitchens, 37.5% in favor. (The questions was only about the kitchens)
- 3) Reducing parking requirements--50% against, 37.5% no opinion, 12.5% in favor
- 4) Elimination of R-1 single family housing with the change to allow ADUs and Duplexes in R-1. 67% against, 11% no opinion, 22% in favor.

Since most of our neighborhood is R-1, I think this is an important point to consider.

These are my personal comments:

As I have spoken with neighbors, MOST have not heard of this massive proposal. Most mention their chose this area to buy a home, one of their largest investments, because it is zoned single family. Some mentioned that they have renters on their street who also rent in the area because of it being a single family area.

As you send your decisions forward, I hope you will at a minimum caution that the change to single family zoning does not belong in an annual update to the IDO. This change has not been widely communicated to the public. Data and analysis has not been completed. This change should be slowed to allow the public to be informed and provide valuable input.

I look forward to the EPC meeting on Dec 19 and will share additional comments at that time. In particular the one evening meeting that was held regarding Housing Forward, giving neighbors a chance to listen and ask questions. These are people who do not work in the development or real estate business and can best attend meetings in the evening.

Respectfully,
Julie Dreike

From: [Peggy Neff](#)
To: [City of Albuquerque Planning Department](#)
Cc: [P. Davis Willson](#); [Rene" Horvath](#); [Michael Brasher](#); [Elizabeth Kay Haley](#); [JULIE DREIKE](#); [Loretta Naranjo Lopez](#); [KAREN BAEHR](#); [Valere McFarland](#); [peter belletto](#); [Peter Kalitsis](#); [Donald H. Couchman](#); [Debbie Slana](#); [Sue Flint](#); [John Ingram](#); [Swent999](#); [Peggy Norton](#); [Dan Regan](#); [Tyler Richter](#); [=David Wood CPA=](#); [Summit Park Neighborhood Association](#); [University Heights Neighborhood Association](#); [Ruhika Caughfield](#); [WILLA PILAR](#); [Rummler, Laura W.](#); [Jacques Chouinard](#); [Heather Sandoval](#); [pdinelli aol](#)
Subject: Public Comment for EPC Agenda Items 1-19-23
Date: Tuesday, January 17, 2023 6:06:27 AM
Attachments: [EPC Public Comments - Peggy Neff O-22-59 and O-22-54 1-17-23.pdf](#)

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To Whom It May Concern,

Please can you forward my attached comments to the EPC commissioners and acknowledge receipt of this email.

Thank you,

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903

Peggy Neff
3025 Marble Ave. NE
Albuquerque, NM 87106

Timothy MacEachen
CABQ EPC, Chair

January 17, 2023

REF: Public Comments to Project #2018-001843 CASE RZ-22022-006059 (O-22-57) and Project #2018-001843 RZ-CASE 2022-0054 (O-22-54)

We must find new ways.

This is the fourth year that I am again compelled to write to you about the unsustainable nature of the Integrated Development Ordinances' Annual Update/Text Amendments. I am presenting this same argument against both O-22-57 and O-22-54 and asking again, that the EPC seriously consider the consequences of continuing to endorse this crumbling process, think SOS.

THE BROKEN PROCESS

The original intent as presented to the public in 2016-2017 of the IDO's Annual Update/Text Amendment process (Annual Update) was that this process was to cover textual and technical issues that were not fully attended to through the sector plan incorporation, the zone code ordinance amalgamation, and the on-going adjustments to align with standing law, systems, codes, regulations, policies, protocols and plans such as the Bernalillo Comprehensive Plan, New Mexico State Statute, and Federal guidelines and law.

The job of creating the IDO was so big that we needed to review on an annual basis, relevant, significant yet minor changes that were in line with good housekeeping and forward thinking. However, substantive city-wide amendments were to be addressed on a cycle of 5 years with forums held at all community planning areas meetings. This is documented in the original training sessions of the IDO. At that time, I raised both oral and written questions regarding this process.

To continue to hear and validate substantive changes to our zone code through this Annual Update is Bad Governance. That is, these decisions you are making are in violation of acceptable norms (see many of the comments from the public quoting references to State Statutes and Bern. Comp Plan policies). The fact that the Annual Update continues to place economic growth above community planning is unacceptable. We still do not see R-1980-270, which placed the responsibility for planners to consider communities before economic gains, as being fully incorporated into the process as it exists.

Additionally, the process is not equitable, the majority of the of the changes over the last years and many of those proposed this year benefit large investors, the development community and realty industry members and present as 'takings' from current property owners.

Furthermore, the basic democratic tenant of notifications, making sure that those affected by changes of the law understand the changes, has not been met. While there are comments from a dozen or so Neighborhood Associations, amounting to maybe 100 persons, they are not presented to you in a

comprehensive manner nor can the public review them in this fashion. I agree with many of the statements put to you that the Annual Update process is confusing, presents as arbitrary and capricious, and continues to set a precedent where we see persons in power taking great advantage of the process.

We have witnessed the passing of the IDO amendments, over the last several years, where over 95% were drafted by private firms, individual planners, members of the public from construction, realty and investment sectors, and Council Members. Very few amendments came from the public, even though we submitted many. We now see that the established means are being used by the Mayor to expedite wide sweeping changes to our zone code without public consent.

Allowing this Annual Update, without representational rules in place, we are fortifying the roots of oligarchy here in Albuquerque. The problem is that we are growing distrust in democratic processes and further estranging the public from processes which they are supposed to own.

The process is broken. Please see your responsibility in this cyclical disorder and require the Planning Department to develop a separate system for addressing substantive amendments versus Technical/Textual Updates.

PREVIOUS REQUEST FOR DATA AND FULL DISCLOSURE STILL A MEANS TO APPROACH A BETTER PROCESS

Last year community members were effective in petitioning for changes to this broken process that resulted in a better numbering system for review of ordinances, but we failed miserably on getting the Planning Department (including this commission) and the City Council to recognize and insist on more fundamental changes in order to provide a better, elementary, understanding of the various requested, substantive, changes within the amendments of the Annual Update.

Through the Inner Coalition Council, we asked the Planning Department, the EPC, LUPZ, and Council to provide the supporting information for each substantive amendment. We provided a simple matrix with 3 metrics to determine if an amendment was substantive: is this a public safety issue, is there significant public opposition, is a change of three or more items in one section of the IDO.

I continue to believe that, in upcoming court cases appealing various amendments, it may be deemed a due process violation, that the Planning Department, the EPC, and City Councilors continue to deny Albuquerque property owners the following pieces of information for zone code changes:

1. Data that shows the justification of the need for each substantive amendment
2. A complete explanation of how the change benefits the public
3. Examples of the proposed change, with maps of where the change will apply
4. A summary statement of the expected impact
5. A summary of possible unintended consequences
6. Verification that affected City Departments support/oppose for each amendment
7. Responses to all questions raised by community members
8. A summary of public comments

To provide this amount of detail is not beyond the role and responsibility of the Planning Department. One can see how imperative that this type of process be applied to the Mayor's Housing Ordinance. I personally feel a wave of ignorance looking through the proposal and the comments.

CURRENT QUESTIONS UNANSWERED AND DATA DOES NOT SUPPLY ENOUGH INFORMATION FOR APPROVAL

The following questions have not been answered in regard to the 49 amendments in the Annual Update.

Ref	Change / Discussion	Questions
2 & 3	NR-BP - Deviations, Variances, Waivers	<p>? Does this reduce the ability for community to be engaged in the discussion of the Deviation, Variance, or Waiver?</p> <p>? How can we provide for oversight and build protections for Public Health issues that are a part of the unintended consequences?</p>
4 & 5	Dwelling, Townhouse	<p>? Need to know where and how many are impacted and how they are to be notified of this change - in addition to the notifications for annual amendments or we run the risk of appeals based on 'taking'?</p>
10	Encroachment	<p>? Isn't this a public safety issue as we are seeing balconies in the fire easements?</p> <p>? Shouldn't we also remove bay windows? If an owner wants a bay window, they should reduce their footprint, not encroach into easements? Perhaps burglar bars and balustrades? Are these features maybe?</p> <p>? Don't we need a definition of 'feature' to avoid confusion and unintended consequences or a better way to phrase - these are allowed and these are not based on the concept of encroachment?</p>

Ref	Change / Discussion	Questions
11 & 47	Sensitive Lands / Mature Trees	<p>? Doesn't this need to be both a and b - not one or the other?</p> <p>? Using Coronado Park as an example, could end up with zero trees in the event the parcel changes ownership?</p> <p>? Shouldn't the measurement of average breast height be included here?</p>
13 & 15	Off Street Parking Maximums	<p>Full disclosure on where this is coming from is necessary,</p> <p>Serious community concerns on this one</p>
16, 17, 18 & 45	Electrical Vehicle Parking	<p>This fits into a 'substantive' amendment and would be better served with a fuller discussion and understanding that would come with a better set of data as to examples and unintended effects of the needs i.e. 240 v/s 210</p>
20, 21, 22, 23, 24, & 25	Edge Landscape Buffers	<p>Explanation of Source, Examples, Maps and Unintended Consequences need to be supplied by planning (this is spot zoning as per a current issue at Alameda and Louisiana)</p>
26, 27 & 28	Walls & Fences	<p>? Why is this coming before the public again when we voted this down just last year? Is there a way to amend the amendment process so that decisions taken against amendments can be held over for a period of time?</p> <p>? We need data, does the argument that planning staff are overworked serve as a justifiable reason to rewrite law?</p> <p>? Shouldn't the director of planning recuse himself from drafting amendments to the law for which he is supposed to provide oversight?</p> <p>? Isn't this in direct conflict with BernCo design ordinance guidelines?</p> <p>- See multiple public comments</p>

Ref	Change / Discussion	Questions
30	Community Planning Area Assessments	<p>? Isn't this being in opposition to the public's stated position that citywide amendments need to be discussed at all CPA meetings or Due Process is not served?</p> <p>? Shouldn't we be encouraging participation and transparency by creating more opportunity for CPA's to meet on more condensed cycle? This appears to be in opposition to principles that strengthen democracy.</p> <p>? If this is a budget concern, we are not responding correctly. We need and we have said that public engagement is a high priority. This is shameful.</p>
34	Appeals - Remand Hearings	<p>? Doesn't this appear to be a taking? Wouldn't we do better to codify the past practice where concerned public/businesses could sign up to be informed regarding a LUHO decision?</p> <p>? Don't we also need to be informed regarding the place?</p> <p>? Doesn't a remand to the LUHO prompt a recommendation to the City Council? Isn't this adding another layer of appeals/administration?</p> <p>? Don't we need a review here of how Due Process is truncated? Needs a summary of unintended consequences.</p> <p>? Perhaps we need to find out where this is coming from?</p>
36	Minor Amendments - Circulation	<p>? It seems that many changes to the circulation patterns at a site are dependent on volume changes. Would removing this clause reduce the need for traffic assessments and impacts where</p> <p>? Doesn't this seem to be effectively reducing traffic safety, making it a public safety amendment - there by necessitating a full disclosure of the source of this amendment, mapping where this can be applied: i.e. current plans for more sq ft building pads in current shopping centers?</p>

Ref	Change / Discussion	Questions
37, 38, & 39	Site Plan - Admin:	<p>? This is going to come back to be heard in the courts because Planning is not providing for public notifications and more information and a better process for discussions and a venue for individuals to be involved in site plans that affect their property values.</p>
42	Zoning Map Amendment - Council	<p>? Doesn't this need to be business days - especially over holidays!? Yet another taking.</p>
48	Clerical Changes	<p>? Isn't this what the annual update process was supposed to be?</p> <p>list necessary</p> <p>? Where is the oversight for this process? Isn't its bad form (Not best practices) to have this task in same dept that is crafting the changes? One example is when the IDO in the 2020 update process was changed by a council staff and no one had a record who had changed them.</p>
49	Editorial Changes	<p>? Isn't this what the annual update process was supposed to be?</p> <p>? Where is the oversight for this process? Isn't its bad form (Not best practices) to have this task in same dept that is crafting the changes?</p> <p>? With so many changes coming with the remove of the DRB, doesn't it serve Due Process if these are logged somewhere and have some scrap of public oversight?</p>

In regard to the Mayor's Housing Initiative, I can only say with .02% population growth rate and with major community concerns and with the poor dissemination of information to the public, we can take more than 2 months to address this substantive change.

Where are the caps on speculative housing contracts, where are the targeted incentives for builds in Metropolitan Redevelopment Areas, where are the public surveys – where are the Neighborhood Association Meetings?

IN SUMMARY

One cannot expect that those in positions of power and influence will see the EPC's continued acquiescence to participate in this broken process as a green light to go ahead with more substantive changes to our property rights. The fact that the EPC will not address the brokenness of the process, makes the EPC complicit in the 'taking' that this process embraces and is obviously expanding.

While I agree completely with comments made by Michael Brasher, Rene Horvath, Julie Dreike, Evelyn Feltenez, Patti Willson, Kristi Houde, Debbie Conger, Meredith Paxton, Juanita Luddike, Brenda Martinez, Irene Libretto, Michael Leah, Michael Voorhies, Julie Kutz, Tammy Fiebelkorn and the anonymous constituent, Judy Young, Dan Regan, Julie Radoslovich, and Richard Schaefer, I am appalled that the EPC considers this sufficient public comment to advise the commission on these serious issues.

All three of the Neighborhood Associations that I belong to have not formed group consensus on either of these ordinances, how can there be representation when notification and understanding are missing. The IDO is, to many of us who continue to find time in the early morning hours to weigh in, a shameless, flagrant, brazen scheme to benefit the few while feigning to benefit our community.

Again, I ask that the EPC to host an open, public discussion regarding the need, effects, and consequences of the broken IDO Amendment Process. Again, I ask that the EPC require the Planning Department to establish a separate and distinct process that engages the Albuquerque community in substantive changes to our property rights and our zone codes. Godspeed.

Disappointed, again,

Peggy Neff

From: [SRMNA](#)
To: [City of Albuquerque Planning Department](#)
Subject: EPC: IDO Annual Update and O-22-54
Date: Thursday, January 12, 2023 10:55:00 AM
Attachments: [EPC letter.pdf](#)

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Thank you,

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S. R. Marmon Neighborhood Association
Albuquerque, New Mexico
srmna.org
505.304.8167



S. R. Marmon Neighborhood Association
P. O. Box 7434
Albuquerque, New Mexico 87194

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January 11, 2023

Timothy MacEachen, Chair
Environmental Planning Commissioners
c/o Planning Department
600 2nd Street NW, 3rd Floor
Albuquerque, New Mexico 87102

Re: IDO update and O-22-54

Dear Chairman MacEachen and Commissioners:

The S. R. Marmon Neighborhood Association (SRMNA) Board of Directors opposes elements of O-22-54, the Housing Forward Initiative (HFI), and elements of the proposed text amendments to the Integrated Development Ordinance (IDO).

The proposed changes to R-1 zones that permissively allow increased density fail to consider parking effects on residential streets. The exemption of affordable housing from off-street parking requirements and huge reductions in the parking requirement in multi-family dwellings in mixed-use zones exacerbate the problem for neighborhoods. The dismissive position, "They can take the bus," is oblivious to the lack of adequate public transportation on the West Side. We recently learned of the proposed suspension of the 790 route and proposed reduction in service of the 155 on the West Side, with commuter services already suspended. Which bus are residents of all of this theoretical housing going to take? Please deny these proposals.

Who is going to enforce occupancy limits in converted units? The plan to provide housing with reduced kitchens or without a kitchen likely will amplify the convenience factor of processed foods to the detriment of childhood health. The elimination of maximum building heights for multi-family residential and mixed-use zones is a ridiculous notion. It invites legal challenge and demonstrates immaturity.

There is a general sloppiness in the preparation of O-22-54, with inconsistencies in "may" and "can" use and in demarcations of newly proposed material. There is further sloppiness in the proposed text amendments: incomplete subsection identifiers and references to an apparently nonexistent subsection. Further, explanations may state the obvious change but omit the justification for the change or give a hypothetical justification.

The repeated return of a proposed increase in allowed wall heights in low-density residential neighborhoods raises the suspicion of an individual within the City of Albuquerque administration wanting to put up a non-compliant wall on his or her property and thinking it is fine to change the rules for the entire city to accommodate him or her. Please don't reward this thinking.

Finally, all of the amendments directed to further intensification of housing development ignore the numbers that show a stable or decreasing unhoused population in the city, minimal population growth in the city, a decreasing state population, and rental pricing policies by the private sector that optimize profit over occupancy.

Sincerely,
(electronically approved)
The SRMNA Board of Directors

info@srmna.org

505.304.8167