



**Environmental
Planning
Commission**

**Agenda Number: 2
Project #: PR-2018-001843
Case #: RZ-2022-00054
Hearing Date: January 19, 2023**

Supplemental Staff Report

Applicant	City of Albuquerque Planning Department
Request	Amendments to the Integrated Development Ordinance (IDO) Text for the 2022 Annual IDO Update
Location	Citywide

Staff Recommendation

That a recommendation of APPROVAL of PR-2018-001843/RZ-2022-00054 be forwarded to the City Council based on the Findings beginning on page 22, and the Conditions for Recommendation of APPROVAL beginning on page 28.

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Summary of Analysis

This request, for various legislative amendments to the text of the Integrated Development Ordinance (IDO) for the IDO Annual Update required by IDO Subsection 14-16-6-3(D), was continued for a month at the December 8, 2022 EPC hearing.

The request consists of revisions identified as part of the Annual Update process to identify desired changes through a regular cycle of discussion among residents, businesses, City Staff, and decision makers (14-16-6-3(D)). Staff has collected approximately 49 proposed amendments requested by neighbors, developers, Staff, City Council, and the Administration.

The proposed amendments are found in a spreadsheet of “IDO Annual Update 2022 – EPC Review - Citywide (see attachment). The following information is provided for each proposed change: item number, page number, IDO section reference, the proposed change, an explanation, and the source of the proposed change. The spreadsheet is the main component of the request.

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

As of this writing, Staff has received a several comments, mostly concerning walls and fences. Some comments include suggested revisions. Staff recommends that the EPC forward a recommendation of Approval, subject to conditions, to the City Council. The conditions are needed to provide clarity and consistency moving forward.

Comments received before January 9th at 9 AM are attached to and addressed in this Staff Report. Comments received before January 12th at 12 PM are attached, but not addressed. Clarifying materials received before January 17th 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.

Table of Contents

I. OVERVIEW 4

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

III. PROPOSED AMENDMENTS & DISCUSSION 4

Mobile Food Truck Court – IDO Subsection 14-16-2-4(E)(3)(c), p. 35..... 5

Deviations, Variances, Waivers – IDO Subsections 14-16-2-5(B)(3) and 2-6(B), p. 47 and 62 5

Dwelling, Townhouse – IDO Subsections 14-16-4-3(B)(6), p. 156..... 6

Multi-Family Kitchen Exemption – IDO Subsection 14-16-4-3(B)(8)(e), p. 158..... 6

Car Washes – IDO Subsection 14-16-4-3(D)(16)(b and Table 5-5-8), p. 168 and 290..... 7

Medical or Dental Clinic – IDO Subsections 14-16-4-3(D)(26)(a) and (b), p. 175 8

Encroachment – IDO Table 5-1-4, p. 231 8

Sensitive Lands-Mature Trees – IDO Subsection 14-16-5-2(C)(2)(d), p. 233..... 9

Pedestrian Access – IDO Subsection 14-16-5-3(E)(1)(d)(4), p. 250..... 10

Parking Maximums – IDO Subsection 14-16-5-5(C)(7) and Table 5-5-1, p. 268 and 276 10

Electric Vehicle Parking – IDO Subsection 14-16-5-5(C)(9), p. 279..... 10

Edge Landscape Buffers – IDO Subsections 14-16-5-6(E)(2)(a) and (b), p. 306 and 307..... 12

Walls & Fences – IDO Subsection 14-16-5-7(D)(3)(a) and (b), Table 5-7-2, p. 320, 321 and 322... 13

Hazardous Materials- IDO Subsection 14-16-5-13(A)(4), p. 377 14

Community Planning Area Assessments- IDO Subsection 14-16-6-3(E), p. 396..... 14

Mailed Notice to Property Owners – IDO Subsection 14-16-6-4(K)(3)(c and d), p. 407 14

Post-Submittal Facilitated Meeting – IDO Subsection 14-16-6-4(L)(1)(a), p. 410..... 15

Appeals – Remand Hearings – IDO Subsection 14-16-6-4(V)(3)(d), p. 430..... 15

Minor Amendments – Circulation – IDO Subsection 14-16-6-4(Y)(2)(a)(9), p. 441 16

Site Plan- Administrative (various) – IDO Subsections 14-16-6-4(Y)(1)(a)(3), 6-5(G)(2), 6-5(G)(3),
Table 6-4-3, p. 441, 456 and 434..... 17

Demolition Outside of an HPO – IDO Subsection 14-16-6-6(B)(1) and (B)(2), p. 463 and 464 17

Zoning Map Amendment, Council – IDO Subsection 14-16-6-7(H)(1)(b), p. 520..... 18

Definitions (various) – IDO Subsection 14-16-7-1, p. 561, 582, 585, and 591 18

New Amendment: Clean Room Accessory Use 18

IV. PUBLIC OUTREACH 19

V. NOTICE.....	19
VI. AGENCY AND PUBLIC COMMENTS.....	19
VII. CONCLUSION.....	20
RECOMMENDED FINDINGS – RZ-2022-00054, January 19, 2023.....	22
RECOMMENDATION – RZ-2022-00054 – January 19, 2023.....	27
CONDITIONS FOR RECOMMENDATION OF APPROVAL – RZ-2022-00054	28

I. OVERVIEW

This request is for various citywide amendments to the text of the Integrated Development Ordinance (IDO), as required by IDO Subsection 14-16-6-3(D). The request, which would apply Citywide and constitutes the 2022 Annual Update, was first heard at the December 8, 2022 Environmental Planning Commission (EPC) hearing. After hearing staff presentations and taking public comment, the EPC voted to continue the hearing for a month to the January 19, 2023 regular EPC hearing.

The proposed Citywide text amendments are accompanied by proposed Small Area amendments to the North 4th CPO-9 (RZ-2022-00055) and NW Mesa Escarpment VPO-2 (RZ-2022-00056). The EPC forwarded their recommendations on the Small Area amendments to City Council at the December 8, 2022 hearing.

A spreadsheet that explains each proposed change is included as an attachment to this Supplemental Staff report. The spreadsheet has also been available at the ABC-Z Project Website throughout the process: <https://abc-zone.com/ido-annual-update-2022>.

When the Supplemental Staff report is posted, the spreadsheet will be an attachment that will be available here:

<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

→ For subsections regarding Background, Request, Applicability and Environmental Planning Commission (EPC) Role, please refer to Section I. Introduction beginning on p. 4 of the December 8, 2022 Staff report.

II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

→ Please refer to p. 5-11 of the December 8, 2022 Staff report for Staff's analysis of the review and decision criteria for Amendment to IDO Text- Citywide [IDO 14-16-6-7(D)(3)(a-c)], the City Charter, and Comprehensive Plan as applied to the request.

III. PROPOSED AMENDMENTS & DISCUSSION

The proposed Citywide text amendments are presented and explained in the spreadsheet "IDO Annual Update 2022 – EPC Review – Citywide" (see attachment). The proposed changes are grouped by category and referred to by page number to track with the "IDO- Amended as of December 2022", which is available here: <https://tinyurl.com/CABQ-IDO-12-2022>

→ Please refer to p. 11-32 of the December 8, 2022 Staff report for Staff's full analysis of key substantive, proposed changes.

The following section focuses on the proposed text amendments discussed at the December 8, 2022 EPC hearing for which significant comments were provided and/or questions were raised, as well as those amendments that have received additional comment by January 9, 2023. If a proposed text amendment was not discussed at the hearing and/or was not the subject of substantive comments, please

refer to the original Staff report for an explanation. One new amendment is proposed (see page 18 for a proposed change to allow a new Clean Room Accessory Use.

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

Mobile Food Truck Court – IDO Subsection 14-16-2-4(E)(3)(c), p. 35

→ Please refer to p. 11-12 of the December 8, 2022 Staff report for a full discussion of this change.

Deviations, Variances, Waivers – IDO Subsections 14-16-2-5(B)(3) and 2-6(B), p. 47 and 62

Two proposed amendments relate to deviations, variances, and waivers. One is for the NR-BP (Non-Residential Business Park) zone and pertains to Master Development Plans and the other is for the PC (Planned Community) zone and pertains to Framework Plans.

The proposed text amendment to the NR-BP zone would create a new subsection g at the end of 14-16-2-5(B)(3). Deviations, variances, and waivers to standards in Master Development Plans would be allowed using the same thresholds and procedures already in the IDO for each. The proposed text amendments to the PC zone would allow deviations, variances, and waivers to standards in Framework Plans and result in a new subsection 14-16-2-6(B)(8). An example of a Framework Plan is the Mesa del Sol Level B Community Master Plan.

The purpose of these amendments is to provide a process, consistent with existing IDO processes, through which deviations, variances, and waivers can be requested. The criteria for decision for each would still apply. Currently, there is no way for variation from standards in Master Plans (zoned NR-BP) and Framework Plans (zoned PC) other than amending the Plan itself.

Policy Analysis Recap: The amendments are generally consistent with Goal 5.7 – Implementation Processes, Policy 5.7.2 – Regulatory Alignment, and Policy 5.7.5 – Public Engagement. The changes provide clarity and consistency for available processes within the IDO framework.

→ Please refer to p. 12-13 of the December 8, 2022 Staff report for a full discussion of this change.

Update: Two comments were submitted since the December 8th EPC hearing on these changes, noting that plans adopted prior to the IDO contain procedures that should be retained unique to these areas. While this was true for some plans, this is not true of all adopted plans that remain in effect. Further, for plans that had special procedures, those procedures were superseded by the IDO upon its adoption and effective date in 2018. Per IDO Subsection 1-10(A)(3), “Notwithstanding any process specified in the pre-IDO approval, development on such a site is exclusively subject to the procedures and decision criteria established in Part 14-16-6 (Administration and Enforcement).” As such, it is not clear that any such procedures are available within these areas as the IDO is currently written, and it is appropriate to provide that clarity. Staff continues to recommend approval of these changes without any proposed conditions.

Dwelling, Townhouse – IDO Subsections 14-16-4-3(B)(6), p. 156

There are two proposed amendments related to townhouses. The purpose of the first amendment is to extend usable open space requirements, currently only if 6 or more dwellings are constructed on the same lot, to require usable open space for each unit even if the dwellings are separately platted onto their own lots. Regardless of how the units are subdivided and either owned or rented, it is beneficial to incorporate a minimum amount of open space for residents whether through balconies, patios, yards, or other landscaped open space areas.

The second townhouse amendment, proposed by City Council, is to remove the current limitation of 3 dwelling units within a townhouse dwelling structure when abutting R-A or R-1 zone districts within Urban Centers, Main Streets, and Premium Transit Station Areas (UC-MS-PT). This change would allow any number of attached townhouse dwelling units in more urban settings.

Policy Analysis Recap: The townhouse amendments are consistent with the following applicable Comprehensive Plan Goals and Policies:

Goal 5.1 Centers & Corridors, Policy 5.1.1 – Desired Growth, Policy 5.7.2 – Regulatory Alignment, Goal 9.2 – Sustainable Design, Policy 9.2.2 – High Quality, Goal 9.3 – Density, Policy 9.3.1 – Centers & Corridors, and Policy 9.3.2 – Other Areas

Update: A commenter requested additional discussion regarding the proposed exemption to the three-unit cap on townhomes within a single-structure abutting R-1 lots within UC-MS-PT areas. Another comment asked whether height stepdowns would continue to exist near these types of developments. The R-T (Residential – Townhouse) zone district has a maximum height requirement of 26 feet (approximately two stories) and all other zones that allow townhouses will continue to be governed by IDO Section 5-9 Neighborhood Edges, which limits building height close to low-density residential development to a scale consistent with R-1 zoning.

No conditions are proposed for these changes. As previously discussed, the exemption proposed by City Council is for urban locations such as along Central Avenue and within Uptown where the Comprehensive Plan encourages more urban development. Many of these locations have mixed-use zoning that allows multi-family residential development that is not subject to a cap on the number of dwelling units, so this change may make townhouse development a more feasible option to increase the diversity of housing types available in those areas.

Multi-Family Kitchen Exemption – IDO Subsection 14-16-4-3(B)(8)(e), p. 158

This amendment proposes to delete one of the eight use-specific standards for Dwelling, Multi-Family, Subsection (8)(e), in its entirety. Subsection (8)(e), which contains five sub-parts, allows a maximum of 100 units to be exempt from the definition of a Kitchen in multi-family developments resulting from a conversion of an existing non-residential development, which has received funding through the Department of Family and Community Services (FCS) and constitutes affordable housing. The sub-parts of Subsection (8)(e) establish what a kitchen must contain, that support services must be available, and limit unit size to two bedrooms. Please refer to p. 158 for all of the text.

The Subsection (8)(e) exemption is intended to facilitate and support conversion of non-residential uses, such as motels, into affordable housing by lessening the requirements associated with a kitchen for a maximum of 100 units- and only for projects that receive funding through FCS. The provision is narrowly-tailored and includes requirements (ex. separation of kitchen and bathroom and components of a kitchen) that provide for people’s basic needs while enabling more affordable housing to be provided.

Removal of Subsection (8)(e) would make it more difficult for the City to address the lack of affordable housing- one of the biggest challenges the City faces. Conversions of existing non-residential uses are one way to provide such housing and begin to assist under-housed individuals; removing this provision and creating a barrier to addressing a pervasive social issue is not recommended.

Policy Analysis Recap: The above-referenced amendment is generally inconsistent with the following applicable Comprehensive Plan Goals and Policies:

Goal 5.3- Efficient Development Patterns, Policy 5.3.1- Infill Development, Policy 5.3.7- Locally Unwanted Land Uses, Policy 9.1.1- Housing Options, Goal 9.3- Density, Goal 9.4- Homelessness, Goal 9.5- Vulnerable Populations, and Policy 9.6.1- Development Cost.

→ Please refer to p. 15 of the December 8, 2022 Staff report for the full policy analysis of this proposed change.

Update: Several additional comments have been made in support of this amendment based on concerns about the alternative kitchen requirements not being adequate, while comments in opposition reflect the need to provide additional housing options in the community (see attachments). It is important to note that this amendment conflicts with the proposed amendments in the Mayor’s Housing Forward initiative that are being reviewed separately (O-22-54). Staff recommends that this amendment be removed from consideration and to follow the recommendations made in Case #RZ-2022-00059 regarding the Housing Forward initiative to expand opportunities for non-residential conversions and increased supply of housing.

Car Washes – IDO Subsection 14-16-4-3(D)(16)(b and Table 5-5-8), p. 168 and 290

There are two proposed amendments related to car washes, which include clarification on the types of outdoor activities that are restricted by the separation requirement within the use-specific standards, as well as creating a new stacking requirement for automated, conveyor-operated car wash facilities that have become more popular recently.

→ Please refer to p. 16-17 of the December 8, 2022 Staff report for a full discussion of these changes.

Policy Analysis Recap: These amendments are generally consistent with the following applicable Comprehensive Plan policies and sub-policies:

Policy 5.6.4- Appropriate Transitions, Policy 5.7.2- Regulatory Alignment, Policy- 6.4.2 Air Quality, Policy 7.2.1- Walkability, Sub-policy 7.2.1.e, Sub-policy 7.6.2.a, Sub-policy 7.6.2.b, Policy 8.1.2- Resilient Economy, Policy- 8.2.1 Local Business, and Policy- 13.4.1 Air Quality.

Update: A few comments were received questioning why there has been an increase in these facilities and asking about water conservation measures generally. One comment expressed a concern that the existing 50-foot separation is too little. In addition to the 50-foot separation, which has existed since adoption of the IDO and is being clarified with these amendments, a landscaped edge buffer is required between these facilities and adjacent residential uses. As discussed at the December 8th EPC hearing, staff believes additional amendments should be added to ensure these uses are further screened in an attractive manner from the public right-of-way, which will help mitigate potentially adverse effects of this use and ensure a high-quality and pleasant pedestrian experience.

The proposed conditions of approval include two additions to the Use-specific standards for car washes for these purposes. The first is to apply the drive-through facility standards for screening and buffering to the queuing lanes associated with the car wash, which will improve the streetscape by these facilities when the site design dictates placement of the queuing lanes adjacent to the street and sidewalk. The second new Use-specific standard is to encourage the placement of the vacuum stations away from streets and residential properties to the maximum extent practicable and provide for screening when not practicable. These additional changes are consistent with the above-referenced Comprehensive Plan policies.

Medical or Dental Clinic – IDO Subsections 14-16-4-3(D)(26)(a) and (b), p. 175

→ Please refer to p. 17-18 of the December 8, 2022 Staff report for a full discussion of these changes.

Encroachment – IDO Table 5-1-4, p. 231

This proposed amendment would remove a current allowance for balconies to encroach into a side or rear setback up to 2 feet, but not closer than 3 feet from a property line. This provision of the IDO is intended for “architectural features” and includes other features such as awnings, chimneys, and other ornamental features. As balconies may be occupied by people, a concern was raised by the public that these are more than just architectural features and should not be allowed to encroach closer than the minimum required setback in order to protect neighboring properties.

The amendment would move balconies to their own separate line in Table 5-1-4 and restrict potential encroachment to the front yard only. Staff believes an encroachment into the front yard is still appropriate, similar to that of a porch, as it may enhance the streetscape and pedestrian realm.

→ Please refer to p. 18 of the December 8, 2022 Staff report for a full discussion of this change.

Policy Analysis Recap: This amendment is consistent with following Comprehensive Plan policies 4.1.2- Identity and Design and 5.7.2- Regulatory Alignment

Update: At least four comments were submitted in support of this change and recommending “bay window” also be included in the proposed change. No written comments were submitted in opposition, although there has been some discussion with the EPC regarding the impact this may have on conversions or similar projects. It should be noted that in mixed-use zone districts, there is no minimum required interior side setback, so this will generally only arise within Residential zone districts (5’ side setback) and within rear yard setbacks (typically 10’ or 15’ depending on the zone

district). To alleviate some concerns, a modification may be made to move balconies (with or without bay windows) as proposed, and allow them to encroach into the street side yard setback in addition to the front as the street side functions in a similar manner and would not have the same privacy concerns from the public as the interior side abutting a neighboring property.

Staff agrees that balconies and bay windows should be grouped together as suggested by public comment. In the proposed conditions of approval, a few options have been prepared for consideration by the EPC regarding this change:

- 1. Approve the change as proposed with the addition of bay windows. This will only allow balconies and bay windows to encroach into the front yard.*
- 2. Approve the change with the addition of bay windows and further allow encroachments for balconies and bay windows into the street side yard setback (but not the interior side or rear).*
- 3. Delete the proposed amendment as unnecessary because 2 feet is already a minimal encroachment as currently written.*

Sensitive Lands-Mature Trees – IDO Subsection 14-16-5-2(C)(2)(d), p. 233

The proposed amendment would replace the phrase “large stand of mature trees” with “established tree”. This would allow a single, established tree to be considered for preservation (see also the corresponding, proposed change to the definition Sensitive Lands, Large Stand of Mature Trees).

A new subsection is proposed to be added to 5-2(C) that would allow the City Forrester to evaluate large, mature trees and determine if the trees should be retained or replaced. Two options would be available to count towards avoiding sensitive lands. Applicants would need to either provide a landscape area equal to the area under the dripline (of the tree) or new trees to replace the mature ones, as determined by the City Forrester. Any new trees would be required to at least equal the diameter of the established tree being replaced. Staff suggests that the phrase “of the tree” be added after the word “dripline”.

Policy Analysis Recap: The change is consistent or partially consistent with the following Goals and Policies:

Goal 10.1 – Facilities & Access, Goal 10.3 - Open Space, Policy 11.3.1 – Natural and Cultural Features, and Goal 13.4 – Natural Resources

Update: *A few comments in opposition to this request have been received. One comment suggests removing this amendment and revisiting it at a future time upon completion of further research on best practices. It is clear to staff that the current regulations and definition for a “large stand of mature trees” has not been effective at preserving trees as desired. Staff also believes that this amendment, as written, provides a flexible approach for both the preservation of established trees and options to replace trees, if necessary, on a case-by-case basis. Therefore, staff’s recommendation is to adopt this amendment with two minor editorial changes as shown in the proposed conditions of approval regarding the dripline of the tree and where to measure the trunk diameter.*

Pedestrian Access – IDO Subsection 14-16-5-3(E)(1)(d)(4), p. 250

→ Please refer to p. 19-20 of the December 8, 2022 Staff report for a full discussion of this change.

Parking Maximums – IDO Subsection 14-16-5-5(C)(7) and Table 5-5-1, p. 268 and 276

These proposed amendments delete the maximum parking requirements currently found for only a few uses within UC-MS-PT areas and replaces those with a new subsection that applies a maximum parking requirement to all uses in UC-MS-PT areas. This proposed subsection would cap maximum parking at 125 percent of the minimum parking after all applicable parking reductions are applied. Further, a second proposed subsection would prohibit any surface parking in locations currently exempt from minimum parking, which includes Downtown, McClellan Park, and Old Town. These provisions would not apply to structured parking because an existing provision applying maximums only to parking lots will remain.

Policy Analysis Recap: The request is consistent with Policy 6.1.2 Transit-Oriented Development and Policy 6.1.3 Auto Demand to reduce auto demand and support transit, as well as Policy 7.2.2 Walkable Places. The proposed amendment is partially consistent with Goal 7.4 Context-Sensitive Parking, Policy 7.4.1 Parking Strategies, and Policy 7.4.2 Parking Requirements.

Update: A few comments were received in opposition to these proposed amendments. One neighbor was concerned about adequate parking for businesses, while a couple of comments from developers highlighted the portion of the amendment that dictates the maximum is taken after all possible reductions, which in many locations significantly reduces the minimum parking required below what the market may desire. Taken in combination with the cost of constructing structured parking, this may significantly impact the feasibility of development projects in infill locations, which is encouraged by the Comprehensive Plan.

Based on these comments, staff has drafted three options for the EPC's consideration, including adopting these changes as written, deleting them altogether, and proposing a middle-ground that bases the maximums upon the minimum parking required by use without considering available reductions and carries this over to the small areas so no development would be outright prohibited from providing a parking lot. An Applicant could still utilize reductions to construct fewer spaces, if desirable.

In addition, a comment was submitted identifying that underground and wrapped parking are defined separate from structured parking although they all work a similar way in practice. Due to the different definitions, underground and wrapped parking would not be exempt from the proposed limitation. To correct this, there is a recommended condition of approval to exempt underground and wrapped parking from maximum parking requirements. This should be adopted regardless of the direction the EPC goes with the main proposal to adopt parking maximums for all uses.

Electric Vehicle Parking – IDO Subsection 14-16-5-5(C)(9), p. 279

Several amendments are proposed related to electric vehicle (EV) parking. The IDO presently allows EV parking spaces to count for two required off-street parking spaces, and requires at least 2 percent of the parking spaces to include EV charging stations with a rating of 240 volts or higher when 200 or more parking spaces are constructed. As EV usage is projected to continue increasing, these amendments seek to expand EV infrastructure in new developments, as well as provide

additional capabilities for future expansions by the creation of “EV capable” requirements in addition to a minimum amount of charger installation in certain circumstances.

The first EV amendment clarifies that to get credit for two off-street parking spaces for each one EV space in subsection 5-5(C)(6)(a), the space must be equipped with an installed charger. The second amendment increases the current EV parking requirement for large parking lots from 2 percent to 5 percent of the spaces when 200 or more off street parking spaces are constructed. For a development with the minimum 200 parking spaces to trigger this requirement, this is an increase from 4 to 10 EV chargers that would be required to be installed.

Furthermore, these amendments propose to break out large multi-family and townhouse developments with their own EV parking requirements. Currently, EV chargers would only be required to be installed if these developments hit the minimum 200 parking spaces. For multi-family, the amendments would require 5 percent EV charger installation for any development with greater than 100 dwelling units, which effectively triggers compliance with smaller parking lots. In addition, 25 percent of the parking in these multi-family developments shall be provided as EV capable. Providing for this installation with the exception of the charger when a project is initially constructed saves on costs compared to retrofitting a project for this infrastructure in the future. For townhouse developments with greater than 6 dwelling units, all units are proposed to be EV capable, thus allowing the future occupant the ability to install a charger should they choose.

Policy Analysis Recap: The proposed changes are consistent with the following Comprehensive Plan Goals and Policies:

Policy 7.4.1 Parking Strategies, Goal 9.2 Sustainable Design, Policy 9.2.2 – High Quality, Policy 13.1.2 Greenhouse Gas Mitigation, and Sub-Policy 13.1.2.b to accommodate the use of motorized vehicles that run on alternative fuels through zoning and development regulations.

Update: A few comments were submitted regarding the proposed changes for EV parking. One comment speculated that the provision of EV charging may run contrary to affordable housing goals. Staff believes these goals for affordability and sustainability can be achieved in parallel, and is especially important to do so as more and more drivers are turning to electric vehicles.

The Great Plains Institute, in their “Summary of Best Practices in Electric Vehicle Ordinances,” identifies that retrofitting parking structures can be 91% or more expensive than outfitting this parking during initial construction. Therefore, it makes sense to begin having development accommodate this infrastructure initially rather than potentially moving the burden to succeeding residents, or developing sites that have no opportunities for a retrofit whatsoever.

Two other comments came from developers requesting consideration of 120-volt rather than 240-volt charging. The 240-volt or higher language is from the existing IDO requirement to include EV charging stations when more than 200 off-street parking spaces are constructed.

120-volt charging, known as “Level 1” charging, does not require specialized electrical installation, but it is a slow charge. For example, Level 1 charging typically provides 3-5 miles of range for each hour of charging. 240-volt or “Level 2” charging can be up to 5 times faster than Level 1, making them significantly more useful in charging a drained battery overnight.

In addition, electric vehicles often come with Level 1 chargers for owners to use in their standard electrical outlets, so reducing this requirement not only would result in less efficient electrical charging it would not necessarily provide much of a benefit to the residents above what they have from the initial purchase of their vehicle. To provide a long-term and meaningful benefit, it makes the most sense to make the higher voltage, and therefore faster charging, available. This is forward-thinking and useful in settings where there could be sharing of charging stations on a first-come, first-serve basis within the parking lot of a development, and for visitors to properties. Staff recommends proceeding with the proposed changes, as written, to stay up-to-date with this ever-increasing technology.

Staff recommends approval of a condition to Item #17 for townhouses, which slightly broadens the requirement to “development” as was discussed at the December 8, 2022 EPC hearing.

Edge Landscape Buffers – IDO Subsections 14-16-5-6(E)(2)(a) and (b), p. 306 and 307

→ Please refer to p. 22-24 of the December 8, 2022 Staff report for a full discussion of these changes.

A series of amendments are proposed to the Edge Buffer Landscaping Section 5-6(E) of the IDO, including competing amendments to Subsection 5-6(E)(5) and Table 5-6-5.

The purpose of these amendments to Subsection 5-6(E)(5) Area of Change Next to Area of Consistency attempt to resolve conflicts that have arisen over the first several years of implementing the IDO. Areas of Change and Consistency were adopted with the Comprehensive Plan in 2017 and are established based on platted lots and a methodology for mapping found within the Comp Plan, Appendix I. Since the Areas of Change and Consistency were mapped on existing lots, it is possible for redevelopment projects to include properties with both designations. When this occurs, as currently written, a property owner or developer must provide a landscape buffer between their own lots and not between themselves and the next development or premises. These amendments propose to change the language from “lots” to “premises” in order to shift the required buffer to the edge of the new development and therefore adjacent to the existing development that is intended to be protected.

Next, these amendments propose to consolidate the buffers for an Area of Change next to an Area of Consistency to 15 feet in width. Presently, a 15-foot buffer is required when adjacent to single-family residential, but it increases when next to a commercial property, which is counterintuitive. Creating a consistent 15-foot buffer width acknowledges that a buffer may be appropriate next to residential or non-residential properties due to differences in scale but would no longer require an Applicant to provide a larger buffer to a commercial shopping center than to a single-family house. Lastly, a competing amendment is proposed by City Council, which would delete Subsection 5-6(E)(5) and Table 5-6-5 in their entirety. The rationale for this is that the previous subsections and Table 5-6-4 provide adequate buffers for development between non-residential and multi-family to single-family, and the most intense industrial uses to non-industrial uses. It is important to recognize

that eliminating this subsection would eliminate buffers between different scales of commercial properties, unless they are industrial, as well as eliminate a buffer requirement that protects any low-density residential development that is incorrectly zoned and non-conforming because the Areas of Change and Consistency methodology picked up on those zoning and land use mismatches.

Policy Analysis Recap: Planning staff's recommended changes are generally consistent with the following Comprehensive Plan Goals and Policies:

Goal 4.1- Character, Policy 4.1.2 - Identity and Design, Policy 4.1.4 Neighborhoods, Policy 5.1.2 Development Areas, Goal 5.6 City Development Areas, Policy 5.6.3 Areas of Consistency, Policy 5.6.4 Appropriate Transitions, Policy 5.7.2 – Regulatory Alignment

Update: At least three comments were submitted in opposition to any changes or reductions to the existing Edge Landscape Buffers. Conversely, two comments on behalf of developers were made in support of the City Council amendment (Item #25) to completely delete the subsection for buffers between Areas of Change and Areas of Consistency. Planning Staff recommends adoption of Items #20-24, with some conditions, because they adjust and clarify the buffer requirements in these areas and make them more workable. As such, staff further recommends that Item #25 be deleted as inconsistent with the above-referenced goals and policies because it would eliminate a tool that helps implement the Comprehensive Plan. While there is a belief that this tool may be unnecessary and duplicative, there are and will be applications for properties with zoning and land uses that necessitate use of the Area of Change and Area of Consistency subsection to provide for any buffer between those properties. Deleting this subsection in its entirety leaves open the possibility of a loss of protections. Therefore, staff believes Subsection 5-6(E)(5) should remain, with amendments to clarify the "partially and completely" language that is proposed as shown in the conditions of approval.

In addition to the proposed amendments in Items #20-24, staff has further found that the general Edge Buffer Landscaping sections warrant minor additional changes. Because the buffers in Subsections 5-6(E)(2), (3), and (4) are based on a combination of the underlying zoning and land use or development on the property there is concern a buffer will not be provided when a property has a low-density residential use on multi-family zoned land, particularly within the R-ML (Residential – Multi-family, Low Density) zone district. For example, single-family residential and duplexes are permissive in R-ML. Townhouses are permissive in R-ML and R-MH. These uses should be afforded similar protections to those same low-density uses within the R-1 and R-T zone districts. To correct for this, staff recommends adding R-ML to Subsection 5-6(E)(2) for low-density residential buffering, as well as adding the townhouse land use to Subsection 5-6(E)(3) in addition to multi-family. Please see the recommended conditions of approval for this change.

Walls & Fences – IDO Subsection 14-16-5-7(D)(3)(a) and (b), Table 5-7-2, p. 320, 321 and 322

→ Please refer to p. 24-25 of the December 8, 2022 Staff report for a full discussion of these changes.

Three text amendments are proposed with respect to walls and fences. The first amendment would create a new subsection in 5-7-(D)(3)(a)(1), at the start of the Section (Exceptions to Maximum Wall Height), which would allow walls in the front yards of low-density residential development provided the wall is no taller than 5 feet and has view fencing for at least two feet at the top and is

set back at least 2 feet. The first row under View Fencing, in Table 5-7-2, would be correspondingly revised to read “2 feet” from lot line abutting the street, rather than 10 feet (the second proposed amendment).

The third amendment pertains only to walls in multi-family developments in the R-ML (Residential Multi-Family Low Density) and the R-MH (Residential Multi-Family High Density) zone districts. In the R-ML zone [14-16-2-3(E)], primary land uses are townhouses and small-scale multi-family development. In the R-MH zone [14-16-2-3(F)], the primary land use is multi-family development. Taller, multi-storied buildings are encouraged. The proposed amendment would add the language “of walls in any front or street side yard” to clarify what the maximum height of 6 feet refers to.

Policy Analysis Recap: The following Comprehensive Plan Goals and Policies apply to the above-referenced amendment:

Goal 4.1- Character, Policy 4.1.2- Identity and Design, Policy 4.1.4- Neighborhoods, Goal 7.1- Streetscapes & Development Form, Goal 7.3- Sense of Place, Policy 7.3.2- Community Character

Update: The amendments focused on front yard wall heights for low-density residential development has received the most public input of any amendment in the package of amendments for the 2022 Annual Update. Well over 20 people have submitted written comment opposed and many also spoke at the December 8, 2022 EPC hearing. Allowing additional wall and fence height permissively citywide may run counter to neighborhood character and sense of place, particularly within older, established neighborhoods that were originally developed without walled yards. No specific comments were submitted in support of these changes.

Based on the strong opposition and many comments, staff has prepared conditions of approval for review by the EPC that provide 3 alternatives for discussion and action:

1. To proceed with the amendment, as proposed;
2. To adjust the wall height proposed to a compromise of 4 feet, while still utilizing view fencing for the portion above 3 feet; and
3. To delete the amendment in its entirety.

Hazardous Materials- IDO Subsection 14-16-5-13(A)(4), p. 377

→ Please refer to p. 26 of the December 8, 2022 Staff report for a full discussion of this change.

Community Planning Area Assessments- IDO Subsection 14-16-6-3(E), p. 396

→ Please refer to p. 26 of the December 8, 2022 Staff report for a full discussion of this change.

Mailed Notice to Property Owners – IDO Subsection 14-16-6-4(K)(3)(c and d), p. 407

→ Please refer to p. 27 of the December 8, 2022 Staff report for a full discussion of this change.

Post-Submittal Facilitated Meeting – IDO Subsection 14-16-6-4(L)(1)(a), p. 410

Post-submittal facilitated meetings may be requested by property owners within 330 feet of a subject site and/or by neighborhood associations within 660 feet of a subject site, except for requests for Site Plan-Admin for new low-density residential development.

The proposed text amendment would remove this exception and expand and clarify the provision, so that post-submittal facilitated meetings could be requested for Site Plan-Admin applications that propose new building(s) that meet the following thresholds: more than 100 multi-family dwellings; more than 50,000 sf of non-residential development; the application requires a public hearing; and the application is a policy decision that requires a neighborhood meeting.

→ Please refer to p. 27-28 of the December 8, 2022 Staff report for a full discussion and analysis of this change.

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

Goal 5.7 – Implementation Processes, Policy 5.7.2- Regulatory Alignment, and Policy 5.7.5- Public Engagement

Update: Since the December 25, 2022 version of the IDO has become effective, the Planning Department is transitioning the former responsibilities of the Development Review Board (DRB) to the Development Hearing Officer (DHO) and to Site Plan – Administrative processes. As part of this transition and to balance staff time, roles, and responsibilities, as well as to provide consistency for Applicants, the Planning Department is accepting Site Plan – Administrative applications for larger-scale developments (i.e. those previously Site Plan – DRB) through a new Development Facilitation Team rather than shifting all of these additional plan reviews to Code Enforcement staff, as has been and continues to be the case for smaller-scale projects.

This administrative threshold for who reviews the Site Plan – Administrative matches the pre- and post-submittal facilitated meetings thresholds found in the IDO and this proposed amendment with the exception of multi-family development, which is 50 dwelling units rather than 100 dwelling units. Planning staff recommends the EPC strongly consider a condition to reduce both the pre- and post-submittal meeting thresholds for multi-family residential development to 50 units to create consistency and to allow early feedback from interested parties, neighborhoods, and other stakeholders on these projects. Public engagement is important for the success of a project, and meeting with neighbors early in the process and prior to completion of full design may allow for practical changes in response to feedback and reduce delays once a project is submitted into the final review and approval process. See the proposed conditions for these options for consideration.

Appeals – Remand Hearings – IDO Subsection 14-16-6-4(V)(3)(d), p. 430

→ Please refer to p. 28 of the December 8, 2022 Staff report for a full discussion of this change.

The proposed amendment would clarify procedures for remand hearings. Staff suggests a condition to simplify the language, so that it is clear that the decision on remand is final unless a new appeal is filed.

Policy Analysis Recap: The proposed change is consistent with the following Comprehensive Plan Goals and Policies applicable to the request:

Goal 5.7- Implementation Processes, Policy 5.7.2- Regulatory Alignment, and Policy 5.7.4- Streamlined Development

Update: Two comments were received questioning this amendment, as it relates to recent appeals. However, this is a clarification of longstanding process on how appeals have been handled and not a new change. In addition, the proposed language including the proposed condition of approval has been reviewed by City Council legal staff and they agree with the proposed clarifications.

Minor Amendments – Circulation – IDO Subsection 14-16-6-4(Y)(2)(a)(9), p. 441

This amendment proposes to delete a provision that would elevate an amendment to a Site Plan from a Minor Amendment approved by staff, up to a Major Amendment approved by the original decision-making body due to changes in circulation patterns on the site. For old shopping centers originally approved by the EPC, this has arisen when the owner is redeveloping the site with new users on pads within the parking lot. Deletion of this provision would allow a property owner to obtain an administrative Minor Amendment approval, as long as the City Traffic Engineer reviews and approves the amendment in conjunction with any other required traffic approvals, and if the Minor Amendment meets the remaining criteria.

Staff has discussed this at length internally, and rather than eliminating this provision in its entirety, it may be more appropriate to amend the provision from a “significant change to circulation patterns,” which can be subjective to a more objective requirement whether or not the amendment triggers the need for a Traffic Impact Study (TIS). A TIS is required for any new development creating over 100 peak hour trips to and from a site. Projects above this threshold may warrant additional review by the original decision-making body. Options for the EPC’s consideration are included in the recommended conditions of approval.

Policy Analysis Recap: This amendment is consistent with the following Comprehensive Plan Goals and Policies:

Goal 5.7- Implementation Processes, Policy 5.7.2- Regulatory Alignment, and Policy 5.7.4- Streamlined Development

Update: Based upon discussion at the December 8, 2022 EPC hearing, staff has drafted a proposed condition for EPC consideration to make projects subject to a traffic impact study be reviewed and decided by the original decision-making body. Since then, a comment submitted by the development industry was made to support the proposed change, as currently written, to simply delete the “circulation patterns” language from the referenced section. These two options are presented in the recommended conditions of approval for EPC review, discussion, and action.

Once EPC determines the recommended option for this item, the same change should be carried forward to subsection 6-4(Z) Amendments of Pre-IDO Approvals, which has identical language. Bringing this proposed change forward in both sections will maintain consistency for how amendments of approvals are handled regardless of when the original approval occurred. A condition is provided for EPC consideration to accomplish this.

Site Plan- Administrative (various) – IDO Subsections 14-16-6-4(Y)(1)(a)(3), 6-5(G)(2), 6-5(G)(3), Table 6-4-3, p. 441, 456 and 434

→ Please refer to p. 29-30 of the December 8, 2022 Staff report for a full discussion of this change.

Demolition Outside of an HPO – IDO Subsection 14-16-6-6(B)(1) and (B)(2), p. 463 and 464

→ Please refer to p. 30-31 of the December 8, 2022 Staff report for a full discussion of these changes.

The proposed amendments, which pertain to Demolition Outside of an HPO (Historic Protection Overlay zone), would remove current language that limits staff review of historic structures to designated small areas only. The amendments would allow Historic Preservation Staff to review proposed demolitions of any structures 50 years or older Citywide, whether it is in a HPO zone or not.

Policy Analysis Recap: The proposed amendments are consistent with the following Comprehensive Plan Goals and Policies:

Goal 4.1- Character, Policy 4.1.3- Placemaking, Policy 4.1.4- Neighborhoods, Goal 5.7- Implementation Processes, Policy 5.7.2- Regulatory Alignment, Goal 11.2- Historic Assets, and Policy 11.2.2- Historic Registration

Update: A few comments were made in opposition to this amendment at the December 8, 2022 EPC hearing and supplemented by written comments prior to the writing of this staff report. The primary concern surrounds the potential for a lengthy review process prior to obtaining a demolition permit. At least one comment was made in support of this amendment.

It is important to note that the 120-day review period within this section will not affect the vast majority of projects or demolition requests. It is likely that most dilapidated buildings will be granted demolition approval by staff within the initial timeframes established by Subsection 14-16-6-6(B)(2), which identifies that the Historic Preservation Planner has 15 days (at the most) to determine if a structure is historically significant enough to warrant additional review by the Landmarks Commission. Even if the Historic Preservation Planner forwards the request for additional review by the Landmarks Commission, they must hear it within 60 days and may grant demolition approval without further delays if they, after hearing from the Applicant and other stakeholders, determine that there is no viable alternative to demolition.

The Landmarks Commission reviewed and recommended approval of the expansion of this provision in order to potentially preserve and protect historic assets citywide.

The proposed text amendments would help preserve historic assets and promote preservation of historic buildings determined to be significant by providing a mechanism by which to discuss opportunities for restoration and alternatives to demolition. Due to the comments and prior questions and discussion, three alternatives are proposed in the conditions of approval for EPC consideration: to keep it as proposed, shorten the preliminary review dates so applicants can receive a response on their permit more quickly, and to remove the amendment altogether. Staff continues to recommend approval of this request, as written.

Zoning Map Amendment, Council – IDO Subsection 14-16-6-7(H)(1)(b), p. 520

→ Please refer to p. 31-32 of the December 8, 2022 Staff report for a full discussion of this change.

Definitions (various) – IDO Subsection 14-16-7-1, p. 561, 582, 585, and 591

→ Please refer to p. 32 of the December 8, 2022 Staff report for a full discussion of these changes.

The intent of the proposed amendments to Definitions is to provide clarification and support for regulations and processes in the IDO and to ensure a common understanding of a given term, which will help provide for consistent implementation.

The proposed amendments include one new definition and four revisions to existing definitions. The new definition of EV Capable would be added to the parking definitions. Revisions would be made to the definitions of Floodplain, Overnight Shelter, Personal and Business Services, and Large Stand of Mature Trees.

Update: One comment was made in opposition to the proposed amendment to the definition of Overnight shelter. This change is to clarify the use as distinct from others in the IDO, and no changes are proposed.

New Amendment: Clean Room Accessory Use

In order to support economic development initiatives, the Planning Department is requesting the addition of a new amendment to the 2022 Annual Update package. This amendment is to add a new accessory use for “Clean Room” to the Use Table 4-2-1 that will be Conditional Accessory (CA) in the NR-BP zone district and Permissive Accessory (A) in the NR-LM and NR-GM zone districts. A definition of the use will be added, as well as Use-specific standards.

Policy Analysis: The following Comprehensive Plan Goals and Policies are applicable to the requested amendment:

Policy 5.1.5 Employment Centers: Create Centers that prioritize employment opportunities and foster synergy among businesses.

Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

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

Goal 8.1 Placemaking: Create places where businesses and talent will stay and thrive.

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

Policy 8.1.3 Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

These proposed additional amendments to create a new Clean Room Accessory Use originated with questions raised with Planning Staff regarding both existing and proposed businesses seeking to potentially relocate or expand in Albuquerque. Many new and advancing industries, including those that the City is recruiting such as aerospace, bioscience, and directed energy utilize potentially hazardous chemicals, but do so in a safe and contained environment through the use of clean rooms.

When reviewing the IDO and its associated manufacturing definitions, the only use that currently allows the range of potential volatile inputs that might be found in some of these manufacturing processes is Special Manufacturing, which is only allowed Conditionally in the NR-GM zone district. The City has only a small amount of land zoned NR-GM, which is primarily located to the south and west of the Sunport and along the Railroad and Spur Small Area. Only a subset of that land is vacant or available for development. There is quite a bit more NR-BP and NR-LM zoned land potentially available for expansion of these important industries, which is also located within established business parks and near transportation corridors.

With advances in technology and safety procedures, the work in clean rooms is safe and can be expanded beyond the NR-GM zone district, which is what the proposed amendment seeks to do. The intent of the change is to provide additional opportunities for businesses to expand their operations in appropriate locations in Albuquerque, which is consistent with the Comprehensive Plan goals and policies to promote job growth, grow Employment Centers, and increase our economic base.

The new use is proposed as an accessory use because it is usually associated with an industrial use or within a larger industrial facility that may otherwise qualify as either light, heavy, or special manufacturing. Creation of a new use rather than expanding where Special Manufacturing is allowed is also beneficial in order to keep a primary use that has potentially significant off-site impacts limited to the NR-GM zone district with a Conditional Use process. Overall, staff believes this has significant positive potential to support efforts in the region related to job creation, especially with the types of technologies already being researched and developed locally.

IV. PUBLIC OUTREACH

→ Please refer to p. 32-33 of the December 8, 2022 Staff report for information regarding meetings and presentations provided.

V. NOTICE

→ Please refer to p. 3 of the December 8, 2022 Staff report for information regarding required notice and additional notice provided.

VI. AGENCY AND PUBLIC COMMENTS

→ Please refer to p. 33-35 of the December 8, 2022 Staff report for a discussion of comments from agencies, the public, and neighborhood representatives.

During the continuance period, Staff received several comments regarding the proposed Citywide text amendments (note: the O-54 housing-focused comments are associated with another Staff report). As of this writing, approximately 17 emails and/or attached letters were submitted by individuals, neighborhood associations, coalitions, and developers (see attachments).

Neighborhood organizations that commented include, but are not limited to, the Santa Fe Village Neighborhood Association (NA), the Embudo Canyon NA, the Citizens' Committee of Martineztown (CICM), the West Park NA, the Pat Hurley NA, the Knapp Heights NA, the SR Marmon NA, the Singing Arrow NA, and the Victory Hills NA. There is also a letter from the Inter-Coalition Council, which consists of members from various coalitions; commenters mentioned that they are affiliated with the District 4 Coalition or the District 6 Coalition (see attachments).

Several NAs expressed their continued opposition to the proposed amendments regarding walls and fences (SFVNA, ICC, Embudo Canyon NA, Pat Hurley NA, Singing Arrow NA, Victory Hills NA), which was defeated last year but is being reconsidered. They oppose raising allowable height, especially in front yards, because of adverse effects on neighborhood aesthetics, character, safety, and security. A process is already in place (Variance - ZHE) to request a higher wall; such walls should not be allowed permissively.

Other comments express opposition for the proposed amendments regarding parking maximums. Regarding review of historic buildings, there is both support and opposition from neighborhoods.

Comments from the development community indicate opposition to proposed amendments regarding deviations, variances, and waivers in framework plans, trees on sensitive lands, parking maximums, edge landscape buffering, and demolition outside an HPO. Support was expressed for allowing traffic circulation impacts and changes to a site to be considered minor amendments, and for tying the definition of floodplain to the FEMA definition (see attachments).

VII. CONCLUSION

The request is for Citywide text amendments to the IDO. Planning Department staff compiled and analyzed the approximately 49 proposed changes for the EPC's review and recommendation to the City Council.

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

Overall, the proposed changes are generally consistent with applicable Articles of the City Charter and a preponderance of applicable Comprehensive Plan Goals and policies from Chapter 5- Land Use, Chapter 8- Economic Development, Chapter 11- Heritage Conservation, and Chapter 13- Resilience and Sustainability.

Planning Staff held online study sessions and open houses regarding the proposed changes. The request was announced in the Albuquerque Journal, on the ABC-Z project webpage, and by e-mail. The Planning Department provided notice to neighborhood representatives via e-mail (and mail) as required.

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

Public comments were received prior to (and after) publication of the original December 8, 2022 Staff report. Additional comments were received during the continuance period leading up to publication of the January 19, 2023 supplemental staff report.

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

RECOMMENDED FINDINGS – RZ-2022-00054, January 19, 2023

1. The request is for various Citywide, legislative amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(D). The proposed Citywide amendments, when combined with the proposed Small-area amendments, are collectively known as the 2022 IDO Annual Update.
2. These Citywide text amendments are accompanied by proposed text amendments to Small Areas in the City, which were submitted separately pursuant to IDO Subsection 14-16-6-7(E) and are the subject of separate Staff reports and actions: North Fourth Street, CPO-9 (RZ-2022-00055) and Northwest Mesa Escarpment, VPO-2 (RZ-2022-00056).
3. The request was heard at the December 8, 2022 EPC hearing and was continued for a month to the January 19, 2023 hearing to allow for additional review, development of conditions, and input from members of the public.
4. The IDO applies Citywide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.
5. The EPC's task is to make a recommendation to the City Council regarding the proposed amendments to IDO text. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. This is a legislative matter.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. Staff has collected approximately 49 proposed text amendments to the IDO requested by neighbors, developers, Staff, Council, and the Administration. The proposed changes would improve the effectiveness and implementation of adopted regulations, address community-wide issues, clarify regulatory procedures, and balance these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.
8. The request generally meets IDO Subsection 14-16-6-7(D)(3)(a-c), Review and Decision criteria for Amendment to IDO Text-Citywide, as follows:
 - A. Criterion a: The proposed amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended (including the distinction between Areas of Consistency and Areas of Change), and with other policies and plans adopted by the City Council.

The proposed Citywide text amendments are generally consistent with the spirit and intent of the Comprehensive Plan, and other policies and plans adopted by the City Council, because they would generally help guide growth and development and identify and address significant issues in a holistic way (Comprehensive Plan, p. 1-5). The proposed changes are consistent with

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

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

The proposed Citywide text amendments would apply throughout the City and not to only one lot or development project and, therefore, are legislative in nature. The changes would apply equally across a particular zone district or for all approvals of a certain type and are not directed toward any specific lot or project.

- C. Criterion c: The proposed amendment promotes public health, safety, and welfare.

The request generally promotes the public health, safety, and welfare of the City because overall the proposed text amendments are consistent with a preponderance of applicable Comprehensive Plan Goals and policies. The proposed amendments are intended to address community-wide issues and clarify regulatory procedures, while balancing the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.

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

A. Article I, Incorporation and Powers. Amending the IDO via text amendments is consistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and processes in the IDO would generally help implement the Comprehensive Plan and help guide future legislation.

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

C. Article XVII, Planning.

i. Section 1. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts.

ii. Section 2. Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development, and will help with the enforcement and administration of land use plans.

10. The request is generally consistent with the following, applicable Goal and Policies in Chapter 5- Land Use and Chapter 7- Urban Design:

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

In a broad sense, the proposed text amendments promote efficient development patterns and use of land. They help support development and re-development in older, established areas, UC-MS-PT areas, and include conversions to residential dwellings and historic building preservation.

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

The proposed text amendments address affordable housing (kitchen exemption) and methadone clinics (separation distance), which can be considered Locally Unwanted Land Uses (LULUs) because immediate neighbors often find them objectionable. The proposed changes would help facilitate careful location of such uses by supporting conversion of existing buildings to housing and clarifying separation distances between clinics. Relevant use-specific standards would be clearer and would continue to apply to protect neighborhoods.

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

The proposed amendments address edge landscape buffering, which provides transitions in Areas of Change for development abutting Areas of Consistency. The changes would clarify edge buffering requirement on premises and between project sites; some proposed amendments would help ensure adequate buffering but another would remove the requirement as duplicative.

- D. Policy 7.4.2 - Parking Requirements: Establish off-street parking requirements based on development context.

The proposed text amendments include changes to off-street parking requirements based on development contexts where higher density is allowed; the resulting parking facilities would match the development context and complement the built environment. New provisions to address electric vehicle parking requirements also facilitate parking that better matches development context.

11. The request is generally consistent with the following, applicable Goal and policies in Chapter 5-Land Use, pertaining to implementation and processes:

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

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

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

The IDO annual update process results in an updated regulatory framework that helps align priorities and create consistent outcomes. The request includes amendments that address affordable housing (kitchens), landscape buffering, mature trees, parking, and procedural clarifications that help support desired growth, high-quality development, economic development, and housing. Where they do not, conditions for recommendation of approval can be applied.

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

The IDO annual update results in an updated and clarified regulatory framework, which is part of the foundation for a transparent approval and permitting process. The proposed text amendments include changes to clarify how to apply provisions in the IDO (deviations, variances, waivers, site plan-admin), which would generally contribute to a more consistent process and support providing high-quality customer service.

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

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

The proposed text amendments would generally foster a more robust, resilient, and diverse economy because they include changes to clarify requirements (ex. edge buffering, notification), definitions, and processes, as well as support alternative energy technology (electric vehicles). These changes would contribute to predictability and consistency in the development process that would generally help support economic development efforts.

13. The request is generally consistent with the following Goal and policy pair in Chapter 11: Heritage Conservation:

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

Policy 11.2.2- Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest.

The proposed text amendments would allow staff review of historic buildings Citywide, which would help to preserve historic assets moving into the future, as well as promote the preservation of historic buildings that are determined to be significant at a local, state, and/or national level.

14. The request is generally consistent with the following Goal and policy pair in Chapter 13- Resilience and Sustainability:

Goal 13.1- Climate Change: Promote resource-efficient growth and development to help mitigate global climate change and adapt to its local impacts.

Policy 13.1.2- Greenhouse Gas Mitigation: Mitigate greenhouse gas emissions in developments and streetscapes.

The proposed text amendments include new requirements regarding electric vehicles and a definition. Supporting and encouraging alternative energy would generally help encourage resource-efficient growth and is one way to mitigate climate change and greenhouse gas emissions, as future developments could accommodate more electric vehicles.

15. For cases in which a proposed text amendment would conflict with applicable Comprehensive Plan Goals and/or policies, Staff has provided conditions for recommendation of approval that address conflicts and provide clarification.
16. For an Amendment to IDO Text-Citywide, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A neighborhood meeting is not required. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. First class mailed 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). Notice was posted on the Planning Department website and on the project website.
17. In addition to the required notice, on October 11, 2022 and December 2, 2022 e-mail notice was sent to the approximately 9,300 people who subscribe to the ABC-Z project update e-mail list. Additional notice for the January 19, 2023 EPC hearing was sent to the ABC-Z project update e-mail list on January 4, 2023 and January 6, 2023.
18. The proposed 2022 IDO Annual Updates were reviewed at two online public study sessions on October 21 and 22, 2022 via Zoom, prior to application submittal for the EPC process, and at a public meeting held on November 18, 2022. Planning Staff presented the proposed text amendments and answered questions. The presentations, in .pdf format and in video format, are posted on the project webpage at: <https://abc-zone.com>.
19. The EPC held a study session regarding the proposed 2022 IDO Annual Update on December 1, 2022. This meeting was publicly noticed, although no public input is received during Study Sessions (see EPC Rules of Practice and Procedure, Article II, Section V).

20. As of this writing, Staff has received approximately 45 written comments from neighborhood groups, individuals, and organizations. Comments were generally submitted as letters and emails with attachments. Other comments (approximately 86) were submitted online and pinned to the spreadsheet of proposed text amendments on the ABC-Z project website.
21. In sum, most neighborhood groups tend to oppose the proposed amendments regarding walls and fences and edge landscape buffers. Most neighborhood groups tend to support the proposed amendments regarding encroachments in setback areas and the removal of an exception to kitchen requirements for non-residential to residential conversions.
22. Though some comments oppose individual proposed amendments, and others recommend changes, there is general support for the request as a whole. The Conditions for Recommendation of Approval address many issues raised in the comments.

RECOMMENDATION – RZ-2022-00054 – January 19, 2023

That a recommendation of APPROVAL of PR-2018-001843, RZ-2022-00054, a request for Citywide, legislative Amendments to the text of the IDO, be forwarded to the City Council based on the preceding Findings and subject to the following Conditions for Recommendation of Approval.

CONDITIONS FOR RECOMMENDATION OF APPROVAL – RZ-2022-00054, January 19, 2023

1. The proposed amendments in the spreadsheet “IDO Annual Update 2022 – EPC Submittal - Citywide” (see attachment) shall be adopted, except as modified by the following conditions.
2. Item #6 – Multi-Family, Kitchen Exemption for Multi-Family Housing (see Finding 14):

Delete the proposed amendment, which would result in retention of the use-specific standard for multi-family dwellings that allows for conversions of non-residential uses into multi-family dwellings with alternative kitchen standards, and defers any specific changes to this standard to the Housing Forward initiative.

3. Items #7 and #19 – Car Washes:
 - A. As conveyor-operated facilities operate much like drive-through facilities, the following additional Use-specific standard shall be added to Subsection 14-16-4-3(D)(16): [Queuing lanes associated with this use shall comply with the requirements of Subsection 14-16-5-5(I)(2) (Drive-through or Drive-up Facility Design).]
 - B. The following Use-specific standard shall be added to Subsection 14-16-4-3(D)(16): [Vacuum stations shall be located away from public streets, any Residential zone district, or any lot containing a residential use in any Mixed-use zone district to the maximum extent practicable. If not practicable, at least 1 tree at least 8 feet high at the time of planting shall be provided for every 25 feet along the lot line in locations that would best screen the vacuum stations from the public right-of-way or the adjacent properties, in addition to all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening).]

FOR CONDITION 4, THE EPC MUST SELECT 1 OPTION AND DELETE THE OTHER OPTIONS:

4. Item #10 – Encroachment:
 - A. Option 1: Relocate “bay window” from Architectural feature to the new row with “balcony” and leave the remainder of the amendment as proposed, only allowing an encroachment of any amount in the front yard.
 - B. Option 2: Relocate “bay window” from Architectural feature to the new row with “balcony” and revise the amendment text as follows: "May encroach any amount into a required front [or street side] yard setback; encroachments into the public right-of-way require an approved revocable permit."
 - C. Option 5: Delete proposed amendment in its entirety.
5. Item #11 – Sensitive Lands/Mature Trees:
 - A. In Subsection a, add “of the tree” after the word “dripline,” for clarification.

- B. In Subsection b, add “(as determined by Diameter at Breast Height – DBH)” after “diameters,” for clarification.

FOR CONDITION 6, THE EPC MUST SELECT 1 OPTION AND DELETE THE OTHER OPTIONS:

6. Items #13 and #15, Off-street Parking – Parking Maximums:
- A. Adopt the proposed amendments, as written.
 - B. Adopt the proposed amendments, with the following changes to item #15:
 - i. Make existing text Subsection (a) and add new subsections with text as follows:
 - "(b) In UC-MS-PT areas the maximum number of off-street parking spaces provided shall be no more than 125% of the off-street parking spaces required [by Table 2-4-13 or Table 5-5-1, as applicable], ~~calculated after all applicable parking reductions have been applied.~~
 - (c) In areas exempt from minimum required off-street parking spaces pursuant to Subsection 14-16-5-5(B)(2)(a), the maximum number of off-street parking spaces provided shall be ~~zero~~ [no more than 100% of the off-street parking spaces otherwise required by Table 2-4-13 or Table 5-5-1 for the proposed development, as applicable]."
 - C. Delete the proposed amendments in their entirety.
7. Item #15: Revise the existing language in subsection 14-16-5-5(C)(7) as follows: “Parking maximums shown in Table 5-5-1 apply to parking lots, not to spaces provided in parking structures [, wrapped parking, or parking provided underground].”
8. Item #17, Electric Vehicle Parking – Townhouses: revise the proposed language as follows in order to expand this requirement to townhouse subdivisions where there may be more than 6 dwelling units but they are not all within a single structure: "All new townhouse ~~dwelling~~ [developments] containing more than 6 dwelling units shall provide all required off-street parking spaces as EV capable."
9. For Edge Landscape Buffers for Low-density Residential, revise the language in Subsection 14-16-5-6(E)(2) as follows:
- “Where multi-family, mixed-use, or non-residential development other than industrial development occurs on a lot abutting or across an alley from a lot containing low-density residential development in an R-A, R-1, R-MC, ~~or R-T~~ [, or R-ML] zone district, a buffer shall be provided along the lot line, as specified for the relevant area below.”
10. For Edge Landscape Buffers for Multi-family Residential Zone Districts, revise the language in Subsection 14-16-5-6(E)(3) as follows:
- “Where mixed-use or non-residential development other than industrial development occurs on any lot abutting or across an alley from a lot in the R-ML or R-MH zone districts with [townhouse or] multi-family residential development, a buffer shall be provided along the lot line, as specified for the relevant area below.”

FOR CONDITIONS 11 AND 12, THE EPC MUST SELECT 1 OPTION AND DELETE THE OTHER OPTION:

11. Items #20 to #25 – Edge Landscape Buffers – Areas of Change and Consistency:

- A. Adopt the proposed changes in Items #20-24 with following revision to the proposed language in Item #23:
 - i. Where a ~~lot~~ premises partially or completely in an Area of Change is abutting or across an alley from a ~~lot~~ premises wholly [partially or completely] in an Area of Consistency (per City Development Areas in the ABC Comp Plan, as amended), the following standards shall apply on the lot(s) adjacent to the premises wholly [partially or completely] in the Area of Change Consistency, regardless of the proposed land use on that lot or premises unless specified otherwise in this IDO.
- B. Delete the proposed amendment #25, which would delete all of Subsection 14-16-5-6(E)(5) and Table 5-6-5, in order to keep Edge Landscape Buffers for Areas of Change and Consistency, as proposed to be amended.

12. Items #20 to #25 – Edge Landscape Buffers – Areas of Change and Consistency:

Adopt the proposed amendment #25, which would delete all of Subsection 14-16-5-6(E)(5) and Table 5-6-5 and delete proposed amendments #20 to #24.

FOR CONDITION 13, THE EPC MUST SELECT 1 OPTION AND DELETE THE OTHER OPTIONS:

13. Items #26 and #27 Wall and Fences, Maximum height:

- A. Option A: Leave the proposed amendments as written, creating a new subsection in 14-16-5-7(D)(3)(a) as follows:
 - i. "For low-density residential development, the maximum height for a wall in the front yard or street side yard is 5 feet if view fencing is used for portions of a wall above 3 feet and if the wall is set back at least 2 feet, except where a taller wall is prohibited pursuant to Subsection (3) below."
 - ii. Revise the first row of text under View Fencing in Table 5-7-2 as follows:
"≤ 10 ft. from lot line abutting the street"
- B. Option B: Revise the proposed amendment #26 as follows:
 - i. "For low-density residential development, the maximum height for a wall in the front yard or street side yard is 5 [4] feet if view fencing is used for portions of a wall above 3 feet and if the wall is set back at least 2 feet, except where a taller wall is prohibited pursuant to Subsection (3) below."
- C. Option C: Delete the proposed amendments, leaving maximum wall heights as currently regulated.

FOR CONDITION 14, THE EPC MUST SELECT 1 OPTION AND DELETE THE OTHER OPTION:

14. Item #33 – Post-submittal Facilitated Meetings:

- A. For continuity and consistency between the City’s administrative processes, revise the proposed thresholds in subsection 1, as follows:
 - i. 1. The application is a Site Plan – Administrative proposing a new building or multiple new buildings that include a total of any of the following:
 - i. More than 400 [50] multi-family residential dwelling units.
 - ii. More than 50,000 s.f. of non-residential development.
- B. Leave the thresholds as originally drafted to be consistent with the existing thresholds for the Pre-submittal Neighborhood Meeting requirement.

FOR CONDITION 15, THE EPC MUST SELECT 1 OPTION AND DELETE THE OTHER OPTION:

15. Related to Item #33 – For continuity and consistency between the City’s administrative processes and pre- and post-submittal meetings, revise the thresholds for Pre-submittal Neighborhood Meetings in IDO Subsection 14-16-6-4(B)(1)(b) as follows:

- A. “The application is a Site Plan – Administrative proposing a new building or multiple new buildings that include a total of any of the following:
 - 1. More than 400 [50] multi-family residential dwelling units.
 - 2. More than 50,000 s.f. of non-residential development.”
- B. Leave the thresholds as adopted by City Council in 2021.

16. Item #34 – Appeals – Remand Hearings: Clarify language in the new Subsection 7 as follows:

- A. “Planning Department staff shall notify the parties of the date and time of the remand hearing. Public notice pursuant to Table 6-1-1 for the original decision is not required. The decision by the original decision-making body at the remand hearing is considered final unless one of the parties [files a new appeal] appeals the decision to the LUHO.”

FOR CONDITION 17, THE EPC MUST SELECT 1 OPTION AND DELETE THE OTHER OPTION:

17. Item #36 – Minor Amendments – Circulation:

- A. Replace the deleted circulation language with the requirement for a traffic impact study, which is a more objective standard, as follows:
 - i. “The requested change does not require major public infrastructure, ~~or~~ significant changes to access ~~or circulation patterns on to~~ the site, [or a traffic impact study,] which would warrant additional review by the original decision-making body.”

B. Leave the amendment as written to simply delete “circulation patterns.”

18. Related to Item #36 – Minor Amendments – Circulation: Apply the approved language from Item #36 and Subsection 14-16-6-4(Y)(1)(a)3, as amended, to Subsection 14-16-6-4(Z)(1)(a)(3).

FOR CONDITION 19, THE EPC MUST SELECT 1 OPTION AND DELETE THE OTHER OPTION:

19. Items #40 and #41, Demolition Outside of an HPO:

A. Leave the amendment as written to allow for the potential demolition review of structures over 50 years old citywide.

B. Adopt the proposed amendment as written, and make the following procedural changes in Subsection 14-16-6-6(B)(2):

- i. 14-16-6-6(B)(2)(a) The Historic Preservation Planner shall review the demolition permit application within ~~15~~[5] days after receipt of the application in order to determine whether to recommend review and decision by the Landmarks Commission (LC).
- ii. 14-16-6-6(B)(2)(b) If the Historic Preservation Planner recommends demolition review by the LC, the LC shall notify the applicant and the Chief Building Official in writing within ~~15~~[5] days and conduct a public hearing ~~within 60 days of receipt of the application~~ [at the next possible hearing date] to decide whether a 120-day review period shall be invoked.
- iii. 14-16-6-6(B)(2)(d) No demolition permit may be issued prior to an LC hearing following a staff determination that the structure is subject to demolition review. If the Historic Preservation Planner does not notify the Chief Building Official within ~~15~~[5] calendar days of receipt of the application that the structure is subject to demolition review, the City may proceed to issue the demolition permit.

C. Delete the proposed amendment and leave the demolition review process to those areas currently mapped.

20. New Amendment: Clean Room Accessory Use:

A. Create a new accessory use “Clean Room” in Table 4-2-1 allowing the use as Conditional Accessory (CA) in NR-BP and Permissive Accessory (A) in NR-LM and NR-GM zone districts.

B. Define Clean Room in Section 14-16-7-1 as follows: “A facility to manufacture delicate and fragile components where processes and components are protected from any outside environmental factors. Cleanrooms include working with chemicals, volatile materials, and sensitive instruments.”

C. Add a new Use-specific Standard for Clean Room with text as follows within Subsection 14-16-4-3(F) Accessory Uses:

- i. This use is only allowed when accessory to a use in the Industrial Uses Category pursuant to Table 4-2-1.

- ii. This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the use.
 - iii. This use must comply with air quality permitting requirements found in Part 9-5 of ROA 1994 (Air Quality and Environmental Health Control).
 - iv. This use shall also comply with the distance separations in the Use-specific Standard for Heavy Manufacturing in Subsection 14-16-4-3(E)(5)(e).
- D. Add the following exception to the definition of Special Manufacturing: “This use does not include any use that meets the definition of Clean Room accessory to another use in the Industrial Uses Category pursuant to Table 4-2-1.”
-

Catalina Lehner

**Catalina Lehner, AICP
Principal Planner**



**Michael Vos, AICP
Principal Planner**

Notice of Decision cc list:

List will be finalized subsequent to the EPC hearing on January 19, 2023.

SPREADSHEET OF PROPOSED TEXT AMENDMENTS-

IDO Annual Update 2022 – EPC Review – City-wide

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
1	35	2-4(E)(3)(c)	<p>Mobile Food Truck Court in MX-FB Add a new subsection with the following text: "Mobile food truck court."</p>	Adds mobile food truck court as an allowable outdoor use. Mobile food truck is already listed, but when the mobile food truck court was added as a new use in 2020, staff missed adding it as an allowable use in MX-FB.	Staff
2	47	2-5(B)(3)	<p>NR-BP - Deviations, Variances, Waivers Create a new subsection with text as follows: Deviations, Variances, and Waivers from Master Development Plan Standards 1. Deviations from Master Development Plan standards may be granted pursuant to the same thresholds and procedures as established by IDO Subsection 14-16-6-4(O). 2. Variances from Master Development Plan standards may be granted pursuant to the same thresholds and procedures as established by Table 6-1-1 and IDO Subsection 14-16-6-6(O). 3. Waivers from Master Development Plan standards may be granted pursuant to the same thresholds and procedures as established by Table 6-1-1 and IDO Subsection 14-16-6-6(P).</p>	Establishes how to request a special exception from a Master Development Plan standard.	Staff
3	62	2-6(B)	<p>PC - Deviations, Variances, Waivers Create a new subsection with text as follows: Deviations, Variances, and Waivers from Framework Plan Standards 1. Deviations from Framework Plan standards may be granted pursuant to the same thresholds and procedures as established by IDO Subsection 14-16-6-4(O). 2. Variances from Framework Plan standards may be granted pursuant to the same thresholds and procedures as established by Table 6-1-1 and IDO Subsection 14-16-6-6(O). 3. Waivers from Framework Plan standards may be granted pursuant to the same thresholds and procedures as established by Table 6-1-1 and IDO Subsection 14-16-6-6(P).</p>	Establishes how to request a special exception from a Framework Plan standard.	Staff

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
4	156	4-3(B)(6)(a)	<p>Dwelling, Townhouse - Usable Open Space Revise text as follows: "For townhouse developments containing more than 6 dwelling units on a common lot, minimum usable open space shall be provided as follows:"</p>	Extends usable open space requirements to townhouses with each dwelling unit on its own lot.	Staff
5	156	4-3(B)(6)(c)	<p>Dwelling, Townhouse - UC-MS-PT exemption Revise text as follows: "Except in UC-MS-PT areas, For each townhouse dwelling shall not contain more than 3 dwelling units on properties with a on which the rear or side lot line that abuts an R-A or R-1 zone district or with a on which the rear lot line that is across an alley from an R-A or R-1 zone district, no townhouse dwelling may contain more than 3 dwelling units.</p>	Exempts UC-MS-PT areas from a regulation intended to limit the scale of townhouses on properties near an R-A or R-1 zone district. UC-MS-PT areas encourage higher-density development and a more urban character of development, which conflict with this regulation.	Council - Benton
6	158	4-3(B)(8)(e)	<p>Dwelling, Multi-family - Kitchen Exemption for Affordable Housing Delete this subsection and renumber subsequent subsections as necessary.</p>	Removes the use-specific standard for multi-family dwellings that allows for conversions of non-residential uses into multi-family residential uses to provide a lesser kitchen when these conversions are associated with funding provided by the City's Family and Community Services Department in conjunction with an affordable housing project.	Council - Grout
7	168	4-3(D)(16)(b)	<p>Car Wash Revise text as follows: "A car wash building and any associated outdoor activities, <u>including but not limited to vacuum stations, drying/polishing stations, and queuing lanes</u>, are prohibited within 50 feet in any direction of any Residential zone district or any lot containing a residential use in any Mixed-use zone district."</p>	Clarifies what types of outdoor activity are precluded in the area less than 50 feet from residential areas. See also related proposed change for Subsection 5-5(1)(1)/Table 5-5-8.	Staff

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
8	175	4-3(D)(26)(a)	<p>Medical or Dental Clinic / Methadone Centers Revise text as follows: Facilities that are considered methadone centers pursuant to Article 13-11 of ROA 1994 (Methadone Centers) Facilities that dispense methadone as a primary activity are prohibited in the following locations:</p> <ol style="list-style-type: none"> 1. On lots within Within...330 feet in any direction of any other facility that dispenses methadone as a primary activity. 2. On lots within Within 330 feet in any direction of a lot containing a religious institution. 3. On lots within Within 500 feet in any direction of an R-1 zone district. 4. On lots within Within 500 feet in any direction of a lot containing an elementary, middle, or high school. 	Added reference to existing Methadone Centers Ordinance. Fixed distance separation measurement to be lot to lot for consistency with the IDO and to improve enforceability.	Staff
9	175	4-3(D)(26)(b)	<p>Medical or Dental Clinic / Syringe Exchange Facility Revise text in subsections 1-4 to begin with "On lots" to change the distance separation measurement to be lot to lot.</p>	Fixed distance separation measurement to be lot to lot for consistency with the IDO and to improve enforceability.	Staff
10	231	Table 5-1-4	<p>Encroachment Remove balcony from Architectural feature and make a new row for Balcony with text as follows: "May encroach any amount into a required front yard setback; encroachments into the public right-of-way require an approved revocable permit."</p>	Removes the allowance for balconies to encroach up to 2 ft. into a required side or rear yard setback, but not closer than 3 ft. from any lot line.	Public

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
11	233	5-2(C)	<p>Sensitive Lands / Mature Trees Revise text in Subsection 5-2(C)(2)(d) as follows: <u>Established tree Large stands of mature trees</u> Add a new subsection 5-2(C)(3) with text as follows and renumber subsequent subsections accordingly: <u>"Established trees shall be evaluated by the City Forester. Where maintaining a large mature tree is not desired by the City Forester, one of the following options may be substituted as approved by the City Forester to count as avoiding sensitive lands. Either option must be provided on the premises in addition to any landscaping required by IDO Subsection 14-16-5-6.</u> <u>a. A landscaped area equal to the area under the dripline shall be provided, with vegetative coverage that meets the requirement of IDO Subsection 14-16-5-6(C)(2)(c).</u> <u>b. Replacement trees shall be provided, whose total trunk diameters at the time of planting equal the diameter of the large mature tree."</u></p>	Revised to shift from multiple trees to a large tree. Provides an alternative replacement for the tree if the City Forester determines the tree is not healthy, etc. See related proposal to change the definition of this type of Sensitive Land.	Staff
12	250	5-3(E)(1)(d)4	<p>Pedestrian Access Revise text as follows: "Whenever cul-de-sacs are created, 1 20-foot wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or walkway, unless the City Engineer determines that public access in that location is not practicable due to site or topography constraints. <u>Walls or fences are not allowed within the easement."</u></p>	Clarifies existing practice and ensures that pedestrian access is not impeded by a wall or fence.	Staff
13	268	Table 5-5-1	<p>Off-street Parking - Parking Maximums Delete all parking maximum requirements associated with UC-MS-PT areas in Table 5-5-1.</p>	Together with associated change for a new Subsection 14-16-5-5(C)(2), adds parking maximums for all uses in UC-MS-PT areas.	Council - Benton

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
14	277	5-5(C)(6)(a)	<p>Electric Vehicle Charging Station Credit Revise text as follows: "Each off-street electric vehicle charging station with a rating of 240 volts or higher <u>installed in an off-street parking space</u> shall count as 2 vehicle parking spaces toward the satisfaction of minimum off-street parking requirements."</p>	Ties the parking credit to an installed Electric Vehicle (EV) charging station. See related proposed change to require EV-capable spaces in large townhouse developments in Subsection 5-5(C)(9).	Staff
15	278	5-5(C)(7)	<p>Off-street Parking - Parking Maximums Make existing text Subsection (a) and add new subsections with text as follows: "(b) In UC-MS-PT areas the maximum number of off-street parking spaces provided shall be no more than 125% of the off-street parking spaces required, calculated after all applicable parking reductions have been applied. (c) In areas exempt from minimum required off-street parking spaces pursuant to Subsection 14-16-5-5(B)(2)(a), the maximum number of off-street parking spaces provided shall be zero."</p>	Together with associated change with Table 5-5-1, adds parking maximums for all uses in UC-MS-PT areas. Prohibits surface parking for any use in Downtown Center, McClellan Park, and Old Town HPO-5.	Council - Benton
16	279	5-5(C)(9)	<p>Electric Vehicle Parking Make existing text into a subsection (a) and revise text as follows: "When more than 200 off-street parking spaces are constructed, at least <u>5</u> 2 percent of the vehicle parking spaces shall include electric vehicle charging stations <u>installed</u> with a rating of 240 volts or higher."</p>	Increases the existing requirement for Electric Vehicle (EV) charging stations in large parking lots.	Staff
17	279	5-5(C)(9)	<p>Electric Vehicle Parking Add a new subsection with text as follows: "<u>All new townhouse dwellings containing more than 6 dwelling units shall provide all required off-street parking spaces as EV capable.</u>"</p>	Adds a new requirement for Electric Vehicle (EV) charging stations in large townhouse developments. See related proposed change in Section 7-1 for a definition of EV capable in the Parking Definitions.	Staff

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
18	279	5-5(C)(9)	<p>Electric Vehicle Parking Add a new subsection with text as follows: <u>"All new multi-family residential development containing more than 100 dwelling units shall meet both of the following requirements.</u> i. <u>At least 5 percent of the required off-stree parking spaces shall have electric vehicle (EV) charging stations installed with a rating of 240 volts or higher.</u> ii. <u>At least 25 percent of the required off-street parking spaces shall be provided as EV capable."</u></p>	Adds a new requirement for Electric Vehicle (EV) charging stations in large multi-family developments.	Staff
19	290	Table 5-5-8	<p>Vehicle Stacking, Car Washes Revise existing "Car Wash" row to "Car Wash, <u>Self-service</u>" Add new row for "Car Wash, Conveyor-operated" with a general requirement of 12 stacking spaces and UC-MS requirement of 6 stacking spaces.</p>	Ensures adequate stacking and vehicle queuing for larger, automatic conveyor-operated car washes, which the city has seen an increase in applications for.	Staff
20	305	5-6(E)(2)(a)	<p>Edge Landscape Buffers - Width Requirements Revise text as follows: General A landscaped edge buffer area at least 15 feet wide shall be provided on the subject property along the property line between the two properties.</p>	Removes duplication of the width requirement from Table 5-6-4 and avoids a conflict with Table 5-6-5 based on the proposed amendment to buffers in Areas of Change next to Areas of Consistency. See related row for proposed change to Subsection 5-6(E)(5). Note that this change, and related changes, conflict with the proposed change by Councilor Jones.	Public
21	306	5-6(E)(3)(a)	<p>Edge Landscape Buffers - Width Requirements Revise text as follows: General An edge buffer area at least 20 feet wide shall be provided on the subject property along the property line between the two properties.</p>	Removes duplication of the width requirement from Table 5-6-4 and avoids a conflict with Table 5-6-5 based on the proposed amendment to buffers in Areas of Change next to Areas of Consistency. See related row for proposed change to Subsection 5-6(E)(5). Note that this change, and related changes, conflict with the proposed change by Councilor Jones.	Public

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
22	307	5-6(E)(4)(b)	<p>Edge Landscape Buffers - Width Requirements Revise text as follows: General A landscaped edge buffer area at least 25 feet wide shall be provided on the subject property along the property line between the two adjacent properties...</p>	Removes duplication of the width requirement from Table 5-6-4 and avoids a conflict with Table 5-6-5 based on the proposed amendment to buffers in Areas of Change next to Areas of Consistency. Keeps 15-foot buffer and related text for drainage facilities as an exception to the tables. See related row for proposed change to Subsection 5-6(E)(5). Note that this change, and related changes, conflict with the proposed change by Councilor Jones.	Public
23	308	5-6(E)(5)	<p>Edge Landscape Buffers - Areas of Change and Consistency Revise text as follows: Where a lot <u>premises partially or completely</u> in an Area of Change is abutting or across an alley from a lot <u>premises wholly</u> in an Area of Consistency (per City Development Areas in the ABC Comp Plan, as amended), the following standards shall apply on the <u>lot(s) adjacent to the premises wholly</u> in the Area of Change <u>Consistency</u>, regardless of the proposed land use on that lot <u>or premises unless specified otherwise in this IDO.</u></p>	Applies buffer requirements to the whole premises so project sites with both Area of Change and Area of Consistency designations are not providing buffers internally, but rather to development on adjacent properties. Note that this change, and related changes, conflict with the proposed change by Councilor Jones.	Public
24	308	Table 5-6-5	<p>Edge Landscape Buffers - Areas of Change and Consistency Revise and merge all three rows in the General Buffering column with one requirement for a "Landscaped buffer area ≥15 ft."</p>	Applies a consistent buffer width for all Areas of Change next to Areas of Consistency. Larger Edge Buffer widths that apply based on development types elsewhere would prevail over this standard. Note that this change, and related changes, conflict with the proposed change by Councilor Jones.	Public

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
25	308	5-6(E)(5) / Table 5-6-5	Edge Landscape Buffers - Areas of Change and Consistency Delete this subsection and renumber subsequent subsections as necessary. Delete Table 5-6-5.	Removes this requirement as unnecessary and duplicative regulation. This section sets forth landscaping requirements based on if the subject lot is within an Area of Change and is located next to an Area of Consistency. However, table 5-6-4 already sets forth landscaping requirements but instead bases the requirement on development types. It is not necessary to regulate landscaping based on Areas of Change or Consistency when there are other provisions (Table 5-6-4) that adequately regulate landscaping requirements. Note that this change conflicts with proposed change from the public for the same subsection.	Council - Jones
26	320	5-7(D)(3)(a)	Walls & Fences - Front Yard Wall Create a new subsection 1, renumbering subsequent subsections accordingly, with text as follows: <u>"For low-density residential development, the maximum height for a wall in the front yard or street side yard is 5 feet if view fencing is used for portions of a wall above 3 feet and if the wall is set back at least 2 feet, except where a taller wall is prohibited pursuant to Subsection (3) below."</u>	Allows 5 foot walls in front yard with view fencing for at least 2 feet at top and set back 2 feet. See related row for proposed deletion of Permit - Wall or Fence - Major in Table 6-1-1 and Subsection 14-16-6-6(H).	Admin
27	321	Table 5-7-2	Options for a Taller Front or Side Yard Wall Revise the first row of text under View Fencing as follows: " <u>< 10 ft. from lot line abutting the street</u> "	Requires Permit - Wall or Fence - Major for 5-ft. walls less than 2 feet from the property line.	Admin
28	322	5-7(D)(3)(b)	Walls & Fences, Multi-family Development in R-ML or R-MH Zone Districts Revise text as follows: "For multi-family residential development in R-ML or R-MH zone districts, the maximum height <u>of walls in any front or street side yard</u> is 6 feet if view fencing is used for portions of a wall above 3 feet."	Requires Permit - Wall or Fence - Major for 5-ft. walls less than 2 feet from the property line.	Staff

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
29	377	5-13(A)(4)	<p>Hazardous Materials Revise text as follows: "All uses and activities shall comply with all State <u>and federal</u> statutes and regulations..."</p>	Clarifies that compliance with federal standards must also be maintained. Also generally covered by Subsection 14-16-1-7(A)(3), 14-16-1-8(D), and 14-16-4-1(F).	Staff
30	396	6-3(E)	<p>Community Planning Area Assessments In Subsection (1), replace "at least once every 5 years" with "on an ongoing cycle." In Subsection (6), delete "At least every 5 years."</p>	Removes language that conflicts with City Council's Resolution R-22-42, which sets the cycle of assessments.	Staff
31	407 D	6-4(K)(3)(c)	<p>Mailed Notice to Property Owners Revise text as follows: "<u>Where Table 6-1-1 requires mailed notice for</u> For Administrative Decisions, Decisions Requiring a Public Hearing, Amendments to Zoning Map, Adoption or Amendment of Historic Designation, or Annexation of Land as shown in Table 6-1-1, the applicant shall mail a notice to all of the following:</p>	Makes text consistent with Subsection 6-4(K)(3)(b) and 6-4(K)(4), 6-4(K)(5), and 6-4(K)(6).	Staff
32	408 D	6-4(K)(3)(d)	<p>Mailed Notice to Property Owners Revise text as follows: "<u>Where Table 6-1-1 requires mailed notice for</u> For an application for an Amendment to IDO Text – Small Area as shown in Table 6-1-1, the applicant shall mail a notice to all of the following, in addition to Neighborhood Associations pursuant to Subsection 6-4(K)(3)(b)3:</p>	Makes text consistent with Subsection 6-4(K)(3)(b) and 6-4(K)(4), 6-4(K)(5), and 6-4(K)(6).	Staff

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
33	410	6-4(L)(1)(a)	<p>Post-submittal Facilitated Meeting Revise text as follows: "Once an application for a decision listed in Table 6-1-1 is accepted as complete by the City Planning Department, property owners within 330 feet and Neighborhood Associations within 660 feet in any direction of the subject property may request a post-submittal facilitated meeting <u>in any of the following circumstances:</u> , except for Site Plan – Administrative applications for new low-density residential development as identified by Subsection 14-16-6-5(G)(1)(e)1.a, which are not subject to this provision. 1. <u>The application is a Site Plan – Administrative proposing a new building or multiple new buildings that include a total of any of the following:</u> i. <u>More than 100 multi-family residential dwelling units.</u> ii. <u>More than 50,000 s.f. of non-residential development.</u> 2. <u>The application is in the category "Decision Requiring a Public Hearing" in Table 6-1-1.</u> 3. <u>The application is in the category "Policy Decision" in Table 6-1-1, and Table 6-1-1 indicates that a Neighborhood Meeting is required for that application type."</u></p>	<p>Changes the 10-day delay of Administrative decisions in Table 6-1-1 to allow for a Post-submittal Facilitated Meeting to be consistent with the threshold for Pre-submittal Neighborhood meetings in Subsection 6-4(B)(1)(b). Changes the Post-submittal Facilitated Meeting requirement for Policy Decisions to be only for applications that require a Pre-submittal Neighborhood Meeting: Adoption or Amendment of Historic Designation, Amendment to IDO Text - Small ARea, Zoning Map Amendment - EPC, and Zoning Map Amendment - Council.</p>	Staff
34	430	6-4(V)(3)(d)	<p>Appeals - Remand Hearings Revise Subsection 6 to add text as follows: <u>"The LUHO shall notify the parties and Planning Department staff of the remand."</u> Add a new Subsection 7 with text as follows: <u>"Planning Department staff shall notify the parties of the date and time of the remand hearing. Public notice pursuant to Table 6-1-1 for the original decision is not required. The decision by the original decision-making body at the remand hearing is considered final unless one of the parties appeals the decision to the LUHO."</u></p>	<p>Clarifies procedures for remand hearings.</p>	Staff

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
35	434	Table 6-4-3	Period of Validity – Site Plan – Admin Revise 5 years to 7 years to be consistent with Site Plan – EPC.	Extends the period of validity for approved Site Plan - Administrative to be consistent with Site Plan - EPC.	Staff
36	441	6-4(Y)(1)(a)3	Minor Amendments - Circulation Revise text as follows: The requested change does not require major public infrastructure or significant changes to access or circulation patterns on to the site, which would warrant additional review by the original decision-making body.	Allows amendments that include changes to circulation contained within the site to be processed as minor amendments reviewed by the City Traffic Engineer if they meet other requirements and thresholds.	Public
37	456	6-5(G)(1)(f)6	Site Plan - Admin: New vs. redevelopment vs. expansion Revise text as follows: "expansion" --> "All expansions that increase <u>increases</u> in the number of <u>residential</u> dwelling units <u>originally approved on the subject property</u> or <u>increases to the gross floor area that expand the originally approved gross floor area beyond the threshold for Minor Amendment pursuant to Subsection 14-16-6-4(Y) or 14-16-6-4(Z).</u> "	Clarifies that any additional dwelling units and any non-residential gross floor area beyond what's allowed to be added through a minor amendment require a Site Plan - Administrative approval. Makes this subsection consistent with Minor Amendments in Subsection 14-16-6-4(Y)(2).	Staff
38	456	6-5(G)(2)(b)	Site Plan - Administrative - Procedure Revise text as follows: "An application for a Site Plan – Administrative is typically submitted with an application for a building permit. The ZEO shall review the application and make a decision on the Site Plan – Administrative as part of the zone check during building permit review."	Revised to reflect changing practice as a ripple of Site Plan - DRB moving to Site Plan - Administrative, which means more complicated projects will be reviewed by staff, likely separate from building permit submittals.	Staff
39	457	6-5(G)(2)(b)3	Site Plan - Administrative - Procedure Revise text in Subsection (b)(3) as follows: "The Notice of Decision shall be posted on the City website as soon as practicable and not more than 3 business days after the final action on any applicable building permit application."	Revised to reflect changing practice as a ripple of Site Plan - DRB moving to Site Plan - Administrative, which means more complicated projects will be reviewed by staff, likely separate from building permit submittals.	Staff

IDO Annual Update 2022 - EPC Submittal - Citywide

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Item	Page	Section	Change / Discussion	Explanation	Source
40	463	6-6(B)(1)	<p>Demolition Outside of an HPO - Citywide Revise text as follows: "This Subsection 14-16-6-6(B) applies to demolition of structures that are at least 50 years old located within the following small areas, regardless of whether they are registered on a State or national historic register or are eligible for listing. If a structure is of unknown age, it shall be presumed that it is over 50 years old for the purposes of this Subsection 14-16-6-6(B)." Delete Subsections (a), (b), (c), (d), and (e) as unnecessary to list separately, as the proposed change would apply citywide.</p>	Allows Historic Preservation staff to review proposed demolitions of any structures 50+ years old citywide, regardless of whether it is on the State or national historic register, a City landmark, or within a Historic Protection Overlay (HPO) zone. Recommended by Landmarks Commission.	Staff
41	464	6-6(B)(2)	<p>Demolition Outside of an HPO Replace "demolition permit application" with "application involving demolition" wherever it appears.</p>	Clarifies that all applications involving demolition (e.g. demolition permit or site plan for redevelopment) of a structure 50+ years old are subject to review by Historic Preservation staff.	Staff
42	520	6-7(H)(1)(b)	<p>Zoning Map Amendment - Council Revise text as follows: "Pursuant to Section 3-21-6 NMSA 1978, an application for a Zoning Map Amendment – EPC for which a protest of the final action has been received <u>within 15 calendar days of the Notice of Decision that meets both of the following criteria...</u>"</p>	Adds a time limit for submitting the protest, consistent with appeals.	Staff
43	561 D	7-1	<p>Definitions, Flood Definitions Floodplain Revise text as follows: <u>Any land susceptible to being inundated by water area that is subject to a one percent or greater chance of flooding in any given year (i.e. a base flood), as defined by the Federal Emergency Management Agency and shown on National Flood Insurance Program maps, from any source. The floodplain includes both the floodway and flood fringe. See also Sensitive Lands Definitions.</u></p>	Ties the definition of floodplain to FEMA definitions and to other defined terms for Flood in the IDO.	Staff

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
44	582	7-1	<p>Definitions, Overnight Shelter Revise term to "Transitional Shelter" wherever it appears in the IDO and revise definition as follows: "A facility that provides <u>temporary or transitional</u> sleeping accommodations for 6 or more persons for a period of less than 24 hours within completely enclosed portions of a building with no charge or a charge substantially less than market rates value; Such facilities it may provide meals and, <u>personal assistance, personal services, social services, personal care, and protective care.</u> Any such facility open to clients between 10:00 P.M. and 7:00 A.M. is considered an overnight shelter. This use does not include skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO. See also <i>Community Residential Facility, Group Home</i>, Campground or Recreational Vehicle Park, <i>Hotel or Motel</i>, <i>Nursing Home</i>, and <i>Safe Outdoor Space</i>."</p>	Revises the definition so that it does not overlap with a hotel that happens to charge substantially less than market rates, a safe outdoor space that charges less than market rates but happens outdoors, or a nursing home, which includes skilled nursing care. Revised definition is intended to better match the operations of many shelters. Having definitions be as parallel as possible helps make their distinctions clear and enforceable.	Staff
45	582	7-1 [new]	<p>Parking Definitions, EV Capable Add a new term with text as follows: "<u>Parking spaces with a capped cable/raceway connected to an installed electric panel with a dedicated branch circuit(s) to install the infrastructure and equipment needed for a future electric vehicle (EV) charging station with a rating of 240 volts or higher.</u>"</p>	Adds a new term related to a proposed new requirement for multi-family and townhouse dwellings. See related rows for proposed change to off-street parking requirements in Subsection 5-5(C)(9).	Staff
46	585	7-1	<p>Definitions, Personal and Business Services Revise text as follows: "Establishments providing services to individuals or businesses for profit, including but not limited to bail bond providers, beauty and barber shops, shoe repair, tailor/alterations shops, tattoo parlors, taxidermy services, electronic data processing, and employment service; mailing, addressing, stenographic services; and specialty business service such as travel bureau, news service, exporter, importer, interpreter, appraiser, and film library."</p>	Clarifies that regulations related to personal and business services apply whether they are for-profit or non-profit.	Staff

IDO Annual Update 2022 - EPC Submittal - Citywide

(Page numbers refer to IDO Effective December 2022: <https://tinyurl.com/CABQ-IDO-12-2022>)

Item	Page	Section	Change / Discussion	Explanation	Source
47	591	7-1	<p>Sensitive Lands, Large Stand of Mature Trees Revise term and definition text as follows: Established Tree Large Stand of Mature Trees- "A tree A collection of 5 or more trees 30 years or older or having a trunk diameters (as determined by Diameter at Breast Height – DBH) averaging at least 8 16 inches in diameter, as determined by the City Forester, and listed as either Generally Recommended or Conditionally Recommended on the Official Albuquerque Plant Palette and Sizing List."</p>	Changes the sensitive land to be a single large tree from 5 or more and limits the tree to those recommended by the Official Plate Palette. See related row for change to Subsection 14-16-5-2(C).	Staff
48	All	All	<p>Clerical Changes Make any necessary clerical corrections to the document, including fixing typos, numbering, and cross references.</p>	Covers general clerical corrections.	Staff
49	All	All	<p>Editorial Changes Make any necessary editorial changes to the document, including minor text additions, revisions for clarity (without changing substantive content), adding cross references, reorganizing content for better clarity and consistency throughout, revisions to graphic content for clarity, and updating tables of contents.</p>	Covers general editorial corrections.	Staff

PUBLIC COMMENTS

From: [Jane Baechle](#)
To: [City of Albuquerque Planning Department](#); [Renz-Whitmore, Mikaela J.](#)
Subject: Comments re: IDO for Staff Report
Date: Monday, January 2, 2023 2:28:48 PM
Attachments: [IDO Comments 142023.pdf](#)

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

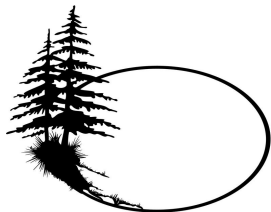
I am attaching a letter from the Santa Fe Village Neighborhood Association Board re: proposed amendments to the IDO to be heard at the January 19, 2023 meeting of the EPC.

We respectfully request that they be included in the Staff Report.

I would also appreciate confirmation that the Planning Department has received our communication.

Thank you all very much.

Jane Baechle
SfVNA Board



Santa Fe Village Neighborhood Association

5601 Bogart Ave. NW Albuquerque, NM 87120
SFVNA2014@gmail.com

Date: January 2, 2023

To: Timothy MacEachen
Chair, EPC

From: Jane Baechle
Member, SFVNA Board

Re: O-22-54 and Citywide Amendments
2022 IDO Annual Review

The following comments were submitted to the Santa Fe Village Neighborhood Association (SFVNA) Board regarding O-22-54 and selected Citywide Amendments being considered at the January 19, 2023 meeting of the EPC. They are supported by the SFVNA Board.

These comments address three areas of concern for the SFVNA Board and our positions as a recognized neighborhood association charged with interacting “with their members, residents, and the city, strive to engage with community and land use planning, protect the environment, and promote the community welfare;” and “to foster communication between the recognized neighborhood association . . . and city government on plans, proposals, and activities affecting their area.” Nothing could be more consequential for the residents and homeowners of Santa Fe Village than the amendments proposed for consideration as part of the 2022 IDO Annual Review. We have identified the following significant concerns: the Annual IDO process itself which is truly unavailable to all but a few individuals and effectively removes genuine public engagement, the deleterious effects of proposals in O-22-54 on SFV and selected proposals included in the Citywide amendments which also present potential harms to SFV.

The IDO Annual Review Process

The City makes multiple references to their statutory authority to enact and amend zoning laws in the introduction to O-22-54. Notably, there is no reference to NM Stat § 3-21-6 (2020) which calls for all parties and citizens to be heard. “No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard...” In Policy 4.2.2, sub policy (e), the ABC Comp Plan calls on the City to “Create robust and meaningful public

involvement processes to help build long-term consensus about growth and development in the Albuquerque area.” No doubt, the City considers the IDO Amendment process and Council meetings to meet this standard despite the limited number of individuals who have the time and resources to review lengthy and technical documents, to participate in daytime or hours long evening meetings or navigate the requirements of providing comments. Neighborhood association and coalition representatives and the Inter-Coalition Council have repeatedly opposed the use of the annual amendment process to implement sweeping, durable and highly consequential zoning law changes. Nonetheless, the City administration and Council continue to do so in direct conflict with NM State standards and ABC Comp Plan policies.

PR-2018-001843-RZ-2022-00059_Housing_Citywide

The SFVNA continues to *oppose* most provisions of this proposed ordinance. Specifically, Sections 1 and 2 represent significant potential harm to Santa Fe Village, a compact neighborhood of greater than 1000 homes. In the introduction to O-22-54, the City makes clear that the intention is to triple the number of dwelling units in areas zoned R-1. “WHEREAS, allowing two-family dwellings (duplexes) *and* accessory dwelling units in the R-1 zone district would immediately remove exclusionary effects, allow *triple* the number of dwellings on 68 percent of the city’s zoned properties (38% of the city’s total land area), ...” (Italics mine). Clearly, this statement disputes assurances of Planning Department staff and EPC Commissioners that existing zoning requirements related to setbacks, parking requirements and permitting requirements would effectively prevent the construction of dwelling units which fail to meet current IDO requirements and would turn SFV and similar modest neighborhoods into multiple lots with three dwelling units, front yards paved over for vehicles and narrow streets crowded with parked cars. Clearly, this scenario does not represent redevelopment that “reinforces the existing character of the neighborhood” or is consistent with a “low density” residential neighborhood.

If the City is sincere about providing options for multi-generation housing and avenues for increasing home ownership by allowing individual property owners to create a rental unit consistent with IDO standards, the City should be willing to do all of the following:

- Make both duplexes (or vertical second housing units) and accessory dwelling units *conditional* uses
- Limit each lot to one additional dwelling unit only
- Increase funding to the ZHE and that office to adequately hear and adjudicate all conditional use requests
- Provide adequate funding and require accountability of Code Enforcement to assure that non-conforming structures are promptly identified and removal required
- Provide a robust and well publicized educational effort to assure that all property owners understand that permits are required, that IDO requirements apply and that they will be required to remove non-conforming structures. At the December 20, 2022 meeting of the ZHE, four applicants explicitly stated they were unaware that a permit was required to build a wall.

The SFVNA also opposes Section 4, amending the IDO to eliminate building height maximums for multi-family residential development and mixed-use development. The text of O-22-54

would remove building height limits for any mixed use development. We appreciate the Planning Department analysis of the impact of this proposal, alternatives and clarifying language to indicate that any provisions removing height restrictions in mixed-use development would only apply to residential structures. The sweeping impact of the proposal as written would profoundly impact residential neighborhoods which are often in close proximity to both multi-family and mixed-use property, particularly, MX-T, MX-L and MX-M properties. While limiting additional heights to Areas of Change would somewhat decrease the impact city-wide, it would not protect low-density residential neighborhoods which may be in close proximity to Areas of Change particularly on the westside. Both the Planning Department analysis and public comments at the December 8, 2022 EPC meeting indicate that building height maximums play an insignificant role in the development of multi-family housing. Eliminating building height maximums as proposed in O-22-54 or as suggested by Planning staff offers little potential incentive to develop housing units in the identified zones and poses significant risks to nearby neighborhoods.

Finally, the SFVNA opposes Sections 5 and 6 of O-22-54 which would eliminate parking requirements for affordable housing and virtually eliminate parking requirements for multi-family development in mixed-uses zones by reducing the required parking to 75% of current requirements. Again, we appreciate the analysis of Planning Department staff. We agree with their recommendation to oppose the multi-family reduction in mixed-use development as outlined in Section 6. As they note, amended parking requirements passed in the 2021 IDO Annual Review were justified as right-sizing requirements across all types of development. It is not, then, reasonable to propose a further 75% reduction in requirements for housing and also claim that such a change is reasonable or sustainable.

The removal of parking requirements for low income housing remains problematic, even with the conditions proposed by Planning Staff. There is no evidence that people needing affordable housing will neither own a vehicle nor need one to get to work or other activities of daily living. In fact, the likelihood is that, if employed, it will be in jobs which require unusual or unpredictable hours and are located in scattered areas of the city. The Planning Staff Report plainly states, “ABQ Ride is struggling to maintain service on many routes that connect residential areas farthest from Downtown and major corridors.” Since that report was written, ABQ Ride has announced further route closures in an effort to prevent cancelled runs or significant delays on remaining routes. The argument that housing projects which provide less parking would incentivize residents to use public transit is provided with no evidence that such a response is a reasonable expectation. In all likelihood, the following statement is more accurate, “Reduced off street parking could result in spillover parking in nearby neighborhoods.”

Absent some clear parameters which assure true access to reliable and functional public transit, adequate employment options paying a reasonable wage and the availability of decent grocery stores in reasonable proximity to these properties, this proposal serves only to allow development of additional units in housing that serves the needs of neither low income nor market rate tenants or creates housing units designed to penalize the low income tenant by failing to provide off street parking for a personal vehicle. As with the parking reduction proposal of Section 5, the City cannot both claim that the 2021 IDO amendments to parking requirements were justified

because they brought off street parking requirements into line with true needs and also claim that this proposal will be workable, sustainable or “enhance, protect and preserve neighborhoods...”

The proposals in O-22-54 represent Exhibit A in the case against the use of the Annual IDO Review process to enact sweeping, durable and potentially costly (to ABQ residents and neighborhoods) changes to City zoning law. At the December 8, 2022, EPC hearing, the City reported these proposals were developed out of meetings with multiple stakeholders. Those “stakeholders” did not include any recognized neighborhood associations, neighborhood coalitions or the Inter-coalition Council despite NARO language which states,

“ WHEREAS, neighborhood associations can serve an important role in engaging community members at a grassroots level in local social justice and community issues, and in promoting collaborative community planning; and

WHEREAS, neighborhood associations are a source of important input from the community as they bridge the gap between residents and the government by providing information and engagement opportunities, and offer citizens a stronger role in organizing social change efforts in their neighborhoods.”

The housing shortage in ABQ is not a recent development. Planners and proponents of these proposals have acknowledged that many of these proposals will require years to impact housing supply, fail to address barriers of supply of construction materials and construction workers and argue that their impacts will be virtually unnoticeable because changes will happen “organically.” O-22-54 represents an effort by the City to bypass public engagement, avoid the work of accepting public input and crafting truly workable approaches and “promoting collaborative community planning.”

PR-2018-001843-RZ-2022-00054 Citywide General Amend: Walls and Fences-IDO Subsection 14-16-5-7(D)(3)(a) and (b), Table 5-7-2, p. 320, 321 and 322

The SFVNA continues to *oppose* increasing front yard wall heights, both as outlined in the proposed amendment and in the alternatives provided in the Planning Staff analysis for either a larger setback or 4’ wall. Both this amendment as originally proposed and the stated alternatives represent a jarring contrast with the streetscape and sense of place in Santa Fe Village (SFV). SFV is a very compact neighborhood, approximately one mile at its eastern boundary and approximately one-half mile deep at its widest point. It is surrounded on three sides by the escarpment and bisected by the middle branch of the San Antonio arroyo. The streets slope and curve to follow the natural terrain. When walking or driving into and around the neighborhood, the escarpment and natural features can be seen behind the homes. Coyote are regularly seen in the open spaces and have been seen on neighborhood streets. Quail and roadrunner enjoy front yards. The Petroglyph National Monument provides several access points to the monument land and three designated crossings from the canyon floor to the mesa above. Some SFV residents have 3’ or shorter walls at their property line; some have a taller wall, designed to blend in with the style of the home and well setback from the street without imposing on the streetscape. Clearly, it is possible to create a private front yard space under the existing IDO. The proposed changes are unnecessary and conflict with the IDO’s stated purpose to protect and enhance established neighborhoods and “reinforce an established sense of place.” The proposed

amendment would detract from the walkability of SFV and the perception of the neighborhood and the surrounding natural landscape. We respectfully ask the EPC to oppose this amendment and proposed alternatives.

**PR-2018-001843-RZ-2022-00054 Citywide General Amend: Demolition Outside of an HPO
- Citywide**

As an individual, I believe there is merit to this proposed amendment. There are properties on ABQ's westside which are clearly outside of a historic district and still have a significant history in this city which should either be considered for preservation or documented prior to being demolished. The property which includes St. Pius High School and the Catholic Center and once housed the University of Albuquerque is one example. Should it be sold at some point (and that was a consideration recently for the Archdiocese), it is likely that existing buildings would be demolished to allow for high-end homes like those nearby or other more profitable development. While the existing structures may not have sufficient value or character to preserve them, they surely have a history worth documenting prior to demolition. I appreciate the concern that the process of evaluation and documentation may be burdensome in some cases and fail to serve the interest of city residents. I respectfully ask the EPC to consider and recommend a middle path which would provide a reasonable and workable mechanism to protect or document structures which are part of the history of this city and do not meet the existing criteria for notification prior to demolition.

Thank you for your time and consideration.

From: [Michael Brasher](#)
To: [City of Albuquerque Planning Department](#); [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: ICC Comments on IDO, Section 5 - 7
Date: Thursday, January 5, 2023 2:26:40 PM
Attachments: [Fences Letter.pdf](#)

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

Attached please find ICC comments on the IDO update, Section 5-7(D)(3)(a), Walls & Fences - Front Yard Wall Section 5-7(D)(3)(b), Walls & Fences, Multi-family Development in R-ML or R-MH Zone Districts

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural and historic needs and interests of all residents.

January 5, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

RE: IDO Annual Update 2022, Section: 5-7(D)(3)(a), Walls & Fences - Front Yard Wall
Section 5-7(D)(3)(b), Walls & Fences, Multi-family Development in R-ML or R-MH Zone Districts

Chairman MacEachen,

Last year similar amendments were submitted to increase the height of walls and fences. The ICC opposed the increase in the IDO Annual Update 2021. The EPC heard from the community and helped defeat the amendments.

The ICC again opposes the amendment to increase the height of walls and fences for the many reasons noted in public comment on the IDO interactive website. No comments were entered in support of increased heights of walls and fences.

We agree with the comments in the staff report:

Many older, established residential areas have a distinct character and were developed without walled yards. Walls could create a sense of enclosure that takes away from the connectivity of neighborhoods and the sense of safety that comes from having "eyes on the street." The proposed change would not enhance, protect, and preserve these distinct communities or protect the identity or cohesiveness of such neighborhoods (Goal 4.1, Policy 4.1.2, Policy 4.1.4).

...The proposed changes would result in changes to streetscapes and development, and could contribute to creating a range of environments and experiences (Goal 7.1)...

The ICC urges the EPC to defeat the amendments to increase the height of wall and fences. We hope that a defeat in the IDO Annual Update 2022 will put an end to proposals to increase height of walls and fences.

Sincerely,



Michael Brasher

Inter-Coalition Council President

From: [West Park Neighborhood](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comment on IDO proposed change 15 - Off-street Parking Maximums
Date: Saturday, January 7, 2023 7:10:23 PM

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

Dear Chair MacEachen -

I am writing in opposition to a proposed change to the IDO, specifically item 15 in the IDO Annual Update 2022, establishing universal parking maximums for off-street parking spaces in Urban Center, Main Street, and Premium Transit areas.

These parking maximums are unlikely to provide much real-world impact, as the IDO currently includes multiple generous reductions to the parking minimums for development in these areas. The resulting lack of parking is already taxing public infrastructure in areas targeted by this change. We need to reconsider parking minimums, not impose pointless maximum requirements.

In our neighborhood just south of Old Town, we have seen how existing parking calculations force traffic to spill over for several blocks around new developments, turning residential streets into *de facto* parking lots during peak activity. The proposed parking maximums are well above what is actually being built, but still well below what is needed to accommodate the residents, visitors, workers, and customers of these overbuilt developments.

Codifying parking maximums in these areas offers no demonstrable benefit, and creates a regulation that no one appears to be in danger of violating. Capping maximums at such a low level discourages development that is actually considerate of its end users, and ultimately undermines the viability and livability of neighborhoods within our city core.

For these reasons, I strongly oppose proposed change 15 in the IDO Annual Update 2022.

Thank you for your consideration -
Matt Celeskey
West Park Neighborhood Association President
westparkna@gmail.com

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: Attached letter for EPC
Date: Wednesday, January 4, 2023 4:27:54 PM
Attachments: [Fences from ECNA.pdf](#)

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

Please include in the staff report for the meeting on January 19, 2023

Respectfully,
Julie Dreike
President, Embudo Canyon NA

Embudo Canyon Neighborhood Association (ECNA)

Bounded on the West by Tramway, bounded on the North by Rover, bounded on the East by Camino De La Sierra and Open Space and bounded on the South by Lomas.

January 4, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen
cc City Council

RE: IDO Annual Update 2022, Section: 5-7(D)(3)(a), Walls & Fences - Front Yard Wall
Section 5-7(D)(3)(b), Walls & Fences, Multi-family Development in R-ML or R-MH Zone Districts

Chairman MacEachen,

Last year similar amendments were submitted to increase the height of walls and fences. Embudo Canyon Neighborhood Association opposed the increase in the IDO Annual Update 2021. The EPC heard from the community and helped defeat the amendments.

Embudo Canyon NA Board reviewed the amendment and again opposes the increase the height of walls and fences for the many reasons noted in public comment on the IDO interactive website. No comments were entered in support of increased heights of walls and fences.

We agree with the comments in the staff report:

Many older, established residential areas have a distinct character and were developed without walled yards. Walls could create a sense of enclosure that takes away from the connectivity of neighborhoods and the sense of safety that comes from having "eyes on the street." The proposed change would not enhance, protect, and preserve these distinct communities or protect the identity or cohesiveness of such neighborhoods (Goal 4.1, Policy 4.1.2, Policy 4.1.4).

...The proposed changes would result in changes to streetscapes and development, and could contribute to creating a range of environments and experiences (Goal 7.1)...

ECNA urges the EPC to defeat the amendments to increase the height of wall and fences. We hope that a defeat in the IDO Annual Update 2022 will put an end to proposals to increase height of walls and fences.

Sincerely,

Julie Dreike

President, Embudo Canyon Neighborhood Association

From: [Kristi Houde](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Renee Martinez](#); [Roslyn Kloeppel](#); [Sergio Viscoli](#); [Meghan Martinez](#); [jessmartinez](#)
Subject: IDO Annual Update 2022 - EPC Comments
Date: Friday, December 30, 2022 2:13:40 PM

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

I thank you for the opportunity to publicly comment on behalf of the Citizens Information Committee of Martineztown the duly recognized neighborhood association representing South Martineztown. We support the Planning IDO Annual Update 2022 and the IDO Housing (O-22-54) amendment. The CICM believes redevelopment must reinforce the established character of the existing neighborhood. South Martineztown has long established and protected our neighborhood with its former Sector Plan that was folded into the current IDO. We have successfully opposed two recent variance requests for 6 feet high fences without setbacks in our neighborhood. We will continue to oppose high fence variance requests without setbacks from the property line.

Please contact me with any questions.
Kristi Houde,
CICM Board Member

From: [Michael Leach](#)
To: [City of Albuquerque Planning Department](#)
Subject: IDO Annual Update 2023 Comments
Date: Monday, January 9, 2023 8:23:06 AM

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

Chairman MacEachen, I would like to make the following comments regarding the IDO:

Reducing parking requirements for increase housing I'm against. My concern is a safety issue for fire, ambulance and police services in cases of an emergency. Reducing parking requirements will only result in making parking in streets more prevalent by residents and when an emergency service is required I'm very concerned about emergency vehicles be able to get access to a property. The argument that people will use mass transit to these areas is not valid. Our mass transit presently is not being used.

My other concern is the historic preservation requirement on any building 50 years old or older will need to be approved by a Historic committee prior to being demolished. I would like this language removed from the IDO and have limited as it presently written to Historic districts of Albuquerque. If the language is not going to be removed, then the process of getting approval needs to be reduced from 120 days down to 30 days.

Thank you for your consideration of these points.

Sincerely,

Mike Leach, SIOR

SYCAMORE ASSOCIATES LLC

Industrial & Commercial Real Estate

Michael D. Leach, Licensed NM Real Estate Broker, License 7070

Mailing address:

PO Box 90608

Albuquerque, NM 87199-0608

Physical address:

8300-D Jefferson NE

Albuquerque NM 87113-1734

Phone - 505.345-5075 Fax - 505.345-5059

E-mail - mdl@sycamore-associates.com



Virus-free www.avast.com

From: [Irene Libretto](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comments regarding O-22-54 and selected Citywide amendments
Date: Monday, January 2, 2023 11:46:02 AM

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

Attn; Timothy Mac Eachen
Chair, EPC

I live at 6917 Sweetbrier Ave NW, in the Santa Fe Village Neighborhood.

I am fully in support of the positions stated in the letter submitted by the Board of the Santa Fe Village Neighborhood Association, regarding O-22-54 and selected Citywide amendments being considered at the January 19, 2023 meeting of the EPC.

Sincerely,
Irene J Libretto

From: [Julie Radoslovich](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comments: IDO Annual Update
Date: Sunday, January 8, 2023 7:38:01 PM
Attachments: [IDO Comments PHNA 1 9 2023 FINAL .pdf](#)

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

Chair MacEachen:

Please consider these comments in the staff report for the upcoming EPC meeting. See email and attachment.

Date: January 9, 2023

To: Timothy MacEachen Chair, EPC

From: Julie A. Radoslovich, President, Pat Hurley Neighborhood Association

Re: O-22-54 and Citywide Amendments 2022 IDO Annual Review

Our community reactivated the Pat Hurley Neighborhood Associations this past fall, after several years of dormancy. We realized that if we were to have a voice within the city, we needed to establish recognition. Today, I bring our neighborhood voices to the table. I share some background information on our *vecino* for your reference.

“Pat Hurley neighborhood lies north of Central and just below the steep bluffs which line the west bank of the Rio Grande for several miles to the north. Though just across the river from Old Town and a short bus ride from downtown, the Pat Hurley neighborhood sometimes seems a world away, with its fields, gardens, irrigation ditches, and narrow winding roads. The upper park offers spectacular views of the city, with the Rio Grande in the foreground, against the backdrop of the Sandia Mountains” (*Albuquerque Neighborhood Walking Tour Series*, No. 3, 2006).

As a recently activated association, this was our first-time reviewing amendments in the Integrated Development Ordinance, and honestly, reviewing hundreds of pages along with comments from interested parties, has been a daunting task. In this revision, there are 49 amendments. **We are concerned the many amendments pushed forward through this IDO amendment process benefit the development community while removing protections set aside for neighborhoods.** There are far too many amendments without significant explanation or justification. I would ask that as amendments are developed within the IDO, readability be a priority. Brief impact statement should be provided for each amendment. At a minimum a brief description of what it is and why the city felt compelled to propose the amendment,

and the potential impact to neighborhoods, including benefits and risks.

Some concerns our association raises:

PR-2018-001843-RZ-2022-00059_Housing_Citywide

Building Heights Maximums: Section 4, amends the IDO to eliminate building height maximums for multi-family residential development and mixed-use development. This removes building height limits for any mixed-use development. As written, this would impact residential neighborhoods (like Pat Hurley) which are often in close proximity to both multi-family and mixed-use property, particularly, MX-T, MX-L and MX-M properties. While limiting additional heights to Areas of Change would somewhat decrease the impact city-wide, it would not protect low-density residential neighborhoods which may be in close proximity to Areas of Change particularly on the westside.

Parking: Sections 5 and 6 of O-22-54 would eliminate parking requirements for affordable housing and virtually eliminate parking requirements for multi-family development in mixed-uses zones by reducing the required parking to 75% of current requirements. Amended parking requirements passed in the 2021 IDO Annual Review were justified as right-sizing requirements across all types of development. It is not appropriate to propose a further 75% reduction in requirements for housing and also claim that such a change is reasonable or sustainable.

The removal of parking requirements for low-income housing remains problematic, even with the conditions proposed by Planning Staff. Is there evidence that shows people needing affordable housing will neither own a vehicle nor need one to get to work or other activities of daily living. Just this past month, ABQ Ride announced further route closures in an effort to prevent cancelled runs or significant delays on remaining routes. This proposal serves only to allow development of additional units in housing that creates housing units designed to penalize the low-income tenant by failing to provide off street parking for a personal vehicle. As with the parking reduction proposal of Section 5, the City cannot both claim that the 2021 IDO amendments to parking requirements were justified.

--

Julie A. Radoslovich (*she/her/ona*)
Pat Hurley Neighborhood Association
President

Date: January 9, 2023

To: Timothy MacEachen Chair, EPC

From: Julie A. Radoslovich, President, Pat Hurley Neighborhood Association

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As a recently activated association, this was our first-time reviewing amendments in the Integrated Development Ordinance, and honestly, reviewing hundreds of pages along with comments from interested parties, has been a daunting task. In this revision, there are 49 amendments. **We are concerned the many amendments pushed forward through this IDO amendment process benefit the development community while removing protections set aside for neighborhoods.** There are far too many amendments without significant explanation or justification. I would ask that as amendments are developed within the IDO, readability be a priority. Brief impact statement should be provided for each amendment. At a minimum a brief description of what it is and why the city felt compelled to propose the amendment, and the potential impact to neighborhoods, including benefits and risks.

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**PR-2018-001843-RZ-2022-00054 Citywide General Amend: Walls and Fences-IDO
Subsection 14-16-5-7(D)(3)(a) and (b), Table 5-7-2, p. 320, 321 and 322**

Wall Heights:

We are also concerned with increasing front yard wall heights, both as outlined in the proposed amendment and in the alternatives provided in the Planning Staff analysis for either a larger setback or 4' wall. It is possible to create a private front yard space under the existing IDO. The proposed changes are unnecessary and conflict with the IDO's stated purpose to protect and enhance established neighborhoods and "reinforce an established sense of place."

Thank you for listening to our concerns.

From: [Dan Regan](#)
To: [Lehner, Catalina L.](#); [Jones, Megan D.](#); [Hinojos, Mandi M.](#); [City of Albuquerque Planning Department](#)
Cc: ["Mark Reynolds"](#); ["Jim Griffee"](#); ["Dan Regan"](#); ["net"](#); ["Susan Timmerman"](#); ["Mildred Griffee"](#)
Subject: COMMENTS FOR NEXT EPC MEETING
Date: Friday, January 6, 2023 11:42:21 AM
Attachments: [IDO Comments 1 4 2023.pdf](#)

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

Please share this email and the attached document with the EPC Chair and Members and with the City Council Members. Please let me know when this has been done. Thank you for your assistance with this REQUEST. Dan R.

Dear EPC and City Council Members,

I write this as the President of the Knapp Heights Neighborhood Association, a Zoning / Development representative of the District 4 Coalition and as a D4C Alternate Representative on the Inter-Coalition Council.

First, I wholeheartedly support the thinking, observations and conclusions reached by Ms. Jane Baechle (Santa Fe Village NA) in the attached document from her Neighborhood Association. Ms. Baechle has been actively involved with the IDO machinations for multiple years and presents some very valid problems with the proposed O-22-54 and other proposed changes.

Second, the speed & process with which O-22-54 is being proposed for approval may be determined to be a violation of state law at some future date. BUT, what I know at this moment is that the rush job being put on by the City Administration and the City Council is NOT in the best interest of the residents of our city. There is no evidence of in-depth research on where the proposed changes could take us. Santa Fe tried the same thing with "casitas" back in 2019 and has pulled back from it because it did not accomplish the desire results.....it did not alleviate their homeless problems.....they just got more Airbnb units built!

Third, it feels like NIAOP's "seat at the table" is taking up as much room as it did when the ART project was rammed through & down the city's throats AGAINST the wishes of the city's residents and most of the merchants on Central. How many more fiascos can one city stand? When will THE PEOPLE of this city be listened to?

Fourth, California is currently experiencing an uncontrollable series of Rivers of Moisture and just hoping to survive. Albuquerque could be creating it very own "Perfect Storm" with all of the proposals being put forth, all at the same time.....but **we** could control what we do to ourselves.

To wit:

- we will remove height restrictions for apartment buildings;
- we will remove the 100 apartment limit from public consideration;
- we will seriously reduce parking slot requirements (by 75%) in cramped

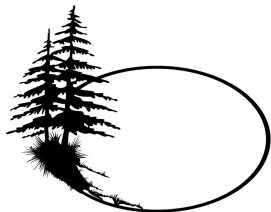
areas....relying, of course, on public transportation;

- which just so happens to be forced to reduce routes & frequencies due to low staffing;
- we will not require full fridges & stoves in what may end up being permanent housing for the poor.....which means they will not be able to eat healthy meals and save when buying food;
- without understanding property tax changes for multiple dwellings on previously zoned single family residences, we will open up EVERY single family lot to up to 3 residences on it;
- without adequate staffing in the Planning/Zoning compliance of the City to take care of current problems and without regulations/specifications on the building of 2nd or 3rd residential units;
- without any evidence of awareness (on the part of any city employee that I know of...and I've asked) of how many Abq. R-1 properties have been purchased by out of state or country investment corporations in the last 2-3 years.....and you know that they will not have the best interest of our citizens or city in mind!

I hope I am wrong, but Albuquerque, unlike California, has the ability to make some choices to not damage itself with unvetted and rushed multiple (6 major ones) zoning changes which could radically change the lived experience of being an Albuquerqueian. If all of these elements create a PERFECT STORM, the City will have broken the social, legal and financial contracts that every homeowner operated under when they purchased their home.

Thank you for your careful consideration of the above and the attached.

Daniel Regan
KHNA, President
D4C, Zoning / Development Rep.
ICC, Alternate Rep. for D4C



Santa Fe Village Neighborhood Association

5601 Bogart Ave. NW Albuquerque, NM 87120
SFVNA2014@gmail.com

Date: January 2, 2023

To: Timothy MacEachen
Chair, EPC

From: Jane Baechle
Member, SFVNA Board

Re: O-22-54 and Citywide Amemndments
2022 IDO Annual Review

The following comments were submitted to the Santa Fe Village Neighborhood Association (SFVNA) Board regarding O-22-54 and selected Citywide Amendments being considered at the January 19, 2023 meeting of the EPC.

These comments address three areas of concern for the SFVNA Board and our positions as a recognized neighborhood association charged with interacting “with their members, residents, and the city, strive to engage with community and land use planning, protect the environment, and promote the community welfare;” and “to foster communication between the recognized neighborhood association . . . and city government on plans, proposals, and activities affecting their area.” Nothing could be more consequential for the residents and homeowners of Santa Fe Village than the amendments proposed for consideration as part of the 2022 IDO Annual Review. We have identified the following significant concerns: the Annual IDO process itself which is truly unavailable to all but a few individuals and effectively removes genuine public engagement, the deleterious effects of proposals in O-22-54 on SFV and selected proposals included in the Citywide amendments which also present potential harms to SFV.

The IDO Annual Review Process

The City makes multiple references to their statutory authority to enact and amend zoning laws in the introduction to O-22-54. Notably, there is no reference to NM Stat § 3-21-6 (2020) which calls for all parties and citizens to be heard. “No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard...” In Policy 4.2.2, sub policy (e), the ABC Comp Plan calls on the City to “Create robust and meaningful public

involvement processes to help build long-term consensus about growth and development in the Albuquerque area.” No doubt, the City considers the IDO Amendment process and Council meetings to meet this standard despite the limited number of individuals who have the time and resources to review lengthy and technical documents, to participate in daytime or hours long evening meetings or navigate the requirements of providing comments. Neighborhood association and coalition representatives and the Inter-Coalition Council have repeatedly opposed the use of the annual amendment process to implement sweeping, durable and highly consequential zoning law changes. Nonetheless, the City administration and Council continue to do so in direct conflict with NM State standards and ABC Comp Plan policies.

PR-2018-001843-RZ-2022-00059_Housing_Citywide

The SFVNA continues to *oppose* most provisions of this proposed ordinance. Specifically, Sections 1 and 2 represent significant potential harm to Santa Fe Village, a compact neighborhood of greater than 1000 homes. In the introduction to O-22-54, the City makes clear that the intention is to triple the number of dwelling units in areas zoned R-1. “WHEREAS, allowing two-family dwellings (duplexes) *and* accessory dwelling units in the R-1 zone district would immediately remove exclusionary effects, allow *triple* the number of dwellings on 68 percent of the city’s zoned properties (38% of the city’s total land area), ...” (Italics mine). Clearly, this statement disputes assurances of Planning Department staff and EPC Commissioners that existing zoning requirements related to setbacks, parking requirements and permitting requirements would effectively prevent the construction of dwelling units which fail to meet current IDO requirements and would turn SFV and similar modest neighborhoods into multiple lots with three dwelling units, front yards paved over for vehicles and narrow streets crowded with parked cars. Clearly, this scenario does not represent redevelopment that “reinforces the existing character of the neighborhood” or is consistent with a “low density” residential neighborhood.

If the City is sincere about providing options for multi-generation housing and avenues for increasing home ownership by allowing individual property owners to create a rental unit consistent with IDO standards, the City should be willing to do all of the following:

- Make both duplexes (or vertical second housing units) and accessory dwelling units *conditional* uses
- Limit each lot to one additional dwelling unit only
- Increase funding to the ZHE and that office to adequately hear and adjudicate all conditional use requests
- Provide adequate funding and require accountability of Code Enforcement to assure that non-conforming structures are promptly identified and removal required
- Provide a robust and well publicized educational effort to assure that all property owners understand that permits are required, that IDO requirements apply and that they will be required to remove non-conforming structures. At the December 20, 2022 meeting of the ZHE, four applicants explicitly stated they were unaware that a permit was required to build a wall.

The SFVNA also opposes Section 4, amending the IDO to eliminate building height maximums for multi-family residential development and mixed-use development. The text of O-22-54

would remove building height limits for any mixed use development. We appreciate the Planning Department analysis of the impact of this proposal, alternatives and clarifying language to indicate that any provisions removing height restrictions in mixed-use development would only apply to residential structures. The sweeping impact of the proposal as written would profoundly impact residential neighborhoods which are often in close proximity to both multi-family and mixed-use property, particularly, MX-T, MX-L and MX-M properties. While limiting additional heights to Areas of Change would somewhat decrease the impact city-wide, it would not protect low-density residential neighborhoods which may be in close proximity to Areas of Change particularly on the westside. Both the Planning Department analysis and public comments at the December 8, 2022 EPC meeting indicate that building height maximums play an insignificant role in the development of multi-family housing. Eliminating building height maximums as proposed in O-22-54 or as suggested by Planning staff offers little potential incentive to develop housing units in the identified zones and poses significant risks to nearby neighborhoods.

Finally, the SFVNA opposes Sections 5 and 6 of O-22-54 which would eliminate parking requirements for affordable housing and virtually eliminate parking requirements for multi-family development in mixed-uses zones by reducing the required parking to 75% of current requirements. Again, we appreciate the analysis of Planning Department staff. We agree with their recommendation to oppose the multi-family reduction in mixed-use development as outlined in Section 6. As they note, amended parking requirements passed in the 2021 IDO Annual Review were justified as right-sizing requirements across all types of development. It is not, then, reasonable to propose a further 75% reduction in requirements for housing and also claim that such a change is reasonable or sustainable.

The removal of parking requirements for low income housing remains problematic, even with the conditions proposed by Planning Staff. There is no evidence that people needing affordable housing will neither own a vehicle nor need one to get to work or other activities of daily living. In fact, the likelihood is that, if employed, it will be in jobs which require unusual or unpredictable hours and are located in scattered areas of the city. The Planning Staff Report plainly states, "ABQ Ride is struggling to maintain service on many routes that connect residential areas farthest from Downtown and major corridors." Since that report was written, ABQ Ride has announced further route closures in an effort to prevent cancelled runs or significant delays on remaining routes. The argument that housing projects which provide less parking would incentivize residents to use public transit is provided with no evidence that such a response is a reasonable expectation. In all likelihood, the following statement is more accurate, "Reduced off street parking could result in spillover parking in nearby neighborhoods."

Absent some clear parameters which assure true access to reliable and functional public transit, adequate employment options paying a reasonable wage and the availability of decent grocery stores in reasonable proximity to these properties, this proposal serves only to allow development of additional units in housing that serves the needs of neither low income nor market rate tenants or creates housing units designed to penalize the low income tenant by failing to provide off street parking for a personal vehicle. As with the parking reduction proposal of Section 5, the City cannot both claim that the 2021 IDO amendments to parking requirements were justified

because they brought off street parking requirements into line with true needs and also claim that this proposal will be workable, sustainable or “enhance, protect and preserve neighborhoods...”

The proposals in O-22-54 represent Exhibit A in the case against the use of the Annual IDO Review process to enact sweeping, durable and potentially costly (to ABQ residents and neighborhoods) changes to City zoning law. At the December 8, 2022, EPC hearing, the City reported these proposals were developed out of meetings with multiple stakeholders. Those “stakeholders” did not include any recognized neighborhood associations, neighborhood coalitions or the Inter-coalition Council despite NARO language which states,

“ WHEREAS, neighborhood associations can serve an important role in engaging community members at a grassroots level in local social justice and community issues, and in promoting collaborative community planning; and

WHEREAS, neighborhood associations are a source of important input from the community as they bridge the gap between residents and the government by providing information and engagement opportunities, and offer citizens a stronger role in organizing social change efforts in their neighborhoods.”

The housing shortage in ABQ is not a recent development. Planners and proponents of these proposals have acknowledged that many of these proposals will require years to impact housing supply, fail to address barriers of supply of construction materials and construction workers and argue that their impacts will be virtually unnoticeable because changes will happen “organically.” O-22-54 represents an effort by the City to bypass public engagement, avoid the work of accepting public input and crafting truly workable approaches and “promoting collaborative community planning.”

PR-2018-001843-RZ-2022-00054 Citywide General Amend: Walls and Fences-IDO Subsection 14-16-5-7(D)(3)(a) and (b), Table 5-7-2, p. 320, 321 and 322

The SFVNA continues to *oppose* increasing front yard wall heights, both as outlined in the proposed amendment and in the alternatives provided in the Planning Staff analysis for either a larger setback or 4’ wall. Both this amendment as originally proposed and the stated alternatives represent a jarring contrast with the streetscape and sense of place in Santa Fe Village (SFV). SFV is a very compact neighborhood, approximately one mile at its eastern boundary and approximately one-half mile deep at its widest point. It is surrounded on three sides by the escarpment and bisected by the middle branch of the San Antonio arroyo. The streets slope and curve to follow the natural terrain. When walking or driving into and around the neighborhood, the escarpment and natural features can be seen behind the homes. Coyote are regularly seen in the open spaces and have been seen on neighborhood streets. Quail and roadrunner enjoy front yards. The Petroglyph National Monument provides several access points to the monument land and three designated crossings from the canyon floor to the mesa above. Some SFV residents have 3’ or shorter walls at their property line; some have a taller wall, designed to blend in with the style of the home and well setback from the street without imposing on the streetscape. Clearly, it is possible to create a private front yard space under the existing IDO. The proposed changes are unnecessary and conflict with the IDO’s stated purpose to protect and enhance established neighborhoods and “reinforce an established sense of place.” The proposed

amendment would detract from the walkability of SFV and the perception of the neighborhood and the surrounding natural landscape. We respectfully ask the EPC to oppose this amendment and proposed alternatives.

**PR-2018-001843-RZ-2022-00054 Citywide General Amend: Demolition Outside of an HPO
- Citywide**

As an individual, I believe there is merit to this proposed amendment. There are properties on ABQ's westside which are clearly outside of a historic district and still have a significant history in this city which should either be considered for preservation or documented prior to being demolished. The property which includes St. Pius High School and the Catholic Center and once housed the University of Albuquerque is one example. Should it be sold at some point (and that was a consideration recently for the Archdiocese), it is likely that existing buildings would be demolished to allow for high-end homes like those nearby or other more profitable development. While the existing structures may not have sufficient value or character to preserve them, they surely have a history worth documenting prior to demolition. I appreciate the concern that the process of evaluation and documentation may be burdensome in some cases and fail to serve the interest of city residents. I respectfully ask the EPC to consider and recommend a middle path which would provide a reasonable and workable mechanism to protect or document structures which are part of the history of this city and do not meet the existing criteria for notification prior to demolition.

Thank you for your time and consideration.

From: [Josh Rogers](#)
To: [City of Albuquerque Planning Department](#)
Subject: IDO Annual Update 2022 - EPC Comments
Date: Tuesday, January 3, 2023 12:30:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[IDO Letter to EPC - 2022 Amendments \(IDO\) 2023-01-03.pdf](#)

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

Please find the attached comments to the IDO Update.



JOSH ROGERS

Senior Vice President

P (505) 515-2914 **M** (505) 362-6047

W www.titan-development.com

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January 3, 2022

Dear Members of the Environmental Planning Commission,

Titan Development has reviewed the 2022 Proposed Amendments to the IDO. The purpose of this letter is to state Titan's support or opposition to the various Proposed Amendments. We appreciate Staff, Council, and EPC's continued support and effort to bring forward Amendments every year. We truly believe these updates make a positive impact on the community.

Support

1. Citywide – Housing Amendments: We are in full support. Promoting favorable regulations for housing will increase the supply of housing units and further the goals of the Housing Forward Initiative to combat the current housing crisis. We believe the updates related to ADU's, Conversions from Non-Residential Development, Building Heights, and Parking are all acceptable ways to achieve greater housing and will have a profound impact on the housing supply in Albuquerque.
 - a. **Recommendation**: Support all amendments

Oppose

1. Item 2 – NR-BP – Deviations, Variances, Waivers: We oppose this Amendment. Most framework plans adopted prior to the establishment of the IDO contain procedures and processes for deviations and variations that include significant community input. These procedures should be retained.
 - a. **Recommendation**: Remove proposed amendment completely.
2. Item 6 – Dwelling, Multi-Family – Kitchen Exemption for Affordable Housing: We oppose this Amendment. We have analyzed several hotel conversion projects and many do not allow for a full kitchen with a stove due to the smaller size of the converted unit. In these scenarios, a hot plate, microwave, and sink is the only possible solution for the kitchen area. Overall, converting old hotels is an extremely viable solution to bringing affordable housing to a community, while also reducing the transient nature of hotels. Apartments typically will require background and credit checks that will further enhance the quality of renters in the area. Four Hills Studios along east Central Ave is a great example of how an old hotel can be converted into a quality affordable housing project that requires background checks.
 - a. **Recommendation**: Remove proposed amendment completely.
3. Item 11 - Sensitive Lands – Trees: We oppose this Amendment. This Amendment is not fully vetted and is not a great solution to offer additional protections to Sensitive Lands. This provision gives too much unilateral power to one individual and would have unintended consequences for development. Other markets have similar protections for "Heritage Trees" and offer additional solutions if a protected tree absolutely needs to be demolished or relocated. We believe this

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amendment should not be considered until it has been fully vetted and all angles have been considered. For example, our Journal Center project required the demolition of a few establish trees to provide safe and appropriate access to the site and was necessary for the site functionality, it wasn't an ideal scenario, but it was necessary unfortunately.

- a. **Recommendation:** Remove proposed amendment completely and bring it forward next year after best practices have been researched.
4. **Item 15 - Parking Maximums in UC-MS-PT Areas:** We oppose this Amendment. Subsection B states that in UC-MS-PT areas that the maximum number of off-street parking spaces shall be no more than 125% of the off-street parking spaces required, calculated after all applicable parking reductions have been applied. This is a major problem and could dissuade all development in these areas that are supposed to promote investment and development. This would force any development to include structured parking, which is not financially feasible. For example, our proposed Highlands East multi-family project along Central Ave includes a full parking structure and is currently on hold because the project is not financially feasible. This is a direct example of how this provision would have a direct negative impact on delivering housing to the community. By way of another example, our Highlands North and Broadstone Nob Hill multi-family projects along Central provided a parking ratio of 1.1 spaces per unit. This ratio is extremely tight and barely offers our residents enough parking. We have had to turn away many prospective tenants due to not having enough parking to satisfy their needs.
 - a. **Recommendation:** Remove this completely and let the market decide how best to park developments.
5. **Item 16 through 18 - EV Charging Stations:** We oppose this Amendment as written. Titan provides more than 5% EV Charging Stations at all of our multi-family properties. The issue with this amendment is requiring a 240 volt or higher charging station. Residents living at multi-family communities don't need a 240 volt or higher charging station – they only need a 110V outlet to provide a trickle charge. This amendment should be updated to remove the 240 volt or higher requirement and simply provide a 110V outlet that residents can plug into.
 - a. **Recommendation:** Remove the requirement for a 240v or higher for all residential and multi-family development. Replace this requirement with a 110V outlet.
6. **Item 20 through 24 – Edge Landscape Buffers:** We oppose this Amendment and support Item 25 proposed by Councilor Jones. Table 5-6-4 already sets forth landscaping buffer requirements based on development type and therefore Table 5-6-5 should be removed as it is an unnecessary and duplicative regulation.
 - a. **Recommendation:** Move forward with Item 25 to remove Table 5-6-5 and the requirement for Edge Landscape Buffers between Areas of Change and Consistency.
7. **Item 40 - Specific Procedure – Demolition Outside of an HPO:** We oppose this Amendment. Albuquerque has a serious problem with dilapidated buildings around the City. These buildings promote crime and make the City look old and unkept. Creating another layer of approvals to

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demolish old buildings will enhance crime and negatively promote a poor image for the City. This Amendment should absolutely be removed from consideration.

- a. **Recommendation:** Remove proposed amendment completely.
- b. **Recommendation:** Reduce the 120-day review period to 30 days (as outlined in Section 6.6 (B) (2)).

Thank you for allowing us the opportunity to state our positions on these Amendments and we look forward to working with you to bring this forward. Please reach out if you have any questions or need any clarifications on our positions. I can be reached at jrogers@titan-development.com or (505) 998-0163.

Thank you,

A handwritten signature in black ink, appearing to read 'JR Rogers', with a long horizontal line extending to the right.

Josh Rogers
Senior Vice President
Titan Development

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From: [Rhiannon Samuel](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Renz-Whitmore, Mikaela J.](#)
Subject: NAIOP Comments on 2022 IDO Amendments
Date: Monday, January 9, 2023 8:49:39 AM
Attachments: [image001.png](#)
[EPC Memo from NAIOP New Mexico.pdf](#)
Importance: High

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

Hello,

Please find NAIOP New Mexico's comments on the 2022 IDO Amendments for the EPC's consideration.

Could you please confirm you are in receipt of this email?

Respectfully,

Rhiannon Samuel

Executive Director

(m) 505.980.8892 (o) 505.345.6976

RSamuel@NAIOPNM.org

Mailing: PO Box 27324 Albuquerque, NM 87125

Physical: 435 Montano Road NE Albuquerque, NM 87107



To: City of Albuquerque Environmental Planning Commission (EPC)
From: NAIOP Commercial Real Estate Development Association, New Mexico Chapter
Date: January 9, 2023
Subject: Review of 2022 Integrated Development Ordinance (IDO) Amendments

This memo outlines NAIOP New Mexico’s review of the proposed 2022 IDO Amendments for both the annual update and the special focus on housing.

Proposed Amendment	Page & Section Explanation	Comments	Position
Ordinance O-22-54- Housing Forward Plan	Expands permissions for ADUs and duplexes, expands conversions of non-residential developments, reduces parking requirements	These changes would expand housing options and support the City’s goal of adding at least 5,000 additional housing units. As stated in the 2022 City of Albuquerque Housing and Entrepreneurship Needs Assessment Report, these housing units are needed to fill a major deficit in affordable housing. This proposed amendment provides creative tools to address the current housing crisis.	Support
Item #2	Page 47 Section 2-5(B)(3) NR-BP - Deviations, Variances, Waivers Establishes how to request a special exception from a Master Development Plan standard	Most framework plans adopted prior to the establishment of the IDO contain procedures and processes for deviations and variations that include significant community input. These procedures should be retained.	Oppose
Item #6	Page 158 Section 8 4-3(B)(8)(e) Removes the use-specific standard for multi-family dwellings that allows for conversions of non-residential uses into multi-family residential uses to provide a	This provision is important tool to provide affordable housing for people experiencing homelessness and other vulnerable members of our community in a cost-effective manner. A dwelling unit without a full kitchen can provide safe, adequate shelter for individuals that might otherwise not have access to a dwelling unit. The ability to provide	Oppose

Proposed Amendment	Page & Section Explanation	Comments	Position
	<p>lesser kitchen when these conversions are associated with funding provided by the City’s Family and Community Services Department in conjunction with an affordable housing project.</p>	<p>limited kitchen facilities reduces the cost of providing affordable housing, allowing more units to be constructed. The current provision supports ABC Comp Plan Goal 9.5 “Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations” and Policy 9.1.1 “Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households”</p>	
<p>Item #11</p>	<p>Page 233 5-2(C) Sensitive Lands / Mature Trees Revised to shift from multiple trees to a large tree. Provides an alternative replacement for the tree if the City Forester determines the tree is not healthy, etc. See related proposal to change the definition of this type of Sensitive Land.</p>	<p>The proposed language would significantly expand the existing requirements and does not include any criteria the City Forester might use to determine whether a large mature tree should be preserved. The process of evaluation by the City Forester would be onerous and add significant time to the design and development process. Site planning could not occur until the City Forester made their determination.</p>	<p>Oppose</p>

Proposed Amendment	Page & Section Explanation	Comments	Position
Item #13	Page 268 Section Table 5-5-1 Off-street Parking - Parking Maximums Together with associated change for a new Subsection 14-16-5-5(C)(2), adds parking maximums for all uses in UC-MS-PT areas.	This proposal would prohibit surface parking for any use in the Downtown center, McClellan Park, and the Old Town HPO-5. This prohibition on surface parking would require any parking provided on site to be structured. This adds significant cost to any development project. This would be particularly impactful for market-rate housing developments where market demands require parking spaces be provided for dwelling units. The cost of providing structured parking is prohibitive for many developments to the extent that requiring structured parking would prevent certain development from being feasible. The approval of this Item #13 would create a barrier for housing developments within the Downtown center, in conflict with ABC Comp Plan Policy 5.1.1(d) "Encourage the development of multi-unit, multi-story apartments and mixed-use residential buildings in Downtown, Urban Centers, and Activity Centers to increase housing density and expand housing options and affordability".	Oppose
Item #15	Page 279 Section 5-5(C)(7) Off-street Parking - Parking Maximums Together with associated change with Table 5-5-1, adds parking maximums for all uses in UC-MS-PT areas. Prohibits surface parking for any use in Downtown Center, McClellan Park, and Old Town HPO-5.	Parking min is 1 space per unit, if the 75% reduction passes, then you have a minimum of 0.25, then apply the maximum of 125% of that, and the most you can do is 0.3125 spaces per unit. This is not feasible and will hurt multifamily developments in this corridor	Oppose
Item #16	Page 279 Section 5-5(C)(9) Electric Vehicle Parking Increases the existing requirement for Electric Vehicle (EV) charging stations in large parking lots.	Item #16 proposes to increase the existing requirement for Electric Vehicle (EV) charging stations in large parking lots from 2 to 5 percent of the total vehicle parking spaces. The proposed increased requirements would accommodate the increasing number of electric vehicles in our community	Support

Proposed Amendment	Page & Section Explanation	Comments	Position
Items #17-18	<p>Page 279 Section 5-5(C)(9)</p> <p>Adds a new requirement for Electric Vehicle (EV) charging stations in large townhouse developments. See related proposed change in Section 7-1 for a definition of EV capable in the Parking Definitions</p> <p>Adds a new requirement for Electric Vehicle (EV) charging stations in large townhouse developments. See related proposed change in Section 7-1 for a definition of EV capable in the Parking Definitions</p>	<p>Items #17 and #18 proposes a new requirement for EV capable spaces to be provided in large townhouse developments and in large multi-family developments and for EV charging stations to be provided within large multifamily.</p> <p>In these projects 120V is sufficient, the fast charge of 240V at these residential properties is not needed or recommended for regular use by Electric Car makers.</p> <p>PROPOSED AMENDMENT: 240V to 120V</p>	Support- but amendment needed
Items #20-24	<p>Pages 305- 308</p> <p>Edge Landscape Buffers</p> <p>Apply a consistent buffer width of 15 ft for all Areas of Change next to Areas of consistency to the entire premise rather than separate lots</p>	<p>Items #20, #21, and #22 would remove the buffer width requirements from the narrative text of Section 5-6(E)(2)(a) to rely solely on the buffer width requirement of Table 5-6-5, the buffer requirements in Areas of Change next to Areas of Consistency. Item #23 proposes to apply buffer requirements to the whole premises of project sites rather than separate lots. Item #24 proposes to apply a consistent buffer width of 15 ft for all Areas of Change next to Areas of Consistency. Larger edge buffers would still apply based on development types.</p> <p>Buffering based on development type provides adequate shielded for protected lots. The boundaries of the Areas of Change and Areas of Consistency are not always consistent with parcel boundaries which makes administering the buffering requirements challenging</p>	Oppose
Item #25	Page 308 Section 5-6(E)(5) / Table 5-6-5	Item #25 proposes a different option for the edge buffer requirements by eliminating Section 5- 6(E)(5) and Table 5-	Support

Proposed Amendment	Page & Section Explanation	Comments	Position
	<p>Edge Landscape Buffers - Areas of Change and Consistency</p> <p>Removes this requirement as unnecessary and duplicative regulation. This section sets forth landscaping requirements based on if the subject lot is within an Area of Change and is located next to an Area of consistency. However, table 5-6-4 already sets forth landscaping requirements but instead bases the requirement on development types. It is not necessary to regulate landscaping based on Areas of Change or Consistency when there are other provisions (Table 5-6- 4) that adequately regulate landscaping requirements. Note that this change conflicts with proposed change from the public for the same subsection.</p>	<p>6-5, the sections that require buffering for Areas of Change next to Areas of Consistency.</p>	
Item #36	<p>Page 441 Section 6-4(Y)(1)(a)3</p> <p>Minor Amendments - Circulation Allows amendments that include changes to circulation contained within the site to be processed as minor amendments reviewed by the City Traffic Engineer if they meet other requirements and thresholds.</p>	<p>This proposed amendment would simplify the review process for minor site plan amendments. The City Traffic Engineer is a subject matter expert on site circulation and provides adequate and thorough review of such revisions. Removing the requirement for original decision-making body review of these modifications would streamline the development process and reduce the case load for decision-making bodies</p>	Support
Item #40	<p>Page 464 Section 6-6(B)(2) Demolition Outside of an HPO</p> <p>Clarifies that all applications involving demolition (e.g. demolition permit or site plan for redevelopment) of a structure 50+</p>	<p>The existing mechanisms for protecting historic structures, including the State and national historic registers, the City landmark designations, and HPO zone district, provide adequate protections for the historically significant sites and structures within our community. This revision would create an</p>	Oppose

Proposed Amendment	Page & Section Explanation	Comments	Position
	years old are subject to review by Historic Preservation staff.	onerous process for demolition of structures by adding a 120-day review period to obtain a demolition permit. This extended process would provide little benefit in terms of protecting historic resources and would add significant time to developments requiring demolition	
Item #43	Page 561 D Section 7-1 Definitions, Flood Definitions Floodplain Ties the definition of floodplain to FEMA definitions and to other defined terms for Flood in the IDO.	This proposed amendment would provide consistency with other appeal procedures.	Support
Non-residential Business Park Zone District (NRBP) and Planned Community Zone District (PC) Amendments	The proposed amendment to the NR-BP and PC Zone Districts would create a new section for deviations, variances, and waivers from framework plan standards	These established procedures within framework plans were vetted through community processes and approved by Council. These procedures should be retained.	Oppose
Northwest Mesa View Protection Overlay Zone (VPO-2) Amendments	Revise building and structure height to make those standards applicable only to the portion of the lot that falls within the VPO-2 boundary	These clarifications contain the height standards of the VPO-2 district to the sensitive areas identified within the district boundary while providing more flexibility for the portion of the lot outside the boundary	Support

Items NAIOP would like to see included in the 2022 IDO amendments:

Section & Page in IDO	Issue	Solution
<p><u>6-4(Z)</u></p>	<p><u>6-4(Z) AMENDMENTS OF PRE-IDO APPROVALS</u></p>	<p>Proposed Change: deleting the “circulation patterns’ in section 6-4(Z)(1)(a) 3. from this section. As long as circulation patterns meet the DPM requirements and all IDO standards, a change in circulation particularly within an existing parcel on a larger shopping center site does not constitute a need for a Major Amendment.</p>
<p><u>5-9(D)(1)</u></p>	<p>Having to go through an original approving body to get approval for a new drive through to be put in.</p> <p>The issue with 5-9(D)(1)b that regulates circulation and stacking is that this is already addressed by limiting order boards and service windows which have to be located at least 50 feet in any direction from any abutting residential zone district or residential use in a mixed use zone. This is a tremendous amount of real estate</p>	<p>Proposed solution: the required edge buffer requirement be sufficient to meet this requirement and that we get rid of this requirement altogether since the standard limiting order boards and service windows would remain.</p>
	<p>Non-city, commenting agencies taking months to respond.</p>	<p>Drop requirement for non-City agencies to approve studies prior to submittal to DRB. Allow studies to be completed prior to final approval of site plan.</p>
	<p>Repetitive and unnecessary notification</p>	<p>Remove requirement for notifying neighborhoods again if submitting for permit less than a year after having received DRB approval.</p>

From: [CATHERINE SLEGL](#)
To: [City of Albuquerque Planning Department](#)
Subject: Zoning, multi-family, height restrictions, etc.
Date: Tuesday, January 3, 2023 6:44:00 PM

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

Hello,

Our neighborhood association has sent our thoughts on these upcoming matters.

My hope is that you realize we care deeply about our city and that you take your constituents' emails into careful consideration.

We aren't always convinced that anyone in planning and zoning care what we want.

Please understand that the multiple family dwelling issue has certain places that may not be greatly affected yet has many places that cannot support this idea.

Let's help Albuquerque reach its potential as a desirable place to live. Please give great thought to your decisions and please listen to us. The law abiding, tax payers are the lifeblood of this city, please keep our wishes in the forefront.

Thank you for your consideration.

Catherine Slegl
Santa Fe Village, Albuquerque.

Sent from my iPhone

From: [SRMNA](#)
To: [City of Albuquerque Planning Department](#)
Subject: sloppy amendments proposals
Date: Tuesday, January 10, 2023 9:33:22 PM

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

The matrix, IDO Annual Update 2022 - EPC Submittal - Citywide, appears to have been hastily or sloppily put together. Right off the bat, on page one, it is not clear where the proposed changes are to go. "Add a new subsection" without identifying what the subsection index leaves the reader to guess the meaning and is too ambiguous for an ordinance change. Also, by what authority are city staff simply adding text to the ordinance and referring to a subsection (14-16-6-4(O)) that appears to be nonexistent?

--

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

From: [Singing Arrow](#)
To: [City of Albuquerque Planning Department](#)
Cc: [East Gateway Coalition](#)
Subject: Singing Arrow Neighborhood Association Opposition Responses to 0-22-54 & ISO Annual Update
Date: Thursday, January 5, 2023 8:39:13 PM
Attachments: [Endorsements to ICC Letters.pdf](#)

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

At a Singing Arrow Neighborhood Association Meeting on 1/5/2023, members present endorsed the ICC's letters opposing:

- Amendment to 0-22-54 Section 3. Amend the Integrated Development Ordinance to Exempt All Conversions from Non-Residential Development to Multi-Family Dwellings from the Definition of Kitchen. (See attached with signatures)
- IDO Annual Update 2022, Section: 5-7(D)(3)(a), Walls & Fences - Front Yard Wall Section 5-7(D)(3)(b), Walls & Fences, Multi-family Development in R-ML or R-MH Zone Districts (See attached with signatures)

We appreciate your registering our opposition to these proposed changes.

Sincerely,

Wanda Umber
Secretary
Singing Arrow Neighborhood Association

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural and historic needs and interests of all residents.

January 5, 2023

Via email: timoteo@iccc.org
EPC Chair Timothy MacEachen

RE: O-22-54

SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO 10 EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT TO MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN.

Chairman MacEachen,

The Inter-Coalition Council (ICC) supports expanded housing based upon research, analysis and public input. According to Census data, New Mexico's population has decreased by 3,333 from July 2021 to July 2022. Information on the Housing Forward ABQ website contains conflicting information on counts of homelessness with prior information released by the City. Some data is based upon a very small survey.

In the IDO update of 2021 the ICC opposed the change to the definition of a kitchen for dwellings that receive funding through the City of Albuquerque Department of Family and Community Services as affordable housing as defined by Article 14-21 of ROA 1994 (Affordable Housing Implementation Ordinance). The ICC continues to oppose this definition and supports the IDO update of 2022 amendment to delete subsection 4-3(B)(8)(e).

The ICC opposes the IDO update of 2022, section 3 to exempt all conversions from non-residential development to multi-family dwellings from the definition of kitchen.

The reasons for our opposition include:

- The staff report states the “modern living” housing may result in affordable housing (page 27). No analysis is provided that would indicate that developers would provide affordable housing based upon the change in the ordinance. Consideration should be given to requiring a percentage of affordable housing in these conversions.
- Providing substandard kitchens conflicts with the USDA Food and Nutrition Service which works to end hunger and obesity through the administration of 15 federal nutrition programs including WIC and Supplemental Nutrition Assistance Program.
- Provides lower-income households with substandard kitchens. Affluent households have full kitchens with a cooking stove, range or oven and a refrigerator with a freezer area.
- The proposed definition kitchen does not support healthy meal preparation. New Mexico has a higher rate of obesity and diabetes than surrounding states. Prepared, boxed food is higher in fat, sodium and sugar.

- Conflicting information is being provided to the public. Director Carol Pierce stated at the public meetings on converting Hotel/Motels to Housing that these units will be long term rentals. In the slide presentation accompanying the meetings the following statement appears: "Not only for people experiencing homelessness." (Slide 6 of 15). This statement indicates that this is housing for the homeless.
- Overall Housing Forward plan lacks data or contains conflicting data. The range of housing need from 13,000-30,000 is a red flag. We know of no other organization that could make a plan for millions of dollars of expenditures based upon a variance of this amount.
- Lack of enforcement of current ordinances regarding rental property. This lack of enforcement has created doubt that vacant hotels that do not currently meet building codes for apartments will be adequately inspected and held to standards to provide safe and affordable apartments.

If the City of Albuquerque plans on allowing substandard kitchens in the conversion of non-residential property, the following should be considered:

- Location(s) should not negatively affect the character of the neighborhood. Consideration must be given to the history of the property regarding safety and crime. Consideration of location to create balance in the community for housing mix.
- Within the 40 hours of support services a week, require the service provider offer residences with nutrition and cooking classes free of charge at the apartment building.
- Require a refrigerator that supports storage of food received from USDA Food and Nutrition Service or food items bought on sale. (WIC provides fruits and vegetables that will spoil if not stored properly.) This storage will allow low-income households to stretch their dollars.
- Require a refrigerator that includes freezer space to accommodate freezing of left overs and the ability of households to freeze food received from USDA Food and Nutrition Service or food items bought on sale. This storage will allow low-income households to stretch their dollars.
- Amend to state microwave AND induction cooktop with built in safety controls.
- Amend to state multiple electric outlets. (This would support additional common kitchen appliances such as a toaster, crockpot, or coffee maker to be used in a safe manner.)

Sincerely,

Michael Brasher

Inter-Coalition Council President

Deja Wilson

Pat Han

Susan Roman

Ilma Estrella

Shirley (Lindsey)

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural and historic needs and interests of all residents.

January 5, 2023

Via email: timothy@epc.org
EPC Chair Timothy MacEachen

RE: IDO Annual Update 2022, Section: 5-7(D)(3)(a), Walls & Fences - Front Yard Wall
Section 5-7(D)(3)(b), Walls & Fences, Multi-family Development in R-ML or R-MH Zone Districts

Chairman MacEachen,

Last year similar amendments were submitted to increase the height of walls and fences. The ICC opposed the increase in the IDO Annual Update 2021. The EPC heard from the community and helped defeat the amendments.

The ICC again opposes the amendment to increase the height of walls and fences for the many reasons noted in public comment on the IDO interactive website. No comments were entered in support of increased heights of walls and fences.

We agree with the comments in the staff report:

Many older, established residential areas have a distinct character and were developed without walled yards. Walls could create a sense of enclosure that takes away from the connectivity of neighborhoods and the sense of safety that comes from having "eyes on the street." The proposed change would not enhance, protect, and preserve these distinct communities or protect the identity or cohesiveness of such neighborhoods (Goal 4.1, Policy 4.1.2, Policy 4.1.4).

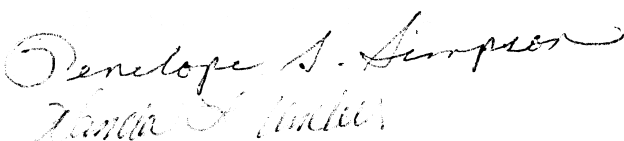
...The proposed changes would result in changes to streetscapes and development, and could contribute to creating a range of environments and experiences (Goal 7.1)...

The ICC urges the EPC to defeat the amendments to increase the height of wall and fences. We hope that a defeat in the IDO Annual Update 2022 will put an end to proposals to increase height of walls and fences.

Sincerely,

Michael Brasher

Inter-Coalition Council President



Denelope S. Simpson
Timothy MacEachen

ICC Inter-Coalition Council

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January 5, 2023

Via email: timothy@epccouncil.org
EPC Chair Timothy MacEachen

RE: IDO Annual Update 2022, Section: 5-7(D)(3)(a), Walls & Fences - Front Yard Wall
Section 5-7(D)(3)(b), Walls & Fences, Multi-family Development in R-ML or R-MH Zone Districts

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We agree with the comments in the staff report:

Many older, established residential areas have a distinct character and were developed without walled yards. Walls could create a sense of enclosure that takes away from the connectivity of neighborhoods and the sense of safety that comes from having "eyes on the street." The proposed change would not enhance, protect, and preserve these distinct communities or protect the identity or cohesiveness of such neighborhoods (Goal 4.1, Policy 4.1.2, Policy 4.1.4).

...The proposed changes would result in changes to streetscapes and development, and could contribute to creating a range of environments and experiences (Goal 7.1)...

The ICC urges the EPC to defeat the amendments to increase the height of wall and fences. We hope that a defeat in the IDO Annual Update 2022 will put an end to proposals to increase height of walls and fences.

Sincerely,

Michael Brasher

Inter-Coalition Council President

*Laura Anderson Susan Rowland
Jana Stuller*

From: [Mike Voorhees](#)
To: [Lehner, Catalina L.](#); [City of Albuquerque Planning Department](#)
Cc: [René Horvath](#)
Subject: Fwd: Submission of Recommended Change to the IDO Under 14-16-6-3(D)(1)
Date: Monday, November 28, 2022 12:24:59 AM
Importance: High

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

Please acknowledge receipt and confirm if this proposal will be included in the Staff Report.

Catalina,

On October 12, 2022, I sent the below email to the abcto@cabq.gov address, submitting a recommended change to the IDO. To date, I have received no acknowledgement of this submission. I am again submitting this for inclusion in the current Staff Report for this year's round of proposed IDO changes. Please let me know that you received this and if it will be included in the Staff Report.

Sincerely,
Michael T. Voorhees

Begin forwarded message:

From: Mike Voorhees <mike@cyonic.com>
Subject: Submission of Recommended Change to the IDO Under 14-16-6-3(D)(1)
Date: October 12, 2022 at 10:54:28 AM MDT
To: abcto@cabq.gov
Cc: Rene' Horvath <aboard111@gmail.com>, "Hendricks, Nancy E" <Nancy_Hendricks@nps.gov>, legacy@cybermesa.com

TO: Planning Department Personnel

This is a submission of a recommended change to the IDO under 14-16-6-3(D)(1).

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

Please include the following recommended change in the Planning Department submission to the EPC hearing in December:

Remove the words "low density residential" and replace with the word "all" in 14-16-3-4(N)(1) Applicability, as shown below.

14-16-3-4(N)(1) Applicability

The CPO-13 standards apply to ~~low-density residential~~ all development in the following mapped area. Where the CPO-13 boundary crosses a lot line, the entire lot is subject to these standards.

Rationale for change: The current limitation on the applicability of the Volcano Mesa CPO-13 is inconsistent with the explicitly stated policies for view protection and cultural heritage protection of the Comprehensive Plan as well as the policies from the Volcano Cliffs Sector Development Plan that were specifically incorporated into the Comprehensive plan. This includes the limitations on mixed-use development that was supposed to "provide for small offices, shops, community facilities, or townhouses with ground-floor home occupations including office, retail, and service activities at the neighborhood scale extending goods and services to locations that may not be able to support major retail." These concerns were affirmed in the recent decision by the ZHE, but ongoing proposals to build multiple three-story structures continue to threaten the character of Volcano Mesa and are incompatible with the intent of CPO-13, and the Vision, Goals, and Policies of the Comprehensive Plan.

Thank you for your attention in this matter.

Sincerely,
Michael T. Voorhees

From: [P. Davis Willson](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comments regarding O-22-54
Date: Sunday, January 8, 2023 8:52:12 PM
Attachments: [LTR reO-22-54 frVHNA.pdf](#)
[ATT00001.htm](#)

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

EPC Chair MacEachen and Commissioners,

You have received letters from the Inter-Coalition Council (ICC) regarding O-22-54; Sections 2-ADUs and Section 3-Kitchen Exemptions—I fully support the ICC’s position on these letters (in addition to their letter regarding the IDO Annual Update Section 5-7 Walls & Fences). I have also personally submitted a letter regarding Walls & Fences.

The attached letter was approved by the Victory Hills NA Board of Directors. VHNA is located in District 6; the Victory Addition—platted in 1942—was the first subdivision developed in Albuquerque during WWII. Our neighborhood association was formed 40 years ago. While many neighbors support some of the sections of O-22-54, in general we are opposed to allowing this legislation to be considered contemporaneously with the 2022 IDO Annual Update.

Respectfully,

Patricia Willson

Victory Hills NA: President
District 6 Coalition: Treasurer
Inter-Coalition Council Representative

January 8, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

Re: Project #: PR-2018-001843
Case #: RZ-2022-00059 – Amendments to the IDO re: Housing Forward Initiative
(Council Bill No. O-22-54)

Chairman MacEachen,

The Victory Hills Neighborhood Association (VHNA), located in Council District 6, is opposed to the inclusion of the above-referenced Ordinance in the 2022 IDO Annual Update. These six substantive changes do not belong in the annual update process.

The tone of Mayor Keller's October 28, 2022, Inter-Office Memo to Council President Benton about this legislation is one of panic and emergency:

"...emergency text amendments...rapidly worsening housing shortage...alarming and growing gap...promptly remove regulatory barriers...the proposed changes are intended to be transformative, which is fitting for the crisis facing our local government...severity and urgency of the present housing crisis..."

The Albuquerque / Bernalillo County Comprehensive Plan guides decisions on zone changes and new plans and regulations. According to *Section 2.3.1 Population Growth*, the area population is predicted to increase by ≈46% by the year 2040, adding around 311,000 new residents:

"...growth is expected and must be planned for, particularly to grow in sustainable ways and protect our quality of life and the character of our vibrant communities."

Another concern we have is the lack of Agency comments. The Staff Report notes ≈70 written comments from individuals and neighborhood organizations, but of the 25 Agencies listed, five responded with "no comment" or "none" and only two agencies—the Mid-Region Council of Governments and the Public Service Company of NM—provided comments. MRCOG's Mid-Region Metropolitan Planning Organization's (MRMPO) thoughtful 3-page letter lists several relevant strategies relating to both the O-22-54 case and the Citywide IDO Annual Update amendments.

However, PNM's response expresses concern regarding increased load demand:

"The PNM electric grid can support infill development and redevelopment that utilizes existing electric infrastructure. But the resulting increased electric load demands may require the installation of upgraded equipment...that can safely accommodate the resulting load growth."

The fact that 18 out of 25 Agencies did not comment on this Legislation does not seem to support the tone of panic and emergency expressed in its introduction. There are many valid concepts contained in this legislation; perhaps each Section should be a separate bill and be given the community input and thoughtful discussion that each Section warrants. For example, in the Near Heights CPA Assessment Report, of the more than 100 community members submitting feedback on the topic of ADUs, about 65% support them permissively, and about 25% support them as a conditional use.

Let's not ignore the Comprehensive Plan and the long-range Planning Assessment Area Reports in lieu of this crisis mode legislation attached to the IDO Annual Update.

Respectfully,

The VHNA Board of Directors
Patricia Willson, President

From: [P. Davis Willson](#)
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: Comments regarding Citywide IDO amendments
Date: Friday, January 6, 2023 11:13:32 AM
Attachments: [LTR reWalls&Fences.pdf](#)
[ATT00001.htm](#)

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

EPC Chair MacEachen, Commissioners, Councilors and Policy Analysts:

I know you have been receiving many comments regarding the entire package of Citywide IDO Amendments, as well as the Housing Forward Initiative changes in O-22-54. In discussions with Inter-Coalition Council (ICC) members, the Victory Hills Neighborhood Association (VHNA) board, and District 6 Coalition (D6) officers, I have reviewed objections to many of the over-reaching citywide changes that are proposed by the two cases before the EPC at the upcoming January 19th hearing.

However, the attached letter drills down to one specific item...the seemingly never-ending request to make higher walls permissive in front yard setbacks. One wall. One house. One corner. Look at these pictures and tell me you don't see the potential for this happening everywhere.

Sincerely,

Patricia Willson

Victory Hills NA: President
District 6 Coalition: Treasurer
Inter-Coalition Council Representative

January 6, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

Re: Project #: PR-2018-001843
Case #: RZ-2022-00054 – Text Amendments to IDO – Citywide
Section 5-7(D)(3)(a), Walls & Fences – Front Yard Wall
Section 5-7(D)(3)(b), Walls & Fences, Multi-Family Development in R-ML, R-MH

Chairman MacEachen,

Last year, the EPC defeated the amendment proposing to allow 4' walls permissively in the front yard setback. This year, one of the proposed amendments would allow walls in the front yards of low-density residential development provided the wall is no taller than 5 feet and has view fencing for at least two feet at the top and is set back at least 2 feet.

This is potentially more egregious than the 4' permissive height requested (and defeated) last year—it may easily lead to solid 5' walls in the front yard setback. Please note this example in the University Heights neighborhood:



The first photo shows the wall as it had existed for many years; the upper “view” portion was obstructed with bamboo screening. The second photo was taken last month; the view portion is filled solid. Whether this work was done by the homeowner or a tenant is immaterial—it presents a serious code violation, especially since this is on a corner lot.

As noted last year, the procedure for permitting a taller wall is in place. Changing it from **conditional** to **permissive** will likely lead to many more violations. Additional staff—in both planning and code enforcement—along with better education for homeowners, contractors and fence companies, would be a better solution.

Respectfully,

Patricia Willson
Victory Hills NA President, District 6 Coalition Treasurer, Inter-Coalition Council Representative